

MEMBERS OF THE PROFESSIONAL ARCHITECTS BOARD OF THE
COMMONWEALTH OF THE BAHAMAS

JANUARY 2007

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REGISTRAR

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This document is generated in an effort to provide consumers ease of access to the laws and rules, which directly impact the professions of Architecture and Architectural Technician services.

PROFESSIONAL ARCHITECTS BOARD

001-001 : FORM OF REGISTER

- a) There shall be two registers. One for **Architects**, titled Register A and one for **Architectural Technicians**, titled Register T.
- b) Each Register shall be a simple record book with consecutively numbered pages. There shall be one entry per page. The page number therefore is the registration number of the **Architect** or **Technician** entered.
- c) The Registrar shall enter the name; work address and telephone number; and date and authority admittance for each **Registered Architect/Technician**. Each entry shall be signed and stamped by the Registrar.
- d) Below the registration entry, annual renewals and any changes of address shall be individually entered and signed by the Registrar.
- e) The Registers shall be kept safe by the Registrar.
- f) The Registrar will make public only that information contained in the Registers. All other information concerning persons applying or admitted to the Registers shall be confidential.

001-002 : RENEWALS AND CHANGES TO THE REGISTER

- a) **Registered Architects/Technicians** shall notify the Registrar of any changes to work address. The Registrar shall record all changes within 30 days of receiving such notification.
- b) The Registrar shall add new entries to the Register as directed by the Board within 30 days of receiving such instructions.
- c) The Registrar shall record annual renewals to the register with 30 days of receiving the renewal form and full fee.
- d) The Registrar shall issue annual licenses within 30 days of receiving the application form and full fee.
- e) Any persons not renewing their registration or licenses by 31st January in that particular year shall be subject to penalties as prescribed in the Act.

001-003 : FEES PAYABLE

a) Fees payable for application and annual renewals shall be:-

Registration/ Application fee:	\$ 10.00
Annual fee:	\$ 100.00
License - Architect: Annual fee:	\$ 600.00
License - Technician: Annual fee	\$ 350.00
Changes to the Register	\$ 25.00
Replacement Registration Certificate	\$ 50.00
Replacement License Seal	\$ 100.00

001-004 : EXAMINATION

- a) The Board shall accept the examination for Corporate Membership of the Institute of Bahamian **Architects** as meeting the standards required under the Act for registration as an **Architect**.
- b) The Board may accept examination by other bodies as meeting the standards required under the Act for Registration.
- c) The Board may require applicants to sit further examination before admittance to the Register.
- d) There will be no examination fee payable for those qualifying under a) above. The examination fee payable for those applying under b) or c) above will be determined on a individual basis. Each applicant will be notified of the examination fee payable as soon as possible after application.

001-005 : CERTIFICATES, LICENSES AND SEALS

- a) A Certificate of Registration will be issued by The Registrar to each **Registered Architect** or **Technician** when they are admitted to the Register.
- b) A License Certificate shall be issued by The Registrar to each licensed **Architect** or **Technician** for display in his place of business. This will be valid for one year.
- c) The seal shall consist of a rubber stamp and shall be issued by The Registrar to each licensed **Architect** and **Technician**. The stamp remains the property of the Board, and shall be returned to the Registrar upon demand.

001-006 : PROCEEDINGS OF THE BOARD

- a) The members of the Board may appoint from its members other officers it deems necessary.
- b) The minutes of each Board meeting shall be formally accepted and signed by the Chairman. The signed minutes shall be confidential and stored in a safe place.
- c) The Board shall instruct the Registrar of additions, changes, and annual renewals to be recorded in the Registers.
- d) The Registrar shall advise the Board of any **Architect** or **Technician** in default of annual renewal. The Board may require that person's name be removed from the Register.
- e) The Registrar shall advise all relevant authorities within 30 days of any changes to the register, including the names of person added or removed for any reason.
- f) The Board shall open a bank account to receive registration and license fees and to defray the costs of operating the Act.
- g) The Board shall appoint one member to be responsible for administering its finances. This member shall report the financial position of the Board to each Board meeting and prepare an itemized annual account for approval by the Board

001-007 : STANDARD FORMS

- a) Standard forms and certificates shall be as attached.

The Board may add or amend standard form from as the need occurs.

001-008 : WORKS AND PROCESS, STANDARDS OF CONDUCT, ETC.

