

## DEPARTMENT OF REGULATORY AGENCIES

### State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors

#### BYLAWS AND RULES OF THE STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS

#### 4 CCR 730-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

#### 1.0 Preamble and Bylaws

##### 1.1 Preamble

The basis of these Bylaws and Rules is the authority granted the Board by Sections 12-25-107(1)(a) and (b), 12-25-108(1)(e), 12-25-207(1)(a), 12-25-208(1)(e), 12-25-307(1)(a), and 12-25-308(1)(e) of the Colorado Revised Statutes.

The Rules of the Colorado State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors shall be known, and may be cited, as "the Rules" and/or "these Rules" .

The Bylaws and Rules are necessary to insure the proper performance of the duties of the Board by the regulation of meetings, records, examinations, and the procedures thereof and to safeguard life, health, and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice. The rules shall be binding on every person holding a license and on all partnerships or corporations or other legal entities authorized to offer or perform or practice architecture, engineering or land surveying services in Colorado.

All persons licensed under Title 12, Article 25, Parts 1, 2, and 3 of the Colorado Revised Statutes are charged with having knowledge of the existence of these rules and shall be deemed to be familiar with their provisions and to understand them. In these rules, the word "licensee" shall mean any person holding a license, certificate, or enrollment issued by this Board.

These rules are severable. If one rule or portion of a rule is found to be invalid, all other rules or portions of rules that can be enforced without the invalid rules shall be enforced and shall remain valid.

##### 1.2 Board Bylaws

**1.2.1 Board Name.** The name of the Board shall be the State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors, hereinafter referred to as the Board.

**1.2.2 Board Meetings.** The Board shall hold at least 6 regular meetings a year as required by law. Notice of regular meetings shall be given as required by Section 24-6-402(2), Colorado Revised Statutes. All meetings of the Board are open to the public except when the Board meets in executive session as allowed by Section 24-6-402, Colorado Revised Statutes.

Special meetings may be called at any time by order of the Chair of the Board, or upon a written request signed by three members of the Board; the written request shall be filed with the program director. The program director shall provide notice of all special meetings to each member of the Board at least two weeks prior to said meeting unless a majority of the members of the Board waive such notice.

**1.2.3 Board Organization.** At the regular meeting of the Board in November, the Board shall organize by electing from its members a Chair, Vice-Chair, and Secretary. The Chair shall appoint from the

members of the Board such standing committees as he/she deems necessary.

No officer shall serve more than two successive one-year terms in any elective office.

**1.2.4 Board Voting.** All members of the Board including the Chair are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The Chair shall vote as a member of the Board.

**1.2.5 Rules of Order.** To the extent practicable, the latest edition of "Roberts Rules of Order" shall govern the normal proceedings of the Board.

**1.2.6 Board Seal.** The seal of the Board is of the impression type and consists of two concentric circles. The outer circle shall be 2 inches in diameter and the inner circle shall be 1 1/2 inches in diameter. The outer circle shall contain the name "State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors". The inner circle shall contain "State of Colorado" with the word "Seal" across the diameter.

**1.2.7 Communication.** Communication with the Board is encouraged. Contact with the Board outside of Board meetings shall be through the Program Director and the Board office. In the event any person contacts a Board member regarding any matter relevant to the laws or rules regulating the practice of architecture, professional engineering and/or professional land surveying, and/or any matter before the Board, any expression of opinion by that Board member will be exclusively the Board Member's opinion and will in no way commit the Board.

**1.2.8 Disciplinary Proceedings.** Disciplinary proceedings of the Board are governed by the Administrative Procedure Act, specifically Section 24-4-105 of the Colorado Revised Statutes.

## **2.0 Abbreviations and Definitions**

Terms defined in Title 12, Article 25, Colorado Revised Statutes, and used in these rules shall have the same meaning as set forth in the statutes.

### **2.1 Abbreviations**

**ABET - Accreditation Board for Engineering and Technology**

**A.R.E. - The current Architect Registration Examination, prepared by NCARB**

**B.L.M. - Bureau of Land Management**

**CAB - Canadian Accreditation Board**

**CACB - Canadian Architectural Certification Board**

**C.R.C.P. - Colorado Rules of Civil Procedure**

**C.R.S. - Colorado Revised Statutes**

**EAC - Engineering Accreditation Commission**

**ECPD - Engineers' Council of Professional Development**

**EI - Engineer-Intern**

**FE - Fundamentals of Engineering Examination**

**G.L.O. - General Land Office**

**IDP - Intern development program established by the IDP Coordination Committee (NCARB and other collaborative organizations)**

**ILC - Improvement Location Certificate**

**LSI - Land Surveyor Intern**

**NAAB - The National Architectural Accrediting Board**

**NCARB - The National Council of Architectural Registration Boards**

**NCEES - National Council of Examiners for Engineering and Surveying**

**PE - Professional Engineer**

**PLS - Professional Land Surveyor**

**PLSM - Public Land Survey Monument**

**PLSS - Public Land Survey System**

**RAC - Related Accreditation Commission**

**TAC - Technology Accreditation Commission**

## **2.2 Definitions in Alphabetical Order**

**Advertisement.** The attempt by publication, dissemination, solicitation, or circulation, whether by visual, oral, electronic, or written means to induce, directly or indirectly, any person to enter into an agreement for professional services with an Architect, a Professional Engineer, and/or a Professional Land Surveyor.

**Architectural Intern.** An individual working under the supervision of an Architect, who is in the process of completing required practice hours in preparation for the A.R.E.

### **Educational Coursework Definitions**

#### **Architecture Education Year.**

**(a) Academic Year** = 32 semester hours or 48 quarter hours

**(b) Year of Practical Experience** = 1,880 hours

**Basic Sciences.** Basic sciences are considered to include not only physics and chemistry, but also selected subjects from the areas of life sciences and the earth sciences. In a study of basic sciences, the objective is to acquire fundamental knowledge about nature and its phenomena, preferably including quantitative expression.

**Engineering Sciences.** Engineering sciences have their roots in mathematics and the basic sciences, but carry knowledge further toward creative application. When a field of mathematics or basic science proves pertinent to an engineering application, corresponding courses in engineering science are developed to afford a bridge between the basic science and engineering practice. The engineering sciences studied by the applicant are not limited to those having direct relevance to his or her major field.

**Engineering Design.** The requirements of coursework in engineering design have been established in recognition of the need to orient the applicant toward the solution of important technological problems of society. In this context, engineering design is the process of devising a system, component or process, in which the basic sciences, mathematics and engineering sciences are applied to convert resources to meet a stated objective. Among the fundamental elements of the design process are the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. The major portion of the design requirement is to be satisfied by courses that depend upon mathematics, basic sciences, and engineering sciences.

**Surveying and Mapping Science.** This coursework shall expand topics of basic science toward application in professional practice. A topic shall be identified as a surveying and mapping science course if it amplifies basic science or mathematics, is taught by surveying and mapping faculty, and contains quantitative expression. A surveying and mapping science course must include one or more of the following topics: field surveying instruments and methods; photogrammetric mapping and image interpretation and remote sensing; surveying calculation and data adjustments; geodetic coordinates and astronomy; cartographic representation, projections, and map production; and/or computer-based multi-purpose cadastre, geographic information systems.

## Exemptions

**For Themselves.** The Board interprets the language of Sections 12-25-103(b) and 12-25-103(c), C.R.S., as follows.

- (a) Individuals and organizations do not qualify for exemption under Sections 12-25-103(b) or 12-25-103(c), C.R.S., if they are offering or providing engineering services to others.
- (b) Individuals and organizations offering or providing products and/or services to others that are not engineering services qualify for an exemption under Sections 12-25-103(b) or 12-25-103(c), C.R.S. In these instances, engineering may be vital in developing an individual's or organization's product or service, but that practice of engineering is specifically exempted from licensure under Sections 12-25-103(b) and 12-25-103(c), C.R.S.
- (c) In the case of an individual, "others" includes any person but the person offering or providing engineering services. In the case of an organization, "others" includes any person, or entity, other than the organization or its affiliates. Engineering services that are not limited to the internal use of the organization or its affiliates are not exempt. Engineering consulting services are specifically not exempted from licensure under Sections 12-25-103(b) or 12-25-103(c), C.R.S.

**Practice of Engineering.** The Board interprets the language of Section 12-25-102(10), C.R.S., the "practice of engineering" to include, or exclude, but not be limited to the following:

- (a) **Exclusions.** The Board interprets the language of Section 12-25-102(10), C.R.S., the "practice of engineering" to exclude those individuals or entities performing activities exempted from licensure by Section 12-25-103(1), C.R.S. Any individual or entity exempted from licensure pursuant to Section 12-25-103(1), C.R.S., does not practice engineering as defined by Section 12-25-102(10), C.R.S., for the purpose of licensure so long as his/her practice is limited to the activity intended by a specific exemption within Section 12-25-103(1), C.R.S.
- (b) **Inspections.** Inspection and examination of single or multiple family residential, commercial, industrial or institutional structures, regarding their structural, electrical, mechanical, thermal, insulation and roofing/waterproofing subsystems for proper integrity

or capacity, constitutes the practice of engineering as defined in C.R.S. 12-25, Part 1. This would include the diagnosis and analysis of problems with structures and/or the design of remedial actions. Therefore, an individual who advertises or practices in this area shall be licensed as a professional engineer in the State of Colorado.

- (c) **Design of Fire Protection Systems.** The design of fire protection systems constitutes the practice of engineering as defined by Section 12-25-102(10), C.R.S. Fire protection systems are interpreted by the Board to include, but not be limited to, fire detection systems, fire alarm systems, and fire suppression systems. The Board acknowledges the provisions of Section 24-33.5-1206.2, C.R.S., administered by the Department of Public Safety, Division of Fire Safety.

**License.** A Colorado license to practice architecture, engineering, and/or land surveying issued by the Board to a person who has satisfied the appropriate requirements of Title 12, Article 25, Colorado Revised Statutes and these rules.

**Principal.** A licensee who is a sole proprietor, or a partner in a partnership, or an officer or director of a corporation, or a member of a limited liability company, any of which is engaged in the practice of architecture, engineering, and/or land surveying.

**Record Set.** A record set is a set of contract documents that is identified by the licensee's and consultant's original stamps, signatures and dates.

**Reproduction Drawing.** Any copy of an original document.

**Responsible Charge of Engineering.** The Board shall interpret "responsible charge" of engineering, as defined in Section 12-25-102(14), C.R.S., as follows.

"Responsible charge" of engineering shall mean that degree of control an engineer is required to maintain over engineering decisions made personally or by others over which the engineer exercises supervisory direction and control authority.

- (a) The degree of control necessary for an engineer to be in responsible charge shall be such that the engineer:
- (i) Personally makes engineering decisions, or personally reviews and approves proposed decisions prior to their implementation, including consideration of alternatives whenever engineering decisions that could affect the life, health, property, and welfare of the public are made. In making said engineering decisions, the engineer shall be physically present or, through the use of communication devices, be available in a reasonable period of time as appropriate.
  - (ii) Judges the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.
- (b) Engineering decisions that are made by, and are the responsibility of, the professional engineer in responsible charge are those decisions concerning permanent or temporary work that could create a danger to the life, health, property, and welfare of the public, such as, but not limited to, the following:
- (i) The selection of engineering alternatives to be investigated and comparison of alternatives for engineering works.
  - (ii) The selection or development of design standards or methods, and materials to be

used.

- (iii) The selection or development of techniques or methods of testing to be used in evaluating materials or completed works, either new or existing.
- (c) As a test to evaluate whether an engineer is in responsible charge the following must be considered: An engineer who signs and seals engineering documents in responsible charge must be capable of answering questions as to the engineering decisions made during the engineer's work on the project in sufficient detail as to leave little doubt as to the engineer's proficiency for the work performed. It is not necessary to defend decisions as in an adversarial situation, but only to demonstrate that the engineer in responsible charge made them and possessed sufficient knowledge of the project to make them. Examples of questions to be answered by the engineer could relate to criteria for design, methods of analysis, selection of materials and systems, economics of alternate solutions, and environmental considerations. The individual should be able to clearly define the degree of control and how it was exercised and be able to demonstrate that the engineer was answerable within said degree of control necessary for the engineering work done.
- (d) The term "responsible charge" does not refer to financial liability.
- (e) A professional engineer who adopts, signs, and seals work previously engineered shall perform sufficient review and calculation to ensure that all standards of practice required of licensees are met, including satisfying the relevant criteria stated in paragraphs (b) and (c) above, and shall take professional and legal responsibility for documents signed and sealed under his/her responsible charge.

**Responsible Charge of Land Surveying.** The Board shall interpret "responsible charge" of land surveying, as defined in Section 12-25-202(10), C.R.S., as follows.

"Responsible charge" of land surveying shall mean that degree of control a professional land surveyor is required to maintain over land surveying decisions made personally or by others over which the land surveyor exercises supervisory direction and control authority.

