

**Policies  
of  
The State Board of Licensure for Architects,  
Professional Engineers and Professional Land Surveyors**

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**Policies  
of  
The State Board of Licensure for Architects,  
Professional Engineers and Professional Land Surveyors**

**10.0 – Policies Concerning Legislation**

**10.1 – Legislation Affecting the Board.** The Board directs the Program Director to provide information and notice to the Board in a timely manner in matters concerning the status of legislative bills that may affect the Board's operation, ability to carry out its duty, and the intent of its statutes.

Adopted 10/12/12

**20.0 – Abbreviations**

**20.1 – Abbreviations**

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

**B.L.M – Bureau of Land Management**

**CAB – Canadian Accreditation 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**

**EIT – Engineer-in-training (term no longer used)**

**FE – Fundamentals of Engineering Examination**

**G.L.O – General Land Office**

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

**ILC – Improvement Location Certificate**

**LSI – Land Surveyor-Intern**

**PE – Professional Engineer**

**PLS – Professional Land Surveyor**

**PLSM – Public Land Survey Monument**

**PLSS – Public Land Survey System**

**RAC – Related Accreditation Commission**

**SIT – Surveyor-in-Training (term no longer used)**

**TAC – Technology Accreditation Commission**

**30.0 – Reserved.**

## **40.0 – Policies Concerning Administrative Procedure**

### **40.1 – Board-Approved Degrees**

**40.1.1 – Validity of ABET/EAC Accreditation for Engineering Graduates.** Pursuant to Board Rule 1.4(G)(1)(a) of the State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors' ("Board") Bylaws and Rules, board-approved degrees are those that have been accredited by the Accreditation Board for Engineering and Technology/Engineering Accreditation Commission (ABET/EAC). In accordance with ABET's recommendation, the Board will consider an applicant who has graduated from an engineering curriculum to be a graduate of a board-approved engineering curriculum provided the applicant graduated within two years prior to the effective date of the accreditation of the program.

**40.1.2 – Validity of ABET/TAC Accreditation for Engineering Technology Graduates.** Pursuant to Board Rule 1.4(G)(1)(b) of the Board's Bylaws and Rules, board-approved degrees are those that have been accredited by the Accreditation Board for Engineering and Technology/Technology Accreditation Commission (ABET/TAC). In accordance with ABET's recommendation, the Board will consider an applicant who has graduated from an engineering technology curriculum to be a graduate of a board-approved engineering technology curriculum provided the applicant graduated within two years prior to the effective date of the accreditation of the program.

**40.1.3 – Validity of ABET Accreditation for Surveying Graduates.** Pursuant to Board Rule 1.4(G)(2)(a) of the Board's Bylaws and Rules, board-approved degrees are those that have been accredited by any of the ABET accrediting commissions. In accordance with ABET's recommendation, the Board will consider an applicant who has graduated from a surveying curriculum to be a graduate of a board-approved surveying curriculum provided the applicant graduated within two years prior to the effective date of the accreditation of the program.

Adopted 4/17/87; Revised 9/8/00, 7/10/09

**40.1.4 – Validity of Foreign Engineering Degrees.** Pursuant to Board Rule 1.4(B) of the Board's Bylaws and Rules, 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 the transcript evaluation service approved by the Board. Those transcripts are evaluated using the NCEES Engineering Education Standard. The Board will consider a foreign engineering degree that meets the NCEES Engineering Education Standard to be a board-approved engineering degree. The Board will consider a foreign engineering degree that does not meet the NCEES Engineering Education Standard to be an unapproved engineering degree. This policy does not impact engineering degree programs accredited by the Canadian Accreditation Board.

Adopted 3/9/12

### **40.2 – Consideration of Foreign Degree Equivalency**

**40.2.1 – Comparability of CAB Engineering Degrees to ABET Degrees.** The Board recognizes the accreditation process as administered by CAB to be comparable to the accreditation process administered by ABET. Therefore, degrees from CAB accredited programs will be credited in the same manner as ABET accredited programs, as set forth in the Board's Rules.

Adopted 12/12/86; Revised 9/8/00, 1/14/05, 7/10/09, 10/12/12

**40.2.2 – Comparability of Foreign Degrees other than CAB degrees.** The Board recognizes the NCEES Engineering and Surveying Education Standards as the guideline against which to evaluate foreign degrees other than those accredited by the CAB. All applicants who wish to receive education credit that have a foreign degree other than a CAB degree are required to have their transcripts evaluated by the Board-approved evaluation service offered by NCEES. Applicants whose evaluations reveal that their education is not substantially equivalent to the NCEES Education Standard are required to remedy the deficiencies prior to continuing with the application process. Applicants that have deficiencies in humanities and other non-engineering, math, and science courses who choose not to remedy them will be considered to have an unapproved degree, requiring additional years of progressive experience prior to examination and licensure.

