California Architects Board

Regulatory & Enforcement Committee Meeting

April 28, 2016
Sacramento, California

Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF MEETING

REGULATORY AND ENFORCEMENT COMMITTEE

April 28, 2016
11:00 a.m. to 3:00 p.m.
(or until completion of business)
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 574-7220

The California Architects Board (Board) will hold a Regulatory and Enforcement Committee (REC) meeting, as noted above, and via teleconference at the following location:

Robert De Pietro
Frank De Pietro and Sons
825 Colorado Boulevard, Suite 114
Los Angeles, CA 90041

The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website: cab.ca.gov. For further information regarding this agenda, please see reverse or you may contact Kristin Walker at (916) 575-7203.

AGENDA

A. Call to Order/Roll Call/Establishment of Quorum

B. Public Comment on Items Not on Agenda
(The REC may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].)

C. Review and Approve November 5, 2015 REC Meeting Summary Report

D. Enforcement Program Update

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(Continued on Reverse)

E. Discuss and Possible Recommendation Regarding Senate Bill 1132 (Galgiani) and The American Institute of Architects, California Council's (AIACC) Architect-in-Training Title Change Proposal

F. Discuss and Possible Recommendation Regarding 2015-2016 Strategic Plan Objective to Identify and Pursue Needed Statutory and Regulatory Changes so Laws and Regulations are Consistent with Current Architectural Practice to Promote Public Health, Safety, and Welfare

G. Update and Possible Recommendation Regarding 2015-2016 Strategic Plan Objective to Pursue Methods to Obtain Multiple Collection Mechanisms to Secure Unpaid Citation Penalties

H. Update and Possible Recommendation Regarding 2015-2016 Strategic Plan Objective to Pursue Recruitment of Additional Architect Consultant to Ensure Continuity and Effectiveness in Board's Enforcement Program

I. Discuss and Possible Recommendation Regarding 2015-2016 Strategic Plan Objective to Monitor AIACC Legislation Requiring Architect of Record to Perform Mandatory Construction Observation to Promote Consumer Protection

J. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the REC Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the REC are open to the public.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the REC prior to the REC taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the REC, but the REC Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the REC to discuss items not on the agenda; however, the REC can neither discuss nor take official action on these items at the time of the same meeting [Government Code sections 11125 and 11125.7(a)].

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Kristin Walker at (916) 575-7203, emailing kristin.walker@dca.ca.gov, or sending a written request to the Board. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code section 5510.15)

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

Roll is called by the Regulatory and Enforcement Committee (REC) Vice Chair, or in his/her absence, by a member designated by the REC Chair.

COMMITTEE MEMBER ROSTER

Matthew McGuinness, Chair

Barry Williams, Vice Chair

Fred Cullum

Robert De Pietro

Robert Ho

Gary McGavin

Michael Merino

Sheran Voigt

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Members of the public may address the Regulatory and Enforcement Committee (REC) regarding items that are not contained in the meeting agenda at this time.

However, the REC may not discuss or take action on any item raised during this public comment session, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].

REVIEW AND APPROVE NOVEMBER 5, 2015 REC MEETING SUMMARY REPORT

The Regulatory and Enforcement Committee (REC) is asked to review and approve the November 5, 2015 REC Meeting Summary Report.

Attachment:
November 5, 2015 REC Meeting Summary Report

CALIFORNIA ARCHITECTS BOARD
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

SUMMARY REPORT

REGULATORY AND ENFORCEMENT COMMITTEE

November 5, 2015

Department of Consumer Affairs
1747 North Market Boulevard, Hearing Room
Sacramento, CA 95834

Committee Members Present
Matthew McGuinness, Chair
Barry Williams, Vice Chair
Robert De Pietro (via teleconference in Los Angeles, CA)
Robert Ho
Gary McGavin
Michael Merino
Sheran Voigt

Committee Member Absent
Fred Cullum

Board Staff Present
Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Justin Sotelo, Program Manager, Administration/Enforcement
Bob Carter, Architect Consultant
Peter Merdinger, Enforcement Analyst
Sonja Ruffin, Enforcement Analyst
Kristin Walker, Enforcement Analyst
Lily Low, Enforcement Technician
Gregory Marker, Enforcement Technician

Guests
Kurt Cooknick, Director of Regulation and Practice, The American Institute of Architects, California Council (AIACC)
Amanda Green, Architect Licensing Advisor - North, AIACC

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A. Call to Order

Regulatory and Enforcement Committee (REC) Chair Matthew McGuinness called the meeting to order at 1:08 p.m. He welcomed everyone and requested self-introductions. Committee members, Board staff, and guests introduced themselves.

Vice Chair Barry Williams called the roll. He indicated Fred Cullum was absent. A quorum was present.

B. Public Comment on Items Not on Agenda

Mr. McGuinness opened the floor for public comments. No comments were received.

C. Review and Approve April 29, 2015 REC Meeting Summary Report

Mr. McGuinness asked if there were any questions, comments, or changes to the April 29, 2015 REC Meeting Summary Report. There were none.

Robert Ho moved to approve the April 29, 2015 REC Meeting Summary Report.

Robert De Pietro seconded the motion.

Members De Pietro, Ho, McGavin, Williams, and Committee Chair McGuinness voted in favor of the motion. Members Merino and Voigt abstained due to the fact they were not present at the April 29, 2015 meeting. The motion passed 5-0-2.

D. Enforcement Program Update

Justin Sotelo presented the Enforcement Program Update and highlighted items of interest to the REC, including the: 1) upcoming Board meeting on December 10, 2015; 2) status of BreEZe, the Department of Consumer Affairs' (DCA) web-enabled program that supports applicant tracking, licensing, enforcement and management capabilities; and 3) continuing education (CE) audits and actions taken for noncompliance. He also directed the REC's attention to the Enforcement Statistics table within the Enforcement Program Update, and noted staff's proposed modifications to the content and format of the table will be addressed under Agenda Item H.

Doug McCauley summarized the Accelerated Path to Architectural Licensure (APAL) initiative and informed the REC that the National Council of Architectural Registration Boards (NCARB) announced the first 13 accredited architectural programs to be accepted for participation in the NCARB Integrated Path Initiative, including three institutions from California (NewSchool of Architecture and Design, University of Southern California, and Woodbury University).

Mr. Sotelo provided an update on the Sunset Review process, and informed the REC that Assembly Bill (AB) 177 (Bonilla), the bill that extends the Sunset date for the Board and Landscape Architects Technical Committee until January 1, 2020, was signed into law on

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October 2, 2015. He also explained that a provision was included in AB 177 to allow the Board to grant eligibility to take the Architect Registration Examination (ARE) to a candidate enrolled in an APAL program. He informed the REC that staff has reviewed the Board's regulations to determine if any amendments are necessary to implement these provisions.

E. Discuss and Possible Action on 2015-2016 Strategic Plan Objective to Monitor National Council of Architectural Registration Boards Action on Title for Interns to Ensure Appropriate Consumer Protection

Mr. McCauley presented this agenda item. He reminded the REC that the Board's 2015-2016 Strategic Plan includes an objective for the REC to monitor NCARB action on the title for interns to ensure appropriate consumer protection. Mr. McCauley noted that while the objective initially focused solely on NCARB's action, an AIACC letter to Board President Jon Baker on March 4, 2015 requested consideration of the title "architectural intern." He reminded the REC that it reviewed and discussed this objective at its April 29, 2015 meeting, and recommended to the Board that it not further consider the title "architectural intern." He explained that the Board disagreed with the recommendation at its June 10, 2015 meeting and returned the objective to the REC for reconsideration and further research. Mr. McCauley also informed the REC that he and Bob Carter met with AIACC representative Kurt Cooknick on October 27, 2015 to discuss the AIACC's proposal.

Kristin Walker provided a presentation detailing: the positions of The American Institute of Architects (AIA) and NCARB regarding intern titling; the findings of NCARB's Future Title Task Force; titles for "interns" used by other state architectural boards and by other DCA boards; current enforcement resources devoted to enforcing title provisions; and the pros and cons of intern titling. Mr. McCauley shared a list of possible options for the REC to consider in addressing the AIACC's proposal, including: 1) keeping the status quo; 2) reconsidering the proposal after NCARB has made its determinations regarding changes to its *Model Law* and Intern Development Program; or 3) establishing a title with or without specific conditions, which would require an amendment to the Architects Practice Act (Act).

Sheran Voigt noted the pros and cons included "may promote licensure" and "may be a disincentive for licensure," respectively, and opined that if the rationale is to simply promote licensure, then the REC's initial recommendation to not further consider the issue is correct. Mr. McCauley clarified that while AIACC indicated in its proposal that the title may potentially streamline the licensure process, the title may also be a disincentive for licensure. Mr. De Pietro suggested adopting a system similar to the Board of Behavioral Sciences' program, with a six-year limitation and yearly registration, to resolve the disincentive issue. Gary McGavin expressed his concerns regarding the requirement in some states for an accredited degree, as California is one of the few states that grants licensure based solely on experience, and noted the requirement would also exclude candidates with four-year degrees.

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Mr. Cooknick explained that NCARB's "The Use of Titles by Interns: References in NCARB Member Boards' Laws and Rules for Architectural Practice" contains a menu of options for the REC to consider for California, and noted the Illinois Architecture Practice Act allows a candidate for licensure to use the title "architectural intern," but also specifically prohibits the candidate from independently engaging in the practice of architecture. He remarked that although consumer protection is the Board's mandate, the Board is also responsible for advancing the architectural profession by encouraging licensure. He opined that the idea of monitoring the candidates with a six-year deadline would create an unnecessary workload for the Board, and explained that he only initially included a timeframe in the AIACC's letter to prevent concerns regarding candidates using the title for an indefinite period of time. Mr. Cooknick encouraged the REC to create a paraprofessional title with an NCARB record as the minimum requirement, and noted that 28 jurisdictions have already adopted a title and addressed the same concerns. He explained that with NCARB no longer recommending the term "intern," the AIACC is now pursuing the title "architect-in-training" as it is universal and comparable to the engineering profession, which uses the title "engineer-in-training."

Michael Merino asked if staff had gathered any information regarding enforcement actions taken in the 28 jurisdictions as a result of misusing the intern titles. Ms. Walker replied that staff contacted the architectural boards in larger and neighboring states, but found that those boards do not specifically maintain data regarding actions taken for misuse of the intern title provisions. Mr. Cooknick noted that the data may not be available as the states may be tracking such conduct as unlicensed practice. Mr. Merino explained that his concern was whether there is data from a consumer protection standpoint to ensure there is no consumer harm as a result of the proposed title. Mr. McCauley offered to gather any data to meet the REC's needs, and also reminded the REC that the current number of 28 jurisdictions may change as a result of any changes to NCARB's *Model Law*. Mr. Ho noted that both AIA and NCARB are no longer supportive of the proposed title, and questioned if AIACC is taking a different position.

Mr. Williams informed the REC that he discussed the intern titling issue with various people, including students at the California Polytechnic State University, San Luis Obispo (Cal Poly). He shared that the proposed title would be beneficial for candidates, but expressed his concerns regarding the lack of a complete proposal that addresses the regulatory aspects of the proposed title, such as limitations on the use and duration of the title. Mr. Williams also suggested requiring candidates to complete an application process or pay a fee to use the proposed title, and reiterated his request for a comprehensive proposal. Mr. McGavin mentioned that in the engineering profession, a candidate is required to pass an examination prior to being able to use the title "engineer-in-training" and explained that by using an NCARB record as the threshold, the only requirement would be to pay a fee. Mr. Cooknick responded that using an NCARB record as the threshold would establish a method for the Board to pursue the misuse of the title "architect-in-training" as a violation of the Act, and suggested significant consequences for misuse of the proposed title.

Mr. Merino remarked that he is not sure there is a problem that justifies the need for the proposed title, and noted that an individual's job title is provided by the employer. He

stated that if the REC considers the proposed title, he would recommend requiring the candidates to register with the Board and pay a fee to provide a means for staff to recognize unlicensed practice. He explained that he prefers the title "architect-in-training" because the title "engineer-in-training" has already been established and is recognized in the design profession. Mr. McGuinness explained that NCARB's recommendation was not discussed by the Board at its June 10, 2015 meeting, and recalled that Board members viewed the AIACC's proposal as an attempt to motivate interns to become licensed, yet there is no data to show that it would actually encourage licensure. He informed the REC that he discussed the proposal with many architects, who felt that it does not incentivize licensure and may even slow down the licensure process. Mr. McGuinness described the AIACC's proposal as a solution in search of a problem, and noted, per NCARB's Infographic, that Montana, Puerto Rico, and the U.S. Virgin Islands are the only jurisdictions using the title "architect-in-training." Mr. McCauley clarified that NCARB's recommendation was not to create a new title, but to restrict the role of regulation to the title "architect" and to specifically preclude titles for pre-licensed interns.

Mr. Merino explained that in his experience, engineers-in-training do not use that term as a professional title, but instead use the "EIT" acronym as a suffix after their job titles (i.e., Project Manager, EIT). Mr. De Pietro recalled his experience as an engineer-in-training, and informed the REC that he always referred to himself as a designer at an engineering firm rather than an "engineer-in-training." He also reminded the REC that engineers-in-training are required to pass an examination prior to using the title, and suggested a similar requirement for candidates to use the title "architect-in-training." Mr. De Pietro also opined that the proposal creates more consumer confusion.

Mr. Carter noted that the title "intern architect" has been included in NCARB's *Model Law* since 1969, but only 28 jurisdictions have adopted it. He reminded the REC that NCARB and AIA National are no longer supportive of the term "intern," and added that NCARB may be proposing changes to its *Model Law* at its June 2016 Annual Meeting. Mr. Carter suggested that the REC reconsider the intern titling issue after the June 2016 NCARB meeting. Mr. Merino explained that licensed professionals are driven by billable titles and business practices, not self-esteem requirements, and asked Mr. Cooknick to justify the need for a title such as "architect-in-training." Mr. Cooknick explained that the proposal is for a supplemental title that candidates can use, if they choose, and informed the REC that the proposal came from AIACC's Academy for Emerging Professionals (AEP). He opined that individuals would likely continue to misuse the title "architect," not "architect-in-training," and suggested adding a sunset provision to the proposal to address the REC's concerns. Mr. Merino explained that there would be costs to the Board for implementing the proposed title, and suggested that Mr. Cooknick gather information from the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) regarding its costs to manage the title "engineer-in-training." He further stated that he supports enhancing the profession, but questioned if the Board, as a consumer protection agency, would be solving a problem that is actually a problem. Mr. Merino challenged AIACC to thoroughly define the magnitude of the problem and justify the need for a solution prior to revising the Act.

Amanda Green described the AEP as ten young professionals who are leaders in their communities, and shared that allowing candidates to use the proposed title would distinguish them from others in architectural firms who are not pursuing licensure. She advised the REC to not dismiss the proposal as a "feel-good" idea because it is important to those pursuing licensure, and opined that misuse of the title "architect" may be reduced if candidates were able to use a specific title. Mr. Merino suggested candidates complete the licensure process so they are able to use the title "architect" and questioned the need for a title prior to licensure. Mr. Cooknick described the proposed title as an enhancement to the profession and reiterated his suggestion to include a sunset provision in the proposed legislation. Mr. Merino restated his concerns regarding attempting to solve a problem that has not been defined. Mr. Williams noted that Cal Poly has a student chapter of the AIA which allows the use of the "AIAS" designation, and suggested AIA consider offering an "AIAT" designation for those pursuing licensure. Mr. Cooknick responded that such a proposal would be more complicated, and urged the Board to partner with the profession by embracing the proposed title and enhancing the licensure experience for candidates.

Mr. McGuinness directed the REC's attention to the "AIA Intern Titling Update and Survey Results" document contained in the meeting packet, and noted that most popular title among the individuals surveyed was "associate architect," not "architect-in-training." He also opined that the AIACC's proposal is not justified. Mr. Cooknick indicated that it was a national survey and "architect-in-training" is California's response. Mr. Ho stated that although he respects the Board's direction, based on the REC's discussion, he is not sure that it is necessary to establish the title "architect-in-training." Ms. Voigt stated that the use of the title "architect" or any derivatives is restricted to architects, and opined that there is no need to change the Act at this time. Mr. McGavin questioned whether the proposal is based on a generational issue, and stated that self-esteem may be important to young aspiring architects.

Mr. Ho asked Mr. Cooknick to explain the proposed minimum qualifications for candidates to use the title "architect-in-training." Mr. Cooknick responded by proposing that an individual who has established an NCARB record be allowed to use the title "architect-in-training" in conjunction with his or her current employment at an architectural firm. Mr. McCauley noted that an individual can establish an NCARB record after high school. Ms. Green proposed allowing an individual to use title "architect-in-training" after he or she has been deemed eligible for the ARE. Mr. Merino explained that it is not a generational issue, but a public safety issue, and stated it is AIACC's responsibility to support and reinforce the value of becoming an architect, while it is the Board's responsibility to protect the public by ensuring that candidates meet the minimum competency requirements for licensure. Mr. Cooknick questioned how consumers would be harmed as a result of the proposal. Mr. Merino clarified that he is requesting data to support the need for the proposal. Mr. Cooknick responded by indicating that the proposal is supported by a group which represents a larger body across California, and explaining that he finds it tragic that the Board sees itself as solely existing for consumer protection, without acknowledging its responsibility to the profession. Mr. Williams explained that while the Board must protect the consumer, it must also ensure that individuals are pursuing licensure. Mr. Cooknick informed the

REC that the AIACC's proposal is supported by all 75 architect members of the AIACC's Board of Directors and Executive Committee, who do not feel that the proposal is watering down the title "architect," but instead recognize the value of the proposal.

Ms. Voigt commented that there is not enough agreement for a motion, and recommended tabling the discussion until a future meeting.

Michael Merino moved to table the intern titling issue until such time that information from AIA and NCARB is presented to the Board for it to review and make a determination.

Mr. McGuinness reminded the REC that the Board returned the issue to the Committee to make a determination. Mr. Ho stated that the REC reviewed all of the available information since the last meeting, but is not prepared to make a recommendation at this point.

Michael Merino moved to amend the motion to inform the Board that it is premature for the REC to make a definitive recommendation regarding the intern titling issue at this point, other than to reconsider it at a later date.

Sheran Voigt seconded the motion and the amendment to the motion.

Mr. De Pietro requested input from staff and the architect consultants regarding the specific conditions to include if the REC were to consider a title such as "architect-in-training." Mr. McCauley responded by informing the REC of the significant costs associated with developing an examination.

Robert Ho moved to amend the motion to include that the REC is fully open-minded to reviewing any further intern titling proposals, provided such proposals contain sufficient information for the REC to make a recommendation on the issue.

Michael Merino accepted the amendment to the motion.

Sheran Voigt seconded the amendment to the motion.

Michael Merino amended the motion to clarify that the REC is open to a comprehensive proposal regarding intern titling from staff or AIACC.

Robert De Pietro seconded the amendment to the motion.

Vickie Mayer suggested that the REC first consider if it supports the concept of a regulated title for candidates before requesting a detailed proposal from staff. Ms. Voigt stated staff has not been asked to do anything at this point, and Mr. Ho clarified the intent is for AIACC, not staff, to prepare a comprehensive proposal. Mr. Merino responded by expressing the REC's desire to return the issue to AIACC for a more defined proposal because the REC does not currently have sufficient information to make a decision. Mr. Williams agreed and requested a complete proposal that includes the minimum

qualifications for use of the proposed title. Mr. Carter also requested that AIACC provide the Board with a comprehensive proposal with its current position on the issue, and noted the Board has not received any written material from AIACC on the issue since the March 4, 2015 letter.

Michael Merino amended the motion to recommend to the Board that it table the intern titling issue until AIACC presents a comprehensive proposal that has been reviewed and analyzed by Board staff.

Sheran Voigt seconded the amendment to the motion.

Members De Pietro, Ho, McGavin, Merino, Voigt, Williams, and Committee Chair McGuinness voted in favor of the motion. The motion passed 7-0.

F. Discuss and Possible Action on 2015-2016 Strategic Plan Objective to Review the Board's Occupational Analysis of the Architect Profession to Identify Marketplace Trends That Impact Consumer Protection

Ms. Walker presented this agenda item. She reminded the REC that the Board's 2015-2016 Strategic Plan tasks the REC with reviewing the Board's Occupational Analysis of the Architect Profession (OA) to identify marketplace trends that impact consumer protection. Ms. Walker provided background information regarding the OA process, and noted the Board's current OA was conducted in 2014 and the previous OA was completed in 2007. She also reminded the REC that it discussed this objective at its April 29, 2015 meeting and appointed Messrs. McGavin and Williams to a working group to review the Board's OA, identify marketplace trends that impact consumer protection, and report their findings back to the REC.

Ms. Walker informed the REC that the working group met on October 15, 2015 and discussed general marketplace trends affecting architectural practice, including: 1) the architect's role in leading the project team; 2) increased specialization within architectural firms; 3) changes in project delivery methods; 4) a lack of business courses within architectural programs; and 5) the prevalence of unlicensed practice. She explained the working group reviewed and analyzed the content of the 2007 and 2014 OAs, including the rankings of the task and knowledge statements from both reports, and then focused on the primary knowledge areas from the 2014 OA and mapped them to the 2007 version. Ms. Walker shared the working group's conclusion that while there were no significant trends that impact consumer protection at this time, it recommends the Board perform a similar review each time a new OA is conducted.

Michael Merino moved to accept the working group's findings and recommend to the Board that while the REC concluded there were no significant marketplace trends that impact consumer protection at this time, the Board should perform a similar review each time a new OA is conducted.

Sheran Voigt seconded the motion.

Members De Pietro, Ho, McGavin, Merino, Voigt, Williams, and Committee Chair McGuinness voted in favor of the motion. The motion passed 7-0.

G. Discuss and Possible Action on 2015-2016 Strategic Plan Objective to Pursue Recruitment of an Additional Architect Consultant to Ensure Continuity and Effectiveness in the Board's Enforcement Program

Mr. Sotelo presented this agenda item. He explained that the Board's 2015-2016 Strategic Plan contains an objective assigned to the REC to pursue the recruitment of an additional architect consultant to ensure continuity and effectiveness in the Board's Enforcement Program. He noted the Board is authorized to contract with licensed architect consultants under Business and Professions Code section 5528, and added the intent of the objective is to prepare for long-term succession planning and ensure institutional knowledge is preserved. Mr. Sotelo informed the REC that staff is currently preparing a Request for Proposal (RFP) to renew the current architect consultant contract that expires on June 30, 2016, and, to address this objective, staff is considering preparing an additional RFP to provide the Board with a third architect consultant. He explained the two architect consultant contracts would be presented to the Board for approval at future meetings.

Mr. Sotelo also summarized the delegated expert consultant contract process, which allows the Board to contract with subject matter experts (SMEs) in a more expeditious manner. He noted that the Board currently uses this process to contract with SMEs for examination development workshops, and explained the Board is also able to contract with expert consultants for enforcement purposes under this process. Mr. Sotelo informed the REC that the Enforcement Unit has utilized the delegated contract process to contract with an expert consultant for an enforcement-related matter, and with the REC's support, would like to continue to utilize these contracts.

Ms. Voigt asked if action was necessary for this agenda item. Mr. McGuinness replied that the REC needs to take action to allow staff to utilize the two pathways that were identified.

Robert Ho moved to recommend to the Board that it authorize staff to pursue an RFP to provide the Board with an additional architect consultant and continue to utilize the services of expert consultants through the delegated contract process.

Sheran Voigt seconded the motion.

Members De Pietro, Ho, McGavin, Merino, Voigt, Williams, and Committee Chair McGuinness voted in favor of the motion. The motion passed 7-0.

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H. Discuss and Possible Action on 2015-2016 Strategic Plan Objective to Modify and Expand Reports to Board Members Regarding Enforcement Activities to Identify the Most Common Violations and Disciplinary Actions

Ms. Walker presented this agenda item. She reminded the REC that the Board's 2015-2016 Strategic Plan contains an objective to modify and expand reports to Board members regarding enforcement activities to identify the most common violations and disciplinary actions. She summarized the information regarding the Enforcement Program contained in the existing monthly reports to Board members, and informed the REC that staff has previously included bar graphs depicting the number of pending complaints by year received in Board meeting packets at the request of Board members.

