

CHAPTER 1. GENERAL PROVISIONS

1.1 Definitions

- 1.1.1 **ARE:** “ARE” means the Architects Registration Examination, as developed by NCARB.
- 1.1.2 **AXP:** “AXP” means the Architectural Experience Program of NCARB, or its equivalent as determined by NCARB.
- 1.1.3 **CACB:** “CACB” means the Canadian Architectural Certification Board.
- 1.1.4 **CEAB:** “CEAB” means the Canadian Engineering Accreditation Board.
- 1.1.5 **EAC/ABET:** “EAC/ABET” means the Engineering Accreditation Commission of ABET Inc.
- 1.1.6 **ETAC/ABET:** “ETAC/ABET” means the Engineering Technology Accreditation Commission of ABET Inc.
- 1.1.7 **FE Examination:** “FE Examination” means the Fundamentals of Engineering Examination, as developed by NCEES.
- 1.1.8 **NAAB:** “NAAB” means the National Architectural Accrediting Board. NAAB accreditation is required for architecture programs not later than two years after issuance of the degree.
- 1.1.9 **NCARB:** “NCARB” means the National Council of Architectural Registration Boards.
- 1.1.10 **NCEES:** “NCEES” means the National Council of Examiners for Engineering and Surveying.
- 1.1.11 **PE Examination:** “PE Examination” means the Principles and Practice of Engineering Examination, as developed by NCEES.
- 1.1.12 **E&A Act:** The Engineers and Architects Regulation Act, Neb. Rev. Stat. §§ 81-3401 through 81-3455.
- 1.1.13 **E&A Rules:** The Nebraska Rules and Regulations, Title 110 of the Nebraska Administrative Code, Chapters 1 through 11, shall be known and may be cited as E&A Rules.
- 1.1.14 **MLE:** “MLE” means an individual who holds an NCEES Record that has been designated as a Model Law Engineer or Model Law Structural Engineer by NCEES.
- 1.1.15 **MLSE:** “MLSE” means an individual who holds an NCEES Record that has been designated as a Model Law Structural Engineer by NCEES.
- 1.1.16 **NCARB Certificate Holder:** “NCARB Certificate Holder” means an individual who holds a Certificate issued by NCARB indicating the NCARB Certification requirements have been met.
- 1.1.17 **Temporary Permit:** A permit issued by the Board to an architect or professional engineer who is not licensed in Nebraska for use on a single project.

1.2 Terms Defined by Statute

Terms defined in the E&A Act will have the same meanings when used in these regulations.

1.3 Purpose

The Nebraska Rules and Regulations are set forth for the purpose of interpreting and implementing the E&A Act, establishing the Board, and conferring upon it responsibility for licensure of architects and professional engineers and the regulation of the practice of engineering and architecture.

1.4 Board's Regulatory Authority

The E&A Rules are promulgated under authority of and in conformity with the E&A Act.

1.5 Severability

If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity will not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

1.6 Adoption of the Attorney General's Model Rules

The Board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General's Model Rules, and has incorporated them into these regulations.

- 1.6.1 Procedures governing negotiated rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 1.
- 1.6.2 Procedures governing petitioning for rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 2.
- 1.6.3 Procedures governing Declaratory Rulings will be in accordance with Title 53, Nebraska Administrative Code, Chapter 3.

1.7 Federal Requirements

Nothing in the Act implies exemption from requirements of any federal statute or regulation, including, but not limited to, the Americans with Disabilities Act and the Fair Housing Act.

1.8 Record of Board's Actions

A quorum of five members of the Board is required for Board actions. The Board will keep record of actions enacted at its meetings.

1.9 Board Member Conflicts of Interest

- 1.9.1 Board members cannot vote on any matter in which they have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of their duties as a Board member.
- 1.9.2 Board members cannot use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others.
- 1.9.3 Board members cannot give the impression that they may be improperly influenced in the performance of Board member duties, or that they are improperly affected by the kinship, rank, position, or influence of any party or person.
- 1.9.4 Board members cannot accept gifts of value or loans from persons having business before the Board which are intended to or which might appear to influence the official relationship between the donor and recipient.

1.10 Conditional License

- 1.10.1 The Board may authorize Board staff to issue licenses, temporary permits, or certificates of authorization on a conditional basis, pending formal approval of the applications by the Board.
- 1.10.2 A conditional license may be withdrawn by the Board if it determines the applicant does not qualify for any reason.
- 1.10.3 In the event the Board fails to give formal approval of a license that has been issued on a conditional basis, the conditional license will expire at 11:59 p.m. on the date the licensee is notified of such Board action.
- 1.10.4 Architectural and professional engineering services performed pursuant to a conditional license that is subsequently withdrawn by the Board will be deemed to have been performed pursuant to a valid license.