Adopted 10/12/12

## 40.3 – Students Eligible to Take Fundamentals of Engineering Examination

**40.3.1 – School Must Submit List of Eligible Students.** Colleges or universities in Colorado that desire to have the fundamentals of engineering examination administered on campus must submit to the Board office a list of the students eligible to sit for the examination. This eligibility list will be based on the applicable criteria as specified by section 12-120-211(2)(b)(I) and (II), C.R.S. That is, the student must be in his/her senior year of study in an engineering curriculum of four years or more and the curriculum must be accredited by the Engineering Accreditation Commission (EAC) or the Technology Accreditation Commission (TAC) of the Accreditation Board for Engineering and Technology (ABET). This eligibility list must be received by the Board office no later than six weeks before the administration of the examination.

Revised 10/1/19

**40.3.2 – Validity of Exam from Ineligible Student.** If the Board receives an examination from a student who is not on the list of eligible students submitted by the institution, then that student's examination score will not be released and his/her examination will become void.

**40.3.3 – Refund of Examination Fee.** If a student submits an application for the fundamentals of engineering examination according to Board Policy 40.3.1 and cancels his/her reservation to take the exam pursuant to Board Rule 1.4(H)(4), the examination fee will be refunded according to the provisions set forth by the Board's exam administration vendor. In order to take the exam subsequently, the applicant must still meet the eligibility requirements of Policy 40.3.1 and reapply to take the exam.

**40.3.4 – Forfeiture of Examination Fee.** If a student submits an application for the fundamentals of engineering examination according to Board Policy 40.3.1 and does not appear for the exam, or does not cancel pursuant to Board Rule 1.4(H)(4), or fails the exam, the examination fee will be forfeited and the application will be purged from the Board's files. The applicant must submit a new application to again be considered for approval to take the exam.

Adopted 2/24/84; Revised 9/8/00, 9/7/01, 1/14/05, 10/1/19

## 40.4 – Engineering and Surveying Examination Sites

**40.4.1 – Location of Examinations.** Anyone, other than eligible students as outlined below, or those taking any computer based test, wanting to take a NCEES Examination that is administered in Colorado by NCEES in only a pencil-and-paper format must take the exam in Denver (Spring and Fall exams), Grand Junction (Fall exam only), or Durango (Spring exam only). Also, any out-of-state examinee wanting to take the NCEES Examination that is administered in Colorado by NCEES in only a pencil-and-paper format must take his/her exam at one of these sites.

Revised 2/41/2020

**40.4.2 – Students Eligible to Take FE Examination on Their Campus.** Only students who are eligible to take the fundamentals of engineering examination as outlined in Board Policy 40.3.1 may take said examination on their college or university campus. All other examinees that have been approved by the Board to sit for the exam must take the examination at an examination site designated by the Board.

**40.4.2.1 – Failure to Comply with Policy.** Failure of an examinee to comply with this policy shall result in the voiding of his/her examination score.

Adopted 2/24/84; Revised 9/8/00, 1/14/05, 7/10/09, 2/14/2020

## 40.5 – Reserved. Repealed 11/12/2010.

## 40.6 – Review of Examinations

**40.6.1 – Objectively Scored Examinations.** Examination questions that are entirely in an objectively scored format (multiple-choice questions) will not be subject to review by examinees. The scores of objectively scored exams, as provided by NCEES and NCARB shall be final.

Adopted 7/8/88; Revised 1/27/92, 2/23/92, 9/12/97, 6/9/00, 9/8/00, 1/14/05, 7/10/09

**40.7 – Discipline Exams Required for Endorsement.** In order to qualify for licensure by endorsement pursuant to provisions set forth in section 12-120-213(1)(a), C.R.S., an applicant who took and passed the NCEES principles and practice of engineering examination in April 1990 or on any subsequent date shall have taken that exam in a specific engineering discipline.

Adopted 6/24/91; Revised 2/24/92, 9/8/00, 10/1/19

**40.8 – Validity of the Colorado State Specific Land Surveying Examination.**

**40.8.1 – Original Licensure.** The passing score of an applicant's Colorado state specific land surveying examination is valid for licensing purposes for a period of no more than two years commencing with the date of notification of the passing score. Within such time, if the applicant does not also pass the NCEES principles and practice of land surveying examination, said applicant must retake the Colorado state specific land surveying examination and pay the re-examination fee.

**40.8.2 – Renewal of Expired License.** It is the policy of the Board that a licensee whose Professional Land Surveyor license has expired for more than six years shall be required to re-take the Colorado state specific land surveying examination, in addition to all other current requirements for a complete reinstatement application at the time of submittal.

Adopted 12/9/94; Revised 9/8/00, 2/11/11

**40.9 – Disciplinary Action Regarding Expired Licenses.** It is the policy of the Board to take disciplinary action when the Board finds that a licensee practiced or offered to practice architecture, engineering, or land surveying with an expired license.

