

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	08/07/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 9/19/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

09 21 02 03

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

4. Name of Regulations Coordinator Telephone Number

Donnice M Turner 410-230-6008

Mailing Address

500 N. Calvert Street, 4th Floor

City State Zip Code
Baltimore MD 21202

Email

donniturner@dllr.state.md.us

5. Name of Person to Call About this Document Telephone No.

Pamela J. Edwards 410-230-6262

Email Address

pam.edwards@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: August 5, 2014.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Milena Y. Trust, Assistant Attorney General, (telephone #410-230-6139) on August 6, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Pamela J. Edwards

Title

Executive Director

Telephone No.

410-230-6262

Date

August 6, 2014

Title 09
DEPARTMENT OF LABOR, LICENSING, AND
REGULATION

Subtitle 21 BOARD OF ARCHITECTS

09.21.02 Code of Ethics

Authority: Business Occupations and Professions Article, §§3-205 and 3-208(a)(1),
Annotated Code of Maryland

Notice of Proposed Action

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The Board of Architects proposes to amend Regulation .03 under COMAR 09.21.02 Code of Ethics.

This action was considered by the Board of Architects at a public meeting held on July 23, 2014, notice of which was published in 41:14 Md. R. 869 (July 11, 2014), in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to define the statutory term "signature" to include both handwritten and digital signatures. Licensees place signatures on architectural documents submitted to clients and public authorities for permit purposes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Board of Architects, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pam.edwards@maryland.gov, or fax to 410-230-0021. Comments will be accepted through December 1, 2014. A public hearing will be held, October 22, 2014 at 11 a.m., Third Floor Conference Room, 500 N. Calvert Street, Baltimore, MD 21202.

Open Meeting

Final action on the proposal will be considered by the Board of Architects during a public meeting to be held on December 15, 2014, 10 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

State Occupational and Professional Licensing Boards' Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The regulations will have no discernible economic impact. Licensees are not required to purchase digital signature software packages. In addition, should a licensee elect to use the digital software technology, funds expended to purchase digital signature software would be offset by savings from reduced costs for paper, mailing, and travel.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Small architectural firms will experience minimal economic impact as noted in Section E. above.

G. Small Business Worksheet:

The primary beneficiaries of this action are licensees because this process enables them to electronically file architectural plans with local permit offices, resulting in a more streamlined documents submissions. In addition, licensees would realize savings from reduced paper, mailing and travel costs.

Attached Document:

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 21 BOARD OF ARCHITECTS

Chapter 02 Code of Ethics

Authority: Business Occupations and Professions Article, §§3-205 and 3-208(a)(1), Annotated Code of Maryland

.03 Sealing Requirements.

A. - D. (text unchanged)

E. For the purposes of this Regulation, the term "signature" means:

1. A handwritten signature in permanent ink containing the name of the person who applied it; or

2. For electronic or digital documents, an electronic authentication process attached to or logically associated with the document. A digital signature described in this section shall satisfy the following criteria:

(a) It must contain an identification unique to a licensee using it;

(b) It must be under the exclusive control of the licensee using it;

(c) It must be independently verifiable by a third party; and

(d) It must be attached to an electronic document to which it is applied in such a manner that invalidates any modifications of data to the document

3. Once the digital signature is applied to the document, the document shall be available in a View Format only if the document is to be transmitted electronically.

4. Nothing in this regulation is intended to modify any of the requirements applicable to professional certification or titleblock more specifically set forth in Regulation 09.21.02.04.

**DIANE CHO, Chair
State Board of Architects**