1.11 Expired License Status**1.11.1 License Expiration Date**

- 1.11.1.1 A license to practice expires at 11:59 p.m. on the expiration date noted on the license.
- 1.11.1.2 An architect or professional engineer cannot practice, as provided in the E&A Act, with an expired license.

1.11.2 Renewing Expired Licenses

- 1.11.2.1 Licenses that have expired may be renewed during the following twelve months upon payment of a penalty plus the renewal fee.
- 1.11.2.2 The penalty fee to be paid for the renewal is ten percent of the renewal fee for each month after the expiration date, not to exceed the amount of the renewal fee.
- 1.11.2.3 Licenses that have expired and are not renewed within twelve months from their expiration date cannot be renewed, but will require reinstatement.

1.11.3 Reinstatement of a License

- 1.11.3.1 An expired license may be reinstated to active status, pending approval of the Board, upon submission of the following:
 - 1.11.3.1.1 A new application;
 - 1.11.3.1.2 Payment of fees and penalties, if applicable;
 - 1.11.3.1.3 Documentation establishing that the applicant has complied with the continuing education requirements set forth in these rules for the two-year period immediately preceding the date the reinstatement application was received by the Board; and
 - 1.11.3.1.4 An affidavit attesting that the applicant has not practiced engineering and/or architecture in Nebraska during the time the license was expired; or
 - 1.11.3.1.5 If such attestation cannot be made, an explanation acceptable to the Board of the applicant's practice during the expiration period.
- 1.11.3.2 Applicants seeking reinstatement must meet current requirements for licensure by examination or comity.
- 1.11.3.3 The original license number will be retained.

1.11.4 Emeritus Status

- 1.11.4.1 Professional engineers and architects whose licenses are subject to renewal but who are not engaged in their professional practice may elect emeritus status.
- 1.11.4.2 Architects and professional engineers who have elected emeritus status may use the titles Architect Emeritus or Professional Engineer Emeritus, respectively, but are prohibited from practicing or offering to practice.
- 1.11.4.3 Architects and professional engineers who have elected emeritus status will receive Board publications.
- 1.11.4.4 To be reinstated to practice, an architect or professional engineer who has elected emeritus status must submit a new application to the Board, submit an affidavit that they have not practiced architecture or engineering during the emeritus period, and meet the requirements of Rule 9.6.1.4.

1.12 License Fees

- 1.12.1 The fee schedule and methods of payment will be set by the Board.
- 1.12.2 All fees are non-refundable. However, fees initially paid to the Board by an applicant for a specific application, but not used for that specific application, may be used as a credit for a different application fee during the same fiscal year at the applicant's discretion.

1.13 Professional Assistance

The Board may retain professional assistance in carrying out administrative matters and other general governance of the Board. Such assistance may include financial, technological, legal, and administrative consultation.

1.14 Licensee Lists

Lists of architects and professional engineers licensed by the Board, as well as those who have applied for licensure, will be issued upon written request in accordance with Nebraska law regarding the production of public records.

1.15 Photographs and Transcripts

Photographs are not required for identification on applications received by the Board. Transcripts or other documents provided by NCEES, NCARB, or issued directly by the granting institution of higher education or its authorized agent, will be acceptable as proof of graduation when such proof is required by the Board.

➡ 1.16 Emeritus Board Members

When requested by the Board, an Emeritus board member may represent the Board at authorized meetings. Expenses incurred by the Emeritus board member at such functions may be reimbursed by the Board.

1.17 Licensure of Board Members

At all times during their terms on the Board, professional engineer and architect members of the Board, including the education members, must be licensed in Nebraska in their respective professions.

1.18 Applications

- 1.18.1 Absent specific Board action, all documents and information requested by the Board in connection with any application must be provided by the applicant within one year. Applications that are incomplete after one year are invalid, and a new application and fee will be required.
- 1.18.2 Replies received from references regarding the qualifications of an applicant will be considered non-public records. The source and character of the information will not be divulged except when required by law.
- 1.18.3 An applicant's prior criminal or disciplinary history from any jurisdiction may be considered by the Board as part of the application process for initial licensure, comity licensure, or examination. The existence of such history is not an automatic bar to being licensed or to be allowed to take examinations, nor is disclosure intended to automatically require consideration of discipline by the Board.
- 1.18.4 The review and evaluation of disclosure statements provided by applicants during the licensing or examination application process may be performed by the Executive Director with the assistance of Board staff. However, the Board must review disclosures which an applicant has not previously disclosed and which indicate: 1) felony convictions; 2) probation, suspension, or revocation of an architect or professional engineer license in another jurisdiction; 3) repetitive or multiple violations; or 4) evidence of unfitness to practice the profession.