- (a) If a licensee fails to renew a license to practice architecture, engineering, or land surveying by the license expiration date, a penalty fee will be due upon renewal of the license. From the date of expiration, a licensee will have 60 days within which to renew a license during which the license will be deemed active. 61 days after expiration of the license, the license will be deemed to have expired.
- (b) If the Board finds that a licensee practiced or offered to practice with an expired license for a period of 61 days up to one year, it is the policy of the Board to issue a confidential letter of concern.
- (c) If the Board finds that a licensee practiced or offered to practice with an expired license for a period of one to two years, it is the policy of the Board to issue a Letter of Admonition, which is a disciplinary action recorded on the license history.
- (d) If the Board finds that a licensee practiced or offered to practice with an expired license for more than two years, the licensee must apply for reinstatement of the license pursuant to the requirements in Board Rule 1.4(I)(1) and the Board may levy a fine in addition to a Letter of Admonition, or such other disciplinary action as the Board deems appropriate.

Adopted 12/13/02; Revised 1/14/05, 7/10/09

**40.10 – Retention of Confidential Letters of Concern.** It is the policy of the Board that complaints that are dismissed with letters of concern are not dismissed as being without merit but rather are dismissed due to no reasonable cause to warrant formal action at that time. Cases that are dismissed with a confidential letter of concern will be retained in the Board files for a period of five years.

The Board may reopen a case that was dismissed with a letter of concern in the face of a change in circumstances. Such a change in circumstances may include but not be limited to:

- Discovery of new evidence supporting the underlying charges; or
- Evidence that the licensee has engaged in acts or omissions that constitute grounds for discipline following issuance of the letter of concern in which there is a nexus between the new conduct and that which was addressed in the case that was dismissed with the letter of concern.

After five years from the date of the letter of concern, the file will be disposed of in accordance with the Divisions' record management procedures. If the licensee has other active cases pending at the end of the five year retention period, the letter of concern may be kept for a longer period of time at the discretion of the Board.

Adopted 9/10/04; Revised 8/8/08, 7/10/09; 2/10/17

**40.11 – Verification of Recent Experience.** An applicant must include verification of work experience within the twelve months prior to submittal of the application in addition to any engineering or surveying experience for which the applicant desires credit toward qualification for licensure.

**40.12 – Board Member Complaints.**

It is the policy of the Board that if a signed complaint is received against a Board member and the basis of the complaint arises from words said or actions committed while the licensee was engaged in official duties as a Board member, then the complaint may be dismissed in compliance with section 12-20-403(5), C.R.S. The Board member need not respond to or provide evidence concerning the complaint. The dismissal is automatic.

It is the policy of the Board that any signed complaint received by the Board against a current licensee who is a member of the Board, who has served on the Board within the past five years, or who has an ongoing formal relationship with the Board, will be handled as follows:

- If the complaint alleges a violation of Article 120 of Title 12 of the Colorado Revised Statutes, Board Rules, or Board Policies the complaint will be sent to the Office of Investigations within the Division of Professions and Occupations for a formal investigation.
- If the complaint alleges substandard practice, the Office of Investigations will also have the case reviewed by an independent consultant selected by the Office of Investigations.

Upon completion of the investigation, the report will be referred to the Board for appropriate action. If the complaint is against a current board member, the board member shall recuse from all discussions regarding the complaint and physically leave the meeting room during these discussions.

All other customary procedures for the handling of a complaint by the Board will apply. These may include but are not limited to issuance of a 30-day letter, notification to the licensee and complainant of Board decisions, and the confidentiality of the complaint and investigation as provided by Article 120 of Title 12 of the Colorado Revised Statutes, Board Rules, and Board Policies.

Anonymous complaints filed against a current licensee who is a member of the Board, who has served on the Board within the past five years, or who has an ongoing formal relationship with the Board will be evaluated by the Board on a case by case basis.

Adopted 8/14/09; Revised 2/10/17, 10/1/19, 6/10/22

**40.13 – Endorsement Applications.** Applicants applying for a license in Colorado based on original licensure in another state shall be evaluated as to whether:

- (a) The applicant's original state of licensure currently requires qualifications substantially equivalent to those required by Colorado; or,
- (b) Except those applying for licensure as a Professional Land Surveyor, at the time of licensure in another state, the applicant met that state's requirements, and such requirements were substantially equivalent to the requirements then in existence in Colorado. At the time of licensure in Colorado, an applicant by endorsement shall have successfully passed the examinations required for licensure in Colorado.

Adopted 11/9/12 Revised 12/9/2022

**40.14 - Reserved. Repealed 9/11/2015**

**40.15 - Action Regarding Non-Compliance with Architect Continuing Education Renewal Requirements.** It is the policy of the Board to take action when the Board finds that a licensee has not complied with architect continuing education requirements mandatory for license renewal pursuant to section 12-120-416, C.R.S. and Board Rule 1.4(I)(3)(a)(2). The Board delegates authority to the Program Director to initiate the following actions and orders that comply with this policy on the Board's behalf.