Ms. Walker also reminded the REC that it reviewed sample enforcement reports from the Board's Monthly Report, 2014 Sunset Review Report, past meeting packets, and reports used by BPELSG and the Contractors State License Board (CSLB) in their board meeting packets at its April 29, 2015 meeting, and recommended that staff incorporate case aging, caseload, and the most common violations of the Act into a new report format for Board members. She informed the REC that staff modified the content and format of the Enforcement Program section of the Monthly Report based on the REC's feedback. She explained that staff recommends revising the Enforcement Statistics table within the Report to include fiscal year to date and an average of the past five fiscal years in place of the previous year column, and adding additional information regarding complaint aging, CE cases, and issued and pending citations. Ms. Walker added staff further recommends including a new section in the Report to identify the most common violations of the Act and/or Board regulations that resulted in disciplinary or enforcement action during the current fiscal year.

Ms. Walker also informed the REC that in addressing this objective, staff developed an Enforcement Program Statistical Report for Board meeting packets, and explained the new Report includes tables and graphs to convey the following information: 1) types of complaints received by the Board during the current fiscal year; 2) comparison of complaints received, closed, and pending by fiscal year; 3) comparison of the age of pending complaints by fiscal year; 4) summary of closed complaints by fiscal year; 5) summary of disciplinary and enforcement actions by fiscal year; and 6) most common violations of the Act and/or Board regulations that resulted in enforcement action during the current and previous two fiscal years.

Mr. Merino noted this topic was initially discussed during his tenure as a Board member, and expressed his support of the proposed modifications to the reports and the inclusion of graphics to effectively communicate the information regarding the Enforcement Program.

Michael Merino moved to recommend to the Board that it accept the proposed modifications to the enforcement activities reports to Board members.

Barry Williams seconded the motion.

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Members De Pietro, Ho, McGavin, Merino, Voigt, Williams, and Committee Chair McGuinness voted in favor of the motion. The motion passed 7-0.

I. Discuss and Possible Action on 2015-2016 Strategic Plan Objective to Pursue Methods to Obtain Multiple Collection Mechanisms to Secure Unpaid Citation Penalties

Mr. Sotelo presented this agenda item. He reminded the REC that the Board's 2015-2016 Strategic Plan contains an objective assigned to the REC to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties. Mr. Sotelo highlighted the fact that the Board has recently been successful in collecting citation penalties, and explained that during fiscal years (FY) 2011/12 through 2013/14, the Board collected approximately 62% of the $133,000 in administrative fines it assessed, while BPELSG and CSLB collected 44% and 35%, respectively. He also noted that during FY 2014/15, the Board assessed $78,000 in administrative fines with a 73% collection rate.

Mr. Sotelo reminded the REC that staff presented a variety of options for its consideration at the April 29, 2015 meeting, including: 1) proactively offering payment plans; 2) strengthening and increasing the frequency of letters to both licensees and unlicensed individuals who have not satisfied their citations; 3) contracting with a collection agency; 4) using the telephone disconnect program as a deterrent for repeat violations and to encourage payment; 5) establishing a "license leveraging system" within DCA; and 6) partnering with the Employment Development Department to collect the unpaid fines through wage garnishments. He explained that following the last REC meeting, staff strengthened the content of the citation collection notices and became more proactive in offering payment plans. Mr. Sotelo advised the REC that staff's recommendation is to consider pursuing a contract with a collection agency. He informed the REC that the Board currently obtains unlicensed individuals' social security numbers (SSNs) from DCA's Division of Investigation and transmits that information to the Franchise Tax Board (FTB) "Intercept Program." Mr. Sotelo explained that under current law, the Board is prohibited from releasing the SSNs to outside entities, such as a collection agency, but other DCA boards and bureaus are currently utilizing collection agencies without releasing SSNs. He also informed the REC that staff will continue to explore the feasibility of establishing a "license leveraging system" within DCA.

Mr. Merino recalled that citation collection is another issue that was initiated while he was a Board member, and questioned if the majority of the unpaid fines were assessed against unlicensed individuals. Mr. Sotelo responded affirmatively. Mr. Merino also inquired about the Board's success rate in collecting unpaid fines through the FTB "Intercept Program." Mr. McCauley replied that the success rate is not as high as staff would like, and Mr. Sotelo noted that the potential sources of recovery through the FTB "Intercept Program" are limited to State tax refunds, Lottery proceeds, and unclaimed property. Mr. Merino encouraged staff to take as much action as possible to pursue individuals who have been cited for unlicensed practice, as they impact consumer safety and the profession, and expressed his support of referring the unpaid fines to a collection agency. Ms. Voigt asked for an update regarding the Board's pursuit of the authority to

release SSNs to collection agencies. Mr. McCauley explained that the Legislature is not currently supportive of DCA boards and bureaus sharing SSNs with outside entities due to potential privacy or security issues that may arise if the information was released. Mr. McCauley added that the various methods for collecting the fines would encourage payment and have a deterrent effect on unlicensed activity.

Mr. Merino reiterated his support of pursuing a contract with a collection agency, especially in cases involving unlicensed practice, and encouraged staff to take all necessary action to ensure payment of the fines. Mr. Ho asked if there is a specific policy regarding the age of the fines prior to referral to a collection agency. Mr. Sotelo explained that the Board does not currently have a contract with a collection agency, and Mr. McCauley offered to obtain information from other DCA boards and bureaus regarding their policies on collection agencies. Mr. McGuinness remarked that the Board is currently doing well in collecting the fines, and commended staff on strengthening the content of the correspondence regarding unpaid citations and proactively offering payment plans. Mr. Merino noted that the high collection rate is primarily the result of licensees paying their fines, and restated his desire for staff to pursue unlicensed individuals who hold themselves out as licensees.

Sheran Voigt moved to recommend to the Board that it encourage staff to continue pursuing all avenues for collecting unpaid administrative fines and start utilizing a collection agency for unpaid administrative fines aged beyond 90 days, or at the discretion of the Executive Officer.

Michael Merino seconded the motion.

Members De Pietro, Ho, McGavin, Merino, Voigt, Williams, and Committee Chair McGuinness voted in favor of the motion. The motion passed 7-0.

J. Adjournment

The meeting adjourned at 3:57 p.m.

DRAFT

ENFORCEMENT PROGRAM UPDATE

Attached is the Enforcement Program Update, which is a synopsis of Board and Enforcement Program activities and projects of interest to the Regulatory and Enforcement Committee (REC).

Also included in this item are the Enforcement Program Report (current fiscal year-to-date [FYTD] and two prior FYs) and an overview of Citations Issued and Final and Administrative Actions from October 1, 2015 through March 31, 2016 (reporting period since the last REC meeting).

Attachments:
1. Enforcement Program Update, October 2015 through March 2016
2. Enforcement Program Report, FY 2013/14 through FYTD 2015/16
3. Citations Issued and Final, October 1, 2015 through March 31, 2016
4. Administrative Actions, October 1, 2015 through March 31, 2016

ENFORCEMENT PROGRAM UPDATE

October 2015 through March 2016

Architect Consultants

Building Official Contact Program:
Architect consultants were available on-call to Building Officials from October 2015 through March 2016, when they received 50 telephone, email, and/or personal contacts. These types of contacts generally include discussions regarding the California Architects Board's (Board) policies and interpretations of the Architects Practice Act (Act), stamp and signature requirements, and scope of architectural practice.

California Building Officials (CALBO):
The 2016 Annual Business Meeting of CALBO was held March 14-17, 2016 in San Diego. This was the 54th annual meeting of the organization. The Board sponsored a vendor table as part of the Exhibitor's Program, which was staffed by Board architect consultants Bob Carter and Barry Williams. There were approximately 320 people representing various building departments throughout the State. The Board had over 15 documented direct contacts. Once again, CALBO leadership extended a special thank you to the Board for participating and continuing its history of support to the organization.

The Board expects an invitation to participate at the County Building Officials Annual Conference in October 2016. In addition, the Cities of Laguna Beach, San Diego, Santa Clarita, and Santa Monica requested supplies of the Board's *Consumer's Guide to Hiring an Architect* and *Consumer Tips for Design Projects*.

Contracts:
One of the architect consultant contracts expires on June 30, 2016. A Request for Proposal (RFP) for architect consultant services for the next three fiscal years (FY) [2016/17 through 2018/19] was released on March 9, 2016, and advertised on the Internet under the State Contracts Register. The final date for submission of proposals was April 6, 2016. Proposals received in response to the RFP are evaluated through a two-phase process, which includes scoring each written proposal (First Phase Evaluation), and each proposer receiving an overall technical score of 30 or more in the first phase then proceeds to an oral interview (Second Phase Evaluation). The Notice of Intent to Award announcing the consultant selected was posted, as required by law, in the Board's office on April 21, 2016, and the tentative agreement start date will be July 1, 2016, or upon approval.

Education/Information Program:
Architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees. From October 2015 through March 2016, there were 129 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 50 of the contacts and included inquiries regarding written contract requirements, out-of-state licensees seeking to do business in California, scope of practice relative to engineering disciplines, and questions about stamp and signature requirements.

Outreach:
On October 19, 2015, the Board distributed a Post-Disaster Building Official Bulletin and supply of the *Consumer's Guide to Hiring an Architect* to Building Officials in the counties affected by the Butte and Valley Fires. The Bulletin was provided to assist the Building Officials and their staff in helping citizens rebuild homes and businesses damaged by the fires, and included information regarding: 1) license requirements; 2) penalties for unlicensed practice; 3) requirements for the release of plans following a natural disaster; 4) Board's toll-free telephone number to aid disaster victims; and 5) opportunities for the Board to provide outreach and education at community events.

Board Meetings

Since October 2015, the Board met on December 10, 2015 in Sacramento and March 3, 2016 in Burbank. The meetings scheduled for the year are as follows: June 9 (Bay Area); September 29 (Southern California); and December 8-9 (Sacramento). The December meeting will include a Strategic Planning session.

Budget

In February 2016, Board staff met with the Department of Consumer Affairs (DCA) Budget Office staff to conduct the annual budget planning meeting, and to discuss the realignment of budget line items and expenditure projections, per the Board's request. Budget Office staff prepared proposed realignments and updated the projections, which are being reviewed and further analyzed by staff.

Continuing Education (CE) Audit System

Assembly Bill (AB) 1746 (Chapter 240, Statutes of 2010) became effective January 1, 2011 and amended the statutory provisions of Business and Professions Code sections (BPC) 5600 and 5600.05 pertaining to the CE requirement for licensees. This bill amended the CE provisions by: 1) requiring an audit of license renewals beginning with the 2013 renewal cycle; 2) adding a citation and disciplinary action provision for licensees who provide false or misleading information; and 3) mandating the Board to provide the Legislature a report on the level of licensee compliance, actions taken for noncompliance, findings of Board audits, and any recommendations for improving the process.

An audit system was developed by the Professional Qualifications Committee and approved by the Board on June 14, 2012. The Board has audited at least 3% of the license renewals received each year since January 2013 to verify the completion of the CE requirements by licensees. As of March 31, 2016, the Board has audited approximately 1,230 licensees and found 202 cases where licensees have: 1) certified false and/or misleading information regarding their compliance with this requirement when filing their license renewal applications with the Board; 2) failed to maintain records of completion of the required coursework; or 3) failed to provide the Board with records of completion of the required coursework upon request. The Board's Enforcement Unit has established procedures for processing the audit findings, and as of March 31, 2016, 56 citations have been issued to licensees for noncompliance with the CE provisions of BPC 5600.05.

Enforcement Program Statistics

Enforcement Statistics	Current Month March 2016	Prior Month February 2016	FYTD 2015/16	5-FY Avg 2010/11-2014/15
Complaints				
Received/Opened:	21	44	328	279
Closed:	46	53	342	286
Average Days to Close:	98 days	147 days	113 days	161 days
Pending:*	94	119	124	109
Average Age of Pending:*	150 days	126 days	125 days	200 days
Citations				
Issued:	2	17	56	30
Pending:*	15	21	16	10
Final:	6	11	51	27
Disciplinary Action				
Pending AG:*	7	7	9	3
Pending DA:*	1	1	1	3
Final:	0	0	2	3
Continuing Education (§5600.05)**				
Received/Opened:	8	11	88	57
Closed:	11	19	98	46
Pending:*	12	15	19	30
Settlement Reports (§5588)**				
Received/Opened:	4	1	27	33
Closed:	8	4	32	36
Pending:*	6	10	13	15

* *FYTD data is presented as an average of pending cases to date.*
** *Also included within "Complaints" information.*

Legislation

AB 507 (Olsen) [BreEZe] would add BPC 210.5 to require DCA to submit an annual report to the Legislature and the Department of Finance regarding the BreEZe system. There are current discussions between DCA and the bill's author about restructuring AB 507 in a way that would provide the Legislature with metrics and other information that it desires. The Bill remains in the Senate Committee on Business, Professions and Economic Development (BP&ED).

Senate Bill (SB) 1132 (Galgiani) [Architects-in-Training] is an American Institute of Architects, California Council (AIACC) proposal to create and define a special title for candidates for licensure. Specifically, it would create the "architect-in-training" title for a person who has received Board confirmation of eligibility for the Architect Registration Examination (ARE) and is employed under the direct supervision of an architect. SB 1132 was introduced on February 18, 2016, and on April 4, 2016, the bill was passed by the BP&ED and referred to the Senate Appropriations Committee. SB 1132 will next be heard by the Senate Appropriations Committee on April 25, 2016.

BPC 5536.22 (Written Contract) and 5550.2 (Exam Eligibility – Integrated Degree Program) are two proposals submitted by the Board to BP&ED for possible inclusion in the omnibus clean-up bill. The first component was an amendment to BPC 5536.22 to clarify that the following elements are needed in architects' written contracts with clients for professional services: 1) a description of the project and address; and 2) a description of the procedure to accommodate contract changes. BP&ED staff determined that this proposal is substantive and must be included in another bill in 2017. Board staff reviewed the proposed language for BPC 5536.22, and identified additional potential revisions to the language for the REC's consideration at its April 28, 2016 meeting.

The second proposal clarifies language regarding integrated degree programs that was added to the Act via the Sunset Review bill last year. The amendment updates BPC 5550.2, which permits the Board to grant early eligibility to take the ARE for students enrolled in a National Council of Architectural Registration Boards-accepted integrated degree program. BP&ED accepted this amendment, with a minor revision requested by Legislative Counsel, for inclusion in SB 1479 (BP&ED) [Exam Eligibility]. SB 1479 is set for hearing by the BP&ED on April 18, 2016.

Newsletter

The latest issue of the Board's newsletter, *California Architects*, was published, posted on the website, and distributed to email subscribers on April 6, 2016.

Regulation Amendment

California Code of Regulations section (CCR) 154 (Disciplinary Guidelines) - The Board's 2013 and 2014 Strategic Plans included an objective to review and update the Board's *Disciplinary Guidelines*. The Regulatory and Enforcement Committee (REC) reviewed recommended updates to the Board's *Disciplinary Guidelines* in 2013 and 2014. Additionally, at the request of the REC, staff consulted with a representative of AIACC to address a proposed modification to the "Obey All Laws" condition of probation. The representative concurred with the revision and indicated that there was no issue with the proposal. Staff then consulted with the REC Chair who agreed to provide the *Disciplinary Guidelines* with recommended revisions to the Board for consideration at its December 2014 meeting due to the target date established for the Strategic Plan objective. At its December 2014 meeting, the Board approved the proposed revisions to the *Disciplinary Guidelines* and authorized staff to proceed with a regulatory proposal to amend CCR 154 in order to incorporate the revised *Disciplinary Guidelines* by reference. Staff prepared the required regulatory documents for the Board's review and approval at its June 10, 2015 meeting. The Board approved the proposed regulatory language to amend CCR 154 at its June 10, 2015 meeting and delegated authority to the Executive Officer (EO) to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed.

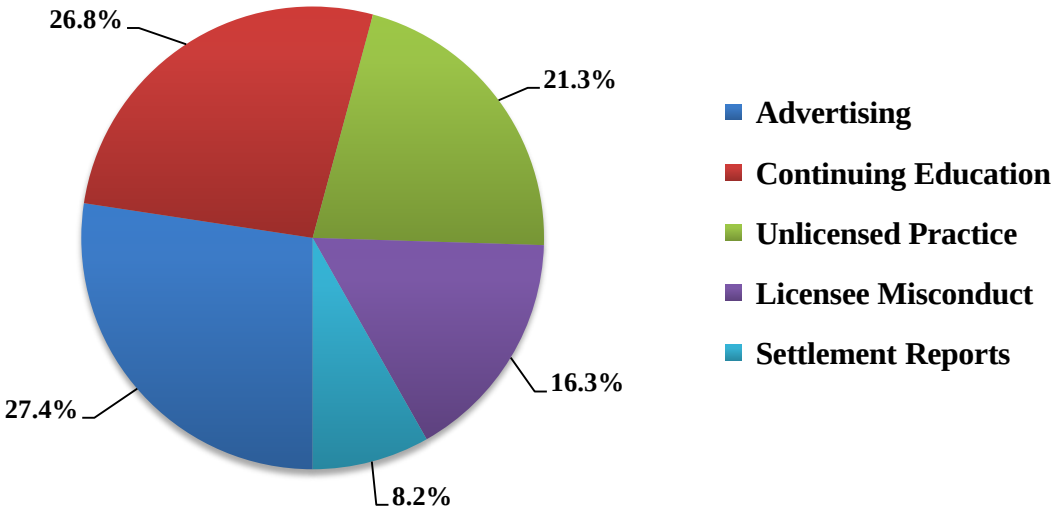
Following the August 6, 2015 Landscape Architects Technical Committee (LATC) meeting, DCA legal counsel advised LATC staff that additional research may be necessary regarding Optional Conditions 9 (California Supplemental Examination) and 10 (Written Examination). LATC staff subsequently discussed the issues with Optional Conditions 9 and 10 with legal counsel on September 30, 2015. Board staff reviewed legal counsel's comments as they relate to the Board's *Disciplinary Guidelines*, and determined the Board's *Guidelines* would also need to be amended.

On October 21, 2015, Board and LATC staff sent proposed edits to these conditions to legal counsel for review. Legal counsel notified Board and LATC staff on November 12, 2015 that the proposed edits were acceptable, but substantive, and would require approval by the Board. On November 25, 2015, legal counsel further advised staff to include the current version of the Board's Quarterly Report of Compliance form (1/11) as "Attachment A" in the Board's *Disciplinary Guidelines*, as this method was previously approved by the Office of Administrative Law (OAL) for the 2000 edition of the *Guidelines*.

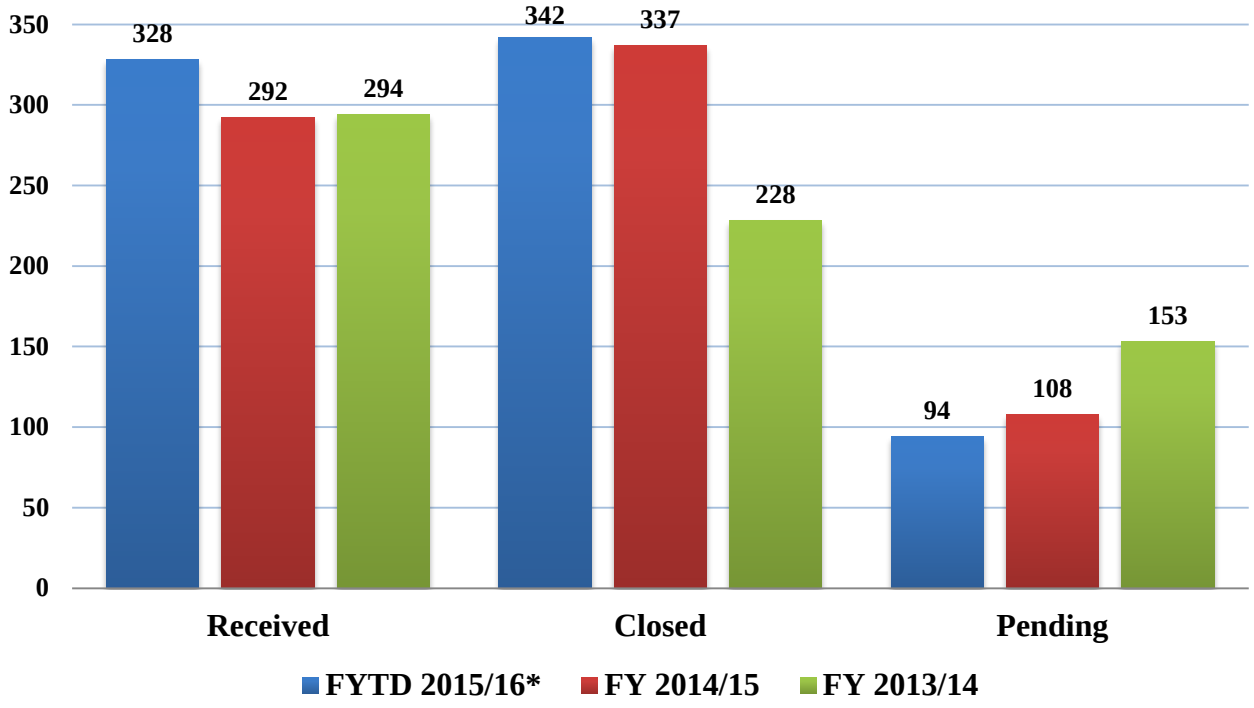
At its December 10, 2015 meeting, the Board reviewed and approved the additional recommended revisions to the Board's *Disciplinary Guidelines* and the proposed regulation to amend CCR 154, and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for DCA legal counsel's review and approval on March 15, 2016. On April 8, 2016, legal counsel advised staff that further substantive changes were necessary prior to submission to OAL. Staff is currently developing recommended revisions to the *Guidelines* in response to legal counsel's concerns, and will present those revisions to the REC for review and consideration at its next meeting in the fall.

ENFORCEMENT PROGRAM REPORT

Types of Complaints Received FYTD 2015/16*

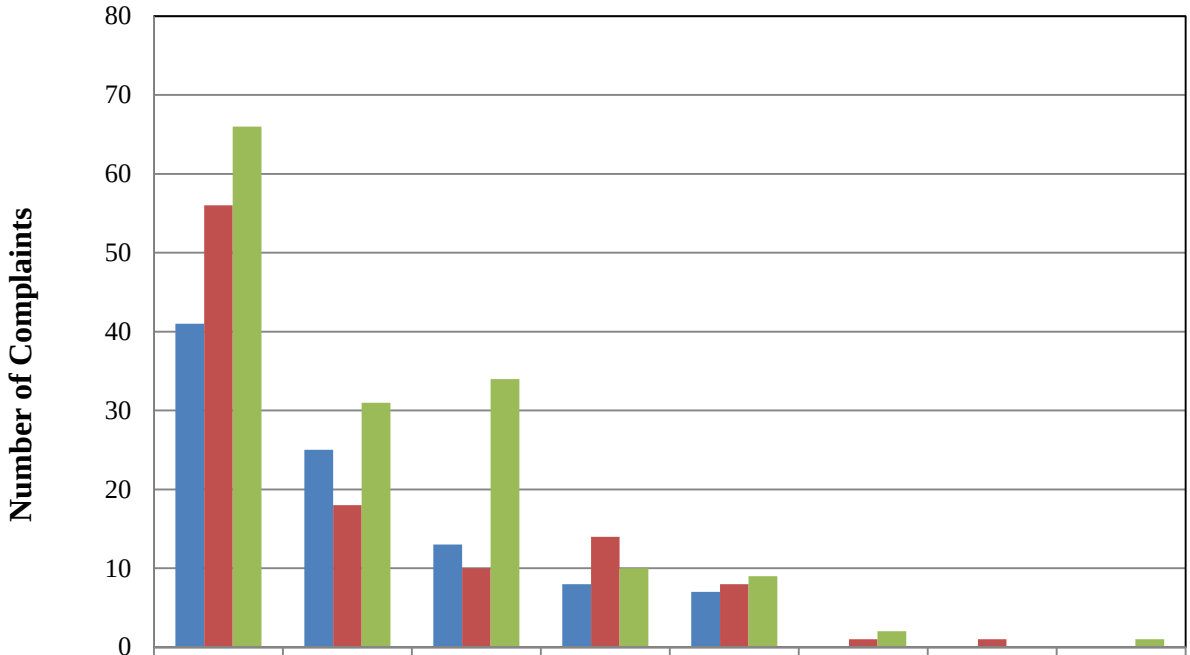


Complaints Received, Closed, and Pending by FY



* FYTD reflects data as of March 31, 2016.