- (a) The degree of control necessary for a land surveyor to be in responsible charge shall be such that the land surveyor:
  - (i) Personally makes surveying decisions, or personally reviews and approves proposed decisions including consideration of field observation, physical evidence, and recorded data whenever surveying decisions that could affect the life, health, property, and welfare of the public are made. In making said surveying decisions, the land surveyor shall be physically present or, through the use of communication devices, be available in a reasonable period of time as appropriate.
  - (ii) Judges the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.
- (b) Land surveying decisions that are made by, and are the responsibility of, the professional land surveyor in responsible charge are those decisions concerning work that could create a danger to the life, health, property, and welfare of the public, such as, but not limited to, the following:
  - (i) The selection of field observations, physical evidence, and recorded data to be investigated, compared, and analyzed.

- (ii) The selection of methods or procedures to be used to accomplish the work.
  - (iii) Work products that comply with all relevant surveying statutes.
- (c) As a test to evaluate whether a land surveyor is in responsible charge the following must be considered: A land surveyor who signs and seals documents in responsible charge must be capable of answering questions as to the surveying decisions made during the land surveyor's work on the project in sufficient detail as to leave little doubt as to the land surveyor's proficiency for the work performed. It is not necessary to defend decisions as in an adversarial situation, but only to demonstrate that the land surveyor in responsible charge made them and possessed sufficient knowledge of the survey project to make them. Examples of questions to be answered by the land surveyor could relate to criteria for the procedures of data collection, analysis of field data, recorded data and final determinations. The individual should be able to clearly define the degree of control and how it was exercised and be able to demonstrate that the land surveyor was answerable within said degree of control necessary for the surveying work done.
- (d) The term "responsible charge" does not refer to financial liability.
- (e) A professional land surveyor who adopts, signs, and seals work previously surveyed shall perform sufficient review and calculation to ensure that all standards of practice required of licensees are met, including satisfying the relevant criteria stated in paragraphs (b) and (c) above, and shall take professional and legal responsibility for documents signed and sealed under his/her responsible charge.

**Responsible Control of Architecture.** The Board shall interpret "responsible control" of architecture, as defined in Section 12-25-302(7), C.R.S., as follows.

"Responsible control" of architecture shall mean that degree of control an architect is required to maintain over architectural decisions made personally or by others over whom the architect exercises supervisory direction and authority.

- (a) The degree of control necessary for an architect to be in "responsible control" shall be such that the architect:
- (i) Personally makes architectural decisions, or personally reviews and approves proposed decisions prior to their implementation, including consideration of alternatives whenever architectural decisions that could affect the life, health, property, and welfare of the public are made. In making said architectural decisions, the architect shall be physically present or, through the use of communication devices, be available as reasonably appropriate.
  - (ii) Judges the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.
- (b) Architectural decisions that are made by, and are the responsibility of, the architect in "responsible control" are those decisions concerning permanent or temporary work that could create a danger to the life, health, property, and welfare of the public, such as, but not limited to, the following:
- (i) The selection of architectural alternatives to be investigated and comparison of alternatives for architectural works.
  - (ii) The selection or development of design standards or methods, and materials to be used.

- (iii) The selection or development of techniques or methods of testing to be used in evaluating materials or completed works, either new or existing.
- (c) As a test to evaluate whether an architect is in “responsible control” the following must be considered: An architect who signs and seals architectural documents in “responsible control” must be capable of answering questions as to the architectural decisions made during the architect’s work on the project in sufficient detail as to leave little doubt as to the architect’s proficiency for the work performed. It is not necessary to defend decisions as in an adversarial situation, but only to demonstrate that the architect in “responsible control” made them and/or possessed sufficient knowledge of the project to make them. Examples of questions to be answered by the architect could relate to criteria for design, methods of analysis, selection of materials and systems, economics of alternate solutions, and environmental considerations. The individual should be able to clearly define the degree of control and how it was exercised and be able to demonstrate that the architect was answerable within said degree of control necessary for the architectural work done.
- (d) An architect who adopts, signs, and seals work performed by others shall perform sufficient review and calculation to ensure that all standards of practice required of licensees are met, including satisfying the relevant criteria stated in paragraphs (b) and (c) above, and shall take professional responsibility for documents signed and sealed under his/her responsible charge.

**Signature.** The term signature shall include the terms “manual signature” or “electronic signature” and shall be defined as follows.

- (a) **Manual Signature.** A manual signature is the handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document.
- (b) **Electronic Signature.** An electronic signature is a digital authentication process attached to or logically associated with an electronic document and shall carry the same weight, authority, and effects as a manual signature. The electronic signature, which can be generated by using either public key infrastructure or signature dynamics technology, must be as follows.
  - (i) Unique to the person using it.
  - (ii) Capable of verification.
  - (iii) Under the sole control of the person using it.
  - (iv) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.

### **3.0 Rules of Conduct**

#### **3.1 Licensees Shall Hold Paramount the Safety, Health, and Welfare of the Public in the Performance of Their Professional Duties.**

This rule shall include, but not be limited to, the following:

- 3.1.1 Primary Obligation of Licensees.** Licensees shall at all times recognize that their primary obligation is to protect the safety, health, property, and welfare of the public. If their professional



judgment is overruled under circumstances where the safety, health, property, or welfare of the public is endangered, they shall notify their employer or client and/or such other authority as may be appropriate.

**3.1.2 Ethical Conduct.** Licensees shall conduct the practice of architecture, engineering, and land surveying in an ethical manner.

**3.1.3 Responsibility for Seal.** Licensees shall be the only individuals authorized to use their own seals and shall be personally and professionally responsible and accountable for the care, custody, control, and use of their seals.

**3.1.3.1 Responsibility for Monument Caps.** A professional land surveyor shall be held reasonably responsible for maintaining control of any unused monument caps bearing his/her license number.

**3.1.4 Work Product Must Be Safe and Meet Generally Accepted Standards.** Licensees shall approve and seal only those design documents and surveys that are prepared with applied technical knowledge and skills that provide safety for public health, property, and welfare in conformity with generally accepted architectural, engineering, and surveying standards.

**3.1.5 Maintenance of Confidentiality.** Licensees shall not reveal confidential facts, data, or information obtained in a professional capacity without prior consent except as authorized or required by law.

**3.1.6 Caliber of Association.** Licensees shall not permit the use of their name or firm name nor associate in business ventures with any person or firm that they have reason or should have reason to believe is engaged in fraudulent or dishonest business or professional practices.

**3.1.7 Cooperation with Board Investigations.** Licensees having knowledge of, and/or involvement in, any alleged violation of any of Title 12, Article 25, Parts 1, 2, and 3, C.R.S., or the Board's rules, shall cooperate with any investigation initiated by the Board and furnish such information or assistance as may be requested.

**3.1.8 Compliance with Applicable Laws, Regulations, and Codes.** Licensees shall exercise appropriate skill, care, and judgment in the application of federal, state, and local laws, regulations, and codes in the rendering of professional services and in the performance of their professional duties. It will be deemed a violation of these rules if a licensee violates local, state or federal laws or statutes that relate to the practice of architecture, engineering, or land surveying.

**3.1.9 Reporting Felony Convictions.** Licensees shall inform the Board, in a manner set forth by the Board, within forty-five (45) days of the conviction of the licensee of a felony under the laws of any State or of the United States.

(a) The conviction of the licensee of a felony under the laws of any State or of the United States is grounds for discipline pursuant to Sections 12-25-108(1)(c), 12-25-208(1)(c), and 12-25-308(1)(c) C.R.S.

(b) For purposes of this rule, a "conviction" includes:

1. A guilty verdict;
2. A plea of guilty accepted by the court; or
3. A plea of nolo contendere (no contest) accepted by the court;

(c) The notice to the Board shall include the following information:

1. The court;
2. The jurisdiction;
3. The case name;
4. The case number;
5. A description of the matter or a copy of the indictment or charges; and
6. The date of conviction.

(d) The licensee shall inform the Board of the following information within 45 days of such occurrence:

1. The imposition of sentence for the felony conviction; and
2. The completion of all terms of the sentence for the felony conviction.

(e) The licensee notifying the Board may submit a written statement with any notice under this rule to be included in the licensee's record.

(f) This rule shall apply to any conviction or plea that occurs on or after January 1, 2010.

### **3.2 Licensees Shall Perform Services Only in the Areas of Their Competence.**

This rule shall include, but not be limited to, the following:

**3.2.1 Practice Only within Expertise.** Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of architecture, engineering or land surveying.

**3.2.1.1 Architectural Licensees.** An architectural licensee shall undertake to perform professional services only when they, together with those whom the licensee may engage as consultants in the specific areas involved, are qualified by education and experience.

**3.2.2 Seal and Sign Only Documents under Responsible Charge or Control.** Licensees shall only affix their signatures and seals to plans or documents prepared under their responsible charge or control.

**3.2.3 Sealing and Signing for Entire Projects.** The application of the licensee's seal, signature and date shall constitute certification that the work was done by the licensee or under the licensee's responsible charge unless limitation of responsibility is defined and expressly stated on the project documents. Each document shall be sealed, signed and dated by the licensee or licensees in responsible charge for that document.

### **3.3 Licensees Shall Issue Professional Statements Only in an Objective and Truthful Manner.**

This rule shall include, but not be limited to, the following:

**3.3.1 Objectivity and Truth.** Licensees shall be objective and truthful in professional reports, statement, or testimony.

**3.3.2 Serving as Expert or Technical Witness.** Licensees, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion regarding

matters pertaining to professional practice only when founded upon adequate knowledge of the facts at issue, upon a background of technical competence in this subject matter, and upon honest conviction of the accuracy and propriety of his/her testimony.

**3.3.3 Identification of Interested Parties.** Licensees shall not issue professional statements on technical matters that are initiated or paid for by interested parties, unless the licensees have prefaced their statements by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the licensees may have in the matters.

**3.3.3.1 Licensees Assistance with Applications.** Licensees shall not assist the application for a license of an individual known by the licensee to be unqualified with respect to education, practical or professional experience, or character.

**3.3.4 Statements beyond Architecture, Engineering and/or Land Surveying.** Licensees shall not issue a professional statement in a field of expertise outside of the practice of architecture, engineering and/or land surveying unless they hold an appropriate license in that expertise.

**3.4 Licensees Shall Act in a Professional Manner for Each Employer or Client and Shall Avoid Conflicts of Interest.**

This rule shall include, but not be limited to, the following:

**3.4.1 Conduct that Discredits the Profession.** Licensees shall not engage in any conduct that discredits or tends to discredit another architect, engineer or land surveyor and/or the profession of architecture, engineering or land surveying.

**3.4.2 Appearance of Impropriety.** Licensees shall avoid the appearance of impropriety in the course of representing or rendering services of an employer or client.

**3.4.3 Undue Influence.** When representing a client or employer, a licensee shall not exert or attempt to exert undue influence over other professionals, contractors, or public officials. Undue influence means any improper or wrongful exercise of persuasion or control by a licensee in an effort to cause another to do what he or she would not otherwise do if left to act freely.

**3.4.4 Conflicts of Interest.** If licensees have any business association or direct or indirect financial interest which may influence the judgment of licensees in connection with the performance of professional services, licensees shall fully disclose in writing to the client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, licensees shall either terminate such association or interest or offer to give up the commission or employment.

**3.4.5 More Than One Source of Compensation.** Licensees shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

**3.4.6 Solicitation or Acceptance of Compensation.** Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients for which the licensee is responsible, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

**3.4.7 Licensees in Public Service.** Licensees, who work for private organizations that provide architecture, engineering and/or land surveying services, who are also in public service as members, advisors, or employees of a governmental body or department shall not participate in decisions with respect to professional services solicited or provided to the governmental body or

department by their private organization.

**3.4.8 Government Contracts.** Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of appropriate public authority.

**3.4.9 Status or Scope of Licensure.** Licensees shall not misrepresent the status or scope of their licensure for any purpose.

### **3.5 Licensees Shall Avoid Improper Solicitation of Professional Employment.**

This rule shall include, but not be limited to, the following:

**3.5.1 Academic Qualifications and Professional Experience.** Licensees or their associates shall not misrepresent or falsify academic or professional qualifications, or exaggerate or misrepresent the pertinent facts or the degree of responsibility for prior work assignments for the purpose of securing or retaining employment by a client.

**3.5.2 Recommendations and Employment.** Licensees or their associates shall not compensate or give anything of substantial value to a person or organization, except for a disclosed sales representative, in order to obtain a recommendation for, or secure or retain employment by a client.

**3.5.3 Use of Seal.** Licensees or their associates shall not publicize or promote themselves for the purpose of securing or retaining employment by the use of an architect seal, a professional engineer seal or professional land surveyor seal or any reproduction thereof.

### **3.6 Licensees Shall Exercise Independent Professional Judgment.**

This rule shall include, but not be limited to, the following:

**3.6.1 Exercise of Judgment.** Licensees shall not permit a client, employer, another person, or organization to direct, control, or otherwise affect the licensee's exercise of independent professional judgment in rendering professional services for the client.

**3.6.2 Impartial Decisions.** Licensees shall render impartial decisions when acting as the interpreter of documents or when acting as the judge of contract performance.