**40.15.1** Notice to Correct Deficiency. If a licensee fails to timely complete the required CEHs, the Board may issue a notice permitting the licensee to resolve the deficiencies if the licensee:

- (a) Notifies the Board of the deficiency prior to the renewal of the license; and
- (b) Does not have any prior discipline related to CEH deficiencies or reporting CE deficiencies.

**40.15.1.1** If permitted to resolve deficiencies, a licensee with deficient CEH shall complete any necessary CEH to meet the total required number of CEH for the licensure period(s) and provide compliant documentation within the time frame set forth as follows:

- (a) 1 - 12 deficient CEH. CEH shall be completed and submitted to the Board within 30 days of the date of the notice;
- (b) 13 - 48 deficient CEH. CEH shall be completed and submitted to the Board within 60 days of the date of the notice.
- (c) Licensees with over 48 deficient CEH may be permitted to complete the deficient CEH, but the matter will be referred to the Board for consideration.

**40.15.1.2** If a licensee was issued a notice permitting the resolution of CEH deficiencies and fails to comply with the requirements set forth in 40.15.1.1, the matter will be referred to the Board for consideration.

**40.15.2** Board Action for CE Deficiencies. The Board finds that failure to timely complete mandatory CEH is a violation of the Architects Practice Act and the Board's Rules. Licensees that are subject to discipline under this policy for violations related to CE deficiencies may be subject to the following:

- (a) For the first offense, it is the policy of the Board to issue a Confidential Letter of Concern;
- (b) For a second offense, it is the policy of the Board to issue a Letter of Admonition, which is a disciplinary action recorded on the license history;
- (c) For a third offense, the matter will be referred to the Board for a decision.

Other circumstances regarding a licensee's failure, or inability, to comply with the mandatory continuing education requirements will be referred to the Board for a decision. This includes, but is not limited to, exceptions allowed in Board Rule 1.4(I)(3)(a)(2)(p).

Adopted 5/9/14; Repealed and Replaced 6/8/18, Revised 10/1/19, Revised 5/12/23

**40.16 – Foreign Experience.** Pursuant to Board Rules 1.4(F)(1)(j) and 1.4(F)(2)(e), two years of the required experience for Professional Engineers and Professional Land Surveyors shall demonstrate knowledge of Colorado laws, codes adopted by Colorado and other United States jurisdictions and Canada and shall have been obtained in the United States or Canada or under the responsible supervision of an engineer or land surveyor licensed by a United States or Canadian jurisdiction. It is the Board's intent that these Rules do not apply for enrollment as an Engineer Intern or Land Surveyor Intern.

Adopted 4/14/17

**40.17 - Modeling Software Continuing Education.** It is the policy of the Board to consider classes in building information modeling systems and parametric building modeling systems as acceptable Architect Continuing Education activities under Board Rule 1.4(I)(3)(a)(2)(k), which include subjects defined in Board Rule 1.4(I)(3)(a)(2)(h).

Adopted 2/9/18

## **50.0 – Policies Concerning the Practice of Engineering**

**50.1 – Reserved. Repealed 11/12/2010.**

**50.2 – Reserved. Repealed 11/12/2010.**

**50.3 – Responsibilities of Professional Engineers Receiving Testimony.** It shall not be considered aiding and abetting the unlawful practice of engineering, and therefore a violation of any part of Article 120 of Title 12, C.R.S.,



for a professional engineer to listen to or receive oral testimony or other oral statements made to a regulatory body or commission, by any person testifying before such a body or commission, or to read written testimony or other written materials delivered to such a regulatory agency or commission by any person.

Notwithstanding the above, it shall be the professional responsibility of any licensed professional engineer to report to the Board, any instance of such testimony which, in the professional opinion of such engineer, is unethical, incompetent or otherwise presents an actual or potential threat to public health, safety or welfare.

Adopted 2/9/01; Revised 1/14/05, 10/1/19

## **60.0 – Policies Concerning the Practice of Land Surveying**

### **60.1 – Monument Records**

**60.1.1 – Monument Records Never Filed.** In cases of filed monument records showing a found monument set by another surveyor more than 10 years in the past for which a monument record was not filed with the Board, the Board will not require that the monument record be filed.

**60.1.2 – Monument Records Repeatedly Never Filed.** In four or more individual cases of filed monument records showing a found monument set by another surveyor within the past 10 years for which a monument record was not filed with the Board, the matter will be referred to the Board to determine if disciplinary action should be taken.

**60.1.3 – Monument Records Repeatedly Overdue.** Section 38-53-104(2), C.R.S., requires monument records to be filed within six months of the date on which the monument was used as control or was established, restored, or rehabilitated. The Board delegates authority to the Program Director or the Program Director's designee to review and determine instances of monument records that are being filed in a chronically overdue manner. In such cases, the matter will be referred to the Board to determine if disciplinary action should be taken.