- a) The Board shall from time to time publish documents prescribing standards for **Architectural** practice and conduct. These documents shall provide mandatory guidelines to all registered **Architects** and **Technicians**. Any departure from prescribed standards shall be deemed a breach in proper professional conduct and subject to disciplinary action by the Board.

001-009 : PENALTIES

- a) The Board may from time to time prescribe penalties for breaches of the Act and published regulations.

PROFESSIONAL ARCHITECTS BOARD
GUIDELINES FOR OPERATION OF THE ACT

002 INTRODUCTION

1. The Professional Architects Board is charged with the responsibility of implementing and operating the Professional Architects Act 1994.
2. The Act regulates the practice of architecture in the Bahamas through the registration and **licensing** of architects and architectural technicians. The Act defines some specific requirements for registration, but leaves other areas to the Board's discretion. Some clauses in the Act appear contradictory, and in a few cases inoperable, unenforceable or contrary to the general intentions of the Act. Nevertheless, the general standard to be applied throughout the Act is the Board's satisfaction.
3. The Board has developed guidelines in order to operate the Act fairly and consistently within the general objectives of the Act. These guidelines **formalize** criteria which the Act leaves to the discretion of the Board.
4. The guidelines of the Board will be developed and refined from time to time as needs require.

SECTION A - CLAUSE 9.2 'The Grandfather's Clause'

- A1 INTRODUCTION: Clause 9.2 is included in the Act to allow those persons whose principal source of income for the last twenty years has been architectural **work, but who do not meet the standards** for normal registration, to continue in practice.
- A2 Persons who are in regular employment in another occupation are not eligible for Registration under Clause 9.2.
- A3 The Board requires that all persons admitted to the Register of Architects shall meet a reasonable standard of experience and knowledge in architectural practice.
- A4 Persons who have no academic qualifications or training in an architect's office shall be deemed not to have satisfied the Board for admittance to the Register of Architects.
- A5 All persons eligible for registration under Clause 9.2 shall be examined by the Board, either by interview and/or by written examination or by any other examination the Board see fit.
- A6 Persons who are refused admittance to the Register of Architects under Clause 9.2, but who can demonstrate some technical skills, might be eligible for admittance to the Register of Architectural Technicians, if so recommended by the Board.

SECTION B - ACCEPTANCE TO REGISTER AND LICENSING

- B1 INTRODUCTION: The purpose of the Act is to regulate architectural practice only in the Bahamas. There are two levels of regulation; registration and **licensing**. Registration indicates that a person has met the required standards, while **licensing** permits that person to practice independently. However, under the Act, the Board has little discretion in the issuing of **licenses** and therefore all persons accepted to the Register are eligible for **licensing**. The Board has responsibility for examining all applicants and admitting them to the Register if satisfied.
- B2 The Board will accept on the Register only those persons it is satisfied should qualify for a **license** to practice.
- B3 The examination of the Board is limited to professional qualification, 'good-standing' and residency. The Board has no authority to examine any applicant's conditions of employment or to refuse to register or **license** persons on the grounds that their conditions of employment might prohibit independent practice.
- B4 The Board may refuse to register any person who may be otherwise qualified, but whose professional integrity is in doubt because of criminal activity or professional misconduct.
- B5 The Board will only register persons who are resident and practicing in the Bahamas and who are either Bahamian citizens, or permanent residents with the right to work, or government officers. **Bahamian** residents **abroad** and Non-Bahamians with work permits will not be eligible for registration.

SECTION C - DEFINITION OF ARCHITECTURAL PRACTICE

- C1 INTRODUCTION: The Act regulates the practice of architecture without making a clear definition of its boundaries, and particularly with other professional disciplines involved in buildings, such as town planning, engineering, interior design, and maintenance. This section defines those activities which are regulated by the Act, and therefore which must be carried out by a Registered Architect or Architectural Technician.
- C2 The Board defines the scope of activity regulated by the Professional Architects Act as below:-
1. **GENERAL: Professional Architecture** is the application of specific acquired knowledge and experience in the design and construction of buildings on the behalf of a client. It encompasses all stages in this process from **formalizing** the client's requirements, through site layout, design and working drawings, application for approvals, tendering procedure and administration of building contracts.
 2. **DEFINITION OF A BUILDING:** Any immobile structure with a roof which accommodates persons, animals, plant, equipment, produce or goods is a building.
 3. **ARCHITECTURAL PRACTICE:** The planning and design of buildings and the administration of their construction contracts is the central activity of **Professional Architectural practice**. The Architect may be assisted by **Quantity Surveyors, Engineers, Designers** and other advisors, but retains overall responsibility for design and contract administration.