## **4.0 Rules of Administrative Procedure**

All of the rules in Section 4.0 apply to all architecture, engineering, and land surveying applicants, examinees and licensees unless noted otherwise.

### **4.1 Applications**

**4.1.1 Complete Applications.** A complete application requires that an applicant submit the application, the required fee, and all required documentation as set forth in the Board's published application procedures. Required documentation includes that which the applicant is responsible for submitting and any other documentation that may be required from other sources to support the applicant's file. Any application not complying with these procedures shall be deemed incomplete and the applicant shall be so notified.

**4.1.1.1 Applications Eligible for Board Review.** To be eligible for Board review, a complete application must be received on the first day of the month prior to the month of the Board

meeting at which applications will be reviewed.

- 4.1.1.2 Engineering and Land Surveying Experience Record.** In relating engineering or land surveying experience on the application forms the applicant must account for all employment or work experience. If not employed, or employed in other kinds of work, this should be indicated in the experience record.
- 4.1.1.3 Verification of Licensure, Enrollment, Certification.** If verification of an applicant's enrollment, certification, or licensure must be obtained from another state or jurisdiction as part of the application or reapplication process, that verification must be made in writing on a form approved by the Board and in accordance with published Board procedures. Such verification shall be made under the seal of that state board or jurisdiction. Oral verification shall not be accepted.
- 4.1.1.4 Board Denial of an Application.** An applicant whose application has been denied may submit a request for reconsideration of a decision by the Board, accompanied by additional supporting documentation or information, or may request a personal interview before the Board. These requests must be submitted within 60 days of the date on which the Board made the decision. No additional supporting documentation, requests for reconsideration, or interviews will be considered by the Board if they are not filed within this time limit.
- 4.1.1.5 Applications are Reviewed under Current Statutes and Rules.** Applications to take the examination and for licensure, enrollment, or certification are evaluated under the statutes, rules, and regulations in effect at the time that the application is complete. Subsequent applications, including updates within the three-year period within which denied applications are retained, are likewise evaluated under the statutes, rules, and regulations in effect at the time the subsequent application is complete.
- 4.1.1.6 Student Application for Fundamentals of Engineering and/or Fundamentals of Surveying Exam.** Students eligible to take the fundamentals of engineering examination pursuant to Section 12-25-112(2)(B)(II), C.R.S., and/or the Fundamentals of Surveying Examination pursuant to Sections 12-25-212 (2)(B)(II), C.R.S shall make application in accordance with the procedures established by the Board.
- 4.1.1.7 Endorsement Applications.** Applicants currently in good standing in another jurisdiction may apply for licensure as an architect, professional engineer or professional land surveyor based upon endorsement from the jurisdiction where licensure was originally obtained.

To obtain a license by endorsement, an applicant must qualify for licensure under the provisions of Section 12-25-114(1)(a), 12-25-214(1)(a), or 12-25-314(3) C.R.S., and submit an application according to the Board's published application procedures. The Colorado Board must receive written verification from the jurisdiction where licensure was originally obtained indicating how the applicant qualified for licensure and the status of his/her license.

If the applicant's license is no longer active in the jurisdiction where licensure was originally obtained, the applicant shall do one of the following in order to be considered for endorsement:

- (a) Bring his/her license into active status with the jurisdiction where licensure was originally obtained prior to application with this Board.
- (b) Provide verification of an active license from a second state licensing board and

disciplinary history from the jurisdiction where licensure was originally obtained, if the applicant is currently licensed by another state board.

**4.1.1.8 Licensure by Endorsement from a Foreign Country.** When an applicant seeks licensure by endorsement based on a certificate of licensure, or its equivalent, issued by a proper authority in a foreign country, the applicant shall provide information as to the licensure standards in effect in that country at the time the certificate of licensure, or its equivalent, was issued. Pursuant to Sections 12-25-114(1)(a), 12-25-214(1)(a) and (b), and 12-25-314(3), C.R.S., applicants must have qualifications that are substantially equivalent to those currently required for licensure by examination.

**4.1.1.9 Applicants for Licensure Who Have Passed Required NCARB and NCEES Examinations in Another State.** Applicants who have passed the required NCARB or NCEES examinations but have not yet completed the licensing process begun in another state may make application to the Colorado board. The applicant must meet the current licensing requirements in Colorado. It is the applicant's responsibility to request written verification from the state in which the applicant completed the NCARB or NCEES examinations. If the Colorado Board determines that the applicant qualifies for licensure, the applicant's original state of licensure will be Colorado.

#### **4.2 Applicants with Degrees from Foreign Schools.**

Applicants who have degrees from foreign colleges, universities, or their equivalents for which they wish to receive educational credit are required to have their foreign transcripts evaluated by a transcript evaluation service approved by the Board. This evaluation will be performed at the applicant's expense and the applicant will be responsible for submitting all the necessary information to the evaluation service. The Board will consider awarding credit for a foreign degree only if it is evaluated by the Board-approved service. Information regarding the evaluation of foreign degrees is published in the Board's application procedures.

Applicants who have degrees from foreign colleges, universities, or their equivalents who do not wish to receive educational credit for their college education must submit a transcript verifying completion of the equivalent of the high school level of education. An original transcript shall be provided directly from the high school or equivalent educational institution in a sealed envelope. If this transcript is not in the English language, it is the responsibility of the applicant to have the transcript translated into English and submitted directly by the translator to the Board office. This translation will be performed at the applicant's expense.

#### **4.3 Retention of Applications.**

The Board retains applications as described in the following paragraphs and only for the time periods noted. Once an application is purged from the Board files, a new original application and supporting documents must be submitted along with the appropriate fee.

**4.3.1 Incomplete Applications.** The Board will retain an incomplete application for enrollment, certification, or licensure in its pending file, pending receipt from the applicant of all necessary documentation. If all the documentation has not been received in a one-year period, the application will be purged from the Board files.

**4.3.2 Approved Engineering and Land Surveying Applications.** The Board retains application forms and supporting documents for persons who have been approved to take the Fundamentals of Engineering, Principles and Practice of Engineering, Fundamentals of Surveying, Principles and Practice of Surveying, or the Colorado State Specific Surveying examinations for a period of two years from the date of approval by the Board. If an applicant does not take the examination within that two-year period, the application will be purged from the Board files. If an applicant fails an

examination, the applicant has two years from the date of that examination to retake the examination or the application will be purged from the Board files.

**4.3.3 Denied Applications.** The Board retains application forms and supporting documents for persons who have been denied permission to take an examination or who have been denied licensure, enrollment, or certification, for a period of three years from the date of denial by the Board. After denial of an application, it is necessary for an applicant who wishes to reapply to file a request for reapplication on a form provided by the Board. If reapplication is made within the three-year period within which the Board retains denied applications, an applicant may request that transcripts, letters of reference, or other supporting documents retained by the Board be transferred to, and considered in support of, the reapplication. If reapplication is not made within the three-year period, the application will be purged from the Board's files.

**4.3.4 Student Fundamentals of Engineering and Fundamentals of Surveying Examination Applications.** The Board does not retain the application forms for students who take the Fundamentals of Engineering Examination and the Fundamentals of Surveying Examination pursuant to Sections 12-25-112(2)(B)(II) and 12-25-212(2)(B)(II), C.R.S., and who fail the exam. Those applications are immediately purged following notification of the exam results. Applicants that still meet the requirements of Sections 12-25-112(2)(B)(II) and 12-25-212(2)(B)(II), C.R.S., may reapply through the college or university to retake the exam. Applicants who no longer meet the requirements of Sections 12-25-112(2)(B)(II) and 12-25-212(2)(B)(II), C.R.S., must submit a new application to the Board office for approval to take the Fundamentals of Engineering or Fundamentals of Surveying Examination.

#### **4.4 References and Verification for Qualifying Work Experience.**

Completed references shall be submitted on the forms approved by the Board and in accordance with published Board procedures.

**4.4.1 Architecture Applicants.** An applicant shall provide a detailed and substantiated record of professional and related activities showing the training hours earned in the various practical experience settings pursuant to the NCARB Intern Development Program (IDP) training requirements. The intent of the practical experience requirement is to provide the applicant a broad and diversified exposure to the practice of architecture. The employer, by their verification and signature, affirms to the Board that the activities recorded were actually performed by the applicant.

**4.4.1.1 Architecture Applicants Effective January 1, 2014.** In all applications received on or after January 1, 2014, an applicant for initial licensure shall demonstrate the required experience pursuant to Board Rule 4.5 by providing proof of completion of the NCARB Intern Development Program (IDP) to the Board.

**4.4.2 Engineering and Land Surveying Applicants.** An applicant shall submit the number of completed references necessary to verify the minimum number of years of experience required by statute for the particular section under which the applicant is applying (e.g. Section 12-25-114(3)(b)(I), C.R.S., requires 12 years of experience, therefore, references verifying at least 12 years of progressive engineering experience must be submitted; Section 12-25-214(4)(b)(I), C.R.S., requires 10 years of experience, therefore, references verifying at least 10 years of progressive land surveying experience must be submitted).

#### **4.5 Architecture Education and Experience Application Criteria**

EDUCATION & EXPERIENCE SUMMARY									
Degree Type	NAAB/CACB Accredited or NAAB Approved Professional Degree Programs		Four-Year Architectural Degree Programs		Other Degree Programs				Other
		B. Arch	M. Arch	B. EnvD (Arch) B.S.A.S. B.S.D. B.A.A.	B. Arch (non-NAAB) B.A. Arch B.S.A.E.	B.S. Eng** (ABET) B.S.C.M. (ACCE) B.I.D. (FIDER) B.S.I.A. B. Arch Tech B.F.A. **civil, mechanical, electrical	B.A. B.S.	A.A. A.S. (Arch or Arch Tech)	A.A. A.S.
<b>Experience Required</b> <b>Hours/Years</b> <b>(1 year=1880 hours)</b>	5,600/ 3	5,600/ 3	9,400/ 5	9,400/ 5	13,160/ 7	15,040/ 8	15,040/ 8	16,920/ 9	18,800/ 10
<b>Hours may be earned after</b>	3rd year	1st year	3rd year	3rd year	degree	degree	degree	degree	date of hire
<p><b>FOREIGN EDUCATION</b> - Applicants who are requesting credit for degrees from foreign colleges or universities must submit their transcripts to the National Architectural Accrediting Board (NAAB), for the purpose of determining the equivalency of the degree to a degree earned from a University or College in the United States.</p>									
<b>Employment Required to earn Credit</b>	* Hours may be earned in Training Settings A-E only when working a minimum of 20 hours per week for a minimum of 6 consecutive months.								
	* Hours may be earned in Training Setting F only when working as a full time employee.								
	* Employment time used for academic credit may not be used to fulfill experience requirements.								

**4.5.1 Architecture Education and Experience Application Criteria Abbreviations**

**A.A. - Associates of Arts**

**ACCE - American Council of Construction Education**



**AIA - American Institute of Architects**

**A.S. - Associate of Science**

**CACB - Canadian Architectural Certification Board**

**CIDA - Council for Interior Design Accreditation**

**B.A.A. - Bachelor of Arts in Architecture**

**B. Arch. - Bachelor of Architecture**

**B.A. - Bachelor of Arts**

**B. Arch. Tech. - Bachelor of Architectural Technology**

**B. Env'd. - Bachelor of Environmental Design**

**B.F.A. - Bachelor of Fine Arts**

**B.S. - Bachelor of Science**

**B.S.A.S. - Bachelor of Science in Architectural Studies**

**B.S.A.E. - Bachelor of Science in Architectural Engineering**

**B.S.C.M. - Bachelor of Science in Construction Management**

**B.S.D. - Bachelor of Science in Design**

**B.S. Eng. - Bachelor of Science in Engineering**

**B.S.I.A. - Bachelor of Science in Interior Architecture**

**FIDER - Foundation for Interior Design Education Research**

**LU - Learning Unit**

**M. Arch. - Master of Architecture**

**NAAB - National Architectural Accrediting Board**

#### **4.6 Engineering and Land Surveying Application Criteria**

**4.6.1 Progressive Engineering Experience Criteria.** In evaluating experience to determine if it is progressive engineering experience, the following will be considered:

**4.6.1.1 Increasing Quality and Responsibility.** Experience must indicate that it is of increasing quality and requiring greater responsibility.

**4.6.1.2 No Violation of Act.** Experience must not be obtained in violation of Title 12, Article 25, of the C.R.S.

**4.6.1.3 Armed Services Experience.** Experience gained in the Armed Services, to be creditable, must be of a character equivalent to that which would have been gained in the

civilian sector doing similar work. Normally it would be expected that the applicant while in the Armed Services would have served in an engineering-related group.

**4.6.1.4 Teaching Experience.** Experience as a full-time instructor or at a higher level, in a Board-approved engineering curriculum, may be considered as progressive engineering experience at the discretion of the Board.