Comparison of Age of Pending Complaints by FY



	0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 364 Days	1 - 2 Years	2 - 3 Years	3 - 4 Years	4+ Years
FYTD 2015/16*	41	25	13	8	7	0	0	0
FY 2014/15	56	18	10	14	8	1	1	0
FY 2013/14	66	31	34	10	9	2	0	1

* FYTD reflects data as of March 31, 2016.

Closure of Complaints by FY

Type of Closure	FYTD 2015/16*	FY 2014/15	FY 2013/14
Cease/Desist Compliance	38	9	61
Citation Issued	56	62	21
Complaint Withdrawn	4	2	2
Insufficient Evidence	17	13	8
Letter of Advisement	144	185	66
No Jurisdiction	13	11	11
No Violation	52	40	45
Referred for Disciplinary Action	2	6	4
Other (i.e., Duplicate, Mediated, Opened in Error, etc.)	16	9	10

* FYTD reflects data as of March 31, 2016.

Disciplinary and Enforcement Actions by FY

Action	FYTD 2015/16*	FY 2014/15	FY 2013/14
Disciplinary Cases Initiated	2	5	2
Pending Disciplinary Cases	7	6	2
Final Disciplinary Orders	2	1	1
Final Citations	51	47	20
Administrative Fines Assessed	$66,750	$78,000	$47,000

* FYTD reflects data as of March 31, 2016.

Most Common Violations by FY

As of March 31, 2016, the Board has issued 51 citations with administrative fines for 84 violations of the provisions of the Architects Practice Act and/or Board regulations. The most common violations that resulted in enforcement action during the current and previous two fiscal years are listed below.

Business and Professions Code Section (BPC) or California Code of Regulations Section (CCR)	FYTD 2015/16*	FY 2014/15	FY 2013/14
BPC 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect	25.0%	41.8%	50.0%
BPC 5536.1(c) – Unauthorized Practice	4.8%	5.1%	11.4%
BPC 5536.22 (a) – Written Contract	3.6%	5.1%	18.2%
BPC 5584 – Negligence or Willful Misconduct	5.9%	2.5%	6.8%
BPC 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements**	47.6%	31.6%	N/A
CCR 160(b)(2) – Rules of Professional Conduct	8.3%	5.1%	6.8%

* FYTD reflects data as of March 31, 2016.

** Assembly Bill 1746 (Chapter 240, Statutes of 2010) became effective January 1, 2011 and amended the continuing education provisions of BPC 5600.05 by requiring an audit of license renewals beginning with the 2013 renewal cycle and adding a citation and disciplinary action provision for licensees who provide false or misleading information.

CITATIONS ISSUED AND FINAL

October 1, 2015 – March 31, 2016

Trevor David Abramson (Culver City)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to Trevor David Abramson, architect license number C-17597, for an alleged violation of Business and Professions Code section (BPC) 5600.05(a)(1). The action alleged that Abramson certified false or misleading information on his 2015 License Renewal Application. Abramson paid the fine, satisfying the citation. The citation became final on February 24, 2016.
Donald Raymond Alameida (Sebastopol)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to Donald Raymond Alameida, architect license number C-19767, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Alameida certified false or misleading information on his 2015 License Renewal Application. Alameida paid the fine, satisfying the citation. The citation became final on February 11, 2016.
Tracy Ellen Boland (Indianapolis, IN)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $250 administrative fine to Tracy Ellen Boland, architect license number C-30533, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Boland certified false or misleading information on her 2015 License Renewal Application. Boland paid the fine, satisfying the citation. The citation became final on November 10, 2015.

John K. Chang (Emeryville)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to John K. Chang, architect license number C-32235, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Chang certified false or misleading information on his 2015 License Renewal Application. Chang paid the fine, satisfying the citation. The citation became final on January 26, 2016.
Nathaniel Raymond Chiappa (Los Angeles)	BPC 5600.05(b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $750 administrative fine to Nathaniel Raymond Chiappa, architect license number C-31889, for an alleged violation of BPC 5600.05(b). The action alleged that Chiappa failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. Chiappa paid the fine, satisfying the citation. The citation became final on October 8, 2015.
Gerald Lamont Clark (Lake Havasu City, AZ)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to Gerald Lamont Clark, architect license number C-5804, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Clark certified false or misleading information on his 2015 License Renewal Application. The citation became final on March 15, 2016.
Evan R. Cross (Mill Valley)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to Evan R. Cross, architect license number C-27319, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Cross certified false or misleading information on his 2015 License Renewal Application. Cross paid the fine, satisfying the citation. The citation became final on October 8, 2015.

Nicole Michele Cuneo (La Quinta)	BPC 5600.05(b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $750 administrative fine to Nicole Michele Cuneo, architect license number C-32690, for an alleged violation of BPC 5600.05(b). The action alleged that Cuneo failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. The citation became final on December 7, 2015.
Stephen D. Dunakoskie (Leesburg, VA)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to Stephen D. Dunakoskie, architect license number C-17783, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Dunakoskie certified false or misleading information on his 2015 License Renewal Application. The citation became final on February 23, 2016.
Yvonne Marie Farrell (Mountain View)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements CCR 160(b)(2) – Rules of Professional Conduct The Board issued a two-count citation that included a $1,500 administrative fine to Yvonne Marie Farrell, architect license number C-22393, for alleged violations of BPC 5600.05(a)(1) and California Code of Regulations section (CCR) 160(b)(2). The action alleged that Farrell failed to provide documentation to the Board from the course provider upon an audit of her 2013 License Renewal Application and failed to respond to the Board's requests for information within 30 days in regards to an investigation. The citation became final on October 8, 2015.
Markus Hans Geisler (Albany)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements CCR 160(b)(2) – Rules of Professional Conduct The Board issued a two-count citation that included a $1,500 administrative fine to Markus Hans Geisler, architect license number

C-16933, for alleged violations of BPC 5600.05(a)(1) and CCR 160(b)(2). The action alleged that Geisler failed to provide documentation to the Board from the course provider upon an audit of his 2013 License Renewal Application and failed to respond to the Board's requests for information within 30 days in regards to an investigation. The citation became final on November 25, 2015.

Robert Francis Huddy
(Studio City)

BPC 5536.22(a) – Written Contract
BPC 5584 – Willful Misconduct
CCR 160(b)(2) – Rules of Professional Conduct

The Board issued a three-count citation that included a $3,000 administrative fine to Robert Francis Huddy, architect license number C-20474, for alleged violations of BPC 5536.22(a) and 5584 and CCR 160(b)(2). The action alleged that Huddy failed to execute a written contract prior to commencing professional services, failed to provide his client with construction documents for which he was paid, and failed to respond to his client's requests for information regarding his project. Huddy failed to respond to the Board's requests for information within 30 days in regards to an investigation. The citation became final on February 11, 2016.

Elhamy Michel Kirollos
(Santa Clarita)

BPC 5584 – Negligence
CCR 160(f)(1) – Rules of Professional Conduct

The Board issued a two-count citation that included a $2,000 administrative fine to Elhamy Michel Kirollos, architect license number C-30861, for alleged violations of BPC 5584 and CCR 160(f)(1). The action alleged that Kirollos failed to modify a construction contract agreement to reflect major changes in roles and responsibilities of both the architect and contractor when both functions and associated activities are performed by the same person. He failed to clearly define his role and responsibilities as both architect and contractor to fairly protect the interests of all concerned. Kirollos also changed the project scope of work without first obtaining the client's consent to do so in writing. Kirollos paid the fine, satisfying the citation. The citation became final on October 15, 2015.

Scott Kendall Lelieur
(Bainbridge, WA)

BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $500 administrative fine to Scott Kendall Lelieur, architect license number C-24145, for an alleged violation of BPC 5600.05(a)(1). The action

alleged that Lelieur certified false or misleading information on his 2015 License Renewal Application. Lelieur paid the fine, satisfying the citation. The citation became final on February 24, 2016.

Geoffrey S. Lin (San Francisco)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to Geoffrey S. Lin, architect license number C-24873, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Lin certified false or misleading information on his 2015 License Renewal Application. Lin paid the fine, satisfying the citation. The citation became final on February 4, 2016.
Stephen Lee Lippert (San Jose)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to Stephen Lee Lippert, architect license number C-12273, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Lippert certified false or misleading information on his 2015 License Renewal Application. Lippert paid the fine, satisfying the citation. The citation became final on February 26, 2016.
Willis Douglas Longyear III (Manhattan Beach)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to Willis Douglas Longyear III, architect license number C-25336, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Longyear certified false or misleading information on his 2015 License Renewal Application. Longyear paid the fine, satisfying the citation. The citation became final on March 16, 2016.
John F. Mufarreh (Millbrae)	BPC 5600.05(b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $750 administrative fine to John F. Mufarreh, architect license number C-32407, for an alleged violation of BPC 5600.05(b). The action

alleged that Mufarreh failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. Mufarreh paid the fine, satisfying the citation. The citation became final on February 29, 2016.

Sachin R. Parlikar
(San Marcos)

BPC 5536(a) – Practice Without License or Holding Self Out as Architect

The Board issued a two-count citation that included a $4,000 administrative fine to Sachin R. Parlikar, dba Sai Sharan Design & Planning Group, an unlicensed individual, for alleged violations of BPC 5536(a). The action alleged that Parlikar provided his business card to a client, which included the term "Architecture" as a description of the services he provides. Parlikar also provided two proposals offering design services to two clients, which included an "Architectural" Drawing for projects located in Vista, California. Parlikar invoiced for services which included "4 sets of Architectural and Structural Drawings." On or about September 16, 2015, the Internet revealed that Parlikar was listed on the website linkedin.com under the "Architecture & Planning" category and included "Architectural Design" and "Architecture" as part of his skills. The citation became final on February 8, 2016.

Joseph Pink
(Alhambra)

BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $500 administrative fine to Joseph Pink, architect license number C-33102, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Pink certified false or misleading information on his 2015 License Renewal Application. The citation became final on October 8, 2015.

Gary A. Rogers
(Clovis)

BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $500 administrative fine to Gary A. Rogers, architect license number C-16583, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Rogers certified false or misleading information on his 2015 License Renewal Application. Rogers paid the fine, satisfying the citation. The citation became final on February 22, 2016.

Peter A. Schubin (South Pasadena)	BPC 5600.05(b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $750 administrative fine to Peter A. Schubin, architect license number C-27612, for an alleged violation of BPC 5600.05(b). The action alleged that Schubin failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. Schubin paid the fine, satisfying the citation. The citation became final on March 8, 2016.
Abhay Schweitzer (San Diego)	BPC 5536(a) – Practice Without License or Holding Self Out as Architect BPC 5536.1(c) – Unauthorized Practice The Board issued a three-count citation that included a $1,500 administrative fine to Abhay Schweitzer, dba TECHNE Design + Development, an unlicensed individual, for alleged violations of BPC 5536(a) and 5536.1(c). The action alleged that Schweitzer executed a written contract to design 4-5 residences which are not buildings described in BPC 5537(a) as exempt buildings; he prepared drawings with the word "Architecture" in the title blocks and under the "Project Team" heading, and he prepared drawings for multiple dwellings of more than four units, which are not buildings described in BPC 5537(a) as exempt buildings. Schweitzer paid the fine, satisfying the citation. The citation became final on October 29, 2015.
Jeffrey Timothy Sessions (Cottonwood Heights, UT)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to Jeffrey Timothy Sessions, architect license number C-21833, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Sessions certified false or misleading information on his 2015 License Renewal Application. Sessions paid the fine, satisfying the citation. The citation became final on March 9, 2016.
Gary Rikikazu Shimotsu (Sacramento)	BPC 5584 – Willful Misconduct CCR 160(b)(2) – Rules of Professional Conduct The Board issued a two-count citation that included a $1,000 administrative fine to Gary Rikikazu Shimotsu, architect license

number C-25149, for alleged violations of BPC 5584 and CCR 160(b)(2). The action alleged that Shimotsu failed to perform the services for which he was contracted, apply the retainer to his first billing for services as stipulated in the agreement, and provide his clients with written notice to terminate the agreement, ordinarily exercised by architects applying the required professional standard of care. Shimotsu also failed to respond to the Board's requests for information within 30 days in regards to an investigation. Shimotsu paid the fine, satisfying the citation. The citation became final on January 15, 2016.

Tryggvi Thorsteinsson (Santa Monica)

BPC 5536(a) – Practice Without License or Holding Self Out as Architect
BPC 5536.1(c) – Unauthorized Practice
CCR 134(a) – Use of the Term Architect

The Board issued a three-count modified citation that included a $4,000 administrative fine to Tryggvi Thorsteinsson, dba MINARC, Inc., an unlicensed individual, for alleged violations of CCR 134(a) and BPC 5536(a) and 5536.1(c). The action alleged that Thorsteinsson's company, MINARC, Inc. initiated an agreement offering to prepare plans and specifications for a 4,000 square foot steel stud insulated panelized house located in Los Angeles, California. Thorsteinsson subsequently prepared architectural schematic design, design development and construction drawings for the project and submitted them for permit to the City of Los Angeles, Department of Building and Safety. The project did not satisfy the criteria for an exempt project type as defined in BPC 5537(a) and required a licensed design professional for preparation of plans, drawings, or specifications. On or about September 16, 2014, the Internet revealed that Thorsteinsson's company website minarc.com contained the Meta tag keywords, "architect," "architecture," and "minarc" and under About & Bio tab, it described Thorsteinsson's company practice, which included small-scale renovations to new construction, in residential, commercial and public settings. Thorsteinsson's company, MINARC, Inc., is listed on the website linkedin.com under the "Architecture & Planning" category. Thorsteinsson is also listed on linkedin.com and shows "Architectural" design as part of his skills and expertise. Thorsteinsson's company, MINARC, Inc. is listed under the "Architect(s)" category on the website yelp.com and angieslist.com. The title block on the permitted set of architectural construction drawings for the project contained Thorsteinsson's business name, MINARC (which is an abbreviation for "Minimalism in Architecture"). Thorsteinsson paid the fine, satisfying the citation. The citation became final on October 20, 2015.

Audrey Tse (Burlingame)	BPC 5558 – Mailing Address; Filing Requirements BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements CCR 104 – Filing of Addresses The Board issued a two-count citation that included a $750 administrative fine to Audrey Tse, architect license number C-26290, for alleged violations of BPC 5558 and 5600.05(a)(1) and CCR 104. The action alleged that Tse failed to immediately notify the Board of a change in her mailing address and certified false or misleading information on her 2015 License Renewal Application. Tse paid the fine, satisfying the citation. The citation became final on October 21, 2015.
Rey Viquez III (Los Angeles)	BPC 5536(a) – Practice Without License or Holding Self Out as Architect The Board issued a one-count citation that included a $1,500 administrative fine to Rey Viquez III, dba Rey3 Design Collaborative, an unlicensed individual, for alleged violations of BPC 5536(a). The action alleged that on or about January 7, 2016, the Internet revealed that Viquez' company website at rey3collection.com stated "For Architectural and Interior Design services." His company profile for The Rey3 Design Collaborative (The Rey3 Design) on facebook.com and youtube.com described the company's services as "Architectural" and on houzz.com described the company's services as "Architecture" and "architectural." The Rey3 Design Collaborative advertisement on manta.com was categorized under "Architectural Designers" and included "architectural services." Business.beverlyhillschamber.com was categorized under "Architectural Services" and described the company as "architectural," lbcgla.chambermaster.com was categorized under "Architecture" and described the company as providing "Architectural and Interior design services." Rippleffectyacht.com stated "The Rey3 Design Collaborative is an architecture and interior design company." Viquez' personal profile on linkedin.com described his experience at "The rey3design collaborative" as "#architectural" and included "Interior Architecture," "Architectural Design," and "Architectural Drawings." Viquez' other personal profile "Rey III Viquez," on linkedin.com described him as an "Interior and Architectural Designer" and stated "I am an architectural and interior designer working on residential and commercial design projects" under his experience at "The Rey3 Design Collaborative." The citation became final on February 29, 2016.

Daniel C. Weber (Santa Barbara)	BPC 5600.05(b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements CCR 160(b)(2) – Rules of Professional Conduct The Board issued a two-count citation that included a $750 administrative fine to Daniel C. Weber, architect license number C-31516, for alleged violations of BPC 5600.05(b) and CCR 160(b)(2). The action alleged that Weber failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. He also failed to respond to the Board's requests for information within 30 days in regards to an investigation. The citation became final on March 30, 2016.
Gary Alan Whitfield (Dana Point)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to Gary Alan Whitfield, architect license number C-8776, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Whitfield certified false or misleading information on his 2015 License Renewal Application. Whitfield paid the fine, satisfying the citation. The citation became final on October 13, 2015.
Vangela Marie Wightman (Truckee)	BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements The Board issued a one-count citation that included a $500 administrative fine to Vangela Marie Wightman, architect license number C-30797, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Wightman certified false or misleading information on her 2015 License Renewal Application. Wightman paid the fine, satisfying the citation. The citation became final on March 2, 2016.

ADMINISTRATIVE ACTIONS

October 1, 2015 – March 31, 2016

BOBBY KNOX (Los Angeles) Effective January 21, 2016, Bobby Knox's architect license number C-12197, was revoked; however, the revocation was stayed and Knox's license was suspended for 90 days. His license was placed on probation for five years with specific terms and conditions, including reimbursing the Board $21,245 for its investigative and prosecution costs. The action came after a stipulated settlement was negotiated and adopted by the Board.

A First Amended Accusation was filed against Knox for violations of Business and Professions Code sections (BPC) 5584 (Willful Misconduct) and 5588 (Report of Arbitration Award) and California Code of Regulations sections 160(a)(2) and 160(f)(1) (Rules of Professional Conduct). The Accusation alleged that Knox failed to exercise reasonable care and competence in evaluating existing conditions that were shown to be significantly different from his original plans and made various changes to the foundation system layout and the floor plan designs for a proposed residence without first fully informing the client and obtaining the consent of the client in writing. Knox also failed to report to the Board in writing within 30 days an arbitration award in favor of the project owner. Knox failed to file with the Board a Business Entity Report form with the proper and current name, and the current address of the business entity through which he has been providing architectural services.

JEFFREY STANTON SULKIN (Santa Monica) Effective January 13, 2016, Jeffrey Stanton Sulkin's architect license number C-20501, was revoked. The action was the result of a Default Decision and Order, which was adopted by the Board.

An Accusation was filed against Sulkin for violations of BPC 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Unauthorized Practice). The Accusation alleged that while his license was expired, Sulkin prepared plans and specifications for multiple structures on a site known as Malibu Ranch. The project did not satisfy the criteria for an exempt project type as defined in BPC 5537(a) and required a licensed design professional for preparation of plans, drawings, or specifications.

DISCUSS AND POSSIBLE RECOMMENDATION REGARDING SENATE BILL 1132 (GALGIANI) AND THE AMERICAN INSTITUTE OF ARCHITECTS, CALIFORNIA COUNCIL'S (AIACC) ARCHITECT-IN-TRAINING TITLE PROPOSAL

The California Architects Board's 2015-2016 Strategic Plan contains an objective to monitor National Council of Architectural Registration Boards' (NCARB) action on titling for interns to ensure appropriate consumer protection. However, the focus of this objective has had to shift to The American Institute of Architects, California Council's (AIACC) legislation on the title "architect-in-training" (see Comprehensive History - Attachment 1).

At its December 10, 2015 meeting, the Board approved the Regulatory and Enforcement Committee's (REC) recommendation to table the intern titling issue until AIACC presents a comprehensive proposal that has been reviewed and analyzed by Board staff. Following the Board meeting, AIACC sponsored legislation (Attachment 6) to create and define the title "architect-in-training," which was introduced in the Legislature on February 18, 2016. AIACC then submitted a draft "Architect-in-Training Title Change Proposal" document to the Board on February 24, 2016, and subsequently provided the Board with an updated version of the document (Attachment 9) on March 2, 2016.

At the March 3, 2016 Board meeting, staff provided the Board with copies of Senate Bill (SB) 1132 and AIACC's "Architect-in-Training Title Change Proposal" document, and reminded the Board of its previous motion to table the issue until AIACC presents a comprehensive proposal. At the meeting, AIACC representative Kurt Cooknick urged the Board to move forward on the intern title issue despite NCARB's position on the matter and argued AIACC's proposal is reasonable and addresses all concerns that have been expressed by the Board. He also described the proposal as "enabling language" to allow a firm to use the title "architect-in-training" for individuals within the firm, and explained that a firm could produce instruments of service with the individual's name and the title "architect-in-training." In response, the Board requested that AIACC clarify and elaborate on the enforcement mechanisms relative to the use of the title "architect-in-training" and consider the consequences of its proposal on firms before the proposal is presented to the REC.

The Board ultimately voted to re-affirm its December 2015 motion to table the issue of creating a special title for candidates for licensure until the REC has received and considered a comprehensive proposal from AIACC. The Board has not received additional material from AIACC to date.

SB 1132 (Galgiani) [Architects: architects-in-training]

SB 1132 (Galgiani) is the AIACC-sponsored proposal to create and define a special title for candidates for licensure. Specifically, it would amend the Architects Practice Act (Act), Business and Professions Code section (BPC) 5500 to define an "architect-in-training" as a person who has received Board confirmation of eligibility for the Architect Registration Examination (ARE) and is employed under the direct supervision of an architect. It would also add BPC 5500.2 to the Act, which would allow a person to use the title "architect-in-training" for purposes of employment in the state if he or she meets the definition of architect-in-training in BPC 5500.

In its March 28, 2016 letter in support of the bill (Attachment 4), AIACC stated that the proposed job title "architect-in-training" would not harm the public as it does not imply licensure or grant any of the authority of a licensed architect and the title is helpful as it describes the qualification of the individual to clients of an architectural firm. AIACC also indicated that the title is similar to the "engineer-in-training" and "land surveyor-in-training" job titles that currently exist in California. The Board conveyed to the author of SB 1132, Senator Cathleen Galgiani, (Attachment 3) that although the Board does not have a position on the bill at this time, such legislation is contrary to action at the national level. The Board also explained that it is unclear to the Board that the proposal would address any identified risk to the consumer health, safety, and welfare and it is difficult for the Board to justify the regulation and enforcement of a title appropriated to unlicensed individuals who do not yet come under the regulatory purview of the Board.

Comments from the Board's letter to Senator Galgiani were incorporated into the bill analysis for SB 1132 that was drafted by legislative staff for members of the Senate Business, Professions and Economic Development Committee (BP&ED) [Attachment 5]. SB 1132 was passed by the BP&ED at its hearing on April 4, 2016 (Attachment 7) on an 8-0-1 vote, and referred to the Senate Appropriations Committee for a April 18, 2016 hearing. The hearing was then delayed until April 25, 2016.

REC's Request for a Comprehensive Proposal

At the November 5, 2015 REC meeting, staff provided the REC with a presentation (Attachment 10) detailing: the findings of NCARB's Future Title Task Force; titles for "interns" used by other state boards and for other professions; current enforcement resources devoted to enforcing existing title provisions; pros and cons of intern titling; and possible options to address AIACC's request for a special title for interns (Attachment 11). The REC was informed by Mr. Cooknick that AIACC is now advocating for the use of the title "architect-in-training." The REC extensively discussed the AIACC's proposal and how it conflicts with NCARB's recommendation to not regulate or authorize any title held by those pursuing licensure. The REC considered potential minimum qualifications for using the title such as passing an examination, establishing an NCARB record, or obtaining eligibility to take the ARE. The REC also explored the feasibility of creating a program similar to the engineer-in-training certificate issued by the Board for Professional Engineers, Land Surveyors, and Geologists.