4. SITE LAYOUT: The planning of sites accommodating one or more buildings, including sub-divisions where individual buildings may be defined and located, is part of the process of designing those buildings and is therefore part of Architectural practice.
 5. DEVELOPMENT PLANNING: Architects may be involved in preparing land- and transportation plans. However, where buildings are not defined or located, then these activities may be **undertaken by persons who are not Architects**.
 6. ALTERATIONS TO EXISTING BUILDINGS: The extension or alteration of layout or external appearance of an **existing building is a part of Architectural practice**.
 7. REPAIR OF EXISTING BUILDINGS: Architects may undertake work relating to the repair and refurbishment of a building where this does not alter the layout external appearance. However, this work may also be undertaken by persons who **are not Architects**.
 8. INTERIOR DESIGN: Architects may undertake work in connection with interior space planning and the design and selection of furniture, fixtures and interior finishes. However, this work may also be undertaken by persons who are **not Architects**.
 9. LANDSCAPE DESIGN: Architects may undertake work in connection with remodeling the ground, planting, paving, and other external features. However, where no buildings are involved, this work may also be undertaken by persons **who are not Architects**.
 10. OTHER STRUCTURES: Architects may assist in the design of mobile structures and other immobile structures which are not buildings. However, these structures are not within the general scope of architectural practice and designed and supervised by person of the appropriate
- use
the
or
should be
professional discipline.

**PROFESSIONAL ARCHITECTS BOARD OF ARCHITECTURE
CHAPTER 003
GROUNDS FOR DISCIPLINARY PROCEEDINGS**

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03-001 GROUNDS FOR DISCIPLINARY PROCEEDINGS

- (1) Pursuant to Sections 15-23, Bahamian Statutes, to the extent not otherwise set forth in the Bahamian Statutes, the following specific acts or omissions are grounds for disciplinary proceedings as provided in Sections 15-23 Professional Architects Act 1994
- (2) As provided in Sections 15-23, an Architect or Architectural Technician shall not “advertise goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.” A false, fraudulent, misleading, or deceptive statement or claim shall include without limitation..
- (a) a material misrepresentation of facts;
 - (b) a failure to state any material fact necessary to make the statement in the light of all circumstances not misleading;
 - (c) a statement or claim which intends or is likely to create an unjustified expectation;
 - (d) a misrepresentation or implication that could reasonable cause an ordinary prudent person to misunderstand or to be deceived;
 - (e) a falsifications or misrepresentation of the extent of an architect’s or interior designer’s education, training or experience to any person or to the public at

engagement. An Architect shall not misrepresent or exaggerate his degree of responsibility in or assignments; large, tending to establish or imply qualifications for selection for architectural or technician design employment, advancement, or professional for the subject matter of prior

(f) a statement or claim in any brochure or other presentation made to any person or to the public at large, incident to the solicitation of an Architectural or Technician employment, which misrepresents pertinent facts concerning and Architect's past employment or work, with the intent and purpose of enhancing his qualifications;

(3) An Architects Technician, corporation or partnership shall not practice Architecture under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility or status of those practicing thereunder or is otherwise false, fraudulent, misleading or deceptive within the meaning of subsection (2). The name of a professional corporation or partnership, if otherwise authorized, may include the name or names of one or more deceased or retired members of the firm, or of a predecessor firm in a continuing line of succession. Corporate, partnership or fictitious name shall not be used or displayed except in conjunction with the word or words "architect," "architecture," "architectural, clearly indicating that such corporation, partnership or architect engages in the practice of Architecture. An Architectural firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as a registered Architect in the Commonwealth of the Bahamas.

(4) An Architect or Architectural Technician firm may not be negligent in the practice of Architecture. The term negligence is defined as the failure, by an Architect or Architectural Technician, to exercise due care to conform to acceptable standards of Architectural practice in such a manner as to be detrimental to a client or to the public at large.

(a) Plans, drawings, specifications and other related documents prepared by an Architect shall be of a sufficiently high standard to inform the users thereof of the requirements intended to be illustrated or described by them. Such documents shall clearly and accurately indicate the design of all essential parts of the work to which they refer. An Architect or Architectural Technician shall meet a standard of practice which demonstrates his knowledge and ability to assure the safety and welfare of his clients and the public.