Adopted 10/12/12

**60.2 – Reserved. Repealed 11/12/2010.**

**60.3 – Reserved. Repealed 11/12/2010.**

**60.4 – Reserved. Repealed 11/12/2010.**

**60.5 – Reserved. Repealed 11/12/2010.**

## **70.0 – Board Policies of Procedure**

### **70.1 – Board-Conducted Disciplinary Hearings**

**70.1.1 – Statutory Basis to Conduct Hearings.** Pursuant to sections 12-120-207, 12-120-307, and 12-120-403, C.R.S., disciplinary hearings shall be conducted by the Board or by a duly appointed administrative law judge and shall be held in the manner prescribed by the State Administrative Procedure Act. The State Administrative Procedure Act specifies that the Rules of Civil Procedure and Rules of Evidence for civil non-jury cases in the District Courts shall apply to administrative hearings and determinations to the extent practicable.

Revised 10/1/19

**70.1.2 – Purpose of Policy.** The Board has concluded that a literal application of the Rules of Civil Procedure governing pre-trial disclosure and discovery is not practicable for board-conducted disciplinary hearings.

**70.1.3 – Procedures.** Unless otherwise ordered by the Board, the pre-hearing and discovery procedures outlined below shall apply to all board-conducted hearings in lieu of a literal application of Colorado Rules of Civil Procedure 16, 26 and 29-37.

**70.1.3.1 – Ministerial Duties Delegated to Program Director.** The Board’s program director has been delegated the ministerial duty of entering procedural orders consistent with this policy for any case set for a board-conducted hearing.

**70.1.3.2 – Pre-Hearing Disclosure Required.** A pre-hearing disclosure shall be made in accordance with this policy to conserve the Board’s time and administrative resources, to prevent undue surprise at hearing, and to facilitate the prompt and orderly administration of justice.

**70.1.3.2.1 – Identification of Witnesses and Exhibits.** No less than 45 days before a hearing scheduled before the Board, each party shall file with the Board’s program director and promptly serve upon all parties a written document entitled “Identification of Witnesses and Exhibits” that provides the following information.

- (a) Lay Witnesses.** The name, address, and telephone number of each individual expected to be called as a lay witness, together with a concise statement of each lay witness’ anticipated testimony and an estimate of the length of time required for such testimony.
- (b) Expert Witnesses.** The name, address, and telephone number of each individual expected to be called as an expert witness, together with a concise statement of each expert’s anticipated testimony that identifies each opinion and basis, therefore a recitation of the expert’s qualifications, and an estimate of the length of time required for such testimony.
- (c) List of Exhibits.** A list describing all trial exhibits that should include a specific description of any physical or documentary evidence the party intends to introduce at hearing.

**70.1.3.2.2 – Exchange of Exhibits.** The parties shall exchange copies of their pre-marked exhibits 45 days prior to the date of hearing. In marking exhibits, the petitioner shall use numbers and the respondent shall use letters. Any objection to the authenticity of any exhibit shall be made in writing and filed with the Board’s program director ten days prior to the date of hearing, or such objection shall be considered waived.

**70.1.3.3 – Authorization Required for Discovery of Additional Information.** Given the scope of required pre-hearing disclosure, no discovery shall be commenced until after such pre-hearing disclosures. Discovery of additional information may be authorized only upon a written application to the Board demonstrating good cause.

**70.1.3.3.1 – Criteria for Board Authorization.** In determining good cause, the Board shall consider whether the discovery sought is reasonable under the circumstances, whether it is cumulative or duplicative, and whether it is obtainable from a more convenient, less burdensome, or less expensive source.

**70.1.3.3.2 – Limitation of Discovery.** Discovery, when authorized by the Board, shall be limited to only those matters not privileged that are relevant to the subject matter involved in the pending action, and shall be limited to the following.

- (a) Depositions.** Deposition upon oral examination of one expert witness.
- (b) Interrogatories.** Ten interrogatories, each consisting of a single question, to petitioner or respondent.
- (c) Documents or Items.** A request for production of documents or tangible items is limited to ten in number.

**70.1.3.3.3 – Timeframe of Additional Authorized Discovery and Supplements to Previously Filed Documents.** Any authorized discovery shall be completed no less than ten working days before the scheduled hearing. Any supplements to the parties’ “Identification of Witnesses and Exhibits” lists shall be filed with the Board and served upon opposing parties no less than five working days before the scheduled hearing.

NOTE: Sample Procedural Orders and other information are available from the Board office.

Adopted 2/10/95; Revised 9/8/00, 1/14/05

**70.2 – Reserved. Repealed 10/12/2012**

**70.2.1 – Reserved. Repealed 10/12/2012**

**70.2.2 – Reserved. Repealed 10/12/2012**

**70.2.3 – Reserved. Repealed 10/12/2012**

**70.2.4 – Reserved. Repealed 10/12/2012**

**70.2.5 – Reserved. Repealed 10/12/2012**

**70.2.6 – Reserved. Repealed 10/12/2012**

**70.2.7 – Reserved. Repealed 10/12/2012**

**70.2.8 – Reserved. Repealed 10/12/2012**

**70.3 Anonymous Complaints.** It is the policy of the State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors to discourage anonymous complaints. Further, the Board will not automatically investigate anonymous complaints. Rather, they will be subject to review on a case-by-case basis except as provided below.

