

ALABAMA STATE BOARD OF REGISTRATION
FOR INTERIOR DESIGN
ADMINISTRATIVE CODE

CHAPTER 485-X-7
COMPLAINTS AND VIOLATIONS

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485-X-7-.01 Disciplinary Powers Of The Board.

(1) The board shall have the power to investigate or cause to be investigated any matter covered by the Alabama Interior Design Registration Act at any time or place within the State of Alabama.

(2) The board may seek legal or equitable relief from the state circuit courts against Registered Interior Designers who violate this chapter.

(3) The board may refuse to grant, deny, revoke, suspend, or reinstate a certificate of registration to a Registered Interior Designer; issue a private or public reprimand to an individual possessing a certificate of registration; and assess and collect administrative fines not to exceed \$2000.00 for violations of Code of Ala. 1975, §34-15C. In addition to the foregoing, the board may institute any legal proceedings necessary to enforce this chapter, or any combination of the foregoing, for any of the following conduct:

(a) Fraud, deceit, dishonesty, or misrepresentations, whether knowingly or unknowingly, in the pursuit of his or her practice or in obtaining any certificate of registration or other thing of value.

(b) Gross negligence, misconduct, or incompetence in the pursuit of his or her practice.

(c) Conviction of a felony until civil rights are restored.

(d) Incompetence, as adjudged by a court having jurisdiction.

(e) Violating or directly or indirectly aiding or abetting in the misuse of titles and/or seals by a person without valid registration pursuant to this chapter in the State of Alabama.

(f) Practicing in this state in violation of any standards of professional conduct as may be established by rule of the board.

(g) Failure to pay any fee or administrative fine assessed by the board.

(h) Failure to comply with any final order of the board.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §§34-15C-5(3), (5), (10); 34-15C-11.

History: New Rule: Filed May 6, 2002; effective June 10, 2002.

Amended: Filed April 2, 2003; effective May 7, 2003. **Repealed**

and New Rule: Filed September 15, 2008; effective October 20, 2008. **Repealed and New Rule:** Filed September 24, 2010; effective October 29, 2010.

Ed. Note: Previous Rule 485-X-9-.01 was renumbered to 485-X-7-.01 as per certification filed September 15, 2008; effective October 20, 2008.

485-X-7-.02 Unlicensed Use Of Titles, Stamps, Or Seals.

(1) An individual who uses the titles, stamps, or seals restricted by this act without possessing a valid Certificate of Registration will find that the Board, in its own name, may seek an injunction in the circuit court for the county of residence of the accused, and the court may enjoin such person in regards to the violation.

Author: Alabama Board for Registered Interior Designers
Statutory Authority: Code of Ala. 1975, §34-15C-9; §34-15C-12(c). Alabama Board for Registered Interior Designers

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Author: Alabama Board for Registered Interior Designers
Code of Ala. 1975, §34-15B-3(3), (4), (5).

History: New Rule: Filed May 6, 2002; effective June 10, 2002.

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and New Rule: Filed September 15, 2008; effective October 20, 2008. **Repealed and New Rule:** Filed September 24, 2010; effective October 29, 2010.

Ed. Note: Previous Rule 485-X-9-.02 was renumbered to 485-X-7-.02 as per certification filed September 15, 2008; effective October 20, 2008.

485-X-7-.03 Procedures For Complaints Against Registrants.

(1) The board shall supply a complaint report form to aid in handling complaints against registrants. Any person may file complaints to the board, including board members. All complaints shall be made in writing to the board and, when available and applicable, include documentation of the alleged violation. To preserve a respondent's right to face their accuser, the board should not accept anonymous complaints except in extraordinary circumstances. A copy of the complaint form shall be given to any registered interior designer who is asked to respond to an allegation.

(2) A confidential file shall be kept in the name of the accused registrant as a record of the violation, along with all documentation and the written responses. The file shall be assigned a case number and turned over to the investigator(s) as soon as possible.

(3) Investigators may be a board member, or members, along with legal counsel. The board may also use or hire outside investigators who are knowledgeable and skilled at gathering, analyzing, and presenting evidence and knowledgeable of the interior design profession and the requirements for registration.

(4) Any board member who assists in the investigation process must recuse themselves from the administrative hearing process, other than acting as a witness, and from voting on any disciplinary measures.

(5) The investigator(s) must first determine if the individual named in the complaint is a registrant. If so, the investigator(s) shall determine if there is sufficient evidence of a violation of this chapter to make a probable cause determination. If a probable cause determination is made, notice of charges may be initiated on the registrant. If the investigator(s) determines there is no probable cause for a disciplinary hearing, then the case shall be considered closed and the file marked as "no probable cause found".

(6) The board shall notify, in writing, the individual who filed the complaint that the board is in receipt of the complaint; if a hearing date has been set; and of any resolution of the alleged violation.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-12.

History: New Rule: Filed September 24, 2010; effective October 29, 2010. **Amended (Rule # only):** Filed November 20, 2018; effective January 4, 2019.

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485-X-7-.04 Notice Of Charges.

(1) Any time the board has reason to believe that a registered interior designer is subject to discipline, notice of the charges placed against the registered interior designer and the time and place of hearing of such charges by the board shall be served on the accused, pursuant to the Alabama Rules of Civil Procedure, not less than 45 days before the day fixed for the hearing.

(2) The notice shall inform the registered interior designer that he or she is entitled to respond to the charges within 30 days, be represented by counsel of his or her choosing at the hearing, have witnesses testify in his or her behalf at the hearing, confront and cross-examine witnesses at the hearing, and testify in his or her own behalf at the hearing.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-12.

History: New Rule: Filed September 24, 2010; effective October 29, 2010. **Amended (Rule # only):** Filed November 20, 2018; effective January 4, 2019.

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