**4.6.1.5 Engineering Education.** Engineering education shall be considered as progressive engineering experience. Graduation from an engineering curriculum of four or more years approved by the Board shall be considered as four years of progressive engineering experience (also see Rule 4.7.1). The award of a Master of Science degree or degrees in engineering shall be considered as an additional year of progressive engineering experience, provided it meets the requirements set forth in Rule 4.7.1.9. The award of a Doctorate in engineering shall be considered as an additional year of progressive engineering experience, provided it meets the requirements set forth in Rule 4.7.1.9. The award of a graduate level engineering degree (M.S. or Ph.D.) that does not meet the requirements of Rule 4.7.1.9 shall be considered as an additional six months of engineering experience for each degree. Six years shall be the maximum educational credit that may be received.

**4.6.1.6 Construction Experience.** The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, shall not be deemed to be the practice of engineering. But if such experience, in the opinion of the Board, has involved responsible supervision of a character that will tend to expand the engineering knowledge and skill of the applicant, the Board may in its discretion give such credit for said experience as it deems proper.

**4.6.1.7 Sales or Estimating Experience.** For sales or estimating experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.

**4.6.1.8 Research Experience.** For experience as a research assistant or a research associate at a college or university to be creditable it must be demonstrated that this was full-time engineering experience that was not gained as part of completing a graduate degree program.

**4.6.1.9 Technician Experience.** Engineering technician experience may be considered as an entry-level phase of progressive engineering experience at the discretion of the Board.

**4.6.2 Progressive Land Surveying Experience Criteria.** In evaluating experience to determine if it is progressive land surveying experience the following will be considered:

**4.6.2.1 Increasing Quality and Responsibility.** Experience must indicate that it is of increasing quality and requiring greater responsibility.

**4.6.2.2 No Violation of Act.** Experience must not be obtained in violation of this licensure act.

**4.6.2.3 Armed Services Experience.** Experience gained in the Armed Services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally it would be expected that the applicant, while in the Armed Services, would have served in a land surveying group.

**4.6.2.4 Teaching Experience.** Experience as a full-time instructor or at a higher level, in a Board-approved land surveying curriculum, may be considered as progressive land surveying experience at the discretion of the Board.

**4.6.3 Actual Experience Required.** Experience may not be anticipated. The experience must have been received at the time the application is submitted.

**4.6.4 Employment While a Full-Time Undergraduate Student.** Full-time engineering or land surveying undergraduate students will not receive employment experience credit for summer jobs, part-time, or full-time jobs.

**4.6.5 Short-Term Duration Employment Not Counted.** No engineering or land surveying experience of less than six months continuous duration with one employer shall be credited.

**4.6.6 Concurrent Employment Experience Not Credited.** Experience required for licensure will not be credited for more than one license qualification requirement at a time. For example, employment used for engineering licensure requirements will not be credited again as employment used to gain another license, such as a surveying license.

## **4.7 Educational Credit for Engineering and Surveying Applicants**

### **4.7.1 Engineering Education**

**4.7.1.1 Board-Approved Engineering Degree.** Pursuant to Sections 12-25-112(2)(b)(I) and (II) and 12-25-114(2)(b)(I)(A), C.R.S., a Board-approved engineering curriculum of four or more years is an engineering curriculum accredited by the Accreditation Board for Engineering and Technology/Engineering Accreditation Commission (ABET/EAC).

**4.7.1.2 Board-Approved Engineering Technology Degree.** Pursuant to Sections 12-25-112(3)(b)(I) and 12-25-114(2)(b)(II)(A), C.R.S., a Board-approved engineering technology curriculum of four or more years is a technology degree accredited by the Accreditation Board for Engineering and Technology/Technology Accreditation Commission (ABET/TAC).

**4.7.1.3 Reserved.**

**4.7.1.4 Experience Credit for an Engineering Degree.** Four years of progressive engineering experience for education may be granted for an undergraduate degree in engineering of four or more years that is accredited by the Accreditation Board for Engineering and Technology/Engineering Accreditation Commission (ABET/EAC). Four years of progressive engineering experience for education may be granted for an undergraduate degree of four or more years in engineering technology that is accredited by the Accreditation Board for Engineering and Technology/Technology Accreditation Commission (ABET/TAC).

**4.7.1.5 Experience Credit without an Engineering Degree.** For those applicants who have not graduated from an engineering degree program as specified in Rule 4.7.1.4, progressive engineering experience credit for education will be granted as set forth below or for other professional coursework equivalent to that set forth below when that equivalency is established to the Board's satisfaction. The applicant requesting this equivalency determination bears the burden of presenting evidence regarding equivalency to the Board.

**4.7.1.5.1 Specific Credit Given.** Progressive engineering experience for education may be granted for the completion of the following coursework:

**4.7.1.5.1.1 Three Years of Credit.** A minimum of 90 semester hours, or the equivalent, that includes all of the following:

- (a) A minimum of 12 semester hours, or the equivalent, of mathematics beyond trigonometry. This must include the equivalent of six semester hours of analytic geometry and calculus and three semester hours of differential equations - statistics, probability, college algebra, and business math will not be counted toward this requirement.
- (b) A minimum of 12 semester hours, or the equivalent, of basic sciences.
- (c) A minimum of 36 semester hours, or the equivalent, of engineering science and/or engineering design.

**4.7.1.5.1.2 Two Years of Credit.** A minimum of 60 semester hours, or the equivalent, that includes all of the following:

- (a) A minimum of 12 semester hours, or the equivalent, of mathematics beyond trigonometry. This must include the equivalent of six semester hours of analytic geometry and calculus and three semester hours of differential equations - statistics, probability, college algebra, and business math will not be counted toward this requirement.
- (b) A minimum of 18 semester hours, or the equivalent, in basic sciences and/or engineering sciences and/or engineering design.

**4.7.1.5.1.3 One Year of Credit.** A minimum of 30 semester hours, or the equivalent, that includes all of the following:

- (a) A minimum of six semester hours, or the equivalent, of mathematics beyond trigonometry. Statistics, probability, college algebra, and business math will not be counted toward this requirement.
- (b) A minimum of six semester hours, or the equivalent, of basic sciences.

**4.7.1.6 Credit for a “Related Science” Degree.** For a curriculum to be defined as a “related science” curriculum as specified in Sections 12-25-112(3)(b)(II)(A), 12-25-114(2)(b)(III)(A), and 12-25-114(2)(b)(IV)(A), C.R.S., the curriculum must contain all of the following:

- (a) A minimum of 12 semester hours, or the equivalent of mathematics beyond trigonometry. This must include the equivalent of six semester hours of analytic geometry and calculus and three semester hours of differential equations - statistics, probability, college algebra, and business math will not be counted toward this requirement.
- (b) A minimum of 18 semester hours, or the equivalent, of basic sciences and/or engineering sciences and/or engineering design.

**4.7.1.7 Credit Given Only for Coursework with Grade of “C” or Better.** Progressive engineering experience for education pursuant to Rules 4.7.1.5 and 4.7.1.6 may only be granted for completed coursework in which the applicant achieved a grade of “C” or better.

**4.7.1.8 Additional Detail May Be Required.** If transcripts do not provide adequate detail to

determine the number of hours or the content of coursework in each of the specified areas, it is the responsibility of the applicant to submit such information, such as course descriptions and other related materials that will provide the necessary detail.

**4.7.1.9 Credit Given for Master and Doctorate Degrees in Engineering.** Applicants who have obtained a Master of Science degree or a Doctorate in engineering from a university that offers an ABET/EAC accredited undergraduate degree in the same area of study shall receive one year of educational credit for each degree, except that not more than one year of educational credit in total will be granted for multiple master of science degrees. Applicants who have obtained a Master of Science degree or Doctorate in engineering from a university that does not offer an ABET/EAC accredited undergraduate degree in the same area of study shall receive six months of educational credit for each degree.

**4.7.1.10 Credit for Correspondence Courses and Other Forms of Distance Learning.** Progressive engineering experience for education may be granted for completed correspondence courses or other forms of distance learning if, according to the educational institution, there is oversight by an accredited degree program department of the course content, examinations, and faculty.

## **4.7.2 Surveying Education**

**4.7.2.1 Board-Approved Surveying Degree of Four or More Years.** Pursuant to Sections 12-25-212(2)(b) and 12-25-214(2)(b)(I)(A), C.R.S., a Board-approved surveying curriculum of four or more years shall be one that has been accredited by the Accreditation Board for Engineering and Technology (ABET) or conforms with the Board guidelines for approval of land surveying programs.

**4.7.2.2 Board-Approved Two-Year Surveying Degree.** For a curriculum to be defined as a "Board-approved two-year surveying curriculum" as specified in Section 12-25-214(2)(b)(III)(A), C.R.S., the curriculum must contain all of the following:

- (a) A minimum of 11 semester hours, or the equivalent, consisting of college-level mathematics. Trigonometry, survey computations, statistics and/or probability will count toward this requirement. Business math, college geometry and college algebra will not count toward this requirement.
- (b) A minimum of 24 semester hours, or the equivalent, consisting of basic surveying, boundary law, description writing, public land survey system, surveying sciences and/or surveying practice, ethics, and basic science and/or technological or business courses.

**4.7.2.3 Board-Approved Engineering Degree of Four or More Years.** For a curriculum to be defined as a Board-approved engineering curriculum of four or more years as specified in Section 12-25-214(2)(b)(III)(A), C.R.S., the curriculum must be a minimum of 120 semester hours, or the equivalent, and must contain or be supplemented with, the following course work:

- (a) A minimum of 11 semester hours, or the equivalent, consisting of college-level mathematics. Trigonometry, survey computations, statistics and/or probability will count toward this requirement. Business math, college geometry and college algebra will not count toward this requirement.
- (b) A minimum of 24 semester hours, or the equivalent, consisting of basic surveying, boundary law, description writing, public land survey system, surveying sciences and/or surveying practice, ethics, and basic science and/or technological or

business courses.

**4.7.2.4 Bachelor's Degree in a Non-Surveying Curriculum or Non-Engineering Curriculum of Four or More Years.** For an applicant to receive credit for a non-surveying or non-engineering Bachelor's Degree of four or more years as specified in Section 12-25-214(2)(b)(IV)(B), C.R.S., the curriculum must be a minimum of 120 semester hours, or the equivalent, and must contain, or be supplemented with, all of the following course work:

- (a) A minimum of 22 semester hours, or the equivalent, consisting of technological and/or business courses.
- (b) A minimum of 11 semester hours, or the equivalent, consisting of college-level mathematics. Trigonometry, survey computations, statistics and/or probability will count toward this requirement. Business math, college geometry and college algebra will not count toward this requirement.
- (c) A minimum of 11 semester hours, or the equivalent, consisting of basic sciences.
- (d) A minimum of 24 semester hours, or the equivalent, consisting of basic surveying, boundary law, description writing, public land survey system, surveying sciences and/or surveying practice, and ethics.

**4.7.2.5 Experience Credit without a Surveying Degree.** Pursuant to Section 12-25-214(4)(d), C.R.S., for those applicants who have not graduated from a surveying degree program as specified in Section 12-25-212 or 12-25-214, C.R.S., progressive land surveying experience credit for education will be granted as set forth below or for other professional coursework equivalent to that set forth below when that equivalency is established to the Board's satisfaction. The applicant requesting this equivalency bears the burden of presenting evidence regarding equivalency to the Board.

**4.7.2.5.1 Specific Credit Given.** Progressive surveying experience for education may be granted for the completion of the following coursework:

**4.7.2.5.1.1 Three Years of Credit.** A minimum of 90 semester hours, or the equivalent, that includes all of the following:

- (a) A minimum of 22 semester hours, or the equivalent, of technological and/or business courses.
- (b) A minimum of 11 semester hours, or the equivalent, of college-level mathematics. Trigonometry, survey computations, statistics and/or probability will count toward this requirement. Business math, college geometry and college algebra will not count toward this requirement.
- (c) A minimum of 11 semester hours, or the equivalent, of basic sciences.
- (d) A minimum of 22 semester hours, or the equivalent, consisting of basic surveying, boundary law, description writing, public land survey system, surveying sciences and/or surveying practice, and ethics.

**4.7.2.5.1.2 Two Years of Credit.** A minimum of 60 semester hours, or the equivalent, that includes all of the following:

- (a) A minimum of 11 semester hours, or the equivalent, of college-level mathematics. Trigonometry, survey computations, statistics and/or probability will count toward this requirement. Business math, college geometry and college algebra will not count toward this requirement.
- (b) A minimum of 20 semester hours, or the equivalent, of basic sciences and/or surveying sciences and/or surveying practice and/or technological or business courses.

4.7.2.5.1.3 One Year of Credit. A minimum of 30 semester hours, or the equivalent, that includes all of the following:

- (a) A minimum of six semester hours, or the equivalent, of college-level mathematics. Trigonometry, survey computations, statistics and/or probability will count toward this requirement. Business math, college geometry and college algebra will not count toward this requirement.
- (b) A minimum of six semester hours, or the equivalent, of basic sciences and/or surveying sciences.