Anonymous complaints received against an elected official of the state of Colorado or a political subdivision of Colorado or a member of a board or commission established by the state of Colorado arising from words said or actions committed while the licensee was engaged in official duties shall be dismissed in compliance with section 12-20-403(5), C.R.S.

**70.4. Complaints Filed Against an Elected Official of the State of Colorado or a Political Subdivision of Colorado or Filed Against a Member of a Board or Commission Established by the State of Colorado.**

It is the policy of the Colorado Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors (“Board”) that anonymous complaints filed against an elected official of the state of Colorado or a political subdivision of Colorado or filed against a member of a board or commission established by the state of Colorado where the basis for the anonymous complaint arises from words said or from actions committed while the licensee, certificant, or the registrant was engaged in official duties shall be dismissed pursuant to section 12-20-403(5), C.R.S.

It is the policy of the Board that signed complaints filed against an elected official of the state of Colorado or a political subdivision of Colorado or filed against a member of a board or commission established by the state of Colorado where the basis of the signed complaint arises from words said or from actions committed while the licensee, certificant, or the registrant was engaged in official duties may be dismissed in compliance with section 12-20-403(5), C.R.S. The licensee, certificant, or the registrant need not respond to or provide evidence concerning the complaint. The dismissal is automatic.

Adopted 4/9/10; Revised 6/10/2022

**70.4 Delegation of Authority to Program Director**

**70.4.1 – Investigative Subpoena Enforcement.** When, in the course of investigation of a complaint, a subpoena needs to be enforced pursuant to the Engineering, Land Surveying, or Architecture Practice Acts or the Administrative Procedures Act, the State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors specifically authorizes the Program Director to refer such a matter directly to the Office of the Attorney General for enforcement.

**70.4.2 – Execution of Board Orders.** The Board delegates to the Program Director authority to sign, on behalf of the Board, the following documents, the terms of which the Board has previously approved: Confidential Letters of Concern, Letters of Admonition, Orders to Show Cause, Cease and Desist Orders, Orders of Suspension, stipulations and other settlement agreements, and Final Agency Orders. Signature of such documents by the Program Director shall be considered execution by the Board.

Adopted 5/9/14; Revised 9/11/15; 1/11/19

**70.4.3 – Execution of Board Procedural Orders.** The Board delegates to the Program Director, Deputy Director, or their designee, the authority to issue, on behalf of the Board, the adopted "Board Procedural Order Regarding Review of Initial Decision" with the directive that the Order be issued to the parties upon receipt of all initial decisions.

Revised 2/10/17

**70.4.4 – Review of Initial Decisions Upon Default.** The Board will not review initial decisions upon default where no party files exceptions to the initial decision, in the manner and within the time required by the Colorado Administrative Procedure Act. In those instances, the initial decision shall become the final agency action of the Board, in accordance with the Administrative Procedure Act, without further action. The Board delegates to the Program Director, Deputy Director, or their designee authority to issue, on behalf of the Board, the final agency order and written notice to the parties.

Adopted 4/9/10; Revised 10/8/10, 6/12/15

**70.4.5 – Stipulation Compliance.** The Board delegates to the Program Director the authority to accept, on behalf of the Board, the following as meeting the terms of a Stipulation and Final Agency Order: Sex Offender Quarterly Reports that reflect compliance with the respondent's criminal probation with no adverse comments; and proof of completion of Continuing Education that is in compliance with the terms of the respondent's Stipulation and Final Agency Order. If these items are not in compliance, Staff will forward them for review during the Board's regularly scheduled meeting. If all terms of a Stipulation are complete, Staff will advise the respondent in writing and the Board during a regularly scheduled meeting.

Adopted 1/14/11

**70.4.6 - Architect Endorsement Applications.** The Board delegates authority to the Program Director, or their designee, to approve Architect Endorsement applications for licensure if all items in the application are acceptable. In applications where the applicant uses the word "architect" inappropriately, but all other aspects of the application are acceptable, the Board delegates authority to the Program Director, or their designee, to approve such applications and send a letter to those applicants indicating the Board's concern with the inappropriate use of the word "architect." All other Architect Endorsement applications for licensure shall be presented to the Board for review and consideration.