The REC noted that only two states (Arizona and Montana) currently use the title "architect-in-training" and expressed its concerns regarding the lack of a complete proposal that: 1) identifies the problem with supporting data; 2) defines the minimum qualifications and regulatory constraints for using the title; and 3) addresses the management and enforcement aspects of the title. The REC ultimately voted to table the issue until AIACC presents a comprehensive proposal with supporting data that has been reviewed and analyzed by Board staff. As previously noted, the Board approved the REC's recommendation at its December 10, 2015 meeting, and re-affirmed the motion at its March 3, 2016 meeting. The Board has not received such a proposal to date.

AIACC "Architect-in-Training Title Change Proposal" Document

AIACC's "Architect-in-Training Title Change Proposal" document contains proposed changes to the Act's current definition of "candidate" for those eligible for the ARE to include use of the title "architect-in-training." Specifically, AIACC is proposing amendments to BPC 5500 (Architect Defined); Title 16, California Code of Regulations section (CCR) 134 (Use of the Term Architect; Responsible Control within Business Entity); and BPC 149 (Advertising in Telephone Directory

Without License – Agency Citation). The proposal would also add BPC 5536.3 (Misuse of the title architect-in-training; Misdemeanor) to the Act.

In its proposal, AIACC stated: "by formally recognizing those on the path to becoming California licensed architects, we believe this change will encourage those on the path to licensure to stay on that path, thereby increasing the number of California licensed architects." AIACC also stated: "this change may advance the public's understanding and awareness of the architecture profession by appropriately acknowledging the abilities of licensure and non-licensure track graduates, as well as aligning these individuals with other esteemed professions." Board staff reviewed and analyzed AIACC's title change proposal as requested by the REC at its last meeting, and noted the following:

- Based on the content of the proposal, it is unclear how the proposal is consistent with the Board's mandate to regulate the practice of architecture in the interest and for the protection of the public health, safety, and welfare.
- The proposal does not contain the supporting data requested by the REC at its November 5, 2015 meeting or the Board at its December 10, 2015 and March 3, 2016 meetings.
- The proposal does not address how the Board would verify whether an individual using the proposed title is under the direct supervision of a licensed architect.
- The proposed language for BPC 5536.3 (Misuse of the title architect-in-training; Misdemeanor) may conflict with other provisions of the Act and general provisions of the BPC regarding the denial of a license.
- The proposed language for CCR 134 (Use of the Term Architect; Architect-in-Training; Responsible Control within Business Entity) would repeal existing regulatory language delineating responsible control within a business entity and defining the terms used in the section.
- BPC 149 (Advertising in Telephone Directory Without License – Agency Citation) is a statute within the general provisions of the BPC and applies to boards and bureaus within the Department of Consumer Affairs.

On April 19, 2016, staff met with Mr. Cooknick in a collaborative effort to gather additional information regarding AIACC's sponsored legislation and title change proposal. Staff provided Mr. Cooknick with a list of questions (Attachment 8) that had been posed to AIACC at previous Board and REC meetings. He indicated that AIACC would not be submitting additional material for the REC's consideration at its April 28, 2016 meeting.

At this time, there may not be a need for the REC to modify its current position as approved by the Board, unless the REC wishes to recommend that the Board oppose SB 1132 because it is premature, lacks details, and/or has not been sufficiently justified. Staff suggests that the REC strongly consider the fact that legislation has been advanced prior to the REC and the Board being provided sufficient information to analyze the issue and take a position on the policy of creating a special title contrary to national standards.

The REC is asked to review and discuss SB 1132 and AIACC's "Architect-in-Training Title Change Proposal" document, and make a recommendation to the Board.

Attachments:

1. Comprehensive History of the Board's Strategic Plan Objective
2. Board Letter on SB 1132 to Senate Appropriations Committee, April 20, 2016
3. Board Letter on SB 1132 to Senate BP&ED, March 28, 2016
4. AIACC's Letter in Support of SB 1132, March 28, 2016
5. Bill Analysis of SB 1132, March 31, 2016
6. SB 1132 (Galgiani) [Architects: architects-in-training], February 18, 2016
7. Excerpt of the Senate BP&ED Hearing Transcript, April 4, 2016
8. Questions from the Board and REC to AIACC Regarding AIACC's Title Change Proposal
9. AIACC's Architect-in-Training Title Change Proposal, March 2, 2016
10. Presentation Slides from the November 5, 2015 REC Meeting
11. AIACC Letter to the Board Regarding Intern Titling, March 4, 2015

COMPREHENSIVE HISTORY OF 2015-2016 STRATEGIC PLAN OBJECTIVE TO MONITOR NATIONAL COUNCIL OF ARCHITECTURAL BOARDS ACTION ON TITLING FOR INTERNS TO ENSURE CONSUMER PROTECTION

March 4, 2015 – AIACC Letter to Board: The American Institute of Architects, California Council (AIACC) sent a letter to Board President Jon Baker requesting that the Board consider supporting amendments to the Architects Practice Act (Act) to allow the use of the title "architectural intern." AIACC's stated goal was to proactively modify the Act to be consistent with current standards and to facilitate a title change if or when such a term is adopted by NCARB model law.

April 29, 2015 – REC Meeting: The Regulatory and Enforcement Committee (REC) discussed and considered the consumer protection, enforcement, and regulatory issues involved with the title "architectural intern" and ultimately recommended that the Board not further consider the title "architectural intern."

May 14, 2015 – NCARB Task Force: The National Council of Architectural Registration Boards (NCARB) announced the Future Title Task Force's recommendation to restrict the role of regulation to the title "architect," which should only apply to licensed individuals. The Task Force recommended that any title held by those pursuing licensure does not need to be regulated, and suggested NCARB discontinue its use of the word "intern." The NCARB Board of Directors voted unanimously to accept the Task Force's report at its April 2015 meeting.

June 10, 2015 – Board Meeting: The Board extensively discussed the topic, decided to reject the REC's recommendation, and requested that the REC research and reevaluate its recommendation for reconsideration by the Board.

- AIACC representative Kurt Cooknick informed the Board that AIACC had reflected on and identified remedies to the REC's concerns about consumer protection.
- Deborah Gerard (Architect, Gruen Associates) advocated for the use of the term "architect" as a modifier (i.e., architectural designer, architectural technician, etc.)
- Julia Flauas (AIACC Student Director, South) asked the Board to help young people identify an appropriate title to use until they become licensed.

October 27, 2015 – Meeting with AIACC: Board staff met with Mr. Cooknick to discuss AIACC's proposal within the context of NCARB's current recommendation to restrict the role of regulation to the title "architect."

November 5, 2015 – REC Meeting: The REC thoroughly discussed the topic and recommended that the Board **table the issue until AIACC presents a comprehensive proposal** that has been reviewed and analyzed by Board staff.

- Kurt Cooknick informed the REC that in response to NCARB's recommendation, AIACC is now advocating for the title "architect-in-training."
- Amanda Green (Candidate, AIACC Licensing Advisor) argued the proposed title would provide recognition for candidates and distinguish them from their colleagues who are not pursuing licensure.

- REC expressed its concerns regarding the lack of a complete proposal that: 1) identifies the problem with supporting data; 2) defines the minimum qualifications and regulatory constraints for the title; and 3) addresses the management and enforcement aspects of the title.

December 10, 2015 – Board Meeting: The Board approved the REC's recommendation and **tabled the intern titling issue until AIACC presents a comprehensive proposal** that has been reviewed and analyzed by Board staff.

- The Board expressed concern that, if legislation creates a mandate to require the Board to regulate titles for non-licensed individuals, the responsibility to enforce those regulations might be outside of Board's consumer protection mission as stipulated in the Act.

February 18, 2016 – AIACC-Sponsored Legislation Introduced: Senate Bill (SB) 1132 (Galgiani) [Architects: architects-in-training], an AIACC-sponsored bill, to create and define the title "architect-in-training" was introduced.

February 19, 2016 – Board Staff Discovered Legislation: Board staff found the proposal on the Legislature's official site, leginfo.ca.gov.

February 24, 2016 – AIACC's Draft "Title Change Proposal" Document: Board staff received AIACC's draft "Architect-in-Training Title Change Proposal" document (dated 12/8/2015) as the March 3, 2016 Board meeting packet was being finalized.

March 2, 2016 – AIACC's Updated "Title Change Proposal" Document: Board staff received an updated "Architect-in-Training Title Change Proposal" document from AIACC and distributed it to Board members via email.

March 3, 2016 – Board Meeting: The Board again **tabled the issue of creating a special title for candidates for licensure** until the REC has received and considered a comprehensive proposal from AIACC.

- The Board requested that AIACC clarify and elaborate on the enforcement mechanisms relative to the use of the title "architect-in-training" and consider the consequences of its proposal on firms.

April 4, 2016 – SB 1132 Legislative Hearing: SB 1132 was passed by the Senate Business, Professions and Economic Development Committee (BP&ED) and referred to the Senate Appropriations Committee on an 8-0-1 vote.

- Michael Belote and Mr. Cooknick testified before the BP&ED on behalf of AIACC.
- Mr. Belote described the proposal as a "way to recognize and let the public know the difference between the truly unlicensed, unregulated person […] and somebody who is pursuing an architectural license."
- Mr. Cooknick characterized the proposal as a "parallel effort [between AIACC and the Board] to arrive at the same place."

April 19, 2016 – Meeting with AIACC: Board staff met with Mr. Cooknick to gather additional information regarding AIACC's sponsored legislation and title change proposal. He indicated that AIACC would not be submitting additional material for the REC's consideration at its April 28, 2016 meeting.

April 25, 2016 – SB 1132 Legislative Hearing: SB 1132 will be heard by the Senate Appropriations Committee.

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

April 20, 2016

The Honorable Ricardo Lara, Chairman
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

RE: SB 1132 - "Architect-in-Training"

Dear Senator Lara:

The California Architects Board is pleased to provide these comments concerning SB 1132 (Galgiani), which would create a title for candidates for licensure: architect-in-training.

While the Board does not have a position on the bill at this time, such legislation is contrary to action at the national level. The National Council of Architectural Registration Boards (NCARB), which consists of all 50 states' boards, has determined that special titles for candidates are not appropriate.

The official NCARB report articulates the need to only "restrict the role of regulation to the title 'architect,' which should only apply to licensed individuals." In addition, the report also concludes: **"that any title held by those pursuing licensure does not need to be regulated."** NCARB will be updating its Model Law to ensure its consistency with these findings. Unfortunately, at the April 4, 2016 Senate Business, Professions, and Economic Development Committee (B & P) hearing, supporters of the bill indicated that the national action was solely on the part of "that particular committee." That is inaccurate. NCARB's position is that there is no need for a title, other than architect.

What is more concerning however, is the inaccurate description of the Board's action. At its most recent meeting (March 2016), the Board voted to accept its Regulatory and Enforcement Committee's recommendation "**to table the matter until AIACC presents a comprehensive proposal with supporting data** that has been reviewed and analyzed by Board staff for REC and the Board's consideration." (No new material has been submitted by AIACC.) Unfortunately, testimony in the B & P committee hearing alleged that the "Board did **not** table the matter" and such statement is untrue.

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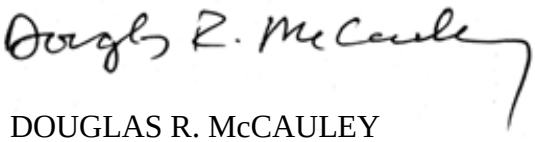
The fiscal impact of this bill will be significant in terms of start-up costs and enforcement. With any new law, compliance is initially low, and accordingly enforcement costs are high. Information technology needs will also be significant, particularly because the Board has not been transitioned into DCA's BreEZe system. As such, whatever systems are needed will likely have to be implemented redundantly. In addition, if this program is modeled like the engineer-in-training program, the costs will increase significantly. DCA's Budget Office is analyzing the detailed fiscal impacts of the bill.

The Board appreciates your consideration of our concerns. Feel free to contact at me at (916) 575-7232 or doug.mccauley@dca.ca.gov if you have questions or comments.

Sincerely,



DOUGLAS R. McCAULEY
Executive Officer

cc: Members, Senate Appropriations Committee
The Honorable Cathleen Galgiani
Brendan McCarthy, Principal Consultant - Senate Appropriations Committee
Melinda McClain, Deputy Director of Legislation and Regulatory Review - Department of Consumer Affairs
Mark Christian, Director of Legislative Affairs - American Institute of Architects - California Council
Kurt Cooknick, Assoc. AIA, Director of Regulations and Practice - American Institute of Architects - California Council

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

March 28, 2016

The Honorable Cathleen Galgiani
California State Senate
State Capitol, Room 2059
Sacramento, CA 95814-4900

RE: SB 1132 (No Position) - "Architect-in-Training"

Dear Senator Galgiani:

The California Architects Board is pleased to be able to share these comments concerning SB 1132 (Galgiani), which would create a title for unlicensed candidates for licensure: architect-in-training.

The sponsor, The American Institute of Architects, California Council (AIACC), indicates that the goal of the bill is "providing a means with which to formally recognize those committed to becoming California licensed architects."

The Board does not have a position on the bill at this time. However, such legislation is contrary to action at the national level. The National Council of Architectural Registration Boards (NCARB), through its Future Title Task Force, determined that special titles for candidates are not appropriate. "The final report of the Task Force recommends a simple solution: restrict the role of regulation to the title 'architect,' which should only apply to licensed individuals." "The Task Force recommended that any title held by those pursuing licensure does not need to be regulated. In other words, it is recommended that NCARB discontinue the use of the word intern, intern-architect, or any other regulatory 'title' describing those pursuing licensure." NCARB will be updating its Model Law to ensure its consistency with the Future Title Task Force findings.

At this time, it is unclear to the Board that the proposal would address any identified risk to consumer health, safety and welfare. It is also difficult to justify the regulation and enforcement of a title appropriated to unlicensed individuals who do not yet come under the regulatory purview of the Board. At its most recent meeting (March 2015), the Board voted to accept the Regulatory and Enforcement Committee's (REC) recommendation to table the matter until AIACC presents a

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comprehensive proposal with supporting data that has been reviewed and analyzed by Board staff for REC and the Board's consideration. The Board has not received such a proposal to date.

We appreciate you considering our concerns. Please contact out Executive Officer, Doug McCauley, at (916) 575-7232 if you have questions or comments.

Sincerely,

JON ALAN BAKER
President

AIA|CC
CALIFORNIA COUNCIL

March 28, 2016

The Honorable Jerry Hill
Chair, Senate Business, Professions and Economic Development Committee
California State Capitol
Sacramento, California 95814

Regarding: SB 1132 (Galgiani) – Support

Dear Chairman Hill:

The American Institute of Architects, California Council, an association of nearly 10,000 licensed architects in California, is the Sponsor of Senate Bill 1132 (Galgiani), which is scheduled to be heard in your Business, Professions and Economic Development Committee on Monday, April 4, 2016.

SB 1132 allows individuals who are working to become licensed architects to have the job title "architect-in-training."

California law (The Architects Practice Act) allows only individuals who are licensed architects to refer to themselves as an "architect." The limit on the usage of "architect" to only those who are licensed architects – those who have eight years of education/experience and passed eight rigorous examinations – is a restriction meant only to protect the public.

The most common path to becoming an architect in California is five years of college, three years of internship under a licensed architect, and the successful completion of eight licensing examinations.

SB 1132 would allow individuals to have the job title "architect-in-training" during their internship once they are eligible to take the licensing examinations. This job title does not harm the public as it does not imply

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licensure or grant any of the authority of a licensed architect. Importantly, it is helpful as it describes the qualification of the individual to clients of an architectural firm.

Finally, the proposed “architect-in-training” job title is similar to the “engineer-in-training” and “land surveyor-in-training” job titles that already exist in California.

For these reasons, the AIA California Council respectfully asks for your support on SB 1132.

Sincerely,

Mark Christian
AIACC Director of Legislative Affairs

cc: State Senator Cathleen Galgiani
Members, Senate BPED Committee
Mark Mendoza, Committee Consultant
Kayla Williams, Senate Republican Caucus Consultant
Mike Belote, California Advocates (for AIACC)

SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT
Senator Jerry Hill, Chair
2015 - 2016 Regular

Bill No:	SB 1132	**Hearing Date:**	April 4, 2016
Author:	Galgiani		
Version:	February 18, 2016		
Urgency:	No	**Fiscal:**	No
Consultant:	Mark Mendoza		

Subject: Architects: architects-in-training

SUMMARY: Authorizes professionals on the path to licensure to use the job title "architect-in-training."

Existing law:

1) Establishes the California Architects Board (CAB) within the Department of Consumer Affairs (DCA), which licenses and regulates professional architects under the Architects Practice Act. (Business and Professions Code (BPC) § 5500 *et seq*.)

2) Defines "architect" as a person who is licensed to practice architecture in this state under the authority of this chapter. (BPC § 5500)

This bill:

1) Defines "architect-in-training" as:

   a) A person who has received board confirmation of eligibility for the Architect Registration Examination; and

   b) A person who is employed under the direct supervision of an architect licensed under the Architects Practice Act.

2) Authorizes professionals to use the title "architect-in-training" if the above definitional requirements are met.

FISCAL EFFECT: None. This bill is keyed "non-fiscal" by Legislative Counsel.

COMMENTS:

1. **Purpose.** The American Institute of Architects, California Council (AIACC) is the sponsor of the bill. According to the Author, "current law does not allow those who are on the path to becoming licensed architects to use a job title that clearly states that they are eligible for and working towards becoming licensed. SB 1132 grants those individuals the ability to use such a title, under very limited and controlled circumstances. Additionally, the public would not be confused as the proposed title,

"architect-in- training", is clear that the individual using that title is not yet a licensed architect."

2. **Background.** The CAB was created in 1901 by the Legislature to fulfill the mission of protecting the health, safety, and welfare of the public through the regulation of the practice of architecture. The CAB establishes regulations for the examination and licensing of the architecture profession in California, which today numbers approximately 21,000 licensed architects and approximately 11,000 candidates who are in the process of meeting examination and licensure requirements.

3. **Architect Registration Exam.** To be eligible for the Architect Registration Examination (ARE), a candidate is required to meet one of the following requirements below and possess an active Council Record with the National Council of Architectural Registration Boards (NCARB):

   a) Have a degree in architecture accredited by the National Architectural Accrediting Board from a school of architecture as approved by CAB, or

   b) Have at least sixty (60) net months of architectural training and experience under the direct supervision of an architect in private practice or the equivalent as evaluated by CAB, or

   c) Have a combination of educational and experience credit as evaluated by CAB such as to total sixty (60) net months.

   These requirements are outlined in the California Code of Regulations, Title 16, Division 2, Article 3, Section 116.

   The ARE consists of seven divisions that include multiple-choice, fill-in-the-blank, and check-all-that-apply questions as well as graphic vignettes.

4. **Engineer-In-Training and Land Surveyors-In-Training.** In BPC § 6756 of the Professional Engineers Act and BPC § 8747(a) of the Professional Land Surveyors Act, professionals are required to obtain an "in-training" certificate prior to licensure. These certificates do not authorize the holder of the certificate to practice or offer to practice engineering or land surveying work. It is also important to note that many employers look to see if an applicant has an "in-training" certificate prior to employment.

5. **NCARB Ruling.** In 2014, NCARB created the Future Title Task Force to discuss what professionals who are on the path to become licensed architects should be called. Over the course of many months, the task force carefully debated the issue, and finally came to the conclusion that there is no agreed-upon terminology for professionals on the path to licensure. NCARB states:

   "The Task Force recommended that any title held by those pursuing licensure does not need to be regulated. In other words, it is recommended that

NCARB discontinue the use of the word intern, intern architect, or any other regulatory 'title' describing those pursuing licensure."

6. **No Official Position by the CAB.** The CAB states "at this time, it is unclear to the Board that the proposal would address any identified risk to consumer health, safety and welfare. It is also difficult to justify the regulation and enforcement of a title appropriated to unlicensed individuals who do not yet come under the regulatory purview of the Board. At its most recent meeting (March 2015), the Board voted to accept REC's recommendation to table the matter until AIACC presents a comprehensive proposal with supporting data that has been reviewed and analyzed by Board staff for REC and the Board's consideration. The Board has not received such a proposal to date."

7. **Arguments in Support.** The American Institute of Architects, California Council writes that "SB 1132 would allow individuals to have the job title 'architect-in-training' during their internship once they are eligible to take the licensing examinations. This job title does not harm the public as it does not imply licensure or grant any of the authority of a licensed architect. Importantly, it is helpful as it describes the qualification of the individual to clients of an architectural firm."

SUPPORT AND OPPOSITION:

Support:

The American Institute of Architects, California Council (Sponsor)

Neutral:

California Architects Board

Opposition:

None on file as of March 29, 2016.

-- END --

SENATE BILL No. 1132

Introduced by Senator Galgiani

February 18, 2016

An act to amend Section 5500 of, and to add Section 5500.2 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1132, as introduced, Galgiani. Architects: architects-in-training.

The Architects Practice Act provides for licensing and regulation of persons engaged in the practice of architecture by the California Architects Board, which is within the Department of Consumer Affairs, and defines the term "architect" for those purposes. That act requires an applicant for licensure as an architect to, among other things, take an examination. Existing regulations require an applicant for licensure to take the Architect Registration Examination.

This bill would define the term "architect-in-training," for purposes of that act, as a person who has received board confirmation of eligibility for the Architect Registration Examination and is employed under the direct supervision of a licensed architect, and would authorize a person to use the title "architect-in-training" for purposes of employment in the state if he or she meets the definition of that term.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5500 of the Business and Professions Code is amended to read:

5500. As used in this ~~chapter,~~ *chapter, the following terms shall have the following meanings:* ~~architect~~

(a) "Architect" means a person who is licensed to practice architecture in this state under the authority of this chapter.

(b) "Architect-in-training" means a person who has received board confirmation of eligibility for the Architect Registration Examination and is employed under the direct supervision of an architect licensed under this chapter.

SEC. 2. Section 5500.2 is added to the Business and Professions Code, to read:

5500.2. A person may use the title "architect-in-training" for purposes of employment in the state if he or she meets the definition of architect-in-training in Section 5500.

