

This is an amendment to 16.30.1 NMAC, Section 7, effective 01/11/2022. Subsections A through I, and L through O were not published as there were no changes.

16.30.1.7 DEFINITIONS:

- J. “Misconduct” means:**
- (1) knowingly preparing or stamping construction documents in violation of applicable codes, laws or regulations;
 - (2) stamping and signing construction documents, specifications, reports or other professional work not prepared under the architect-of record’s responsible charge, as defined herein;
 - (3) engaging in any conduct involving fraud or deceit related to the business or practice of architecture;
 - (4) making any false statement or giving any false information in connection with an application for registration or for renewal of registration;
 - (5) being convicted of a crime related to the practice of architecture with a copy of the record of the conviction, certified by the clerk of the court entering the conviction, serving as conclusive evidence;
 - (6) violating federal or state statute or rule that directly relates to the practice of architecture;
 - (7) being unable to practice architecture with reasonable skill and safety to clients by reason of use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition;
 - (8) making any substantial misrepresentation in the course of practice including, but not limited to, false, misleading or deceptive advertising or fraudulent or misleading claims;
 - (9) using or altering material prepared by another person without the knowledge and consent of that person;
 - (10) using the professional seal of another person without the knowledge and consent of that person;
 - (11) engaging in conduct in conflict with the Code of Conduct for Architects (16.30.4 NMAC);
 - (12) engaging in conduct that the architects knows or should know through professional knowledge or experience is not within the acceptable standard for professional conduct that is ordinarily applied by architects of good standing practicing in the state of New Mexico or that is set forth in the board’s Minimum Standards for the Practice of Architecture in New Mexico, (16.30.6 NMAC);
 - (13) violating the Architectural Act, Sections 61-15-1 through 13 NMSA 1978, the rules and regulations of the board, or the architectural laws of any other state or jurisdiction;
 - (14) incurring a prior disciplinary action in another state or jurisdiction based upon acts or conduct by the registrant which if committed in this state would subject the registrant to disciplinary action by the board; certified copies of the record of disciplinary action shall be conclusive evidence thereof; and
 - (15) failing to report to the board any adverse action taken against the registrant by the licensing board of another jurisdiction or the national council of architectural registration boards (NCARB) for acts or conduct that would constitute grounds for disciplinary action by the board.
- (16) Knowingly allowing an unauthorized person to use the architect’s seal.
- K. “NCARB” means the national council of architectural registration boards.**

[16.30.1.7 NMAC - Rp, 16 NMAC 30.1.7, 9/6/2001; A, 9/15/2002; A, 9/15/2003; A, 9/15/2016; A, 01/11/2022]