Architecture: What's Legal, What's Not

The Practice of Architecture & Use of Title "Architect"
Title VIII, Article 147 of the State Education Law protects the practice of architecture. New York State law protects the use of the title "architect" and prohibits anyone who is not a licensed architect from using this title in any way (N.Y. Educ. Law § 7302).

This means that if you are not a licensed architect, you may not call yourself an architect or imply that you are. If you are not a licensed architect or not currently registered with the State Education Department, you may not provide architectural services to a customer or offer to provide architectural services, such as telling the customer that you will get an architect to do the design. This means that you cannot advertise or call yourself by such titles as architectural draftsman or the like. It also means that you cannot perform, or offer to perform, any or all phases of architectural design, architectural drafting, or similar services.

Unauthorized Acts Are Crimes

The following unauthorized acts are crimes under New York State Law:
- Unauthorized practice of a regulated profession (Section 6512)
- Unauthorized use of a professional title (N.Y. Educ. Law § 6513)
- Aiding and abetting the above (N.Y. Educ. Law §s 6512 & 6513)

These are crimes, chargeable as up to E felonies and subject to criminal proceedings (N.Y. Educ. Law § 6514).

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

Use of Architect's or Professional Engineer's Stamp/Seal
New York State laws requires that all plans, drawing and specifications relating to the construction or alteration of buildings or structures which must be filed with a building code official must be stamped with the seal of an architect or professional engineer (N.Y. Educ. Law § 7307 and Title 19 NYCRR Part 1203.3(a)(3)(1)).

Exceptions Not Requiring an Architect's or Professional Engineer's Stamp or Seal
The following exceptions do not require the stamp or seal of a licensed, registered architect or professional engineer (N.Y. Educ. Law § 7307(5)):

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

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

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

Reporting Professional Misconduct or Illegal Practice
You may verify the licensure/registration status of an architect or professional engineer by going to the State Education Website at http://www.op.nysed.gov/opsearches.htm. If you suspect illegal practice by a non licensed individual or business; or if you suspect that plans have been "rubber stamped", you may call the NYS Education Department Complaint Hotline at 1-800-442-8106 or conduct@mail.nysed.gov to report illegal practice or professional misconduct.

A public service announcement from AIA New York State

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