Adopted 1/14/11

**70.4.7 – Engineer Intern and Land Surveyor Intern Applications.** The Board delegates authority to the Program Director, or their designee, to approve Engineer Intern and Land Surveyor Intern applications for examination and enrollment if all items in the application are acceptable. In applications where the applicant has had any conviction(s) for alcohol or drugs, but all other aspects of the application are acceptable, the Board delegates authority to the Program Director, or their designee, to approve such applications and send a letter to those applicants indicating the Board's concern with alcohol and drug use related to becoming a professional. All other Engineer Intern and Land Surveyor Intern applications for examination and enrollment shall be presented to the Board for review and consideration.

Adopted 1/14/11; Revised 7/8/11

**70.4.8 – Disciplinary Action in Other States.** The Board delegates to the Program Director or their designee the authority to accept, on behalf of the Board, disciplinary documentation from other states involving Colorado licensees who have been disciplined for the following situations that are not a violation of Colorado's statutes and rules: 1) failure to have a business entity certificate of authority and 2) failure to meet continuing education requirements (PE and PLS only). No formal action would be taken in these situations. All other disciplinary documentation will be forwarded to the Board for review.

Adopted 8/12/11; Revised 2/10/17

**70.4.9 – Architect Early Eligibility Applicants.** The Board delegates to the Program Director or their designee authority to approve applications for Architect licensure, including those applicants seeking to

transfer grades from another state, who took the Architect Registration Examination prior to meeting all education and experience requirements, as being substantially equivalent to Colorado’s requirements in effect prior to January 1, 2011.

Adopted 3/9/12; Revised 2/10/17

**70.4.10 – Licensing Applicants with Disciplinary Action in Other States.** The Board delegates to the Program Director or their designee authority to approve any licensing or reinstatement applications where the applicant has been disciplined in another state for any act or omission that would not, in the judgment of the Program Director or their designee, constitute a violation of Article 120 of Title 12 of the Colorado Revised Statutes. No disciplinary action would be taken in these situations. All other applications with disciplinary documentation will be forwarded to the Board for review.

Adopted 3/9/12; Revised 11/9/12; 2/10/17, 10/1/19

**70.4.11 – Obtaining Respondent Addresses For Complaints.** The Board delegates to the Program Director or their designee authority to obtain all known addresses from available court records for any respondent in a complaint if the address of record proves to be invalid. If all responsible attempts to contact the respondent are not successful, the Program Director may refer the complaint directly to the Office of Investigations.

Adopted 9/14/12; Revised 2/10/17

**70.4.12 – Engineer and Land Surveyor Endorsement Applications.** The Board delegates to the Program Director or their designee authority to approve Engineer and Land Surveyor Endorsement applications for enrollment and licensure if all items in the application are acceptable. All other Engineer and Land Surveyor Endorsement applications for enrollment and licensure shall be presented to the Board for review and consideration.

Adopted 10/12/12; Revised 2/10/17

**70.4.13 – Board Procedural Order Regarding Review of Initial Decisions.** The Board delegates to the Division Director, Program Director, or their designee (“Director”) the authority to issue, on the Board’s behalf, the adopted “Board Procedural Order Regarding Review of Initial Decision” (“Procedural Order”). The Board also delegates to the Director the authority to review Initial Decisions for legal sufficiency prior to issuing the Procedural Order and Initial Decision to the parties. The Board has determined that an Initial Decision is legally sufficient if it meets all the requirements set forth in Table A below. If an Initial Decision fails to meet any requirement set forth in Table A, the Board delegates to Director the authority to remand the matter to the Office of Administrative Courts with guidance to reissue the Initial Decision and to include the missing information.

Table A
<b>Questions for Review of Initial Decision:</b>
Does the Initial Decision include findings of fact regarding the evidence presented during the disciplinary proceeding?  (This may be an itemized list, or an adoption of the allegations included in the Notice of Charges.)
If the Initial Decision adopts or incorporates the allegations of the Notice of Charges, has the Notice of Charges been attached as an exhibit to the ID?  (Board staff may attached the Notice of Charges as an exhibit to the Initial Decision prior to PO issuance without returning the Initial Decision to Office of Administrative Courts pursuant to this policy.)
Does the Initial Decision include specific conclusions of law regarding jurisdictional authority?
Does the Initial Decision include specific conclusions of law regarding the violations that Respondent has committed?
Does the Initial Decision include specific conclusions of law regarding the violations which subject the Respondent to discipline?
Does the Initial Decision include a recommended sanction?
Does the Initial Decision include conclusions of law supporting the recommended sanction?

**70.4.14 – Child Support Enforcement Orders.** The Board delegates to the Program Director or their designee authority to sign suspension and reinstatement orders of licensees who are found to be out of compliance with child support orders.

Adopted 10/12/12; Revised 2/10/17

**70.4.15 – Initiating Complaints.** Upon receiving information in writing that a license law violation may have occurred, the Board delegates to the Program Director or their designee authority to initiate a complaint and issue a letter requesting a response to the complaint.

Adopted 10/12/12; Revised 2/10/17

**70.4.16 – Initiating Complaints for Violations of a Board Order.** The Board delegates to the Program Director or their designee authority to initiate standard complaint procedures when there is an apparent violation of a Board order.