(b) An Architect or Architectural Technician shall be required to coordinate his activities with other professionals involved in those projects wherein the Architect or Architectural Technician is engaged to provide plans, drawings and specifications which result in the production of working documents which are used or intended to be used for the construction of a structure.

(5) An Architect or Architectural Technician shall not be incompetent to practice Architecture or Architecture Technician. Incompetence in the practice of Architecture or Architecture Technician shall mean the physical or mental incapacity or inability of an Architect to practice Architecture

- (6) An Architect or Architectural Technician or firm shall not commit misconduct in the practice of Architecture or Architectural Technician. Misconduct in the practice of Architecture shall include but not be limited to:
- (a) being untruthful, deceptive, or misleading in any professional report, statement, or testimony whether or not under oath or omitting relevant and pertinent information from such report, statement or testimony when the result of such omission would lead to a fallacious conclusion on the part of the client or the general public;
 - (b) offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for an Architectural or Architectural Technician employment with the exception of the payment of the usual commission for securing salaried positions through licensed employment agencies.
 - (c) knowingly becoming involved in a conflict of interest as to an **employee** or client without the permission of the client or **employer**. In the event such conflict is suspected or determined to exist an Architect or Architectural Technician immediately shall:
 - 1. Disclose in writing to his employer or client the full circumstances as to any possible conflict of interest and;
 - 2. Assure in writing that such conflict will in no manner influence the architect's or Architectural Technician judgment or the quality of his services to his employer or client and;
 - 3. Promptly inform his client or employer in writing of any business association, interest or circumstances which may be influencing his judgment or the quality of his services to his client or employer.
 - (d) soliciting or accepting financial or other valuable considerations from material or equipment suppliers for specifying their products without the knowledge of the architect's employer or client;
 - (e) soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the Architect's or Architectural Technician Client or employer in connection with work for which the architect or interior designer is responsible without the knowledge of the architect's employer or client
 - (f) violation of any law of the Commonwealth of the Bahamas directly regulating the practice of Architecture
 - (g) use of Architectural or Architectural Technician expertise/ or status as an Architect or Architectural Technician in" the commission of a felony;
 - (h) failure to preserve the confidences of clients of employer(s);

- (i) undertaking any activity, having any undisclosed significant financial or other interest, or accepting any contribution that either compromises professional judgment or prevents any Architect or Architectural Technician from serving the- best interest of his Client or employer;
- (j) failure to protect the safety, health, and welfare the public in the pen the Performance of his professional duties. If an Architect's or Architectural Technician professional judgment is overruled by any person or entity with the result that the public health and safety is threatened, an Architect or Architectural Technician shall inform- his clients, employer, responsible supervisor the responsible public authority of the possible consequences, and shall not assist or acquiesce in establishment or continuance of such threat to the public health and safety
- (k) use of an Architect or Architectural Technician name or firm in a business venture with any person or firm which he knows or has reason to believe is engaging in a fraudulent or dishonest nature.

03- 002 PROCEDURES FOR DISCIPLINARY PROCEEDINGS.

All proceedings involving disciplining of a registered Architect or Architectural Technician or holder of a certificate of authorization shall be as follows:-

- (1) A formal accusatory instrument entitled "Administrative Complaint" shall be filed by the Attorney General Office on behalf of the Professional Architects Board or the Disciplinary Committee served upon the party complained against.
The hearing on the administrative complaint will be as applicable, heard by the Chairman of the Disciplinary Committee of the Professional Architects Board or the Disciplinary Committee or the board itself, at a place and time designated by the Professional Architect Act or the Board in accordance with 15-19 of the Commonwealth of the Bahamas.
- (3) The place of the hearing may be in any County designated by said Chairman or the Board.
- (4) The hearing upon said Administrative Complaint shall be in accordance with 15-19, Professional Architects Act, 1994, Commonwealth of the Bahamas.
- (5). Upon issuance of a recommended order by the Disciplinary Committee the board shall render a final order setting forth its findings of fact, conclusions of law and penalty.

Promulgation of said final order Shall be in accordance with section 18 of the Professional Architects Act, 1994 the Commonwealth of the Bahamas.

03-003 PANEL HEARING GUIDELINES TO CONSIDER INVESTIGATING OFFICE REPORTS

The following guidelines are and orderly conduct of a hearing to consider reports of investigating officers. The hearing is consider to provide for an orderly procedure to be used by the Disciplinary Committee panel in the assimilation of facts.