**4.7.2.6 Reserved.**

**4.7.2.7 Credit Given Only for Coursework with Grade of “C” or Better.** Progressive land surveying experience for education gained in other than Board-approved curricula may only be granted for completed coursework in which the applicant achieved a grade of "C" or better.

**4.7.2.8 Additional Detail May Be Required.** If transcripts do not provide adequate detail to determine the number of hours or the content of coursework in each of the specified areas, it is the responsibility of the applicant to submit such information, such as course descriptions and other related materials that will provide the necessary detail.

**4.7.2.9 Reserved.**

**4.7.2.10 Credit for Correspondence Courses and Other Forms of Distance Learning.** Progressive land surveying experience for education may be granted for completed correspondence courses or other forms of distance learning if, according to the educational institution, there is oversight by an accredited degree program department of the course content, examinations, and faculty.

## **4.8 Examinations**

**4.8.1 Applicants Must Receive Board Approval to Take an Examination.** No applicant may take the Architect Registration Examination, the Fundamentals of Engineering Examination, the Principles and Practice of Engineering Examination, the Fundamentals of Surveying Examination, the Principles and Practice of Surveying Examination, or the State Specific Land Surveying Examination until the Board has established that the applicant is eligible for the examination. An applicant may be disallowed from taking or re-taking any of the licensing exams if there is evidence of socially unacceptable behavior (e.g. cheating, violence, or threats of violence or other disruptive behavior), in an exam setting.

**4.8.2 Sequencing and Validity of Examinations.**

#### **4.8.2.1 Architect Examinations**

- (a) The A.R.E. may be taken upon completion of the qualifications as set forth in Board rule 4.5. An applicant for the examination may elect to take any or all divisions of the A.R.E. in any sequence desired.
- (b) An applicant with a qualified NAAB/CACB Accredited degree or NAAB Approved Professional degree and who is enrolled in the NCARB Intern Development Program (IDP) may take any division of the A.R.E.
- (c) An applicant who fails to pass any division of the A.R.E. may reapply for examination for that or those divisions within the rules and time constraints set forth by NCARB.

#### **4.8.2.2 Engineer Examinations**

- (a) An applicant for licensure as a professional engineer will not be permitted to take the Principles and Practice of Engineering Examination until the Fundamentals of Engineering Examination has been passed.
- (b) Passage of the NCEES examinations is valid indefinitely.

#### **4.8.2.3 Surveyor Examinations**

- (a) An applicant for licensure as a professional land surveyor will not be permitted to take the Principles and Practice of Surveying Examination and the State Specific Surveying Examination until the Fundamentals of Surveying Examination has been passed.
- (b) Passage of the NCEES examinations and the State Specific Surveying Examination is valid indefinitely.

#### **4.8.3 Reserved.**

**4.8.4 Forfeiture of Examination Fee.** Failure of an applicant to attend an examination for which he/she has been scheduled and has not indicated in writing to the exam administrator that he/she cannot attend by the date prescribed by the exam administrator, will result in the forfeiture of the applicant's examination fee. The applicant's examination fee will be refunded in the case of unavoidable causes (e.g., illness, death in the family, etc.), if the applicant submits the necessary documentation to the exam administrator by the date prescribed by the exam administrator.

**4.8.5 Non-Attendance at Examination.** Failure of an applicant to attend an examination for which he/she has scheduled attendance does not count as a failure of the examination.

**4.8.6 Examination Results.** Examination results will be supplied in writing to each examinee in a pass/fail format. Results will not be given in any other manner.

**4.8.7 Language of Examinations.** The language of the examinations will be English.

#### **4.9 Licenses.**

##### **4.9.1 Reinstatement of Expired Licenses.**

**4.9.1.1 Reinstatement of Licenses Expired Two Years or Less.** An expired license may be reinstated by submitting a reinstatement application and paying a reinstatement fee.



#### **4.9.1.1.1 Reinstatement of Licenses Expired Two Years or Less for Architects**

**ONLY.** An expired license may be reinstated by submitting a reinstatement application, paying a reinstatement fee, and meeting the continuing education requirements for the period while expired, as set forth in Rule 4.9.3.1. Each month that the license has been expired shall require .67 hours of continuing education rounded up to the nearest whole number, as set forth in Rule 4.9.3.1.

**4.9.1.2 Reinstatement of Licenses Expired More than Two Years.** Pursuant to Sections 12-25-115(4), 12-25-215(4), and 12-25-315(3), C.R.S., a licensee whose license has expired for more than two years must prove to the Board that he/she has maintained an active license in another jurisdiction or otherwise is still competent to practice architecture, engineering and/or land surveying. The licensee must complete and submit a reinstatement application that includes reference forms for the period the license has been expired that verify his or her work experience during that time, and paying a reinstatement fee. The Board will then determine whether or not the licensee has remained competent to practice in the profession and should be reinstated. The Board has the discretion to require further examination and/or education of licensees who do not otherwise demonstrate active practice or competence.

#### **4.9.1.2.1 Reinstatement of Licenses Expired More Than Two Years for Architects**

**ONLY.** In addition to the requirements set forth in rule 4.9.1.2, an expired architect license may be reinstated by obtaining sixteen (16) Professional Development Units of continuing education acquired within the two years immediately preceding the date the application was received, and as set forth in Rule 4.9.3.1.

### **4.9.2 Reactivation of Inactive Licenses for Architects ONLY.**

**4.9.2.1 Reactivation of Inactive License to Active within Two Years or Less.** Should a licensee wish to resume the practice of architecture two years or less after being placed on an inactive licensee list, he or she shall file a proper application, pay the proper license reactivation fee, and meet the continuing education requirements for the period while inactive. Each month that the license has been inactive shall require .67 hours of continuing education rounded up to the nearest whole number, acquired within the two years immediately preceding the date the application was received, and as set forth in Rule 4.9.3.1.

**4.9.2.2 Reactivation of Inactive License to Active more than Two Years.** Pursuant to Section 12-25-315(3), C.R.S., a licensee whose license has been inactive for more than two years must prove to the Board that he/she has maintained an active license in another jurisdiction or otherwise is still competent to practice architecture. Should a licensee wish to resume the practice of architecture more than two years after being placed on an inactive licensee list, he or she shall file a proper application, pay the proper license reactivation fee, and meet the continuing education requirements for the period while inactive, or at the discretion of the Board. An inactive architect license may be reactivated by obtaining sixteen (16) Professional Development Units of continuing education acquired within the two years immediately preceding the date the application was received, and as set forth in Rule 4.9.3.1.

**4.9.2.3 Practicing with an Inactive License.** Engaging in the practice of architecture while on inactive status shall constitute practice without an active license and, therefore, may be grounds for disciplinary action, up to and including revocation.

### **4.9.3 Renewal of Licenses.**

#### **4.9.3.1 Architects**

**4.9.3.1.1 Reserved.**

**4.9.3.1.2 Continuing Education Requirements for Renewal.**

**4.9.3.1.2.1 Statutory Basis.** Pursuant to Section 12-25-315.5, C.R.S., the Board shall adopt rules establishing requirements for continuing education (CE) that an architect shall complete in order to renew a license on or after July 1, 2009. The rules shall require the architect to participate in a process or procedure that demonstrates whether the architect retained the material presented in the continuing education activity.

**4.9.3.1.2.2 Basis of Requirements.** As established by the Colorado legislature, the regulatory authority of the Board is to safeguard the life, health, property, and public welfare of the public of the people of this state and to protect them against unauthorized, unqualified, and improper practice of architecture. Therefore, only health, safety and welfare subjects, as defined in these rules, shall be acceptable toward the continuing education requirements for license renewal.

**4.9.3.1.2.3 Requirements.** Architects shall complete Professional Development Units in Health, Safety, and Welfare (HSW) subjects and participate in a process or procedure that demonstrates whether the architect retained the material presented in the continuing education activity in order to renew a license to practice architecture in Colorado.

**4.9.3.1.2.4 Professional Development Units (PDU).** One PDU shall consist of not less than fifty (50) minutes of actual continuing education instruction, presentation, or activity, spent in structured educational efforts intended to increase the architect's knowledge and competence in HSW subjects.

**4.9.3.1.2.5 Credit Required for License Renewal.** Architects shall have acquired PDUs during the period prior to each license expiration date, July 31, in odd numbered years.

For the renewal period ending July 31, 2009 - 4 PDUs

For the renewal period ending July 31, 2011 and thereafter - 16 PDUs

PDUs need not be acquired within Colorado.

**4.9.3.1.2.6 Credit Gained Previously.** If an architect acquires PDU credit between August 1, 2007 and January 1, 2009 that:

(a) meets the criteria in Rules 4.9.3.1.2.9 and 4.9.3.1.2.10,

(b) meets the definition of a HSW subject, and

(c) retains documentation in accordance with the requirements in Rule 4.9.3.1.2.14, the licensee may claim this credit toward the PDU credit required for the renewal period ending July 31, 2009.

**4.9.3.1.2.7 Prior Carryover of PDU Credit.** If an architect acquires more PDU credit than is required during one renewal period, a limited number of PDUs may be carried forward for credit in the next renewal period, as

follows:

August 1, 2009 - 1 PDU may be carried forward

August 1, 2011 and thereafter - 4 PDUs may be carried forward

**4.9.3.1.2.8 Health, Safety and Welfare Subjects.** Health, Safety and Welfare subjects are defined as technical and professional subjects, related to the practice of architecture, which the Board deems appropriate to safeguard the public. Such subjects include building design, environmental or land use analysis, life safety, architectural programming, site and soils analyses, accessibility, structural systems considerations, lateral forces, building codes, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration; and, professional ethics.

**4.9.3.1.2.9 Process or Procedure that Demonstrates Whether the Architect Retained the Material Presented in the Activity.** A process or procedure that demonstrates retention may be any form of evaluation or assessment, such as:

- (a) An examination, quiz, or test given at the conclusion of a presentation, lecture, online course, etc.; or;
- (b) A structured report process in a format defined by the Board.

**4.9.3.1.2.10 Continuing Education Activity Criteria.** To qualify for PDU credit, continuing education activities must be structured educational efforts meeting the following criteria:

- (a) Include technical and practical applications which impact public health safety and welfare;
- (b) Maintain, improve, expand or enhance the quality of the architect's existing technical knowledge; or develop new and relevant professional skills and knowledge;
- (c) Have clear purposes and objectives;
- (d) Be well-organized and provide evidence of pre-planning;
- (e) Include a process or procedure that demonstrates whether the architect retained the material presented.

**4.9.3.1.2.11 Acceptable Continuing Education Activities.** The Board deems the following types of activities to be acceptable:

- (a) Academic Coursework. One semester credit hour may be counted for a maximum of fifteen (15) PDUs. One quarter credit hour may be counted for a maximum of ten (10) PDUs. One semester credit hour for audited classes may be counted for a maximum of eight (8) PDUs; one quarter credit hour for audited classes may be counted for a maximum of five (5) PDUs. Academic coursework shall be completed at a U.S. regionally accredited college or university.

- (b) Certificate Programs
- (c) In-house programs. These may be activities developed internally or externally, e.g. by employers or vendors.
- (d) Lecture, Seminar, Workshop. HSW subjects for architects are offered by organizations such as NCARB, AIA, CSI, ACEC, etc. PDUs are awarded as established by the recognized continuing education provider.
- (e) Research. PDUs are available for conducting professionally relevant research that is documented by publication of a journal article or writing of a technical or summary report. Credit for this activity cannot also be obtained for publishing.
- (f) Teaching, presentations. PDUs shall be awarded for the initial class or presentation only. Credit is available for either teaching/presentation OR preparation.
- (g) Publishing a relevant technical article, chapter, or book. These require placement in a journal, periodical, or book with a peer review process that is technically-oriented, not marketing-oriented.
- (h) Self-Study - Structured. These may be printed or online materials, CDs or DVDs containing continuing education activities the architect completes individually.
- (i) Mentoring programs require a formal contract between mentor and mentee with specific learning objectives, timeline, milestones, and reported outcomes. Formal mentoring programs are also available through associations, e.g. AIA, NCARB, NCEES, ACEC, CSI, and the USGBC.

**4.9.3.1.2.12 Unacceptable Continuing Education Activities.** The Board deems the following types of activities to be unacceptable:

- (a) Computer-aided drafting classes;
- (b) Serving on federal, state, or municipal boards or commissions;
- (c) Rendering pro bono services;
- (d) Faculty at college, university, or other educational institutions shall not receive teaching credit for teaching their regularly-assigned courses beyond the initial class;
- (e) Participation on a public, professional, or technical society board;
- (f) Attendance at licensing or registration board meetings or any other professionally relevant board or committee meeting;
- (g) Participating in or attending exhibit poster sessions;
- (h) Residency or fellowship training programs;

- (i) Any activity that does not include a structured educational effort with a process or procedure to demonstrate whether the architect retained the material presented.

**4.9.3.1.2.13 No Pre-Approval of Continuing Education Activities.** The Board will not pre-approve individual activities, courses, or programs. It is within the discretion of the Board to deny credit for any activity that does not meet the continuing education criteria in Rule 4.9.3.1.2.10 or the definition of a HSW subject in Rule 4.9.3.1.2.8.