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EXCERPT OF TRANSCRIPT FROM THE APRIL 4, 2016 SENATE BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT COMMITTEE HEARING

(obtained from digitaldemocracy.org)

[…]

Jerry Hill	Okay, very good. Senator Galgiani?
Cathleen Galgiani	Thank you Mr. Chair and members.
Jerry Hill	Item number 5 SB1132 please proceed.
Cathleen Galgiani	SB1132 simply allows individuals who are working hard to become licensed architects in California to use the job title Architect in Training. Right now, only licensed architects can use architect as a job title, that's because architecture has both a practice and a title act to protect the public.
Cathleen Galgiani	Only those with the required education and or experience, and demonstrated knowledge through this passage of the licensing examinations. Can call themselves architects, or offer architectural services. SB 1132 recognizes those who are on the path to becoming licensed architects by allowing them to use the job title architect-in-training. The title does not harm the public, because it's clear the title does not imply licensure.
Cathleen Galgiani	And this proposal is not new in either California or the United States. 30 states currently have laws that allows those who are working to become licensed to use a title such as architectural intern or architect in training. Additionally, California and most states allow those who are working to become licensed engineers or
Cathleen Galgiani	licensed land surveyors to have the job title engineer in training or land surveyor in training.
Cathleen Galgiani	SB 1132 extends that option to the architectural profession, and I respectfully ask for your aye vote.
Jerry Hill	Thank you. Witnesses in support?
Mike Belode	Mr. Chair and members, Mike Belode in behalf of American Institute of Architects California Council.
Mike Belode	A couple of unique things about the architectural licensing law that I think speak to the public policy in the bill. First unlicensed people are allowed a broad range of design powers in California, without a license. An unlicensed person, me for example, could design a house of not more than two stories, with a basement and an attic up to four units.
Mike Belode	Now you would neither want to purchase nor live in a house that I would design, but I'm fully authorized to do it. So it is important I think that the public have some idea

	of the kinds of people they're dealing with. The difference between me and a person who is actually pursuing the path towards architectural licensure. Secondly, it's really quite an arduous process to become a licensed architect in California.
Mike Belode	You have an experience requirement, an education requirement, and then an eight part testing requirement. So what this does is it recognizes the people that have the experience component and the education component and you're working to complete the balance of the program. So it takes a long time, and this is a way to recognize and
Mike Belode	let the public know the difference between the truly unlicensed, unregulated person like me and somebody who is pursuing an architectural license. Confers no additional practice abilities at all, is simply a title protection or a title recognition, if you will.
Mike Belode	And so we would ask for an aye vote. 30 states do this, we think it gives the public a little more information that would help them understand who they're talking to.
Mike Belode	With me is Kurt Cooknick also from AIA to answer any questions you might have.
Jerry Hill	Very good. Thank you, Mr. Beloit. And I would agree, I think this does offer that clarification. And it is amazing when you look at the requirements to become an architect. And this fits right into that point before the exam, but the qualifications are there.
Jerry Hill	I think it's very appropriate. Would you like to make any comments?
Kurt T. Cooknick	I'm here to answer any questions you may have.
Jerry Hill	Yeah, Senator Wieckowski.
Bob Wieckowski	So, according to our staff report, the NCARB had a future title task force that looked at this and said they really don't think there's any need or we should actually discontinue the intern designation, to try to give people some clarification. And then the CAB actually tabled the motion that would have clarified or
Bob Wieckowski	identified architects-in-training. So if the professional agency and the NCARB don't want to move on this, why should we vote on the bill?
Kurt T. Cooknick	Good question.
Kurt T. Cooknick	Michael Armstrong, who is the CEO of NCARB, the National Council of Architectural Registration Board,
Kurt T. Cooknick	and I have had several discussions about this issue. And what that Committee decided to do is drop any paraprofessional title, because they only wanted to recognize those who are licensed to practice architecture in the jurisdictions that make up NCARB member boards. And that was a decision of that particular Committee.
Kurt T. Cooknick	It was not a decision, though, of the 30 NCARB member boards that already use a paraprofessional title. And in fact, I have an email from Michael Armstrong that I received this morning in which he said, they will be revisiting the issue. Because they've had so much push back from the member boards, those 30 boards, of the 54 boards that make up NCARB that already allow a paraprofessional title.

Kurt T. Cooknick	Furthermore, in a discussion in Detroit with Mike Armstrong, he did tell my staff and my academy of emerging professionals that NCARB would not stand in the way of any state that wanted to continue to use a paraprofessional title. That's none of their purview, none of their jurisdiction.
Kurt T. Cooknick	And so what a state wants to do is a state's own business and they would not stand in the way.
Bob Wieckowski	And with the California Architectural Board, they tabled the motion last year. What has occurred?
Kurt T. Cooknick	Well, not the board, the board did not table to motion.
Kurt T. Cooknick	Actually, this matter went before the Regulatory Enforcement Committee. And the Regulatory Enforcement Committee made a recommendation to the board that it not move forward with the council's proposal for a paraprofessional title. And at a meeting last year of the full board, the board voted unanimously to
Kurt T. Cooknick	return the matter to the REC, to continue to work with the AIA California council on this to bring a proposal forth to the licensing board. Which we did and that was in the March 3rd board package to the full board of the California Architects Board, there was a proposal in there.
Bob Wieckowski	Okay, so then I guess my question is, why should the Legislature move forward before we have the agreement with these two governing agencies? I mean, why vote on this now versus waiting for the REC to give their acquiescence, I guess, yes?
Kurt T. Cooknick	Well, the REC would look at the proposal of the council, and they'd make their recommendations. And traditionally, it's been a parallel effort between the profession and the architects board as we move forward. Anytime we are working on something on a legislative front,
Kurt T. Cooknick	we also work parallel on the regulatory side so that we arrive at a juncture. Sometimes we have legislation that we have to make tweaks to with regulation through the board. Sometimes there's regulations that need modification that we have to make statutory changes to. In this particular effort, what we're looking at doing is creating a parallel effort to arrive at the same place.
Kurt T. Cooknick	So in our proposal to the board we have identified those areas of the Practice Act that require minor changes. Such as, for one thing, we don't want to see someone who is permitted to use the architect-in-training title to be out practicing,
Kurt T. Cooknick	moonlighting if you will, using that title, taking advantage of it. And so we put a provision in the act that would prohibit someone from using that title in advertising unless that advertising is part of their employment with the employer as in our proposal would be permitted by the employer of the employee.
Jerry Hill	Thank you, Senator Wieckowski.
Jerry Hill	Other questions?
Pat Bates	Just a quick one on having a partner in an architecture firm.

Pat Bates	Only as a spouse, by the way, but I can't draw a thing. But my concern would be, and I'm very supportive of this. But you said that the architect who owns the business would have the discretion to determine if he was going to let that individual use the title as he was working.
Pat Bates	Because my concern would be this, if you're bidding on a big job, you're better to show that you have an architect and a license, and you have draftsmen with certain qualifications to really be competitive. I would be concerned that if the person gets to decide that they want that title on a bid document, that actually could be a negative.
Pat Bates	Where someone is going to do a big project and they don't want an architect in training, they want somebody who's very skilled with the engineering or the CAD programs or all of that, which is a lot of the subsets in architectural firms now.
Pat Bates	So, is there discretion in it for the business owner or the person who owns the firm to say, I don't want to list that title for you? In this bid document you know when there's an RFP-
Pat Bates	because I think those things that maybe are in the weeds, which ought to think about that.
Kurt T. Cooknick	Well the worth and the weft of this all is that the employer does have the full authority to allow the employer to use the title in what we commonly call instruments of service, which could be everything from the construction documents and specifications all the way down to any correspondence material that has the firms name on it. So business card is the most common example.
Kurt T. Cooknick	If I'm handing out a business card, that is considered an instrumentive service, and if it has my name and the title on there, architect and training, that is up to the full allowance of my employer.
Kurt T. Cooknick	If he wants to maintain to continue to call me senior drafts person or drafts person. Any of those titles that we find within what we call the hourly billing sheet of a firm for description of services, that is up to the employer. And, this will remain once again, up to the employer.
Pat Bates	Good.
Jerry Hill	Thank you, Senator Bates. Other questions? Would you like to close?
Cathleen Galgiani	I respectfully ask for your aye vote.
Jerry Hill	Thank you, Senator Galgiani. Is there a motion? Thank you, Senator Block.
Jerry Hill	We have a motion from Senator Block.
Jerry Hill	Please call the roll.
Committee Secretary	Motion is due pass to Senate Appropriations. Hill. Aye. Hill, aye. Bates?
Committee Secretary	Aye. Bates, aye. Berryhill? Aye. Berryhill, aye. Block? Aye.Block, aye.

Committee Secretary	Galgiani? Aye. Galgiani, aye. Hernandez? Aye. Hernandez, aye.
Committee Secretary	Jackson? Aye. Jackson, aye. Mendoza? Wieckowski?
Committee Secretary	[INAUDIBLE]
Committee Secretary	[INAUDIBLE] [INAUDIBLE], okay.
Jerry Hill	We have 7. 7-0 at this point, we'll hold the roll open for the absent members, thank you. So we can call the absent members and will do, thank you very much. Barbara do we have the absent members here.
Jerry Hill	One of them is here.
Jerry Hill	Not all of them.
Jerry Hill	But if we get one more we will call this on. Is the one we're missing.
Jerry Hill	Okay, we'll go through the bills now and go at one time so everyone doesn't have to stay.

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QUESTIONS FROM THE CALIFORNIA ARCHITECTS BOARD AND THE REGULATORY AND ENFORCEMENT COMMITTEE (REC) TO THE AMERICAN INSTITUTE OF ARCHITECTS, CALIFORNIA COUNCIL (AIACC) REGARDING AIACC'S TITLE CHANGE PROPOSAL

1. What is the specific problem that needs to be addressed?
2. Is there any supporting data that demonstrates the problem?
3. What is AIACC's proposed solution?
4. How does the proposed solution solve the alleged problem?
5. AIACC indicated at the June 2015 Board meeting that AIACC reflected on and identified remedies to the REC's concerns about consumer protection. What are these remedies?
6. There is no timeframe associated with the use of the AIT title in AIACC's written materials, contrary to what was originally discussed. Was the timeframe discarded?
7. Once a candidate has eligibility to test, can the AIT title be used forever?
8. Has AIACC obtained information from BPELSG regarding its costs to manage the title "engineer-in-training" as requested by the REC?
9. How does the current proposal address the enforcement, management, and regulatory aspects of the AIT title?
10. AIACC was asked by the Board to clarify and elaborate on the enforcement mechanisms related to the use of the AIT title before it is presented to the REC. Does the current proposal include this information?
11. If there is an error and a candidate is not eligible to use the AIT title, but he or she has been authorized to use it by a firm, who is responsible for the violation – the candidate or the firm?
12. Does the proposal include specific examples of jurisdictions that use a paraprofessional title?

Architect-in-Training Title Change Proposal

The American Institute of Architects, California Council (AIACC), proposes the following highlighted and italicized changes to the Architects Practice Act's current terminology of "candidate" for those eligible for the Architect Registration Exam, to include the voluntary use of the title "Architect-in-Training."

By formally recognizing those committed to becoming California licensed architects, we believe this change will encourage those on the path to licensure to stay on that very path, thereby increasing the number of California licensed architects – something in which the California Architects Board should be keenly interested in participating. Additionally, this change may advance the public's understanding and awareness of the architecture profession by appropriately acknowledging the abilities of licensure and non-licensure track graduates, as well as appropriately aligning these individuals with other esteemed professions.

The Architects Practice Act regulates the use of the terms "architect," "architecture," and "architectural" in order to protect consumers from being misled by unlicensed professionals. The AIACC believes that, in a time when the title "Architect" had already been co-opted (software architect, systems architect, data architect, infrastructure architect, etc.), it is all the more imperative to create a para-professional title for inclusion in the Architects Practice Act to distinguish and protect not only the practice, but the origins of the title itself.

In response to concerns over consumer confusion, as a variation of the term "Engineer-in-Training" currently in use as the first step required under California law towards becoming licensed as a Professional Engineer, the term "Architect-in-Training" is no more misleading. It actually serves to affect the opposite implication that individuals using the title are trainees in the field of architecture.

Addressing concerns related to burdening the current enforcement program with an increase in unlicensed activity as a result of this proposal, the AIACC submits that: a candidate, on the path to licensure, is the least likely to violate the act and jeopardize their candidacy; that within the Practice Act several existing provisions addressing unlicensed practice, and the consequences of this type of conduct; and that contained in the CAB's existing enforcement program are the mechanisms for disciplining unlicensed activity. It should be pointed out that an unlicensed individual, seeking to mislead a consumer as to their qualifications, would not likely present themselves as an "Architect-in-Training," opting instead to choose to use the title architect to take advantage of the full force of its scope and authority.

To effect the voluntary use of the title "Architect-in-Training," the AIACC proposes the following changes to the Practice Act:

§ 5500 Architect; Architect-in-Training; Defined

(a) As used in this chapter, architect means a person who is licensed to practice architecture in this state under the authority of this chapter.

(b) As used in this chapter, architect-in-training means a person who has received NCARB confirmation of eligibility to test.

§ 5536 Practice Without License or Holding Self Out as Architect; Misdemeanor

(a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who is not licensed to practice architecture under this chapter to practice architecture in this state, to use any term confusingly similar to the word architect, to use the stamp of a licensed architect, as provided in Section 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer.

(b) It is a misdemeanor, punishable as specified in subdivision (a), for any person who is not licensed to practice architecture under this chapter to affix a stamp or seal that bears the legend "State of California" or words or symbols that represent or imply that the person is so licensed by the state to prepare plans, specifications, or instruments of service.

(c) It is a misdemeanor, punishable as specified in subdivision (a), for any person to advertise or represent that he or she is a "registered building designer" or is registered or otherwise licensed by the state as a building designer.

§ 5536.1 Signature and Stamp on Plans and Documents; Unauthorized Practice; Misdemeanor

(a) All persons preparing or being in responsible control of plans, specifications, and instruments of service for others shall sign those plans, specifications, and instruments of service and all contracts therefor, and if licensed under this chapter shall affix a stamp, which complies with subdivision (b), to those plans, specifications, and instruments of service, as evidence of the person's responsibility for those documents. Failure of any person to comply with this subdivision is a misdemeanor punishable as provided in Section 5536. This section shall not apply to employees of persons licensed under this chapter while acting within the course of their employment.

(b) For the purposes of this chapter, any stamp used by any architect licensed under this chapter shall be of a design authorized by the board which shall at a minimum bear the licensee's name, his or her license number, the legend "licensed architect" and the legend "State of California," and which shall provide a means of indicating the renewal date of the license.

(c) The preparation of plans, specifications, or instruments of service for any building, except the buildings described in Section 5537, by any person who is not licensed to practice architecture in this state, is a misdemeanor punishable as provided in Section 5536.

(d) The board may adopt regulations necessary for the implementation of this section.

§ 5536.2 Statement of Licensure

Each county or city which requires the issuance of any permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of the permit a signed statement that the person who prepared or was in responsible control of the plans and specifications for the construction, alteration, improvement, or repair of the building or structure is licensed under this chapter to prepare the plans and specifications, or is otherwise licensed in this state to prepare the plans and specifications.

The signature and stamp, as provided for in Section 5536.1, on the plans and specifications by the person who prepared or was in responsible control of the plans and specifications shall constitute compliance with this section.

It is the responsibility of the agency that issues the permit to determine that the person who signed and stamped the plans and specifications or who submitted the signed statement required by this section is licensed under this chapter or is otherwise licensed in this state to prepare the plans and specifications.

This section shall not apply to the issuance of permits where the preparation of plans and specifications for the construction, alteration, improvement, or repair of a building or structure is exempt from this chapter, except that the person preparing the plans and specifications for others shall sign the plans and specifications as provided by Section 5536.1.

§ 5536.3 Misuse of the title architect-in-training; Misdemeanor

(a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000), or loss of ability to test, for any person who is not qualified under § 5500 (b) to use the title architect-in-training.

§ 134 Use of the Term Architect; Architect-in-Training; Responsible Control within Business Entity

(a) Use of the Term Architect: It shall be unlawful for any person to use a business name that includes as part of its title or description of services the term "architect," "architecture," or "architectural," or any abbreviations or confusingly similar variations thereof, unless that person is a business entity wherein an architect is: (1) in management control of the professional services that are offered and provided by the business entity; and, (2) either the owner, a part-owner, an officer or an employee of the business entity.

(b) Use of the term Architect-in-Training: It shall be unlawful for any person to use a business name that includes as part of its title or description of services the term "architect-in-training."

(c) Persons who are qualified under § 5500 (b) may use the title "architect-in-training" in representing themselves to the public, as long as such persons perform their work activities under the direct supervision and responsibility of a licensed architect.

§ 149 Advertising in Telephone Directory Without License—Agency Citation

(a) If, upon investigation, an agency designated in Section 101 has probable cause to believe that a person is advertising with respect to the offering or performance of services, without being properly licensed by or registered with the agency to offer or perform those services, the agency may issue a citation under Section 148 containing an order of correction that requires the violator to do both of the following: (1)Cease the unlawful advertising.(2)Notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(b) This action is stayed if the person to whom a citation is issued under subdivision (a) notifies the agency in writing that he or she intends to contest the citation. The agency shall afford an opportunity for a hearing, as specified in Section 125.9.

(c) If the person to whom a citation and order of correction is issued under subdivision (a) fails to comply with the order of correction after that order is final, the agency shall inform the Public Utilities Commission of the violation and the Public Utilities Commission shall require the telephone corporation furnishing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(d) The good faith compliance by a telephone corporation with an order of the Public Utilities Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the telephone corporation arising from the termination of service.

(e) Individuals eligible to use the title “Architect-in-Training” are prohibited from its employment as a means to promote or advertise the services of the individual in the performance of projects falling under the exemptions found in Business and Professions Code Chapter 3, Division 3, §5537.

(f) Principals of firms employing architects-in-training may use the title "architect-in-training" as they deem appropriate when making presentations, in promotional materials, etc.

PRESENTATION SLIDES FROM NOVEMBER 5, 2015 REC MEETING

California Architects Board

Regulatory and Enforcement Committee Meeting

November 5, 2015
Sacramento, California

Strategic Plan

Goal

Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

Objective

Monitor NCARB Action on Title for Interns to Ensure Appropriate Consumer Protection

Source: California Architects Board 2015-2016 Strategic Plan

Current Restrictions on Title "Architect"

Any person who is not licensed to practice architecture in California is prohibited from:

- Practicing architecture in this state
- Using any term confusingly similar to the word architect
- Using the stamp of a licensed architect
- Advertising or putting out any sign, card, or other device that might indicate to the public that he or she is an architect or qualified to engage in the practice of architecture

Source: Business and Professions Code section 5536(a)

AIACC Proposal

- Requests the Board consider supporting changes to the Act concerning the current terminology of "candidate" for those eligible for the ARE, to include the title "architectural intern"
- Purpose is to provide formal recognition for those committed to becoming licensed architects

Source: AIACC Letter to Board President Jon Baker, March 4, 2015

AIACC Proposal

AIACC asked the Board to consider the following:

1. NCARB recommends “intern architect” or “architectural intern” in its *Legislative Guidelines and Model Law* (2014-15 Edition)
2. According to NCARB, 28 jurisdictions allow the use of “intern architect,” “architectural intern,” and/or “architect-in-training”
3. Can potentially streamline the licensure process by establishing early Board-Intern relationship
4. May promote licensure, as the term sets apart those who are actively pursuing licensure
5. Not misleading as the term “intern” indicates the person is a trainee in the field of architecture

Source: AIACC Letter to Board President Jon Baker, March 4, 2015

AIACC Proposal

- Believes limiting the time allowed to use the title, along with prohibiting its employment as a means to promote or advertise the services of the individual, is in the interest of consumer protection and in the spirit of increasing licensure in California
- Goal is to proactively modify the Act to be consistent with current national standards

Source: AIACC Letter to Board President Jon Baker, March 4, 2015

NCARB Future Title Task Force

- June 21, 2014: NCARB President Dale McKinney announced the formation of a Future Title Task Force
- Task Force was composed of experienced architects, newly licensed architects, and candidates
- Purpose: review and evaluate the terminology used during the life cycle of an architect's career, from education through retirement

Source: NCARB Press Release dated May 4, 2015

NCARB Future Title Task Force

Conclusions:

- No agreed-upon terminology for professionals on the path to licensure
- Variations of "intern" are no longer reflective of the pre-licensure population
- New Title: There is not one, just do not use "intern"

NCARB is removing the term "intern" from its publications, renaming IDP, and will propose changes to its *Legislative Guidelines and Model Law*

Source: NCARB Press Release dated May 4, 2015

NCARB Model Law

- The title "Intern Architect" was first added to Model Law by resolution in 1969
  - "Professional recognition of achievement in the ladder leading to professional registration"
- NCARB *Legislative Guidelines and Model Law* (2014-15 Edition) states:

"A person currently employed under the responsible control of an architect and who maintains in good standing a National Council of Architectural Registration Boards Record may use the title "intern architect" or "architectural intern" in conjunction with his/her current employment, but may not engage in the practice of architecture except to the extent that such practice is excepted from the requirement of registration."

Sources: NCARB Resolution No. 69-7 and *Legislative Guidelines and Model Law* (2014-15 Edition)

Previous AIA Position Statements

C. Public Policy: Regulation of Architecture

1. Architectural Practice – Definition

The AIA supports a uniform definition of architectural practice that delineates the scope of activities over which each jurisdiction has regulatory control. The definition should follow the recommendations developed by the National Council of Architectural Registration Boards. (approved March 2013, through December 31, 2015)

8. Use of the Title Architect and Its Derivatives

The AIA supports protecting the public by reserving the use of the term "architect" and its derivative forms to those individuals licensed as architects. In addition, the AIA supports the use of "architectural intern" or "intern architect" for graduates of NAAB-accredited degree programs. (approved December 2012, through December 31, 2015)

Source: AIA Directory of Public Policies and Position Statements, December 2014

Current AIA Position Statement

C. Public Policy: Regulation of Architecture

1. Definition of Professional Practice and Use of the Title Architect

The AIA supports a uniform definition of the "practice of architecture" that delineates the scope of services a registered architect may perform as stipulated by regulatory controls of the local jurisdiction. The definition should follow the recommendations developed by the National Council of Architectural Registration Boards. Furthermore, the AIA supports protecting the public by reserving the use of the term "architect" to those individuals licensed as architects. The AIA further recommends that all jurisdictions implement a category designated as Emeritus or Retired, for persons who have held a license to practice architecture but have retired and are no longer in practice. (approved September 2015, through December 31, 2018)

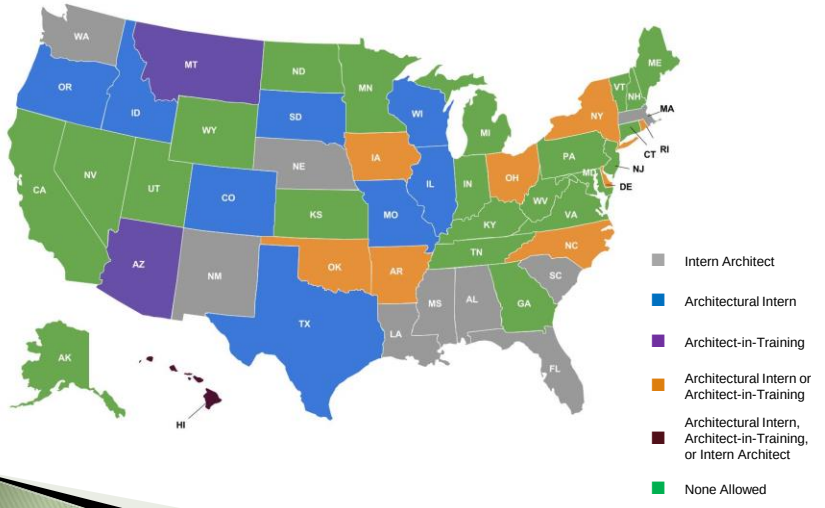
Source: AIA Directory of Public Policies and Position Statements, September 2015

Intern Titling in Other States

- There are 28 states that allow the use of one or more of the following titles:
  - Intern Architect
  - Architectural Intern
  - Architect-in-Training
- Most of the 28 states define the acceptable titles through regulations
  - No specific penalties for misuse of the intern titles

Source: Individual state laws, regulations, and policies

Intern Titling in Other States



Source: Individual state laws, regulations, and policies

Intern Titling in Other States

- Many state regulations for intern titles include some, if not all, of the following conditions:
  - NAAB-accredited professional degree in architecture
  - Currently deemed eligible to take the ARE
  - Maintain an active NCARB record
  - Enrolled in, and/or completed, IDP
  - Employed by and/or working under the direct supervision of a licensed architect
  - Title may only be used in conjunction with an individual's employment at an architectural firm

Source: Individual state laws, regulations, and policies

Board for Professional Engineers, Land Surveyors, and Geologists

Engineer-in-Training (EIT) Certificate

- Certification as EIT is the first step required for an applicant to become licensed as a Professional Engineer
- Minimum qualifications:
  - Three years of postsecondary engineering education, or three years of engineering-related work experience, or a combination totaling three years
  - Pass the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Engineering examination
- EIT certificate becomes invalid when the holder has qualified as a Professional Engineer
- Misuse of the title "Engineer-in-Training" is a misdemeanor under Business and Professions Code section 6787