Note: An Investigating Officer may be chosen by the Disciplinary Committee from the ranks of Registered Architects in the Commonwealth of the Bahamas.

(1) Hearing to Consider Investigating Officer's report .

- (a) Purpose. Prior to finding probable cause, the Disciplinary Committee panel will hold a hearing respecting each investigation. The purpose of the hearing will be to receive and secure information relative to the merits of the pending investigation and to determine whether probable cause exists for the initiation of disciplinary action.
- (b) Notice. Notice of the hearing shall be mailed to parties being investigated by certified mail, return receipt, no later than 14 days prior to the hearing. A copy of the report of investigating officer shall also be failed to the party being investigated

(2) Hearing Procedure.

- (a) Order of Presentation. The following is intended to serve as a general rule guide to the conduct or the hearing at:
 - 1. Opening Statement by probable cause panel advising as to: The guidelines of the hearing, its purpose and the rights and privileges of parties.
 - 2. Opening Statement by Person Being Investigated. shall not exceed five (5) minutes and should concisely indicate what he intends to show.
 - 3. Report of Investigating Officer. Shall be presented by either investigating Officer or his designated representative and shall and shall not exceed twenty-five (25) minutes
 - 4. Party under investigation . The party under investigating and witnesses may present all data and testimony and related materials and shall not exceed a total of thirty (30) minutes.
 - 5. Finding of Disciplinary Committee Panel. The panel shall make finding of probable or no probable cause or ruling as to continuance if investigating or hearing.
- (b) Extension of Time of Presentation. The probable cause panel may extend the time for any presentation.
- (c) Exhibits. Each participant, at the time an exhibit is identified at the hearing, shall distribute four complete copies to the probable cause panel. Documentary

evidence must be of a size consistent with ease of handling, transportation, and filing.
Large exhibits may be used during the hearing, but reduced copies thereof must be
provided for the record.

- (d) Record: The disciplinary Committee panel shall electronically record the hearing proceedings to assure the accurate transcription of all matters. Transcripts thereof may be obtained upon payment of cost in preparing same.
- (e) The Professional Architect Board may at its discretion excise matters from the investigating officer's report which are not relevant to the issues before the probable panel or may tend to compromise investigations of other professionals or the confidentiality thereof.

(3) Review of Investigating Officer's Report. Consideration of Testimony and Exhibits Presented at Hearing and Findings of Probable or No Probable Cause.

(a) At the conclusion of the hearing, the Disciplinary Committee panel shall review the investigating officer's report and consider testimony and exhibits presented at the hearing and find a majority vote:

1. Probable Cause
2. No Probable Cause;
3. Return the report to the Board or the investigating officer with appropriate instruction for further investigating.

03-004 DISCIPLINARY GUIDELINES; RANGE OR PENALTIES; AGGRAVATING AND MITIGATING CIRCUMSTANCES.

(1) The board set forth below a range of disciplinary guidelines from which disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating the Act. The purpose of the disciplinary guidelines is to give notice to licensees the range of penalties which will normally be imposed upon violations of particular of provisions of the Act. The disciplinary guidelines are based upon a single count violations of each provision listed. Multiple counts of violations of the same provision of the rules promulgated thereto, or other unrelated violation of each provision listed. Multiple counts of violations of the same provision of rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation, or reprimand which may be included in the final penalty at the Board's discretion.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION

PENALTY RANGE

	MINIMUM	MAXIMUM
(a) Failure to date plans	Guidance	Reprimand
(b) Signing or sealing work not competent to performed	Reprimand and \$1000 fine	Reprimand \$1000 fine, one year suspension.
(c) "Plan stamping"	Reprimand and \$1000 fine	Reprimand, \$1000 fine, one (1) year suspension and two (2) year probation.
(d) Plans not sufficiently detailed	(see negligence penalty)	
(e) Attempting to procure licensed by bribery or fraudulent misrepresentation	Revocations and \$1000 fine if licensed (denial of licensed and refer to state Attorney if not licensed)	
(f) Licensed disciplinary by another jurisdiction	Same penalty as imposed in other jurisdiction or as possible to penalties set forth in the Bahamas Statutes.	
(g) Criminal conviction relating to architecture	Misdemeanor: Reprimand	Reprimand \$1000 fine, one (1) year suspension and two (2) year probation.
	Felony: One (1) year suspension, two (2) year probation & \$1000 fine.	
(h) Practice on suspended licensed	Revocation and \$1000 fine	
(I) Practice on inactive licensed	Fine based on length of time in practice while inactive; \$100/month or \$1000 maximum (penalty will require licenses to renew licensed or cease practice.)	
(j) Practice on revoked licensed	Refer to Attorney General for Criminal prosecution.	
(k) Knowing making or filing false report.	One (1) year suspension, two (2) year probation and \$1000	Revocation and \$1000 fine