**4.9.3.1.2.14 Record keeping.** PDUs shall be documented. The documentation shall be retained by the architect and contain no less than the following information:

- (a) Architect name;
- (b) Activity type;
- (c) Activity location and date(s) ;
- (d) Activity title and description of content and objectives;
- (e) Sponsor/Continuing Education Provider (e.g. organization, institution, association, employer, vendor, publication) name and contact information;
- (f) Instructor/speaker name, as applicable;
- (g) Monitor/Facilitator/Mentor name and contact information, as applicable;
- (h) Demonstration of whether the architect retained the material presented;
- (i) Number of PDUs; and
- (j) A declaration that the PDUs are considered health, safety and welfare.

**4.9.3.1.2.15 Exemptions.** An architect shall not be subject to the requirement for PDUs in order to renew a license, if during the current renewal period:

- (a) The licensee holds an inactive license pursuant to Rule 4.9.2; or,
- (b) The licensee was initially issued their Colorado license by examination within the twelve (12) months immediately preceding the license expiration date.

Such licensees shall be required to meet all other licensure requirements, including compliance with the Architecture Practice Act and Board rules, and the payment of renewal fees.

**4.9.3.1.2.16 Hardship Exceptions.** The Board may make exceptions to the requirements set out in Rules 4.9.3.1.2.3 and 4.9.3.1.2.5 for reasons of individual hardship including, but not limited to, health, military service, or

other good cause. It is within the sole discretion of the Board to decide in particular cases whether good cause has been shown in order to grant exceptions.

**4.9.3.1.2.17 Audits.** Documentation of PDUs may be audited by the Board for verification of compliance with these requirements at any time.

If the Board disallows any PDUs then the licensee shall have one hundred twenty (120) days from notice of such disallowance to:

- (a) Provide further evidence that the disallowed PDUs meet the criteria established by these rules; or,
- (b) Provide documentation of having acquired additional PDUs during the required time frame; or,
- (c) Cure the disallowance by acquiring the required number of PDUs.

**4.9.3.1.2.18 Compliance with Continuing Education Requirements.**

- (a) Licensees shall cooperate with the Board to determine compliance with the continuing education requirements.
- (b) Licensees shall provide all documents requested for audit within thirty (30) days.

#### **4.10 Reporting of Malpractice and Life Safety Claims That Have Been Settled or Upon Which Judgment Has Been Rendered**

**4.10.1 Malpractice Claim Defined for Engineers and Land Surveyors ONLY.** For purposes of compliance with Sections 12-25-108(1)(k) and 12-25-208(1)(k), C.R.S., the term "malpractice claim" is defined as a claim for damages asserted by any person against a licensee or against any partnership, corporation, limited liability company, or joint stock association of which such licensee was a member or employee and for whom the licensee was in responsible charge for the action subject to such claim for damages in a court of competent jurisdiction or submitted to alternative dispute resolution. This rule applies to claims that engineering and/or land surveying services performed at any location by such licensee failed in any manner to meet generally accepted standards for such professional practice.

**4.10.2 Claim Concerning Life Safety Defined for Architects ONLY.** For purposes of compliance with Section 12-25-312, C.R.S., the term "claim concerning the life safety of the occupants of a building" is defined as a claim that involves, but is not necessarily limited to, the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards.

**4.10.3 Malpractice Report Forms.** Reports filed by architects, professional engineers and professional land surveyors pursuant to Sections 12-25-108(1)(k), 12-25-208(1)(k), and 12-25-312, C.R.S., shall be submitted on forms as provided by the Board.

**4.10.4 Board Jurisdiction.** The jurisdiction of the Board relates to individual licensees and not to architecture, engineering or land surveying firms. Regardless of whether the malpractice or life safety claim was against an individual licensee or against a partnership, corporation, limited liability company, or joint stock association of which such licensee was a member or employee, the licensee who was in responsible charge for the action subject to such malpractice or life

safety claim shall report the claim within sixty days of the effective date of the date of settlement or judgment for said claim. If more than one architect, engineer and/or land surveyor is a party to the same settlement or judgment, each licensee shall file a report with the Board.

#### 4.11 Name and Address Changes.

Licensees shall inform the Board in writing of any name, address, telephone, or email change within 30 days of the change. The Board will not change a licensee's information without explicit written notification from the licensee. Notification by any manner approved by the Board is acceptable.

**4.12.1 Acceptable Documentation for Name and Social Security Number Changes.** The Board requires one of the following forms of documentation to change a licensee's name or social security number:

- (a) marriage license;
- (b) divorce decree;
- (c) court order; or,
- (d) a driver's license or social security card with a second form of identification that is acceptable at the discretion of the Director of Support Services.

### 5.0 Rules of Professional Engineering Practice

#### 5.1 Sealing Requirements for Professional Engineers

**5.1.1 Seal Specifications.** Pursuant to Section 12-25-117(1), C.R.S., the seal authorized by the State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors for licensees is of the crimp type, rubber stamp type, and/or computer generated type. The seal shall be of a design and size shown below. The diameter of the outer circle shall be nominally 1 5/8 inches (41 mm) and the diameter of the inner circle shall be nominally 15/16 inches (24 mm). The license number assigned shall be centered in the inner area of the seal in the space occupied by the word "NUMBER" and the size of the numbers shall be the same size of the letters in the word "NUMBER". The word "NUMBER" should not appear on the seal. Seals obtained prior to July 1, 2005 shall be deemed acceptable.



**5.1.2 Seal Application.** A manual or electronic seal must be applied to either the final reproducible, the final reproduction, or the final electronic record document of all of the following:

- (a) Each sheet of engineering drawings.
- (b) The cover, title page, and table of contents of specifications bound in book form.
- (c) The title page of details bound in book form and prepared specifically to supplement project

drawings.

(d) The title or signature page of engineering reports.

**5.1.3 Signature and Date Required.** The manual or electronic signature of the licensee and date of signature shall be affixed to the document. The signature of the licensee and date of signature shall appear through the seal.

**5.1.3.1 Signature May Be Required By Public Agencies.** A public agency may require a manual or electronic signature of the licensee on reproductions.

**5.1.4 Sealing Documents That Are Not Final.** When a licensee seals engineering documents that are not final, the status of the engineering documents must be identified as preliminary. Further qualifying descriptors may be added, e.g. "for review" , "not for construction" , "for bid only" .

**5.1.5 Limiting Scope of Responsibility.** When a licensee signs and seals a document, the licensee is responsible for the entire document unless the licensee limits the seal to one or more disciplines (e.g. civil, structural, mechanical, etc.) shown on the document. To limit the scope of responsibility for an engineering document to one or more disciplines, on the face of such document, the licensee must include a specific written statement adjacent to the seal that accurately reflects the scope of responsibility for the document.

All disciplines or aspects of the work shown on that document must be signed and sealed by the person(s) in responsible charge.

**5.1.6 Specifying Manufactured Components in Designs.** Licensees may specify manufactured components that are exempted by statute as part of design documents. "Manufactured components" for the purposes of this rule shall consist of such items as a pump, motor, prefabricated truss, or other type of item that is manufactured in multiple units for selection and use in projects that must be designed by professional engineers. Systems of manufactured components that are specific to a particular use or application must also be designed by a professional engineer. The licensee may show the manufactured component on the drawing or document and is responsible for the correct selection and specification of the manufactured components, but is not responsible for the proper design and manufacture of the manufactured components selected.

**5.1.7 Retaining Engineering Documents.** The sealed, signed, and dated reproducible, or a copy of all documents displaying the licensee's seal, signature, and date, shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were signed and sealed.

## **5.2 Engineer's Certification**

**5.2.1 Circumstances and Applicable Actions.** When a professional engineer is presented with a certification to be signed and/or sealed, the professional engineer should carefully evaluate that certification to determine if any of the following circumstances apply:

- (a) Matters that are beyond the professional engineer's competence, training, or education.
- (b) Matters that are beyond the professional engineer's services actually provided.
- (c) Matters that were not prepared under the professional engineer's responsible charge.

If any of these circumstances apply, that engineer shall take either of the following actions:



- (i) Modify such certification to limit its scope to those matters that the professional engineer can properly sign and/or seal.
- (ii) Decline to sign such certification.

**5.2.2 Certification Defined.** Certification is defined as a statement that includes all of the following:

- (a) Is signed and/or sealed by a professional engineer representing that the engineering services addressed therein have been performed by the professional engineer or under the professional engineer in responsible charge.
- (b) Is based upon the professional engineer's knowledge, information, and belief.
- (d) Is in accordance with applicable standards of practice.
- (e) Is not a guaranty or warranty, either expressed or implied.

### **5.3 Construction Observation as the Practice of Engineering.**

Section 12-25-102(10), C.R.S., defines the "... observation of construction to evaluate compliance with plans and specifications..." as the practice of engineering. Observation of construction to evaluate compliance with plans and specifications includes, but is not limited to, the following activities:

- (a) Observing construction operations and interpreting the project plans and specifications to monitor general compliance with the plans, specifications, and the intent of the design.
- (b) Evaluation or analysis of design problems due to actual field conditions encountered.
- (c) Evaluation or analysis of the testing of materials, equipment, or systems for acceptance, when appropriate to the project.

A person who is performing any of the above listed activities is engaging in the practice of engineering and must either be licensed as a professional engineer in Colorado or must be under the responsible charge of a Colorado professional engineer.

### **5.4 Materials Testing.**

The development of testing protocols for engineering projects, the interpretation of materials testing data, or any subsequent analysis or engineering design relying upon materials testing data constitutes the practice of engineering as defined in Section 12-25-102(10), C.R.S. However, materials testing, in and of itself, and its related data collection, may be done by individuals who are not professional engineers.

### **5.5 Reserved.**

### **5.6 Reserved.**

### **5.7 Reserved.**

### **5.8 Establishing Horizontal and Vertical Controls.**

The Colorado Statutes permit both professional engineers and professional land surveyors to establish horizontal and vertical control for Aerial Mapping, Topographic Mapping, and Planimetric Mapping. When any of the previously mentioned horizontal and vertical controls are tied to, referenced to, or controlled by land lines or property lines, these controls shall be established under the direct supervision of a professional land surveyor licensed in Colorado.

## 6.0 Rules of Professional Land Surveying Practice

### 6.1 Sealing Requirements for Professional Land Surveyors

**6.1.1 Seal Specifications.** Pursuant to Section 12-25-217(1), C.R.S., the seal authorized by the State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors for licensees is of the crimp type, rubber stamp type, and/or computer generated type. The seal shall be of a design and size shown below. The diameter of the outer circle shall be nominally 1 5/8 inches (41 mm) and the diameter of the inner circle shall be nominally 15/16 inches (24 mm). The license number assigned shall be centered in the inner area of the seal in the space occupied by the word "NUMBER" and the size of the numbers shall be the same size of the letters in the word "NUMBER". The word "NUMBER" should not appear on the seal. Seals obtained prior to July 1, 2005 shall be deemed acceptable.



**6.1.2 Seal Application.** Pursuant to Section 12-25-217, C.R.S., the professional land surveyor's manual or electronic seal must be applied to either the final reproducible, the final reproduction, or the final electronic record document of any of the following being delivered to the public:

- (a) Each sheet of documents and plats resulting from the practice of land surveying.
- (b) The title or signature page of surveying reports.

**6.1.3 Signature and Date Required.** The manual or electronic signature of the licensee and date of signature shall be affixed to the document. The signature of the licensee and date of signature shall appear through the seal.

**6.1.3.1 Signature May Be Required by Public Agencies.** A public agency may require a manual or electronic signature of the licensee on reproductions.

**6.1.4 Sealing Documents That Are Not Final.** When a licensee seals surveying documents that are not final, the status of the surveying documents must be identified as preliminary. Further qualifying descriptors may be added, e.g. " for review."

**6.1.5 Limiting Scope of Responsibility.** To limit a Professional Land Surveyor's scope of responsibility on a document, the licensee shall include a written statement or certification that defines the surveying services performed under his or her responsible charge.

All aspects of the Professional Land Surveyor's work shown on that document shall be sealed, signed, and dated by the licensee in responsible charge.

**6.1.6 Reserved.**

**6.1.7 Retaining Land Surveying Documents.** The sealed, signed, and dated reproducible, or a copy of

all documents displaying the licensee's seal, signature, and date, shall be retained by the licensee or the licensee's employer for a minimum of three years from the date such documents are tendered to the client.

## **6.2 Land Surveyor's Certification**

**6.2.1 Circumstances and Applicable Actions.** When a professional land surveyor is presented with a certification to be signed and/or sealed, the professional land surveyor should carefully evaluate that certification to determine if any of the following circumstances apply:

- (a) Matters that are beyond the professional land surveyor's competence, training, or education.
- (b) Matters that are beyond the professional land surveyor's services actually provided.
- (c) Matters that were not prepared under the professional land surveyor's responsible charge.