Also issues a Land Surveyor-in-Training (LSIT) Certificate

Source: Business and Professions Code section 6756

Board of Behavioral Sciences

Associate Clinical Social Worker (ASW) Registration

- Registration as an ASW is issued after obtaining a master's degree in social work
- Valid registration as an ASW is required in order to gain supervised work experience
- ASWs must obtain 3,200 hours of supervised work experience with a minimum of 104 supervised weeks
- Registration is valid for up to six years – initial period is one year, and may be renewed annually up to five times

Also registers Marriage and Family Therapist (MFT) Interns under a similar process

Source: Business and Professions Code section 4208

Enforcement Issues

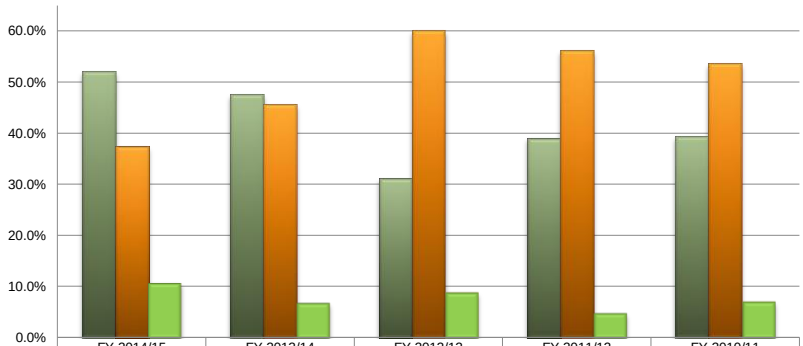
Approximately 38% of complaints received during the last 5 fiscal years were for alleged misuse of the title “architect” or descriptive terms such as “architectural”

- 40% were filed by the public
- 25% were filed anonymously
- 24% were filed by licensees

Source: California Architects Board licensing and enforcement records

Enforcement Issues

Percentage of California Architects Board Complaints by Type of Respondent



	FY 2014/15	FY 2013/14	FY 2012/13	FY 2011/12	FY 2010/11
Licensed	52.1%	47.6%	31.1%	39.0%	39.3%
Unlicensed	37.3%	45.6%	60.1%	56.1%	53.7%
Candidates	10.6%	6.8%	8.8%	4.8%	7.0%

Source: California Architects Board enforcement data

Complaints Against Candidates

California Architects Board

- Less than 8% of complaints received are against candidates

Available enforcement actions: Issuance of citation or denial of license

Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG)

- Does not separately track complaints against Engineers-in-Training (EITs) and Land Surveyors-in-Training (LSITs)

Board of Behavioral Sciences

- 8% of all complaints received in the past year were against Associate Clinical Social Workers (ASW) or Marriage and Family Therapist (MFT) Interns

Source: Board licensing and enforcement records

Regulatory Title for Candidates

Pros	Cons
Provides a means to formally recognize candidates	**Possible consumer confusion**
May promote licensure	**Inconsistent with NCARB and AIA Position Statements**
Can potentially streamline the licensure process	**May be a disincentive for licensure**
	May increase enforcement workload

Possible Options to Address AIACC's Proposal

- Keep the status quo
- Consider AIACC's proposal after NCARB has revised its Model Law and renamed IDP
- Allow candidates to use a title with or without certain conditions, which would require amendments to the Act

AIA|CC
CALIFORNIA COUNCIL

AEP Academy for Emerging Professionals AIA|CC

March 4, 2015

Jon Baker, AIA, Board President
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

RE: Intern Titling

Dear Mr. Baker:

With the support of the American Institute of Architects, California Council (AIACC) Executive Committee, and the AIACC Board of Directors, we, the undersigned, request that the California Architects Board (CAB) consider supporting changes to the Architects Practice Act concerning the current terminology of "candidate" for those eligible for the ARE, to include the title "architectural intern."

The primary thrust behind the AIACC's support for this change is in the interest of providing a means with which to formally recognize those committed to becoming California licensed architects – not to create marketing opportunities for unlicensed individuals. Therefore, when considering the proposed title change we ask that that the CAB also support limiting the use and purpose of the title "architectural intern" to that of an individual designation only, bestowed, as discussed, for an as yet to be determined finite period of time.

We believe limiting the time allowed to use the title, along with prohibiting its employment as a means to promote or advertise the services of the individual in the performance of projects falling under the exemptions found in Business and Professions Code Chapter 3, Division 3, §5537 to be in the interest of consumer protection, and in the spirit of the increasing licensure in California.

With national attention focused on finding a new appropriate title for not-yet-licensed professionals, our goal is to proactively modify the California Architects Practice Act to be consistent with current national standards, and to facilitate a future title change if/when such a term is adopted by future National Council of Architectural Registration Boards (NCARB) as model law.

Please consider the following:

- The NCARB recommends in their "Legislative Guidelines and Model Law" (2014-2015 Edition) that a person currently employed under the responsible control of an architect, and who maintains in good standing an NCARB record, shall be allowed to use the title "intern architect" or "architectural intern" in conjunction with his/her current employment. Refer to the document for details at: http://www.ncarb.org/~/media/files/pdf/special-paper/legislative_guidelines.pdf.

- According to NCARB, 28 jurisdictions have titles specifically for those actively pursuing licensure. These jurisdictions allow the use of the terms "intern architect," "architectural intern," "architect-in-training," or a combination of terms. Refer to NCARB's infographic at: http://blog.ncarb.org/2014/August/Intern-Titles.aspx

- Many jurisdictions require interns to register with NCARB as well as their State Board prior to using the designated title. This can potentially streamline the licensure process because it establishes the Board-Intern relationship early on, and interns can educate themselves about the state licensure requirements from the beginning of their path to licensure.

- Allowing the use of the term "architectural intern" may promote licensure, as this term sets apart those who are actively pursuing licensure from those who choose not to get licensed.

- The Architects Practice Act regulates the use of the terms "architect," "architecture," and "architectural" in order to protect consumers from being misled by unlicensed professionals. The terms "intern architect" and "architectural intern" are not misleading and clearly indicate—by the definition of the word "intern"—that such individuals are trainees in the field of architecture.

We hope this summary is sufficient in explaining the reasons for promoting this revision to the California Architects Practice Act. Should you have any questions or concerns, please contact AIACC Director of Regulatory Affairs Kurt Cooknick.

Respectfully,

Jana Itzen, AIA
AEP Vice President

Nathan M. Dea, Assoc. AIA
Associate Director- South

Aaron Baumbach, Assoc. AIA
Associate Director – North

Schuyler Bartholomay, Assoc. AIA
Regional Associate Director

Amanda Green, Assoc. AIA
Architect Licensing Advisor – North

Leanna Libourel, AIA
Architect Licensing Advisor - South

Stephanie Silkwood, AIA
Young Architects Regional Director – North

Benjamin Kasdan, AIA
Young Architects Regional Director – South

Daniel Christman, AIAS
Student Director – North

Julia C. Flauaus, AIAS
Student Director - South

DISCUSS AND POSSIBLE RECOMMENDATION REGARDING 2015-2016 STRATEGIC PLAN OBJECTIVE TO IDENTIFY AND PURSUE NEEDED STATUTORY AND REGULATORY CHANGES SO LAWS AND REGULATIONS ARE CONSISTENT WITH CURRENT ARCHITECTURAL PRACTICE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE

The California Architects Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to identify and pursue needed statutory and regulatory changes so laws and regulations are consistent with current architectural practice to promote public health, safety, and welfare, such as amending the Architects Practice Act (Act) written contract requirement.

Business and Professions Code section (BPC) 5536.22 (Written Contract)

The Board's 2013 and 2014 Strategic Plans also contained an objective to determine whether a provision concerning "scope of work" should be added to the written contract requirements in BPC 5536.22. At its April 25, 2013 meeting, the REC considered staff's recommended revisions to add: the project scope; the project address; the name and address of the project owner; and a description of the procedure to accommodate contract changes, including changes in the project scope, to the written contract requirement. At the meeting, the REC assigned a working group, comprised of members Phyllis Newton and Gary McGavin, to further refine the proposed language before making a recommendation to the Board. The working group met on July 15, 2013, and based on its discussion, in an effort to add clarification and reduce miscommunication and confusion between the architect and the client, the working group ultimately decided to propose that a description of the project and address, and a procedure to accommodate contract changes be added to the written contract requirements. Staff subsequently revised the proposed language for BPC 5536.22 and submitted the changes to legal counsel for review on October 21, 2013. Legal counsel made minor edits which were approved by the REC on April 24, 2014 and recommended to the Board. The Board subsequently approved the REC's recommendations, and proposed language (Attachment 1), to add: 1) a description of the project and address; and 2) a procedure to accommodate contract changes, to the written contract requirements at its June 12, 2014 meeting.

On January 11, 2016, the Board submitted a proposal to amend BPC 5536.22 to the Senate Business, Professions and Economic Development Committee (BP&ED) for possible inclusion in an omnibus clean-up bill. BP&ED staff determined that the proposal is substantive and must be included in another bill in 2017.

Staff reviewed the laws and regulations regarding the practice of architecture in other states, and found that two other states (Nevada and Ohio) currently require an architect to execute a written contract with the client prior to providing professional services for a project. Both states currently require an architect's written contract to include the five elements currently required by BPC 5536.22 and a statement identifying the ownership and/or reuse of documents prepared by the architect.

In addition to the amendments to BPC 5536.22 that were previously approved by the Board, the REC may wish to consider also requiring the following elements in an architect's written contract to improve the protections afforded to consumers and architects:

- A statement identifying the ownership and/or reuse of documents prepared by the architect; and

- A notification to the client that the architect is licensed and the Board is the licensing entity.

Current Trends in Architectural Practice

At its April 29, 2015 meeting, the REC appointed Barry Williams and Mr. McGavin to a working group to review the Board's Occupational Analysis (OA) of the architect profession and identify marketplace trends that impact consumer protection. The working group met on October 15, 2015 and discussed general marketplace trends affecting architectural practice, including: 1) the architect's role in leading the project team; 2) increased specialization within architectural firms; 3) changes in product delivery methods; 4) a lack of business courses within architectural programs; and 5) unlicensed practice. Based on its review and analysis of the Board's 2007 and 2014 OAs, the working group concluded that there were no significant marketplace trends that impact consumer protection at this time.

Staff reviewed the Act and Board regulations (Attachments 2 and 3) and compared them to other states' laws and regulations regarding the practice of architecture, as well as the National Council of Architectural Registration Boards' *Legislative Guidelines and Model Law* (2014-2015 Edition). In addition to amending the written contract requirement, possible statutory and regulatory changes the REC may wish to consider include:

- Strengthening the laws and regulations regarding aiding and abetting the unlicensed practice of architecture (BPC 5582 and 5582.1, and California Code of Regulations section [CCR] 151);
- Enhancing the Board's Rules of Professional Conduct (CCR 160), and specifically, amending subsection (b)(2) to require licensees to respond to other Board requests for information and/or evidence within 30 days, not just in response to an investigation; and/or
- Clarifying the business entity reporting requirements (BPC 5558 and CCR 104).

Staff recommends that the REC form a working group consisting of one architect member and one public member to review and analyze the Act and Board regulations, and develop proposals for possible statutory and/or regulatory changes, as noted above, for the REC's consideration at its next meeting in the fall.

Attachments:
1. Proposed Language for Business and Professions Code Section 5536.22, as previously approved by the Board on June 12, 2014
2. Architects Practice Act, Business and Professions Code Sections 5500 – 5610.7
3. Board Regulations, Title 16, California Code of Regulations Sections 100 – 160(f)(1)

PROPOSED LANGUAGE FOR BUSINESS AND PROFESSIONS CODE SECTION 5536.22, AS PREVIOUSLY APPROVED BY THE BOARD ON JUNE 12, 2014

Amend Section 5536.22 of the Business and Professions Code to read:

(a) An architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. That written contract shall be executed by the architect and the client, or his or her representative, prior to the architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following items:

(1) A description of the project for which the client is seeking services.

(~~1~~2) A description of the services to be provided by the architect to the client.

(~~2~~3) A description of any basis of compensation applicable to the contract and the method of payment agreed upon by both parties.

(~~3~~4) The name, address, and license number of the architect, and the name and address of the client and the project address.

(~~4~~5) A description of the procedure that the architect and the client will use to accommodate additional services.

(6) A description of the procedure that the architect and the client will use to accommodate contract changes including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment.

(~~5~~7) A description of the procedure to be used by either party to terminate the contract.

(b) This section shall not apply to any of the following:

(1) Professional services rendered by an architect for which the client will not pay compensation.

(2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the architect's services are of the same general kind which the architect has previously rendered to and received payment from the same client.

(3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.

(4) Professional services rendered by an architect to a professional engineer registered to practice engineering under Chapter 7 (commencing with Section 6700), or to a land surveyor licensed under Chapter 15 (commencing with Section 8700).

ARCHITECTS PRACTICE ACT
BUSINESS AND PROFESSIONS CODE SECTIONS 5500 – 5610.7

ARTICLE 1. GENERAL PROVISIONS

§ 5500 Architect Defined

As used in this chapter, architect means a person who is licensed to practice architecture in this state under the authority of this chapter.

§ 5500.1 Practice of Architecture Defined

(a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.
(b) Architects' professional services may include any or all of the following:
  (1) Investigation, evaluation, consultation, and advice.
  (2) Planning, schematic and preliminary studies, designs, working drawings, and specifications.
  (3) Coordination of the work of technical and special consultants.
  (4) Compliance with generally applicable codes and regulations, and assistance in the governmental review process.
  (5) Technical assistance in the preparation of bid documents and agreements between clients and contractors.
  (6) Contract administration.
  (7) Construction observation.
(c) As a condition for licensure, architects shall demonstrate a basic level of competence in the professional services listed in subdivision (b) in examinations administered under this chapter.

§ 5501 Chapter Defined

This chapter constitutes the chapter on professional architects. It shall be known and may be cited as the Architects Practice Act.

§ 5502 Board Defined

As used in this chapter, board refers to the California Architects Board.

ARTICLE 2. ADMINISTRATION

§ 5510 Existence of Architects Board

There is in the Department of Consumer Affairs a California Architects Board which consists of 10 members.

Any reference in law to the California Board of Architectural Examiners shall mean the California Architects Board.
This section shall remain in effect only until January 1, 2020, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

§ 5510.1 Legislature Mandate of the Board

The Legislature finds and declares that it is the mandate of the board to regulate the practice of architecture in the interest and for the protection of the public health, safety, and welfare. For this purpose, the board shall delineate the minimum professional qualifications and performance standards for admission to and practice of the profession of architecture. The board shall establish a fair and uniform enforcement policy to deter and prosecute violations of this chapter or any rules and regulations promulgated pursuant to this chapter to provide for the protection of the consumer.

§ 5510.15 Priority of Board; Protection of the Public

Protection of the public shall be the highest priority for the California Architects Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

§ 5514 Qualifications of Members

The membership of the board shall be composed of 10 members, five of whom shall be architects and five of whom shall be public members.
The five professional members of the board shall be selected from architects in good standing who have been licensed and in practice in this state for at least five years at the time of appointment, all of whom shall be residents and in practice in California.
The public members of the board shall not be licensees of the board.
This section shall become operative on January 1, 1988.

§ 5515 Tenure and Appointment of Board Members; Vacancies

Every person appointed shall serve for four years and until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs.
No person shall serve as a member of the board for more than two consecutive terms.
Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.
Each appointment shall expire on June 30 of the fourth year following the year in which the previous term expired.
The Governor shall appoint three of the public members and the five licensed members qualified as provided in Section 5514. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member.

§ 5515.5 Board Member Terms

(a) Notwithstanding Section 130 or 5515, the following provisions shall apply:
   (1) Of the three licensed members appointed by the Governor whose terms commence on July 1, 2013, the term of two members shall expire on June 30, 2017, and the term of one member shall expire on June 30, 2019.
   (2) Of the two licensed members appointed by the Governor whose terms commence on July 1, 2014, the term of one member shall expire on June 30, 2018, and the term of the other member shall expire on June 30, 2020.
   (3) The term of the public member appointed by the Governor that commences on July 1, 2014, shall expire on June 30, 2019.
   (4) Of the two public members appointed by the Governor whose terms commence on July 1, 2016, the term of one member shall expire on June 30, 2020, and the term of the other member shall expire on June 30, 2021.

(b) Except as provided in subdivision (a), this section shall not be construed to affect the application of Section 130 or 5515 to the terms of a current or future member of the board.

§ 5516 Compensation of Members; Per Diem; Expenses

Each member of the board shall receive a per diem and expenses as provided in Section 103.

§ 5517 Executive Officer Powers

The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.
This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

§ 5518 Officers of Board

The board shall elect from its members a president, a vice president, and a secretary to hold office for one year, or until their successors are duly elected and qualified.

§ 5520 Seal

The board shall adopt a seal for its own use. The seal used shall have the words, “State Board of Architectural Examiners” inscribed thereon.
The executive officer shall have the care and custody of the seal.

§ 5521 Records

The executive officer shall keep an accurate record of all proceedings of the board.

§ 5522 Meetings in General

The board shall meet at least once each calendar quarter for the purpose of transacting such business as may lawfully come before it.
The board may hold meetings at such other times and at such places as it may designate.

§ 5523 Special Meetings

Special meetings of the board shall be called by the executive officer upon the written notice of four members by giving each member of the board 10 days' written notice of the time and place of the meeting.

§ 5524 Quorum; Act or Decision of Board

Six of the members of the board constitute a quorum of the board for the transaction of business. The concurrence of five members of the board present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the board, except that when all 10 members of the board are present at a meeting duly held, the concurrence of six members shall be necessary to constitute an act or decision of the board.

§ 5525 Prosecutions by Board; Employees

The board may prosecute all persons guilty of violating the provisions of this chapter. Except as provided in Section 159.5, the board may employ inspectors, special agents, investigators, and such clerical assistants as it may deem necessary to carry into effect the provisions of this chapter. It may also fix the compensation to be paid for such services and incur such additional expense as may be deemed necessary.

§ 5526 Rules and Regulations

(a) The board shall adopt rules and regulations governing the examination of applicants for licenses to practice architecture in this state.
(b) The board may, by rule or regulation, adopt rules of professional conduct that are not inconsistent with state or federal law. Every person who holds a license issued by the board shall be governed and controlled by these rules.
(c) The board may adopt other rules and regulations as may be necessary and proper.
(d) The board may, from time to time, repeal, amend, or modify rules and regulations adopted under this section. No rule or regulation shall be inconsistent with this chapter.
(e) The board shall adopt, by regulation, a system as described in Section 125.9 for the issuance to a licensee of a citation and a system as described in Section 148 for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of the board.
(f) The adoption, repeal, amendment, or modification of these rules and regulations shall be made in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

§ 5527 Injunction

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or which will constitute an offense against this chapter, the superior court of the county in which the offense has occurred or is about to occur, on application of the board, may issue an injunction or other appropriate order restraining such act or practice.
The proceedings authorized by this section shall be in accordance with the provisions contained in Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

§ 5528 Consultants

(a) The board may select and contract with necessary architect consultants who are licensed architects to assist it in its enforcement program on an intermittent basis. The architect consultants shall perform only those services that are necessary to carry out and enforce this chapter.
(b) For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, any consultant under contract with the board shall be considered a public employee.

ARTICLE 3. APPLICATION OF CHAPTER

§ 5535 Person Defined

As used in this chapter, the word "person" includes any individual, firm, partnership, general corporation, professional corporation, or limited liability partnership, as authorized by the Corporations Code.

§ 5535.1 Responsible Control Defined

The phrase "responsible control" means that amount of control over the content of all architectural instruments of service during their preparation that is ordinarily exercised by architects applying the required professional standard of care.

§ 5535.2 Partnerships with Non-Architects

This chapter does not prevent an architect from forming a business entity or collaborating with persons who are not architects, provided that any architects' professional services that are provided through that entity or collaboration are offered and provided under the responsible control of an architect, or architects, and in accordance with the provisions of this chapter.

§ 5535.25 Business Entity Defined

As used in this chapter, the terms "business entity" and "collaboration" include employer and employee relationships, joint ventures, partnerships, general corporations, and consulting relationships formed by written agreement in which the architect provides immediate and responsible direction of architectural services. For purposes of this section, "immediate and responsible direction" has the same meaning as that term is defined in Section 151 of Title 16 of the California Code of Regulations.

§ 5535.3 Corporation Responsible Control

This chapter does not prevent a corporation from furnishing or supplying by contract architectural services, as long as any architects' professional services are offered and provided under the responsible control of a licensed architect or architects.

§ 5536 Practice Without License or Holding Self Out as Architect; Misdemeanor

(a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who is not licensed to practice architecture under this chapter to practice architecture in this state, to use any term confusingly similar to the word architect, to use the stamp of a licensed architect, as provided in Section 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer.
(b) It is a misdemeanor, punishable as specified in subdivision (a), for any person who is not licensed to practice architecture under this chapter to affix a stamp or seal that bears the legend "State of California" or words or symbols that represent or imply that the person is so licensed by the state to prepare plans, specifications, or instruments of service.
(c) It is a misdemeanor, punishable as specified in subdivision (a), for any person to advertise or represent that he or she is a "registered building designer" or is registered or otherwise licensed by the state as a building designer.

§ 5536.1 Signature and Stamp on Plans and Documents; Unauthorized Practice; Misdemeanor

(a) All persons preparing or being in responsible control of plans, specifications, and instruments of service for others shall sign those plans, specifications, and instruments of service and all contracts therefor, and if licensed under this chapter shall affix a stamp, which complies with subdivision (b), to those plans, specifications, and instruments of service, as evidence of the person's responsibility for those documents. Failure of any person to comply with this subdivision is a misdemeanor punishable as provided in Section 5536. This section shall not apply to employees of persons licensed under this chapter while acting within the course of their employment.
(b) For the purposes of this chapter, any stamp used by any architect licensed under this chapter shall be of a design authorized by the board which shall at a minimum bear the licensee's name, his or her license number, the legend "licensed architect" and the legend "State of California," and which shall provide a means of indicating the renewal date of the license.
(c) The preparation of plans, specifications, or instruments of service for any building, except the buildings described in Section 5537, by any person who is not licensed to practice architecture in this state, is a misdemeanor punishable as provided in Section 5536.
(d) The board may adopt regulations necessary for the implementation of this section.

§ 5536.2 Statement of Licensure

Each county or city which requires the issuance of any permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of the permit a signed statement that the person who prepared or was in responsible control of the plans and specifications for the construction, alteration, improvement, or repair of the building or structure is licensed under this chapter to prepare the plans and specifications, or is otherwise licensed in this state to prepare the plans and specifications.

The signature and stamp, as provided for in Section 5536.1, on the plans and specifications by the person who prepared or was in responsible control of the plans and specifications shall constitute compliance with this section.
It is the responsibility of the agency that issues the permit to determine that the person who signed and stamped the plans and specifications or who submitted the signed statement required by this section is licensed under this chapter or is otherwise licensed in this state to prepare the plans and specifications.
This section shall not apply to the issuance of permits where the preparation of plans and specifications for the construction, alteration, improvement, or repair of a building or structure is exempt from this chapter, except that the person preparing the plans and specifications for others shall sign the plans and specifications as provided by Section 5536.1.

§ 5536.22 Written Contract

(a) An architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. That written contract shall be executed by the architect and the client, or his or her representative, prior to the architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following items:
  (1) A description of services to be provided by the architect to the client.
  (2) A description of any basis of compensation applicable to the contract and method of payment agreed upon by both parties.
  (3) The name, address, and license number of the architect and the name and address of the client.
  (4) A description of the procedure that the architect and the client will use to accommodate additional services.
  (5) A description of the procedure to be used by either party to terminate the contract.
(b) This section shall not apply to any of the following:
  (1) Professional services rendered by an architect for which the client will not pay compensation.
  (2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the architect's services are of the same general kind which the architect has previously rendered to and received payment from the same client.
  (3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.
  (4) Professional services rendered by an architect to a professional engineer registered to practice engineering under Chapter 7 (commencing with Section 6700), or to a land surveyor licensed under Chapter 15 (commencing with Section 8700).

