

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 42 INTERIOR DESIGNERS
PART 2 CODE OF PROFESSIONAL CONDUCT

16.42.2.1 ISSUING AGENCY: Regulation and Licensing Department.
[11/10/97; 16.42.2.1 NMAC - Rn, 16 NMAC 42.2.1, 10/26/2002; A, 11/14/2009; A, 08/15/2014; A, 7/18/2023]

16.42.2.2 SCOPE: The licensed interior designer shall be governed by the code of professional conduct when providing interior design services in any context. This code shall apply to the conduct of all licensees and applicants.
[11/10/97; 16.42.2.2 NMAC - Rn, 16 NMAC 42.2.2, 10/26/2002; A, 11/14/2009; A, 7/18/2023]

16.42.2.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Interior Design Act, Section 61-24C-5 NMSA 1978.
[11/10/97; 16.42.2.3 NMAC - Rn, 16 NMAC 42.2.3, 10/26/2002; A, 7/18/2023]

16.42.2.4 DURATION: Permanent.
[11/10/97; 16.42.2.4 NMAC - Rn, 16 NMAC 42.2.4, 10/26/2002]

16.42.2.5 EFFECTIVE DATE: November 10, 1997, unless a different date is cited at the end of a section or paragraph
[11/10/97; 16.42.2.5 NMAC - Rn, 16 NMAC 42.2.5, 10/26/2002]

16.42.2.6 OBJECTIVE: To establish standards of conduct to be upheld by all applicants and licensees. A violation of this part is sufficient reason for disciplinary action pursuant to the Interior Design Act.
[11/10/97; 16.42.2.6 NMAC - Rn, 16 NMAC 42.2.6, 10/26/2002; A, 11/14/2009; A, 7/18/2023]

16.42.2.7 DEFINITIONS: [RESERVED]

16.42.2.8 CODE OF PROFESSIONAL CONDUCT:

A. Responsibility to the public:

(1) Licensed interior designers (LIDs) shall comply with all existing applicable laws, regulations, and codes governing business practices and procedures and the practice of interior design as established by federal, state, and local jurisdictions in which they practice.

(2) LIDs shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by LIDs of good standing, practicing in the same locality.

(3) LIDs shall not engage in any form of false or misleading advertising [or] promotional activities and shall not imply through advertising or other means that persons associated with them or their business entity are licensed interior designers unless licensed by the state of New Mexico.

(4) LIDs shall neither offer nor make any payment or gift to a local, state, or federal official, appointed or elected, with the intent of influencing the official's judgment in connection with an existing or prospective project in which the LID is interested.

(5) LIDs serving in a public capacity shall not accept payments or gifts which are intended to influence their judgment. A person serving in a "public capacity" is defined as anyone working for or on behalf of any government entity.

(6) LIDs shall not engage in conduct involving fraud or flagrant disregard of the rights of others.

(7) LIDs shall not assist, abet, or counsel others to commit fraudulent, negligent, or illegal conduct in connection with a project.

(8) LIDs shall not discriminate in their professional activities on the basis of race, religion, gender, national origin, age, sexual orientation, or non-disqualifying disability.

B. Responsibilities to the client:

(1) Interior design contract documents prepared under the direction of a LID shall contain the following statement: "This document is not an architectural or engineering study, drawing, specification, or design and is not to be used as the basis for construction of any load-bearing framing, wall, or structure construction." This

shall not apply to LIDs who are licensed professionals in such field. "Contract documents" shall be interpreted to mean final contracts, drawings and specifications for and interior design project.

(2) The contract between a LID and a client shall clearly set forth the scope and nature of the project, general description of materials involved, the services to be performed, and the method of compensation for those services. LIDs shall not materially alter the scope or objectives of a project without the client's consent.

(3) LIDs shall fully disclose to the client all methods of compensation which the LID shall receive in connection with the project and shall not accept any form, of undisclosed compensation from any person or firm with whom the LID deals in connection with the project.

(4) LIDs shall not accept compensation for their services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

(5) If LIDs have any business association, direct or indirect financial interest, or other interest which could be substantial enough to influence their judgment in connection with their performance of professional services, the LID shall fully disclose in writing to their clients or employers the nature of interest. If the clients or employers object to such association, financial interest, or other interest, the LID will either terminate such association or interest or decline the commission or employment.

(6) LIDs shall not intentionally or recklessly mislead existing or prospective clients about the results that can be achieved through the use of the LIDs service, nor shall the members state that they can achieve results by means that violate applicable laws or this code.

(7) LIDs shall not divulge any confidential information about the client or the client's project, or utilize photographs of the project without the express written permission of the client. LID's shall disclose in writing to the client the specifications or drawings over which the LID retains proprietary rights, and which do not require client permission prior to use.

(8) LIDs when rendering interior design services shall disclose in writing to the client whether or not they have professional insurance. If they have professional insurance, LIDs shall fully disclose in writing to the client the nature and extent of all insurance coverage, including workman's compensation and bonds, covering subcontractors employed by the LID.

[11/10/97; 16.42.2.8 NMAC - Rn, 16 NMAC 42.2.8, 10/26/2002; A, 11/14/2009]

HISTORY OF 16.42.2 NMAC:

Pre NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

IDB 93-1, Code of Professional Conduct filed 12/20/93.

History of Repealed Material: [RESERVED]