		fine	
(l)	Fraudulent, false, deceptive, or misleading advertising.	Letter of guidance	Reprimand, one (1) year probation and \$1000 Fine.
(m)	Negligence	Reprimand, to (2) year probation & \$1000 fine	Reprimand, \$1000 fine, five (5) yeas, suspension and ten (10) year probation.
(n)	Fraud or deceit	Reprimand, one (1) year suspension, two (2) year probation and \$1000 fine	\$1000 fine and revocation
(o)	Misconduct		
	1. Soliciting or accepting gratuities without client knowledge	Reprimand & \$1000 fine	*Reprimand, One (1) suspension, two (2) year probation & \$1000 fine
	2. Failure to preserve client's confidence	Reprimand & \$1000 fine	*One (1) year suspension and two (2) year probation.
	3. Professional judgment is overruled by unqualified person	Reprimand & \$1000 fine	
	4. Use of name/firm in fraudulent venture	Reprimand & \$1000 fine	
(p)	Incompetence (mental or physical impairment)	Suspension until ability to practice proved followed by probation.	
(q)	Bribery to obtained clients or commissions	Revocation & \$1000 fine	
(r)	Undisclosed conflict of interest	Reprimand, \$1000 fine, & two (2) year probation	Revocation & \$1000 fine.
(s)	Aiding unlicensed practice	Reprimand & \$1000 fine	Reprimand, & \$1000 fine, one year suspension and two (2) year probation.
(t)	Firm practicing without certificate of authorization	Guidance letter to become certified or cease practice. If firm applies for certification, Board will impose a fine of	

\$100/month up to a \$1000 minimum.

(3) The board shall be entitled to deviate from the above mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the board prior to the imposition of a final penalty. The fact that the Disciplinary Committee of the board may or may not be aware of the below mentioned aggravating or mitigating circumstances prior to a recommendation of penalty in a recommended order shall not obviate the duty of the Board to consider aggravating and mitigating circumstances brought to its attention prior to the issuance of a Final Order.

(a) Aggravating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the enhancement of a penalty beyond the maximum level of discipline in the guidelines shall include but not be limited to the following:

1. History of previous violations of the practice act and the rules promulgated thereto.
2. In the case of negligence; of the magnitude and scope of the project and the damage inflicted upon the general public by the licensee's misfeasance.
3. Evidence of violation of professional practice acts in other jurisdictions as provided in section 18 has previously been issued to the licensee.

(b) Mitigating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the lessening of a penalty beyond the minimum level of discipline in the guidelines shall include but not be limited to the following:

1. In cases of negligence, the minor nature of the project in question and lack of danger to the public health, safety and welfare resulting from the licensee's misfeasance.
2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices the profession.
3. Restitution of any damages suffered by the licensee's client.
4. The licensee's professional standing among his peers including continuing education.
5. Steps taken by the licensee or his firm to insure the non-occurrence of similar violations in the future.
6. The degree of financial hardship incurred by a licensee as a result of the imposition of fines or the suspension of his practice.

03-005 CITATIONS.

(1) Pursuant to section 15-19, the board sets forth in (3) of this rule those violations for which there is no substantial threat to the public health, safety and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the fine to be imposed.

(2) Prior to the issuance of the citation, the department must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to the issuance of the citation.

(3) The following violations with the accompanying fines may be disposed of by citation:

(a) Practice on an inactive licensed
\$100/month

Fine based on length of time in practice while inactive;

or \$1000 maximum (penalty will require licensee to renew license or cease practice)

(b) Firm practicing without certification of authorization

Guidance letter to become certified or cease practice. If firm applies for certificate, Board will impose a fine of \$100/month up to a \$1000 maximum.

(c) Failure of individual or firm to include either the firm's or individual's number (as applicable) when advertising in a "newspaper, telephone directory or other advertising medium."

\$250 fine.