If any of these circumstances apply, that professional land surveyor shall take either of the following actions:

- (a) Shall modify such certification to limit its scope to those matters that the professional land surveyor can properly sign and/or seal.
- (b) Shall decline to sign such certification.

**6.2.2 Certification Defined.** Certification is defined as a statement that includes the following:

- (a) Is signed and/or sealed by a professional land surveyor representing that the surveying services addressed therein have been performed by the professional land surveyor or under the professional land surveyor in responsible charge.
- (b) Is based upon the professional land surveyor's knowledge, information and belief.
- (c) Is in accordance with applicable standards of practice.
- (d) Is not a guaranty or warranty, either expressed or implied.

## **6.3 Reserved.**

## **6.4 Physical Standards for Public Land Survey System Monuments**

### **6.4.1 Physical Standards for Establishing New Monuments or Upgrading Existing Monuments**

**6.4.1.1 Requirements for Monumenting.** Whenever a professional land surveyor monuments any section corner, quarter section corner, one-sixteenth section corner, General Land Office/Bureau of Land Management (government) lot corner, or any corner established by a Public Land Survey Monument (PLSM), as defined in Section 38-53-103(18), C.R.S., the corner shall be monumented with a metallic pipe or rod possessing a magnetic field and having a minimum outside diameter of 3/4 inch, a minimum length of 30 inches, and a two-inch minimum diameter durable metallic cap.

**6.4.1.2 When an Existing Monument Must Be Upgraded.** Whenever a professional land surveyor uses as a control corner, as defined in Section 38-53-103(6), C.R.S., any existing monument that represents any of the corners described in Rule 6.4.1.1 and said existing monument is smaller than 5/8 inch diameter, the monument must be upgraded to the monument size described in Rule 6.4.1.1.

## **6.4.2 Exceptions to the Physical Standards for Establishing New Monuments or Upgrading Existing Monuments**

**6.4.2.1 Original Monuments That Do Not Have to be Upgraded.** If the PLSM still exists in its originally set location and said monument is readily identifiable and reasonably durable, it does not have to be upgraded.

**6.4.2.2 Existing Monuments That Do Not Have to be Upgraded.** Existing monuments having a minimum outside diameter of 5/8 inch do not have to be verified as to length or upgraded so long as they are readily identifiable and reasonably durable.

**6.4.2.3 Existing Monuments That Must be Upgraded.** A properly stamped, two-inch minimum diameter, durable metallic cap must be attached if the found monument has any of the following qualities:

- (a) The monument has no cap.
- (b) The monument has a cap other than a durable metallic cap.
- (c) The monument has a cap with a diameter less than 1 1/2 inches.

**6.4.2.4 Monumenting in Rock Outcroppings, Concrete and Concrete Posts.** A durable metallic disk not less than two inches in diameter, on a stem not less than three inches long, is suitable for placing in rock outcroppings, concrete, and for embedding in concrete posts (monuments).

**6.4.2.5 Monumenting in Adverse Terrain.** In the event corners described in Rule 6.4.1.1 cannot practically be set because of steep terrain, water, marsh, or existing structures, or if they would be lost as a result of a proposed street, road, or other construction, one or more reference monuments shall be set. The reference monuments shall be set according to Sections 38-51-104(3)(b)(I), 38-51-104(3)(b)(II), 38-51-104(3)(c) and 38-51-104(3)(d), C.R.S.

**6.4.3 Physical Standards for Cap Markings.** All caps shall be marked as set forth in the "United States Department of the Interior, 2009 Manual of Surveying Instructions: For the Survey of the Public Lands of the United States" and shall conform with Section 38-51-104, C.R.S. Incorporation of this material does not include any later amendments or editions. A copy of the "United States Department of the Interior, 2009 Manual of Surveying Instructions: For the Survey of the Public Lands of the United States" and applicable supplements, is available for public inspection. For information regarding how this material can be obtained or examined, contact the Board's program director, at 1560 Broadway, Suite 1350, Denver, Colorado, 80202. This material is also available from the U.S. Department of the Interior, Bureau of Land Management, in partnership with the American Congress on Surveying and Mapping (ACSM), at ACSM, 6 Montgomery Village Avenue, Suite 403, Gaithersburg, Maryland 20879 or [www.blmsurveymanual.org](http://www.blmsurveymanual.org).

## **6.5 Standards for Land Surveys**

**6.5.1 Definition of Land Survey.** A land survey as defined in Sections 38-51-102(11) and 38-53-103(11), C.R.S., includes, but is not limited to, one or more of the following:

- (a) The establishment of boundaries or the restoration or rehabilitation of any monument marking a corner that controls the location of real property.
- (b) The location on the ground of any encumbrance affecting the rights or enjoyment of real property.

- (c) The determination of the position of any monument, reference point, or any other mark, when such monument or mark controls the location of boundaries or rights of ownership in or use of real property.
- (d) The preparation of maps, plats, descriptions, or any other document for the purpose of preserving the location or conveyance of any and all rights in real property and the subdivision thereof.
- (e) The measurements and computations made to determine the size, shape, or area of parcels for the purpose of marking on the ground, or the conveyance of, any or all rights of ownership in real property.
- (f) All other applicable services that are defined in the Section 12-25-202(6)(a), C.R.S.

**6.5.1.1 Distinction from Improvement Location Certificates.** Improvement Location Certificates are not property boundary surveys. Standards for Improvement Location Certificates are contained in Rule 6.6.

**6.5.2 Responsibility to Research Records.** The licensed professional land surveyor shall conduct or be responsible for conducting such research activities that are needed to properly define the property boundary relative to instruments of record and show all visible evidence that may affect ownership and property rights. This may include record research at the County Clerk and Recorder's Office, the Colorado Department of Highways, the State Office of the Bureau of Land Management, the County Surveyor's Office, an abstractor's office, and any other appropriate local offices; as well as field research of physical features and monuments and any other features significant in the locality. Instruments of record may be obtained from an abstract, title commitment, or title policy.

### **6.5.3 Procedural Techniques**

**6.5.3.1 Professional Land Surveyor Responsibility.** The licensed professional land surveyor shall, under his personal direction, cause a survey to be executed, connecting all available monuments necessary for the boundary location as well as physical and parcel evidence and coordinate the facts of such survey.

**6.5.3.2 Surveys Shall Reference Corners.** Surveys based on the United States Public Land Survey System shall be referenced to original or properly restored corners. The "United States Department of the Interior, 2009 Manual of Surveying Instructions: For the Survey of the Public Lands of the United States" shall be used as a guide for the restoration of lost or obliterated corners and subdivision of sections into aliquot parts. Residential subdivision layouts shall conform to local subdivision ordinances (standards and regulations). Lot surveys within such subdivisions shall be referenced to existing corner monuments within the subdivision as necessary to verify the survey.

A copy of the "United States Department of the Interior, 2009 Manual of Surveying Instructions: For the Survey of the Public Lands of the United States" is available for public inspection. Incorporation of this material does not include any later amendments or editions. For information regarding how this material can be obtained or examined, contact the Board's program director, at 1560 Broadway, Suite 1350, Denver, Colorado, 80202. This material is also available from the U.S. Department of the Interior, Bureau of Land Management, in partnership with the American Congress on Surveying and Mapping (ACSM), at ACSM, 6 Montgomery Village Avenue, Suite 403, Gaithersburg, Maryland 20879 or [www.blmsurveymanual.org](http://www.blmsurveymanual.org).

**6.5.4 Monuments Shall Conform to Statutes.** The professional land surveyor will assure that the

monuments established or re-established conform both in location and physical character with the specifications called for in Section 38-51-104, C.R.S. Each found monument verified in location shall be restored or rehabilitated as necessary so as to leave it readily identifiable and reasonably durable. Physical standards for Public Land Survey System monuments can be found in Rule 6.4.

**6.5.4.1 Monumentation of Natural Water Boundaries.** A stream, creek, river, or shoreline is itself a natural monument. The surveyor must conduct research to determine if the stream, or any part thereof, is the intended boundary line. The acceptance of the stream, creek, river, or shoreline as a natural monument complies with Section 38-51-104 (1) (a), and Section 38-51-105 (1) (a), C.R.S. Where a riparian boundary is described as the thread of a non-navigable stream or to some water boundary, no further artificial monumentation is required.

## **6.5.5 Plat Deposit Requirements**

**6.5.5.1 Plats to be Deposited.** All plats required to be prepared pursuant to Section 38-51-107, C.R.S., shall be deposited with the county in which said survey was performed and a copy of the plat shall be delivered to the client. In addition to the requirements set forth in Section 38-51-107, C.R.S., a plat must also be prepared and deposited for any monument found substantially at variance (according to Rule 6.5.6), with dimensions shown on deposited or filed plats or if the monument results in conflicting boundary evidence which has not previously been shown on a plat deposited or filed in accordance with Section 38-51-107(1), C.R.S. Said plat shall comply with all applicable provisions of Sections 38-51-107 and 38-50-101 C.R.S.

**6.5.5.2 Documents Other Than Plats or Improvement Location Certificates Require Statement.** If under the terms of a contract or by client agreement, a professional land surveyor performs work other than that which specifically calls for a land survey plat, improvement survey plat, or Improvement Location Certificate ("ILC"), the professional land surveyor must provide a written explanation on the document of the nature and purpose of the document being supplied to the client. Any such explanatory statement shall be provided solely for the purpose of clarifying the nature and purpose of the client's document and shall not be a means by which the professional land surveyor may avoid professional responsibilities as established by Colorado law and the generally accepted standards of the practice of land surveying.

**6.5.6 Precision and Accuracy Standards.** The professional land surveyor shall use his/her professional expertise and judgment to determine the precision and accuracy required for a given project. The precision and accuracy standards shall meet or exceed the minimum standard of care established by the profession in Colorado.

## **6.6 Minimum Standards for Improvement Location Certificates**

**6.6.1 Field Procedures.** Professional notes shall be taken on all Improvement Location Certificates ("ILCs") and kept as part of the surveyor's permanent record. A diligent search for existing control shall be made by field crews and the highest order of control available shall be used. The professional land surveyor must use such control as is necessary to accurately locate all lines, structures, and topographic features shown on the ILC.

**6.6.2 Drafting.** A sketch or diagram of the parcel shall be used in support of the certificate required by Section 38-51-108, C.R.S., and the following standards shall be used:

- (a) Deed lines with the boundary dimensions from the deed description or plat shall be shown.
- (b) Major improvements (permanent structures) shall be shown with dimensions and

descriptions (e.g. residences, garages, in-ground pools).

- (c) Major improvement locations shall be shown with dimensions to the nearest property lines, with a minimum of two dimensions shown, and shall be sufficient to locate structures.
- (d) Minor improvement locations shall be shown graphically (e.g. out buildings with foundations, concrete walks, drives).
- (e) Plat and apparent easements shall be shown.
- (f) The posted address shall be shown; if not posted, so state.
- (g) The legal description shall be shown, and the source shall be stated.
- (h) A north arrow and statement of scale shall be shown.
- (i) Apparent encroachments shall be noted and shown in an obvious manner. When the level of certainty of dimensions to possible encroachments are not precise enough for a positive determination, a boundary survey shall be recommended.
- (j) State specifically or graphically show evidence used to determine the apparent deed lines.
- (k) State source of where record easement information was obtained and graphically show on the improvement location certificate sketch. If information was obtained from a title company, state which title company and the commitment number.

**6.6.3 Research, Documentation and Information.** The surveyor shall perform adequate research, maintain adequate documentation in his/her records, and provide the field crews with adequate information to determine the property dimensions in the field.

### **6.7 Boundary Control Portions of Geographic Information Systems.**

As used in Section 12-25-202(6)(a)(VI), C.R.S., boundary control portions of Geographic Information Systems ("GIS" ) and Land Information Systems ("LIS" ) means any professional land surveying activity representing Public Land Survey System (PLSS) corners or other land boundary corners or monuments as defined in Sections 38-51-102(2), (6), (6.3), (12.3) and (18), C.R.S., and must be performed in accordance with Title 12, Article 25, C.R.S., and generally accepted standards of land surveying.

**6.7.1 GIS Land Positions Not Included in Definition of Professional Land Surveying.** Boundary control portions of Geographic Information Systems and Land Information Systems does not include GIS Land Positions as defined in Section 38-51-102(7.5), C.R.S.

The establishment of a GIS Land Position, as that term is defined in Section 38-51-102(7.5), C.R.S., does not constitute the preparation of boundary control portions of Geographic Information Systems and Land Information Systems so long as the GIS Land Position is not:

- (a) A newly set object or physical structure that could be confused with a monument, as that term is defined in Section 38-51-102(12.3) and (18), 38-51-104 and 38-51-105, C.R.S.
- (b) Represented at any time to be an "aliquot corner," "control corner," "corner," or a position within a "land survey."

### **6.8 Basis of Bearing Statements.**

Section 38-51-106(1)(e), C.R.S., requires professional land surveyors to include an explanatory statement

concerning the basis of bearings, if used, on their land survey plats.

**6.8.1 Purpose.** The purpose of a basis of bearing statement on a land survey plat is to enable other surveyors to retrace all or part of that survey. Any basis of bearing statement that does not facilitate a retracement is inadequate.