§ 5536.25 Liability; Damages Caused by Subsequent, Unauthorized, or Unapproved Changes or Uses of Plans, Specifications, Reports or Documents; Construction Observation Services

(a) A licensed architect who signs and stamps plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to or uses of those plans, specifications, reports, or documents, where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved in writing by the licensed architect who originally signed the plans, specifications, reports, or documents,

provided that the written authorization or approval was not unreasonably withheld by the architect and the architectural service rendered by the architect who signed and stamped the plans, specifications, reports, or documents was not also a proximate cause of the damage.

(b) The signing and stamping of plans, specifications, reports, or documents which relate to the design of fixed works shall not impose a legal duty or responsibility upon the person signing the plans, specifications, reports, or documents to observe the construction of the fixed works which are the subject of the plans, specifications, reports, or documents. However, this section shall not preclude an architect and a client from entering into a contractual agreement which includes a mutually acceptable arrangement for the provision of construction observation services. This subdivision shall not modify the liability of an architect who undertakes, contractually or otherwise, the provision of construction observation services for rendering those services.

(c) "Construction observation services" means periodic observation of completed work to determine general compliance with the plans, specifications, reports, or other contract documents. However, "construction observation services" does not mean the superintendence of construction processes, site conditions, operations, equipment, or personnel, or the maintenance of a safe place to work or any safety in, on, or about the site.

For purposes of this subdivision, "periodic observation" means visits by an architect, or his or her agent, to the site of a work of improvement.

§ 5536.26 Use of Certify or Certification by Licensed Architect

The use of the words "certify" or "certification" by a licensed architect in the practice of architecture constitutes an expression of professional opinion regarding those facts or findings that are the subject of the certification, and does not constitute a warranty or guarantee, either expressed or implied. Nothing in this section is intended to alter the standard of care ordinarily exercised by a licensed architect.

§ 5536.27 Liability; Building Inspections

(a) An architect who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the scene of a declared national, state, or local emergency caused by a major earthquake, flood, riot, or fire at the request of a public official, public safety officer, or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury, wrongful death, or property damage caused by the architect's good faith but negligent inspection of a structure used for human habitation or a structure owned by a public entity for structural integrity or nonstructural elements affecting life and safety.

The immunity provided by this section shall apply only for an inspection that occurs within 30 days of the declared emergency.

Nothing in this section shall provide immunity for gross negligence or willful misconduct.

(b) As used in this section:

(1) "Architect" has the meaning given by Section 5500.

(2) "Public safety officer" has the meaning given in Section 3301 of the Government Code.

(3) "Public official" means a state or local elected officer.

§ 5536.3 Natural Disasters; Damage to Residential Real Property; Release of Copy of Plans

(a) In the event of damage to residential real property caused by a natural disaster declared by the Governor, if the damage may be covered by one or more policies of insurance, any architect or other person who has prepared plans used for the construction or remodeling of the residential real property shall release a copy of the plans to the homeowner's insurer or the homeowner, or duly authorized agent of the insurer or the homeowner, upon request and verification that the plans will be used solely for the purpose of verifying the fact and amount of damage for insurance purposes.
(b) No homeowner or any other person shall use any copy of plans obtained pursuant to subdivision (a) to rebuild all or any part of the residential real property without the prior written consent of the architect or other person who prepared the plans.
(c) In the event prior written consent is not provided pursuant to subdivision (b), no architect or other person who has prepared plans who releases a copy of plans pursuant to subdivision (a) shall be liable to any person if the plans are subsequently used by the homeowner or any other person to rebuild all or any part of the residential real property.
(d) The architect or other person may charge a reasonable fee to cover the reproduction costs of providing a copy of the plans.
(e) As used in this section, "residential real property" means a single family structure, whether or not owner-occupied.

§ 5536.4 Instruments of Service-Consent

(a) No person may use an architect's instruments of service, as those professional services are described in paragraph (2) of subdivision (b) of Section 5500.1, without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use.
(b) An architect shall not unreasonably withhold consent to use his or her instruments of service from a person for whom the architect provided the services. An architect may reasonably withhold consent to use the instruments of service for cause, including, but not limited to, lack of full payment for services provided or failure to fulfill the conditions of a written contract.

§ 5536.5 State of Emergency; Practice Without License or Holding Self Out as Architect; Penalty

Any person who violates subdivision (a) of Section 5536 in connection with the offer or performance of architectural services for the repair of damage to a residential or nonresidential structure caused by a natural disaster for which a state of emergency is proclaimed by the Governor pursuant to Section 8625 of the Government Code, or for which an emergency or major disaster is declared by the President of the United States, shall be punished by a fine up to ten thousand dollars ($10,000), or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or for two or three years, or by both the fine and imprisonment, or by a fine up to one thousand dollars ($1,000), or by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment.

§ 5537 Exemptions; Dwellings, Garages, Agricultural and Ranch Buildings; Supervision of Licensed Architect or Registered Engineer Required

(a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:
   (1) Single-family dwellings of woodframe construction not more than two stories and basement in height.
   (2) Multiple dwellings containing no more than four dwelling units of woodframe construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.
   (3) Garages or other structures appurtenant to buildings described under subdivision (a), of woodframe construction not more than two stories and basement in height.
   (4) Agricultural and ranch buildings of woodframe construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.

(b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for woodframe construction found in the most recent edition of Title 24 of the California Code of Regulations or tables of limitation for woodframe construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by, or under the responsible control of, a licensed architect or registered engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation. Substantial compliance for purposes of this section is not intended to restrict the ability of the building officials to approve plans pursuant to existing law and is only intended to clarify the intent of Chapter 405 of the Statutes of 1985.

§ 5537.1 Exemptions; Structural Engineer

A structural engineer, defined as a registered civil engineer who has been authorized to use the title structural engineer under the provisions of Chapter 7 (commencing with Section 6700), insofar as he or she practices the profession for which he or she is registered, is exempt from the provisions of this chapter, except that a structural engineer may not use the title “architect,” unless he or she holds a license as required in this chapter.

§ 5537.2 Exemptions; Contractors

This chapter shall not be construed as authorizing a licensed contractor to perform design services beyond those described in Section 5537 or in Chapter 9 (commencing with Section 7000), unless those services are performed by or under the direct supervision of a person licensed to practice architecture under this chapter, or a professional or civil engineer licensed pursuant to Chapter 7 (commencing with Section 6700) of Division 3, insofar as the professional or civil engineer practices the profession for which he or she is registered under that chapter.
However, this section does not prohibit a licensed contractor from performing any of the services permitted by Chapter 9 (commencing with Section 7000) of Division 3 within the classification for

which the license is issued. Those services may include the preparation of shop and field drawings for work which he or she has contracted or offered to perform, and designing systems and facilities which are necessary to the completion of contracting services which he or she has contracted or offered to perform.
However, a licensed contractor may not use the title "architect," unless he or she holds a license as required in this chapter.

§ 5537.4 Exemptions; Professional Engineer

A professional engineer registered to practice engineering under the provisions of Chapter 7 (commencing with Section 6700), insofar as he or she practices the profession for which he or she is registered, is exempt from the provisions of this chapter, except that a professional engineer may not use the title "architect," unless he or she holds a license as required in this chapter.

§ 5537.5 Exemptions; Civil Engineer

A civil engineer authorized to use that title under the provisions of Chapter 7 (commencing with Section 6700), insofar as he or she practices the profession for which he or she is registered, is exempt from the provisions of this chapter, except that a civil engineer may not use the title "architect," unless he or she holds a license as required in this chapter.

§ 5537.6 Exemptions; Landscape Architect

A landscape architect registered under the provisions of Chapter 3.5 (commencing with Section 5615), insofar as he or she practices the profession for which he or she is registered, is exempt from the provisions of this chapter, except that a landscape architect may not use the title "architect," exclusive of the word "landscape," unless he or she holds a license as required in this chapter.

§ 5537.7 Exemptions; Land Surveyor

A land surveyor licensed under the provisions of Chapter 15 (commencing with Section 8700) of Division 3, insofar as he or she practices the profession for which he or she is licensed under Chapter 15 of Division 3, is exempt from the provisions of this chapter, except that a land surveyor may not use the title "architect," unless he or she holds a license as required in this chapter.

§ 5538 Planning or Design Affecting Safety of Building or Its Occupants; Nonstructural Store Front or Interior Alterations or Additions Excepted

This chapter does not prohibit any person from furnishing either alone or with contractors, if required by Chapter 9 (commencing with Section 7000) of Division 3, labor and materials, with or without plans, drawings, specifications, instruments of service, or other data covering such labor and materials to be used for any of the following:

(a) For nonstructural or nonseismic storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, or other appliances or equipment.
(b) For any nonstructural or nonseismic work necessary to provide for their installation.

(c) For any nonstructural or nonseismic alterations or additions to any building necessary to or attendant upon the installation of those storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, appliances, or equipment, provided those alterations do not change or affect the structural system or safety of the building.

ARTICLE 4. ISSUANCE OF CERTIFICATES

§ 5550 Examination

Subject to the rules and regulations governing examinations, any person who meets the qualifications set forth in this article shall be entitled to an examination for a license to practice architecture. Before taking the examination he or she shall file his or her application therefor with the board and pay the application fee fixed by this chapter. The fee shall be retained by the board.

§ 5550.1 Exterior and Interior Barrier Free Design; Inclusion in Examination

An applicant for a license to practice architecture shall be required, as part of the examination for licensure, to demonstrate to the board's satisfaction his or her knowledge and understanding of and proficiency in exterior and interior barrier free design.
The board shall include questions regarding exterior and interior barrier free design as part of the examination. Those questions shall periodically be reviewed by the board in order to ensure that the examination reflects current regulations and the latest developments in barrier free design.

§ 5550.2 Examination Eligibility—Integrated Degree Program

Notwithstanding subdivision (b) of Section 5552, the board may grant eligibility, based on an eligibility point determined by the Additional Path to Architectural Licensing Program, for a candidate to take the examination for a license to practice architecture if he or she is enrolled in an Additional Path to Architectural Licensing program that integrates the experience and examination components offered by a National Architectural Accrediting Board-accredited degree program.

§ 5550.3 Grading of Examinations; Delegation of Authority

(a) Notwithstanding Section 111, the board may adopt guidelines for the delegation of its authority to grade the examinations of applicants for licensure to any vendor under contract to the board for provision of an architect's registration examination. The guidelines shall be within the board's legal authority to establish the standards for registration in this state, and shall include, but not be limited to:
   (1) Goals for the appropriate content, development, grading, and administration of an examination, against which the vendor's rules and procedures can be judged.
   (2) Procedures through which the board can reasonably assure itself that the vendor adequately meets the goals established by the board.
(b) The board shall not delegate its authority to grade the examinations of candidates for registration in this state to any vendor or any party not in compliance with Section 111 or with the guidelines established in subdivision (a).

§ 5550.5 Social Security Number Exemption

Notwithstanding Section 30 of this code or Section 17520 of the Family Code, the board may accept for processing an application from an individual for an original or renewed license to practice architecture containing an individual tax identification number, or other appropriate identification number as determined by the board, in lieu of a social security number, if the individual is not eligible for a social security account number at the time of application and is not in noncompliance with a judgment or order for support pursuant to Section 17520 of the Family Code.

§ 5551 Issuance of License

If the applicant's examination is satisfactory, and if no charges of having resorted to deception in obtaining the license, or any other violation of the provisions of this chapter have been filed with the board, upon the payment of the license fee fixed by this chapter, the board shall issue a license to the applicant showing that the person named therein is entitled to practice architecture in this state, in accordance with the provisions of this chapter.

§ 5552 Qualifications of Applicant

The applicant for a license to practice architecture shall:

(a) Not have committed acts or crimes constituting grounds for denial of a license under Section 480.

(b) Furnish evidence of having completed eight years of training and educational experience in architectural work. A five-year degree from a school of architecture approved by the board shall be deemed equivalent to five years of training and educational experience in architectural work.

§ 5552.5 Implementation of Intern Development Program

The board may, by regulation, implement an intern development program.

§ 5553 Denial of License; Grounds; Conduct of Proceedings

Issuance of a license may be denied if evidence is received by the board of the commission or doing by the applicant of any act which, if committed or done by the holder of a license, would be grounds for the suspension or revocation of that license. The proceedings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

§ 5554 Contents of Certificate; Index and Record

The certificate shall contain the name of the person to whom issued. Proper index and record of each certificate shall be kept by the board.

§ 5555 Duration of License

Licenses to practice architecture remain in full force until revoked or suspended for cause, or until they expire, as provided in this chapter.

§ 5557 Duplicates

A duplicate license to practice architecture, replacing one which has been lost, destroyed, or mutilated, may be issued subject to the rules and regulations of the board. The duplicate license fee fixed by this chapter shall be charged for that issuance.

§ 5558 Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services; Filing Requirements

Each person holding a license to practice architecture under this chapter shall file with the board his or her current mailing address and the proper and current name and address of the entity through which he or she provides architectural services. For purposes of this section, "entity" means any individual, firm, corporation, or limited liability partnership.

ARTICLE 5. DISCIPLINARY PROCEEDINGS

§ 5560 Investigations; Suspension or Revocation of License

The board may upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any architect and may temporarily suspend or permanently revoke, the license of any architect who is guilty of, or commits one or more of, the acts or omissions constituting grounds for disciplinary action under this chapter.

§ 5561 Time for Processing

All accusations against licensees charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the board within five years after the board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action, whichever occurs first, but not more than 10 years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of Section 5579, the accusation may be filed within three years after the discovery by the board of the alleged facts constituting the fraud or misrepresentation prohibited by Section 5579.

§ 5561.5 Powers and Proceedings

The proceedings for the suspension or revocation of licenses under this article shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

§ 5565 Extent of Discipline; Conditions

The decision may:

(a) Provide for the immediate complete suspension by the holder of the license of all operations as an architect during the period fixed by the decision.
(b) Permit the holder of the license to complete any or all contracts for the performance of architectural services shown by evidence taken at the hearing to be then unfinished.

(c) Impose upon the holder of the license compliance with any specific conditions as may be just in connection with his or her operations as an architect disclosed at the hearing, and may further provide that until those conditions are complied with no application for restoration of the suspended or revoked license shall be accepted by the board.
(d) Assess a fine not in excess of five thousand dollars ($5,000) against the holder of a license for any of the causes specified in Section 5577. A fine may be assessed in lieu of, or in addition to, a suspension or revocation. All fines collected pursuant to this subdivision shall be deposited to the credit of the California Architects Board Fund.

§ 5570 Review of Board by Court; Stay

In any proceeding for review by a court, the court may, in its discretion, upon the filing of a proper bond by the holder of the license in an amount to be fixed by the court, guaranteeing the compliance by the holder of the license with specific conditions imposed upon him or her by the board's decision, if any, permit the holder of the license to continue to practice as an architect pending entry of judgment by the court in the case. There shall be no stay of the board's decision pending an appeal or review of any proceeding unless the appellant or applicant for review shall file a bond in all respects conditioned as, and similar to, the bond required to stay the effect of the board's decision in the first instance.

§ 5571 Review of Superior Court

A judgment of suspension or cancellation of a certificate by the superior court shall be subject to appeal or review in accordance with the provisions of law as to appeal from or review of judgments of superior courts.
There shall be no stay of execution or enforcement of the judgment pending any proceedings on appeal or review unless the appellant or applicant for review shall file a bond in all respects conditioned as, and similar to, the bond required to stay the effect of the board's decision in the first instance.
The clerk of the court whose judgment has become final shall, within 10 days after its entry, transmit, by regular United States mail, to the executive officer of the board a notice containing information as to the affirmance, modification, or reversal of the judgment of the superior court in the matter.

§ 5573 Reinstatement of Suspended License; Expiration of Suspended or Revoked License; Renewal

After suspension of a license upon any of the grounds set forth in this chapter, the board may reinstate the license upon proof of compliance by the architect with all provisions of the decision as to reinstatement or, in the absence of that decision or any provisions therein as to reinstatement, in the sound discretion of the board. A license which has been suspended is subject to expiration and shall be renewed as provided in this chapter, but that renewal does not entitle the holder of the license, while the license remains suspended and until it is reinstated, to practice architecture, or to engage in any other activity or conduct in violation of the order or judgment by which the license was suspended.
A revoked license is subject to expiration as provided in this chapter, but it may not be renewed. If it is reinstated after its expiration, the holder of the license, as a condition precedent to its

reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

§ 5577 Conviction of Certain Crimes; Record; Evidence; Procedure

The conviction of a crime substantially related to the qualifications, functions, and duties of an architect by the holder of a license constitutes a ground for disciplinary action. The record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is obtained, is conclusive evidence of the conviction.
A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

§ 5578 Violation as Ground for Discipline in General

The fact that the holder of a license is practicing in violation of the provisions of this chapter constitutes a ground for disciplinary action.

§ 5579 Fraud in Obtaining License

The fact that the holder of a license has obtained the license by fraud or misrepresentation, or that the person named in the license has obtained it by fraud or misrepresentation constitutes a ground for disciplinary action.

§ 5580 Impersonation; Use of Assumed or Corporate Name

The fact that the holder of a license is impersonating an architect or former architect of the same or similar name, or is practicing under an assumed, fictitious, or corporate name, constitutes a ground for disciplinary action.

§ 5582 Aiding Unlawful Practice

The fact that the holder of a license has aided or abetted in the practice of architecture any person not authorized to practice architecture under the provisions of this chapter, constitutes a ground for disciplinary action.

§ 5582.1 Signing Other’s Plans or Instruments; Permitting Misuse of Name

(a) The fact that the holder of a license has affixed his or her signature to plans, drawings, specifications, or other instruments of service which have not been prepared by him or her, or under his or her responsible control, constitutes a ground for disciplinary action.

(b) The fact that the holder of a license has permitted his or her name to be used for the purpose of assisting any person to evade the provisions of this chapter constitutes a ground for disciplinary action.

§ 5583 Fraud in Practice of Architecture

The fact that, in the practice of architecture, the holder of a license has been guilty of fraud or deceit constitutes a ground for disciplinary action.

§ 5584 Negligence or Willful Misconduct

The fact that, in the practice of architecture, the holder of a license has been guilty of negligence or willful misconduct constitutes a ground for disciplinary action.

§ 5585 Incompetency or Recklessness

The fact that in the practice of architecture the holder of a license has been guilty of incompetency or recklessness constitutes a ground for disciplinary action.

§ 5586 Public Agency; Disciplinary Action

The fact that the holder of a license has had disciplinary action taken by any public agency for any act substantially related to the qualifications, functions, or duties as an architect constitutes a ground for disciplinary action.

§ 5588 Report of Settlement or Arbitration Award

(a) A licensee shall report to the board in writing within 30 days of the date the licensee has knowledge of any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee in any action alleging fraud, deceit, negligence, incompetence, or recklessness by the licensee in the practice of architecture if the amount or value of the judgment, settlement, or arbitration award is five thousand dollars ($5,000) or greater.
(b) The report required by subdivision (a) shall be signed by the licensee and shall set forth the facts that constitute the reportable event. If the reportable event involves the action of an administrative agency or court, the report shall set forth all of the following:
    (1) The title of the matter.
    (2) The court or agency name.
    (3) The docket number.
    (4) The claim or file number.
    (5) The date on which the reportable event occurred.
(c) A licensee shall promptly respond to oral or written inquiries from the board concerning the reportable events, including inquiries made by the board in conjunction with license renewal.
(d) Failure of a licensee to report to the board in the time and manner required by this section shall be grounds for disciplinary action.
(e) Any licensee who fails to comply with this section may be subject to a civil penalty of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000) as an additional intermediate sanction imposed by the board in lieu of revoking the licensee’s license.

Any licensee who knowingly and intentionally fails to comply with this section may be subject to a civil penalty of up to twenty thousand dollars ($20,000) as an additional intermediate sanction imposed by the board in lieu of revoking the licensee's license.

§ 5588.1 Requirement that Insurer Report Certain Judgment, Settlement, or Arbitration Awards

(a) Within 30 days of payment of all or any portion of a civil action judgment, settlement, or arbitration award described in Section 5588 against a licensee of the board in which the amount or value of the judgment, settlement, or arbitration award is five thousand dollars ($5,000) or greater, any insurer providing professional liability insurance to that licensee or architectural entity shall report to the board all of the following:
   (1) The name of the licensee.
   (2) The claim or file number.
   (3) The amount or value of the judgment, settlement, or arbitration award.
   (4) The amount paid by the insurer.
   (5) The identity of the payee.

(b) Within 30 days of payment of all or any portion of any civil action judgment, settlement, or arbitration award described in Section 5588 against a licensee of the board in which the amount or value of the judgment, settlement, or arbitration award is five thousand dollars ($5,000) or greater, any state or local governmental agency that self insures that licensee shall report to the board all of the following:
   (1) The name of the licensee.
   (2) The claim or file number.
   (3) The amount or value of the judgment, settlement, or arbitration award.
   (4) The amount paid.
   (5) The identity of the payee.

§ 5588.2 Application of Reporting Requirements

The requirements of Section 5588 and 5588.1 shall apply if a party to the civil action, settlement, arbitration award, or administrative action is or was a sole proprietorship, partnership, firm, corporation, or state or local governmental agency in which a licensee is or was an owner, partner, member, officer, or employee and is or was a licensee in responsible control of that portion of the project that was the subject of the civil judgment, settlement, arbitration award, or administrative action.

§ 5588.3 Report to Board Not a Violation of Confidentiality

Notwithstanding any other provision of law, a licensee shall not be considered to have violated a confidential settlement agreement or other confidential agreement by providing a report to the board as required by this article.

§ 5588.4 Adoption of Reporting Requirement Regulations

The board may adopt regulations to further define the reporting requirements of Sections 5588 and 5588.1.

§ 5590 Malpractice Judgment in Civil or Criminal Case; Clerk's Report

Within 10 days after a judgment by a court of this state that a license holder has committed a crime or is liable for any death, personal or property injury, or loss caused by the license holder's fraud, deceit, negligence, incompetency, or recklessness in practice, the clerk of the court which rendered the judgment shall report that fact to the board. However, if the judge who tried the matter finds that it does not relate to the defendant's professional competence or integrity, the judge may, by order, dispense with the requirement that the report be sent.

ARTICLE 6. REVENUE

§ 5600 Expiration of License; Renewal of Unexpired Licenses

(a) All licenses issued or renewed under this chapter shall expire at 12 midnight on the last day of the birth month of the licenseholder in each odd-numbered year following the issuance or renewal of the license.
(b) To renew an unexpired license, the licenseholder shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.
(c) The renewal form shall include a statement specifying whether the licensee was convicted of a crime or disciplined by another public agency during the preceding renewal period and that the licensee's representations on the renewal form are true, correct, and contain no material omissions of fact, to the best knowledge and belief of the licensee.

§ 5600.05 License Renewal Process; Conditions; Certifications; Audit; False or Misleading Information; Disciplinary Action; Coursework Regarding Disability Access Requirements; Submission of Letter to Legislature

(a) (1) As a condition of license renewal, a licensee shall have completed coursework regarding disability access requirements pursuant to paragraphs (2) and (3). A licensee shall certify to the board, as a part of the license renewal process, that he or she has completed the required coursework prior to approval of his or her license renewal and shall, until the conclusion of the license renewal cycle beginning January 1, 2011, provide documentation to the board from the course provider that shall include the course title, subjects covered, name of provider and trainer or educator, date of completion, number of hours completed, and a statement about the trainer's or educator's knowledge and experience background. Commencing with the license renewal cycle beginning January 1, 2013, a licensee shall, upon a board audit, provide the documentation from the course provider to the board. A licensee who provides false or misleading information as it relates specifically to the requirements of this paragraph shall be subject to an administrative citation, which may include an administrative fine pursuant to Section 125.9, or to disciplinary action by the board.
(2) (A) For licenses renewed on and after July 1, 2009, and before January 1, 2010, a licensee shall have completed one hour of coursework.
(B) For licenses renewed on and after January 1, 2010, and before January 1, 2011, a licensee shall have completed two and one-half hours of coursework.
(C) For licenses renewed on and after January 1, 2011, a licensee shall have completed five hours of coursework within the previous two years.