Adopted 4/12/13; Revised 2/10/17

**70.4.17 – Reserved. Repealed 9/11/2015**

**70.4.18 – Process for Managing Complaints of Unlicensed Practice.**

In conformity with its statutory purpose to protect the people of the state of Colorado, the Board recognizes the importance of taking expedient action in unlicensed practice matters to protect the public from the unqualified, unauthorized, or unlicensed practice of engineering as defined in sections 12-120-202(6) and 12-120-205(6), C.R.S.; land surveying, as defined in sections 12-120-302(5) and 12-120-305(4), C.R.S.; and architecture, as defined in sections 12-210-402(5) and 12-120-405(1), C.R.S.

Upon a finding by the Board of unlicensed practice of architecture, engineering, or land surveying, the Board may issue a Cease and Desist Order pursuant to sections 12-20-405 and, 12-20-407, C.R.S., respectively and/or refer the matter to the Office of the Attorney General for the initiation of injunctive proceedings pursuant to sections 12-20-405, or 12-20-407, C.R.S., respectively. When determining the appropriate action, the Board may consider factors including, but not limited to:

- Nature of the unlicensed practice
- Recency of the unlicensed practice
- Risk to the public
- Previous history of unlicensed practice
- Aggravators and mitigators
- Whether unlicensed practice constitutes a crime pursuant to the practice act.

In instances of imminent risk of harm to the public, the Board delegates to the Program Director or designee, in consultation with Board counsel and with the approval of the Board Chair or the Chair's designee, the authority to issue a Cease and Desist Order pursuant to sections 12-20-405, and 12-20-407, C.R.S., and refer the matter to law enforcement pursuant to sections 12-120-205(6), 12-120-305(4), and 12-120-405(1), C.R.S., when, including but not limited to, the following objective grounds exist:

- Report of unlicensed practice by an unlicensed individual (not including self-report of practicing or offering to practice while a license was expired, as set forth on a license reinstatement application);
- The unlicensed person is convicted of the following crimes:
  - Criminal impersonation (under sections 18-5-113(1)(b) or 18-5-902(1), C.R.S.) of a licensee in order to secure employment as a licensed professional; or

- Fraud involving an attempt by the unlicensed person to secure employment as a licensee or the unlicensed person gaining employment as a licensed professional using false credentials (under section 18-5-107, C.R.S.).

For the purpose of this policy, “imminent risk of harm” is defined as an impending or immediate likelihood of physical injury to one or more members of the public.

Any delegated action taken pursuant to this policy will be presented at the next regularly-scheduled Board meeting for review and ratification.

Adopted 8/10/18; Revised 12/14/18, 10/1/19

**70.4.19 – Administrative Dismissals.** The Board delegate authority to the Program Director the authority to administratively dismiss a complaint over which the Board does not have jurisdiction as set forth below. For the purpose of this policy, administrative dismissal is the dismissal of a complaint without review by the Board, and without notification to the respondent in the complaint.

- (a) The complaint involves solely monetary or billing dispute which does not involve a violation of the Architect, Professional Engineers, or Professional Land Surveyors Practice Act, Article 120 of Title 12 of the Colorado Revised Statutes; or,
- (b) The complaint fails to present sufficient information to initiate a case. Prior to an administrative dismissal, the Program Director will afford the complainant the opportunity to present additional information.

If a complaint makes more than one allegation and not all allegations are jurisdictional, the complaint will be presented to the Board for review.

The Board will review all complaints where there is uncertainty if jurisdictional requirements are met.

Adopted 9/13/19, Revised 10/1/19, 2/14/2020

#### **70.4.20 Extensions for Complaint Responses**

The Board delegates to the Program Director, or their designee, to grant one extension of time to a respondent to respond to a complaint. The Program Director or designee has the discretion to deny the request or bring the request to the Board for their consideration.

Adopted 9/13/19

#### **70.5 Issuance of Certain Discipline in Open Session**

It is the policy of the Board to issue certain discipline in routine matters without first entering into Executive Session as they are matters on which the Board does not need to confer with its attorney for guidance. Such cases are those that result in the issuance of Letters of Admonition or Cease and Desist Orders, or are referred to the Office of Expedited Settlement with standard parameters. Examples of each respectively are: violation of another state’s laws or regulations; a straightforward case of unlicensed practice; and, cases of licensees whose license to practice have been expired more than two years during which individuals practiced or offered to practice under the expired license.

Adopted 11/12/10

#### **80.0 – Policies Concerning the Practice of Architecture**

**80.1 – Acceptance of Foreign Training Credits.** The Board will follow the NCARB’s guidelines for evaluating and accepting foreign training.

Adopted 3/24/89; Revised 3/24/95, 7/10/09

**80.2 – Notification to Board of any action or arbitration concerning life safety claims.** It is the policy of the Board that life safety includes, 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.

Adopted 12/5/03; Revised 7/10/09