**6.8.2 Composition.** The basis of bearing statement shall state the method used to derive the bearing (i.e., assumed, astronomic, geodetic, grid, reference to recorded or deposited survey, etc.) and the bearing between fully described monuments (i.e., monument material, diameter, length (if set), cap size and material, cap markings/stampings, etc.) at each end of a single line. When the monuments at each end of the reference line are fully described on the plat, they need only be referenced in the "Basis of Bearings" statement. A land survey plat shall show the graphic and mathematical relationship between the basis of bearing and the survey.

**6.8.3 Methods.** When bearings are used, there are four generally accepted methods of stating a basis of bearing on a land survey plat: "astronomic or geodetic," "reference to recorded or deposited survey plat," "grid," and "assumed." Examples of the basis of bearing statement are as follows, but are not limited to:

**6.8.3.1 Astronomic or Geodetic.** This is normally an observation of the Sun or Polaris or Global Positioning System (GPS) observations. Examples are as follows:

(a) **Astronomic Example** - "Bearings determined by Polaris observations while occupying the Southwest Corner of Section 8. The astronomic bearing from the Southwest Corner of Section 8 to the West One-Quarter Corner of Section 8 is  $N00^{\circ}10'45''$  W. The monuments are fully described on the plat."

(b) **Geodetic Example** - "The basis of bearing is a geodetic bearing of Line 1-2 of the Mother Lode claim (monuments fully described hereon) as determined by static GPS observations collected simultaneously at both corners. The geodetic bearing from Corner No. 1 to Corner No. 2 is  $S01^{\circ}00'54''$  E."

**6.8.3.2 Reference to Recorded or Deposited Survey Plat.** This usually involves a subdivision plat, a land survey plat or Bureau of Land Management/Government Land Office plat. Examples are as follows:

(a) "Bearings based on west line of Lot 7, Block 10, Sunshine Subdivision, Filing 2, Book 13, Page 69, County of Douglas ( $N 04^{\circ} 10' 30''$  E); southwesterly corner is No. 5 rebar with a 1" diameter aluminum cap stamped RLS 0001; northwesterly corner is 2" diameter brass cap in concrete marked with punch mark and L.S. 1980."

(b) "Bearings based on north line of deposited land survey plat of Jackson Parcel (Map Book 17, Plat 4, La Plata County) as  $N 00^{\circ} 10' 12''$  E. Both ends of said line are found No. 4 rebars in mounds of stone."

(c) "Bearings are based on the G.L.O. Dependent Resurvey of T. 5 S., R. 75 W. of the 6TH PM, dated June 30, 1909, record of  $N 89^{\circ} 30'$  E along the north line of the NW 1/4 of Section 8 (monuments described on plat)."

**6.8.3.3 Grid.** An example is, "All bearings are grid bearings of the Colorado State Plane Coordinate System, Central Zone, North American Datum 1983. The bearing of the line between triangulation stations "Double" (a USC&GS standard disk cemented in a boulder that is 10 inches above ground) and "Black" (a NGS standard disk cemented in a drill hole in outcropping bedrock) is  $S 57^{\circ} 51' 07''$  W."



**6.8.3.4 Assumed.** An example is, "Bearings are based on the assumption that the east line of the Southwest 1/4 of Section 17, bears N 00°00'00" E. South 1/4 corner is B.L.M. brass cap on 2 1/2" diameter pipe, Center 1/4 corner is a 3 1/4" aluminum cap on a 1 1/4" diameter axle on west side of 8" x 8" fence post."

**6.8.3.5 Unacceptable Statements.** Following are examples of two unacceptable statements:

(a) " Basis of bearings from plat of adjoining Sunrise Knolls."

This is unacceptable because monuments are not described nor is the basis of bearing line identified.

(b) "Bearings based on north line of NW 1/4, Section 10 as being N 89° 30' E."

This is unacceptable because monuments are not described.

## 6.9 Subdivision Plats

**6.9.1 Interpretation of Term "within a platted subdivision."** The Board interprets the language of Section 38-51-107 (2), C.R.S., "within a platted subdivision" to mean within the interior and along the exterior of the perimeter of the subdivision.

## 6.10 Depiction of Easements and Rights-of-Way on Subdivision Plats.

The purpose of this rule is to provide clarification regarding the requirements of Section 38-51-106(1)(b), C.R.S., as it pertains to "platted subdivisions." The generally accepted standard of practice with respect to the preparation of land survey plats for platted subdivisions is to depict on all such plats all recorded and apparent rights-of-way and easements, regardless of clients' wishes.

## 6.11 Required Monumentation for Land Survey Plats.

The Board recognizes the ambiguities that exist in statutes 38-51-102 through 38-51-107 pertaining to land survey plats [38-51-102(12)], monumented land surveys [38-51-102(13)], and monumentation of land surveys [38-51-104(1)(a)]. The purpose of this rule is to clarify when the complete monumentation of a land survey or monumented land survey is required.

(a) Monumented land survey [38-51-102(13)]. For the words, " to mark the **boundaries** of a **specified parcel** of land" [emphasis added], the Board interprets the word "boundaries" as plural and the words "specified parcel" to mean that all corners of the parcel must be found or set.

(b) Monumentation of land surveys [38-51-104(1) (a)]. For the words, " **any** line points or reference points which are set to perpetuate the location of any land **boundary** " [emphasis added], the Board interprets the words "any" and "boundary" to be singular and thus **not** requiring all corners of the boundary of a parcel to be set. The surveyor may set only the corners marking the line, or lines, of the boundary requested by the client and any resultant drawing would be labeled a Land Survey Plat, and shall be deposited if required by section 38-51-107, C.R.S.

## 6.12 Monumentation of ALTA/ACSM Land Title Surveys.

It is the Board's interpretation that the Minimum Standard Detail requirements for ALTA/ACSM Land Title Surveys cannot be met without all monuments being found or set, even if item 1 of Table A Optional Survey Responsibilities and Specification is not requested. The ALTA/ACSM Land Title Survey is considered by the Board to be a monumented land survey and a land survey plat shall be deposited if required by section 38-51-107, C.R.S.

### **6.13 Description of Monuments.**

Section 38-51-106 (f), C.R.S., requires professional land surveyors to provide “a description of all monuments, both found or set, that mark the boundaries of the property and of all control monuments used in conducting a survey.”

**6.13.1 Purpose.** The purpose of this statute is to identify the physical attributes of the monuments and caps set or found during the original survey and subsequent retracement surveys.

**6.13.2 Acceptable description of monuments.** Description of monuments found or set should include, but not be limited to the physical attributes and size of the monument, and the physical attributes and size of the cap. Examples would be:

- (a) Found 4” x 8” x 18” stone, projecting 12” above ground, scribed with one slash on the east face and five slashes on the west face.
- (b) Set #5 rebar, 24” long, with a 1.5” aluminum cap, stamped “A Survey Co. PLS 99999” , projecting 0.2’ above ground.
- (c) Found #4 rebar, with a 1” yellow plastic, marked “A Survey Co. PLS 99999” , flush with ground.

**6.13.3 Unacceptable description of monuments.**

- (a) Set Pin & Cap.
- (b) Found stone appropriately marked.
- (c) Found rebar.
- (d) Fnd. #5 rebar, 24” long, with a 1.5” AC, stamped “A Survey Co. PLS 99999” , projecting 0.2’ above ground. This is unacceptable, unless the abbreviations are defined in a legend.

## **7.0 Rules of Practice for Architects**

### **7.1 Sealing Requirements for Architects**

**7.1.1 Seal Specifications.** Pursuant to Section 12-25-307(1)(e) C.R.S., each licensee shall procure a stamp, which shall be in the form of 2 concentric circles, the outer circle approximately 2 inches in diameter and the inner circle approximately 1 ¼ inches diameter. The words “State of Colorado” and “Licensed Architect” shall appear between the concentric circles at the top and bottom respectively. The name of the licensee and the license number of the licensee shall appear within the inner circle. This stamp shall comply in all respects, including size and format with the specimen shown below:



The stamp may be an embossing type, rubber stamp type, or electronically generated type and must be affixed directly to the reproduction drawings and specifications. The original signature of the individual named on the seal and the date of the signature shall appear across the face of each original seal imprint. Exception to this rule is allowed only as required for compliance with a federal contract.

**7.1.2 Seal Application.** A manual or electronic seal must be applied to the final reproduction of all of the following:

- (a) Each sheet of architectural drawings.
- (b) The cover, title page, and table of contents of specifications bound in book form.
- (c) The title page of details bound in book form and prepared specifically to supplement project drawings.

**7.1.3 Signature and Date Required.** The manual or electronic signature of the licensee and date of signature shall be affixed to the document. The signature of the licensee and date of signature shall appear through the seal.

**7.1.3.1 Signature May Be Required by Public Agencies .** A public agency may require a manual or electronic signature of the licensee on reproductions.

**7.1.4 Sealing Documents That Are Complete.** Licensees shall only sign, date, and stamp drawings that are complete. Complete drawings are those deemed to have sufficient detail in the design to satisfy the obligation to protect the public health, safety and welfare.

**7.1.5 Limiting Scope of Responsibility.** Licensees shall only sign, date, and stamp drawings, specifications, reports or other professional work for which they have direct professional knowledge and responsible control. When a licensee stamps, signs, and dates a document, it is presumed that responsibility has been assumed for the entire document unless the stamp is limited by a statement adjacent to the stamp that accurately reflects the licensee's scope of responsibility for the document.

**7.1.6 Reserved.**

**7.1.7 Retaining Architecture Documents.** One record set of documents shall be retained in the possession of the licensee for a minimum of three years from the beginning of beneficial use. There may be more than one record set.

**7.2 Reserved.**

**7.3 Construction Observation as the Practice of Architecture.**

Section 12-25-302(6)(a), C.R.S., defines the practice of architecture to include "... observation of construction pursuant to an agreement between an architect and any other person..." Observation of construction to evaluate compliance with plans and specifications includes, but is not limited to, the following activities:

- (a) Observing construction operations and interpreting the project plans and specifications to monitor general compliance with the plans, specifications, and the intent of the design.
- (b) Evaluation or analysis of design problems due to actual field conditions encountered.
- (c) Evaluation or analysis of the testing of materials, equipment, or systems for acceptance, when appropriate to the project.

A person who is performing any of the above listed activities is engaging in the practice of architecture and must either be licensed as an architect in Colorado or must be under the responsible control of a Colorado licensed architect.

**7.4 Reserved.**

**7.5 Reserved.**

**7.6 Reserved.**

**7.7 Reserved.**

**7.8 Reserved.**

**7.9 Reserved.**

## **8.0 Rules of Board Procedure**

### **8.1 Declaratory Orders**

**8.1.1 Basis of Declaratory Orders.** Any person may petition the Board for a Declaratory Order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.

**8.1.2 Board Discretion in Considering Petitions.** The Board will determine, in its discretion and without notice to petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.

**8.1.3 Basis of Board Consideration of Petitions.** In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the following matters, among others:

- (a) Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to the petitioner of any statutory provision or rule or order of the Board.
- (b) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter of investigation currently pending before the Board or a court involving one or more of the petitioners.
- (c) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner.

- (d) Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
- (e) Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado Rules of Civil Procedure, that will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.

**8.1.4 Requirements of Petitioner.** Any petition filed pursuant to this rule shall set forth all of the following:

- (a) The name and address of the petitioner and whether the petitioner is licensed pursuant to Section 12-25-101 et seq., Section 12-25-201 et seq., or Section 12-25-301 et seq. C.R.S.
- (b) The statute, rule, or order to which the petition relates.
- (c) A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.

**8.1.5 Applicable Procedures.** If the Board determines that it will rule on the petition, the following procedures shall apply:

- (a) The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case, the following applies:
  - (i) Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
  - (ii) The Board may order the petitioner to file a written brief, memorandum, or statement of position.
  - (iii) The Board may set the petition, upon due notice to the petitioner, for a non-evidentiary hearing.
  - (iv) The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
  - (v) The Board may request the petitioner to submit additional facts, in writing. In such event, such additional facts will be considered as an amendment to the petition.
  - (vi) The Board may take administrative notice of facts pursuant to the Administrative Procedures Act (Section 24-4-105(8), C.R.S.) and may utilize its experience, technical competence, and specialized knowledge in the disposition of the petition.
  - (vii) If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
- (b) The Board may, in its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent necessary, that the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts

necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner, and any other facts the petitioner desires the Board to consider.

**8.1.6 Parties to the Proceeding.** The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by Rule 8.1.4. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Board.

**8.1.7 Standing of Declaratory Orders.** Any Declaratory Order or other order disposing of a petition pursuant to this rule shall constitute an agency action subject to judicial review pursuant to Section 24-4-106, C.R.S.

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### **Editor's Notes**

### **History**

Entire rule eff. 04/01/2008.

Sections 3.1.2, 4.9 eff. 12/31/2008.

Entire rule eff. 01/01/2010.

Entire rule eff. 01/01/2011.