

MEMORANDUM

To: All AIA Massachusetts (AIA MA) Members
From: Dorrie Brooks AIA, President, AIA Massachusetts
Date: 01/30/2023
Re: Use of Titles "Architect" and "Architectural Designer" and Similar Terms and Signing Contracts for Architectural Services

At the October 11, 2022, Commonwealth's Board of Registration of Architects (CBRA) meeting, a draft guidance document addressing the issue of proper titling and use of the term "architect" was reviewed and approved.

After final approval by the Commonwealth's Commissioner of Division of Professional Licensure, the document was made public on November 22, 2022.

The purpose of the guidance was to remind the public that architectural titling is subject to the following rules:

1. The use of the term "architect" or any of its derivations is governed by [Mass. Gen. L. c. 112 § 60K](#), [Mass. Gen. L. c. 112. § 60L\(9\)](#); and [231 Code Mass Regs. 4.03\(1\)](#).
 - a. **MGL c. 112. § 60K** – This statute states no person shall, directly or indirectly, engage in the practice of architecture (see Item 1d below) in the Commonwealth or use the title "architect," "registered architect," "architectural designer," or any derivations of the term "architect" unless they are registered as architects here in the Commonwealth;
 - b. **MGL c.112 § 60L(9)** – This statute states that nothing shall prevent a licensed architect from another state who holds a National Council of Architecture Registration Boards (NCARB) certificate from agreeing to perform or holding themselves out as able to perform any of the professional services involved in the practice of architecture; provided, however, that the person shall not perform any of the professional services involved in the practice of architecture until they are registered here in the Commonwealth.
 - c. **231 CMR 4.03(1)** – This regulation makes clear that no one can use the term "architect," or any derivation of the word "architect," in their title unless they are a registered architect here in the Commonwealth. Further, it makes clear that the only acceptable derivation of the term architect is "intern-architect," – which is reserved solely for individuals who are enrolled, active, and in good standing in the NCARB Intern-architect Development Program (IDP) – now called the Architectural Experience Program (AXP).
 - d. **MGL c. 112. § 60A Definitions:** "Practice of architecture", performing or agreeing to perform or holding one's self out as able to perform professional services in connection with the design, construction, enlargement or alteration of a building including consultations, investigations, evaluations, preliminary studies, aesthetic design, the preparation of plans, specifications and contract documents, the coordination of structural and mechanical design and site development, administration of construction contracts and any other similar service or combination of services in connection with the design and construction of buildings, regardless of whether one or all of these services are being performed and regardless of whether these services are performed in person or as the directing head of an office or organization performing them; provided, that the

practice of architecture shall not include the practice of engineering as defined in this chapter, but a registered architect may perform such engineering work as is incidental to the practice of architecture

2. Individuals licensed as architects by other states and who hold a certificate of qualifications from NCARB may use the titles "architect," "registered architect," or "architectural designer" and offer architectural services in Massachusetts as long as they note the state in which they are licensed, but may not perform architectural services in Massachusetts unless and until the Board licenses them. (see Item 1b above)
3. Individuals may use the term "Intern-architect" as long as they are enrolled, active, and in good standing in the NCARB Intern-architect Development Program (IDP). (see item 1c above)

Question:

As the Owner of a firm, I have control over the titles conferred upon my staff. Would it be acceptable or legal to assign titles such as but not limited to, "Architectural Staff Level 1, 2, or 3", "Architectural Designer," "Architectural Team Leader," or "Senior Architectural Staff" to staff members not registered as licensed architects here in the Commonwealth?

Answer:

No. MGL c. 112, § 60K, and the 231 CMR 4.03(1) regulation built from it, make clear that the term/title/word "architect" and any derivation of it are legally protected and can only be used by licensed individuals. The only exception is for those on the path toward licensure – who may refer to themselves as "Intern-Architects."

Further, to ensure a non-licensed staff member is not inadvertently brought before the CBRA for a titling infraction, alternative titles such as but not limited to "CADD Operator 1, 2, or 3", "Draftsperson 1, 2 or 3", "Project Manager," "Project Assistant," "Job Captain," or "Designer" should be considered instead.

Question:

I am not a licensed architect nor enrolled in NCARB's AXP. However, I have been given the title of Architectural Designer at the firm where I work. This title appears on their website, and to ensure parity, I also use it on my professional and social media accounts. Is this a problem?

Answer:

Yes. To avoid running afoul of the Commonwealth's statutes and regulations governing the practice of architecture, you should remove the title Architectural Designer from your professional and social media accounts, and any resumes or correspondence you personally issue either at or outside of work. The Architectural Registration Board regulates individual practitioners, not architectural firms. As a consequence, they will view prohibited use of the term architect as an individual violation of practice requirements regardless of whether your employer uses improper titles. You should work with the leadership of your firm to find an acceptable alternative title such as, but not limited to, "CADD Operator 1, 2, or 3", "Draftsperson 1, 2 or 3", "Project Manager," "Project Assistant," "Job Captain," or "Designer." Once an acceptable title is mutually agreed upon, you should update your professional and social media accounts and any resumes or correspondence you personally issue at or outside of your work accordingly, and request the same of the firm.

Question:

I recently moved to Massachusetts to take a teaching position within a local college's architectural degree program. While I am licensed in the state I moved from and hold an NCARB certificate, I am not licensed in Massachusetts. When speaking with my students or a member of the public, can I refer to myself as an architect? Also, can I offer architectural services?

Answer:

Yes. You may refer to yourself as an architect, but you must clarify the state in which you are licensed in your verbal statements and any public materials. You may also indicate that you can offer architectural services, but you must make clear that you can only render those services once you obtain a state-issued license from the CBRA.

If you have any questions, comment or concerns, please feel free to contact AIA MA Executive Director, John Nunnari at 617-901-4685 or jnunnari@architects.org