(3) Coursework regarding disability access requirements shall include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework provided pursuant to this paragraph shall be presented by trainers or educators with knowledge and expertise in these requirements.

(b) The board may audit the records of a licensee to verify the completion of the coursework requirements of subdivision (a). A licensee shall maintain records of completion of the required coursework, containing the information specified in paragraph (1) of subdivision (a), for two years from the date of license renewal and shall make those records available to the board for auditing upon request.

(c) Until January 1, 2015, the board shall audit at least 3 percent of the license renewals received each year to verify the completion of the continuing education requirements of this subdivision.

(d) On or before January 1, 2019, the board shall submit a letter to the Legislature on the disability access continuing education provisions required under this subdivision, including the level of licensee compliance with the requirements, any actions taken by the board for noncompliance with the requirements, the findings of board audits, and any recommendations of the board for improving the process.

§ 5600.1 Renewal Notice

The board shall give written notice to a licensee 30 days in advance of the regular renewal date and shall give written notice by registered mail 90 days in advance of the expiration of the fifth year that a renewal fee has not been paid.

The board shall also notify licensees of the availability of abstract and other informational materials on requirements for interior and exterior barrier-free design to permit access to and use of the architectural environment by the physically handicapped.

§ 5600.2 Renewal of Expired License; Applications; Fees; Effective Date of Renewal

Except as otherwise provided in this chapter, a license which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If a license is renewed more than 30 days after its expiration, the licenseholder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in this chapter which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

§ 5600.3 Failure to Renew Within Five Years; Issuance of New License; Conditions

A license which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter. The holder of the expired license may apply for and obtain a new license only if he or she pays all of the fees, and meets all of the requirements set forth in this chapter for obtaining an original license, except as follows:

(a) An examination shall not be required if the expired license was issued without an examination.

(b) Examination may be waived by the board if it finds that with due regard for the public interest, the holder of the expired license is qualified to practice architecture.
(c) The holder of the expired license shall not be required to meet the qualifications set forth in this chapter relating to education.

The board may, by regulation, authorize the waiver or refund of all or any part of the application fee paid by a person to whom a license is issued without an examination under this section.

§ 5600.4 Retired License; Conditions

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to an architect who holds a license that is current and active or capable of being renewed pursuant to Section 5600.2 and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.
(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active architect's license is required. An architect holding a retired license shall be permitted to use the title "architect retired" or "retired architect."
(c) The holder of a retired license shall not be required to renew that license.
(d) In order for the holder of a retired license issued pursuant to this section to restore his or her license to active status, the holder of a retired license shall comply with Section 5600.3.

§ 5601 Disposition of Fees

Within 10 days after the beginning of every month, all fees collected by the department for the month preceding, under the provisions of this chapter, shall be paid into the State Treasury to the credit of the California Architects Board Fund.

§ 5602 Use of Fund

The money paid into the California Architects Board Fund, which is hereby continued in existence, shall be used in the manner prescribed by law to defray the expenses of the board in carrying out and enforcing the provisions of this chapter.

§ 5603 Roster of Licensees

The board shall make available to local building departments, and others upon request, an official roster listing the name, license number, and address of all its licensees issued licenses pursuant to this chapter and who are in good standing. The roster shall be open to inspection by the public during office hours of the board. Except for local building departments, the board may charge a fee for the maintenance, publication, and distribution of the roster, not to exceed the actual cost. All fees collected pursuant to this section shall be deposited in the California Architects Board Fund.

§ 5604 Fee Schedule

The fees prescribed by this chapter for architect applicants or architect licenseholders shall be fixed by the board as follows:
(a) The application fee for reviewing a candidate's eligibility to take any section of the examination may not exceed one hundred dollars ($100).

(b) The fee for any section of the examination administered by the board may not exceed one hundred dollars ($100).
(c) The fee for an original license at an amount equal to the renewal fee in effect at the time the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect at the time the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the fee for an original license if the license is issued less than 45 days before the date on which it will expire.
(d) The fee for an application for reciprocity may not exceed one hundred dollars ($100).
(e) The fee for a duplicate license may not exceed twenty-five dollars ($25).
(f) The renewal fee may not exceed four hundred dollars ($400).
(g) The delinquency fee may not exceed 50 percent of the renewal fee.
(h) The fee for a retired license may not exceed the fee prescribed in subdivision (c).

ARTICLE 7. ARCHITECTURAL CORPORATIONS

§ 5610 Definition

A professional architectural corporation is a corporation which is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are licensed architects, are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and all other statutes and regulations pertaining to the corporation and the conduct of its affairs. With respect to an architectural corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the California Architects Board.

§ 5610.2 Reporting Requirements; Fee; Signature and Verification

It is unprofessional conduct and a violation of this chapter, punishable as specified in Section 5560, for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate, the Moscone-Knox Professional Corporation Act, this article, or any regulation adopted pursuant to those provisions.

§ 5610.3 Name; Restrictions

The name of a professional architectural corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders, or of persons who were associated with a predecessor person, partnership, or other organization and whose name or names appeared in the name of the predecessor organization, and shall include either (1) the words “architectural corporation” or (2) the word “architect” or “architects” and wording or abbreviations denoting corporate existence.

§ 5610.4 Individual Licensure; Necessity

Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a professional architectural corporation shall be a licensed person as defined in the Moscone-Knox Professional Corporation Act.

§ 5610.5 Corporate Income for Professional Services; Prohibition Against Accrual to Disqualified Person or Shareholder

The income of a professional architectural corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Moscone-Knox Professional Corporation Act) shall not in any manner accrue to the benefit of that shareholder or his or her shares in the professional architectural corporation.

§ 5610.6 Unprofessional Conduct; Conduct of Practice

A professional architectural corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule, or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by those statutes, rules, and regulations to the same extent as a person holding a license under Section 5551.

§ 5610.7 Rules and Regulations

The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of an architectural corporation shall include a provision whereby the capital stock of the corporation owned by a disqualified person (as defined in the Moscone-Knox Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of the corporation within the time as those rules and regulations may provide, and (b) that an architectural corporation shall provide adequate security by insurance or otherwise for claims against it by its clients arising out of the rendering of professional services.

BOARD REGULATIONS
TITLE 16, CALIFORNIA CODE OF REGULATIONS SECTIONS 100 – 160(f)(1)

ARTICLE 1. GENERAL PROVISIONS

§ 100 Location of Office

The principal office of the California Architects Board is located at 2420 Del Paso Road, Ste 105, Sacramento, California.

§ 102 Definitions

For the purpose of the rules and regulations contained in this chapter, the term "board" means the California Architects Board; and the term "code" means the Business and Professions Code.

§ 103 Delegation of Certain Functions

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; to approve settlement agreements for the revocation or surrender of license; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the executive officer of the Board.

§ 104 Filing of Addresses

Each person holding a certificate of registration, license, permit, or any other authority to practice architecture in the State of California under any and all laws administered by the board, shall file his/her proper and current business name and address and mailing address with the board at its office in Sacramento, and immediately notify the board at its said office of any and all changes of business name and address or mailing address, giving both the old and new names or addresses.

ARTICLE 2. APPLICATIONS

§ 109 Filing of Applications

(a) Definitions:
  (1) A "new candidate" shall mean a candidate who is submitting his or her first application to the Board for eligibility evaluation for the Architect Registration Examination (ARE) or one who had previously submitted an application but had been determined by the Board to be ineligible.

(2) An “inactive candidate” shall mean a candidate who (A) has not taken an examination as a candidate of the Board for five or more years, or (B) has been determined by the Board to be eligible but who has not taken any examination since the Board's determination and five or more years have passed.

(3) “Active in the examination process” shall mean that there has not been a period of five or more years since (A) the candidate last took an examination as a candidate of the Board, or (B) the candidate has been determined by the Board to be eligible.

(4) A “re-examinee” shall mean a candidate who has previously been determined by the Board to be eligible for the ARE and who is active in the examination process as a candidate of the Board.

(b) Application Process:

(1) Effective July 1, 2008, a new or inactive candidate applying to the Board for eligibility for the ARE shall prior to eligibility for the examination enroll in the Intern Development Program (IDP) by establishing a Council Record with the National Council of Architectural Registration Boards (NCARB).

The requirement to establish an NCARB Council Record does not apply to a candidate who was determined by the Board to be eligible on or before June 30, 2008 and who is active in the examination process.

(2) A new or inactive candidate applying to the Board for eligibility evaluation for the ARE shall prior to licensure complete the IDP of the NCARB, as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the July 2014 edition), or the Internship in Architecture Program (IAP) of Canada (currently the January 2012 edition). Both documents referred to in the preceding sentence are hereby incorporated by reference. The IDP/IAP requirement does not apply to a candidate who (A) was determined by the Board to be eligible on or before December 31, 2004, and who is active in the examination process; or (B) has completed all of the necessary education equivalents prior to January 1, 2005, who has submitted a completed application for eligibility evaluation to the Board that is postmarked on or before December 31, 2004, and who has been determined by the Board to be eligible.

(3) A new or inactive candidate shall submit an Application for Eligibility Evaluation, 19C-1 (rev. 3/2015), as provided by the Board and certified under penalty of perjury, and accompanied by such supporting documents required herein. Such supporting documents may include the candidate's current and valid IDP file transmitted by NCARB or current and valid verification of completion of the requirements of Canada's IAP, certified original transcripts sent directly to the Board by the college or university, Employment Verification Form(s), 19C-12 (9/2006), and, if appropriate, proper foreign education evaluations and self-employment documentation. Applications for Eligibility Evaluation shall be accepted on a continuous basis throughout the year. For a candidate applying for eligibility for the ARE, the eligibility review fee specified in Section 144(a) shall be required.

(4) A new or inactive candidate receiving notification that he or she is ineligible based on insufficient education and/or employment verification as evaluated by the Board and/or failure to enroll in IDP by establishing an NCARB Council Record shall submit such additional education and/or employment verification and/or verification of enrollment in IDP.

(5) Upon the Board's determination of a candidate's eligibility for the ARE based upon the Board's education requirements and evidence of the candidate's enrollment in IDP, the Board shall transmit the candidate's eligibility information to NCARB or its authorized

representative for entry into NCARB's database. For a candidate whose application is submitted on or after July 1, 1999 and who has been determined to be eligible, such eligibility shall be retained while the candidate is active in the examination process.

(6) As a candidate acquires additional work experience, it is the candidate's responsibility to ensure that the employer(s) complete Employment Verification Forms covering the work experience gained with that employer and that the forms are submitted to the Board.

(7) A new or inactive candidate who is a licensed architect in a qualifying foreign country, as defined in Section 117(c)(2), shall prior to licensure (A) complete IDP, or IAP, as referenced in subdivision (b)(2); or (B) submit to the Board 1. proof of licensure in the qualifying foreign country, 2. an Employment Verification Form on his or her own behalf documenting five years of practice of architecture as a licensed architect in the qualifying foreign country, 3. an Employment Verification Form documenting at least one year of experience under the direct supervision of an architect licensed in a United States jurisdiction granted at 100% credit or at least two years of experience under the direct supervision of an architect(s) registered in a Canadian province granted at 50% credit, and 4. documentation of five years of education equivalents. Both documents referred to in subdivision (b)(7)(A) are hereby incorporated by reference.

(8) Effective January 1, 2005, a new or inactive candidate who is a licensed architect in a non-qualifying foreign country and one who is a licensed architect in a qualifying foreign country but who does not submit all of the items prescribed in subdivision (b)(7) shall apply as a new candidate and meet the requirements prescribed in subdivisions (b)(1) and b(2) of this section.

(c) Effective July 1, 1999, a re-examinee applying for eligibility for the ARE shall submit a Test Application Form, 19C-11 (3/2006), and accompanied by the eligibility review fee specified in Section 144(a). Upon determination that the candidate is eligible, the Board shall transmit the candidate's eligibility information to NCARB or its authorized representative for entry into NCARB's database. For a candidate whose application is submitted on or after July 1, 1999 and who has been determined to be eligible, such eligibility shall be retained while the candidate is active in the examination process. Test Application Forms shall be accepted on a continuous basis throughout the year.

(d) A candidate who had a valid eligibility on file with the Board on or before June 30, 2008 may schedule with NCARB or its authorized representative to take one or more division(s) of the ARE without first enrolling in IDP.

(e) A candidate who did not have a valid eligibility on file with the Board on or before June 30, 2008 may only schedule with NCARB or its authorized representative to take one more division(s) of the ARE after first enrolling in IDP by establishing an NCARB Council Record.

(f) The Board shall retain the file of a candidate who is active in the examination process as a candidate of the Board. The Board may purge the candidate file of an inactive candidate. An inactive candidate who wishes to reapply to the Board shall be required to apply in accordance with this section by submitting the required documents to allow the Board to determine the candidate's current eligibility. For a candidate applying for the ARE, the eligibility review fee specified in Section 144(a) shall be required.

The Board shall retain for a two-year period, transcripts, Employment Verification Forms, and other supporting documents received from individuals who have not submitted an Application for Eligibility Evaluation. Thereafter, the Board may purge these documents.

§ 110 Substantial Relationship Criteria

For the purposes of denial, suspension, or revocation of the license of an architect pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions and duties of an architect if to a substantial degree it evidences present or potential unfitness of an architect to perform the functions authorized by his/her license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but not be limited to, those involving the following:

(a) Any violation of the provisions of Chapter 3, Division 3 of the Business and Professions Code.

§ 110.1 Criteria for Rehabilitation

(a) When considering the denial of an architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:
   (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
   (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
   (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
   (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
   (5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:
   (1) Nature and severity of the act(s) or offense(s).
   (2) Total criminal record.
   (3) The time that has elapsed since commission of the act(s) or offense(s).
   (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
   (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
   (6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering the petition for reinstatement of the license of an architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

§ 111 Review of Applications

(a) The Board shall inform a candidate for the Architect Registration Examination (ARE) within thirty (30) days after receipt of an Application for Eligibility Evaluation, as referenced in section 109(b)(3), whether the application is complete and the candidate is eligible or that the application is deficient and what specific information or documentation is required to complete the application.

(b) (1) The Board shall notify a candidate within one hundred and fifty (150) days after the filing of a complete Application for Eligibility Evaluation for the ARE of his or her results thereon. These processing times apply to those candidates who are eligible and who take first available scheduled appointment for the ARE.

(2) The Board shall notify a candidate within one hundred and sixty-five (165) days after the filing of a complete application for the California Supplemental Examination of his or her results thereon. These processing times apply to those candidates who submit their complete California Supplemental Examination application on the examination filing deadline.

(3) The Board shall decide within three hundred and thirty (330) days after the filing of an Application for Eligibility Evaluation whether the candidate meets the requirements for original licensure. The actual processing time applies to those candidates who are eligible for licensure and who take and pass the first available examinations and who initially submitted a complete Application for Eligibility Evaluation.

(c) The Board shall decide within two hundred and ten (210) days after the filing of a reciprocity application whether the applicant meets the requirements for original licensure. The actual processing time applies to those persons who are eligible for licensure and who take and pass the first available examinations and who submitted a complete application on the first available examination deadline.

(d) Within thirty (30) days after receipt of an Application for Licensure, the Board shall notify the applicant whether the application is complete and the applicant is eligible for licensure or that the application is deficient and what specific information or documentation is required to complete the application.

§ 112 Processing Times

(a) The minimum, median, and maximum processing times for examination results from the time of receipt of a complete application until the Board makes a decision is set forth below.

Architect Registration Examination	California Supplemental Examination
Minimum—100 days	Minimum—120 days
Median—125 days	Median—150 days
Maximum—150 days	Maximum—165 days

These processing times apply to those candidates who initially submit a complete Application for Eligibility Evaluation or who submit a complete application on the filing deadline for the applicable examination and who take the first available examination.

(b) The minimum, median and maximum processing times for a license from the time of receipt of a complete application until the Board makes a decision is set forth below.

In-State Application	Reciprocity Application
Minimum—210 days	Minimum—150 days
Median—270 days	Median—180 days
Maximum—330 days	Maximum—210 days

These processing times apply to those candidates who initially submit a complete Application for Eligibility Evaluation or who submit a complete application on the first available examination deadline and who take and pass the first available examinations.

ARTICLE 3. EXAMINATIONS

§ 116 Eligibility for Examination

This section shall apply to candidates who are not licensed architects and who are not eligible for reciprocity pursuant to Section 121.

(a) To be eligible for the Architect Registration Examination (ARE), a candidate shall meet one of the following requirements below and possess an active Council Record with the National Council of Architectural Registration Boards:
   (1) Have a degree in architecture accredited by the National Architectural Accrediting Board from a school of architecture as approved by the Board, or
   (2) Have at least sixty (60) net months of architectural training and experience under the direct supervision of an architect in private practice or the equivalent as evaluated by the Board, or
   (3) Have a combination of educational and experience credit as evaluated by the Board such as to total sixty (60) net months.

(b) (1) To be eligible for a California Supplemental Examination administered prior to January 1, 2005, a candidate shall have been granted Board credit for all required divisions of the ARE and have at least seven and one-half (7-1/2) net years of educational and/or experience credits as evaluated by the Board, of which at least one year of experience shall have been under the direct supervision of an architect(s) licensed in a United States jurisdiction.
   (2) To be eligible for a California Supplemental Examination administered on or after January 1, 2005, a candidate shall have been granted Board credit for all required divisions of the ARE and have at least eight (8) net years of educational and/or experience credits as evaluated by the Board, of which at least one year of experience shall have been under the direct supervision of an architect(s) licensed in a United States jurisdiction granted at 100% credit or at least two years of experience under the direct supervision of an architect(s) registered in a Canadian province granted at 50% credit, including completion of the IDP/IAP requirement if applicable pursuant to Section 109.

§ 117 Experience Evaluation

The Board's evaluation of candidates' training and educational experience is based on the Board's Table of Equivalents as listed below.

The Table is comprised of four columns. Column A lists the types of experience for which credit may be granted. Columns B and C specify the maximum credit that may be granted to a candidate who was determined by the Board to be eligible for the Architect Registration Examination (ARE), the California Supplemental Examination, or licensure prior to January 1, 2005 and who is active in the examination process or to a candidate who is otherwise exempt from the IDP/IAP requirement specified in Section 116(b). Column D specifies the maximum credit that may be granted to a new or inactive candidate who was determined by the Board to be eligible for the ARE on or after January 1, 2005 and who is subject to the IDP/IAP requirement.

Table of Equivalents			
Column A	*Column B*	*Column C*	*Column D*

(a) Experience Description	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP Requirement
	Education Equivalents Max. Credit Allowed	Training and/or Practice Equivalents Max. Credit Allowed	Max. Credit Allowed
(1) A professional degree in architecture, where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB), or units toward such a degree.	5 years		5 years
(2) A professional degree in architecture, where the degree program has not been accredited by NAAB or CACB and the program consists of at least a five-year curriculum, or units toward such a degree.	4 years		4 years
(3) A four-year degree in architecture Baccalaureus Atrium (BA), Atrium Baccalaureus (AB), Bachelor of Science (BS), or units toward such a degree.	3 ½ years		3 1/2 years
(4) A degree from a school/college which has an NAAB-accredited or CACB-accredited professional degree program in architecture, where the degree could be accepted for entry into a two-year NAAB-accredited or CACB-accredited Master of Architecture program, or units toward such a degree.	3 ½ years		3 1/2 years
(5) A degree which consists of at least a four – year curriculum in a field related to architecture as defined in subsection (b)(6), or units toward such a degree.	2 years		2 years
(6) Any other university or college degree which consists of at least a four-year curriculum.	1 year		1 year
(7) (A) Any other city/community college degree which consists of at least a two-year curriculum.	6 months		6 months
(B) Any other city/community college degree or technical school certificate in a field related to architecture.	1 year		1 year

Table of Equivalents			
Column A	*Column B*	*Column C*	*Column D*
(a) Experience Description	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP Requirement
	Education Equivalents Max. Credit Allowed	Training and/or Practice Equivalents Max. Credit Allowed	Max. Credit Allowed
(8) Experience under the direct supervision of an architect(s) licensed in a United States jurisdiction shall be granted 100% credit.	5 years	3 years	5 years
(9) Certification by the National Council of Architectural Registration Boards (NCARB) shall be granted a maximum of eight years credit upon receipt in the Board office of the candidate's current and valid NCARB blue cover file, transmitted by NCARB.	5 years	3 years	8 years
(10) While a candidate is enrolled in a college or university, credit shall be granted:			
(A) 100% for experience obtained under the direct supervision of architect(s) licensed in the U.S.	1 year	or 1 year	1 year
(B) 50% for experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer and/or a licensed landscape architect licensed in a United States jurisdiction.		1 year	1 year
(C) 50% for experience as, or experience obtained under the direct supervision of, a California licensed general building contractor.		1 year	1 year
(D) 50% for experience as, or experience obtained under the direct supervision of, a California certified building official as defined in subsection (c)(7).		1 year	1 year
(E) 50% for experience as, or experience obtained under the direct supervision of, a foreign licensed architect licensed in the qualifying foreign country where the experience occurred.		1 year	1 year

Table of Equivalents			
Column A	*Column B*	*Column C*	*Column D*
(a) Experience Description	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP Requirement
	Education Equivalents Max. Credit Allowed	Training and/or Practice Equivalents Max. Credit Allowed	Max. Credit Allowed
(11) Completion of the Intern Development Program (IDP) of the National Council of Architectural Registration Boards or the Intern Architect Program of Canada shall be granted a minimum of three years credit, upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB or documentation transmitted by a Canadian provincial architectural association, respectively.	2 years	3 years	5 years
(12) (A) Experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer, and/or a licensed landscape architect licensed in a United States jurisdiction shall be granted 50% credit.		2 years	2 years
(B) Experience as, or experience obtained under the direct supervision of, a California licensed general building contractor shall be granted 50% credit.		1 year	1 year
(C) Experience as, or experience obtained under the direct supervision of, a California certified building official as defined in subsection (c)(7) shall be granted 50% credit.		1 year	1 year
(13) Experience as a licensed architect practicing in another U.S. jurisdiction with a verified record of substantial architectural practice shall be granted 100% credit.		8 years	8 years

Table of Equivalents			
Column A	*Column B*	*Column C*	*Column D*
(a) Experience Description	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP Requirement
	Education Equivalents Max. Credit Allowed	Training and/or Practice Equivalents Max. Credit Allowed	Max. Credit Allowed
(14) (A) A post professional degree in architecture or with an emphasis on architecture consisting of a Master, Master of Science, or Ph.D. degree, or units toward such a degree, or		1 year	1 year
(B) Teaching and/or research in NAAB-accredited or CACB-accredited architectural curriculums shall be granted 100% credit only for those hours worked if verified by the college or university.		1 year	1 year
(15) (A) Experience under the direct supervision of an architect licensed in the qualifying foreign country where the experience occurred shall be granted 50% credit.	5 years	2 years	5 years
(B) Experience as a foreign licensed architect licensed in the qualifying foreign country with a verified record of substantial architectural practice shall be granted 50% credit.	5 years	2 years	5 years

(b) Education Equivalents:

"Education equivalents" shall mean Table categories (a)(1) through (a)(9), (a)(10)(A), (a)(11), (a)(13), and (a)(15)(A) and (B).

(1) For the purposes of this section, NAAB shall refer to the National Architectural Accrediting Board, and CACB shall refer to the Canadian Architectural Certification Board.

(2) A "professional degree program" shall be defined as one of the following types of programs: 1. Bachelor of Architecture, five-year program; 2. Bachelor of Architecture for individuals with a prior degree; 3. Master of Architecture, four-year undergraduate program in architecture plus a two-year graduate program in architecture; 4. Master of Architecture, four-year undergraduate program in another discipline plus a three-year graduate program in architecture.

(3) Where a candidate is seeking education equivalents for having obtained a professional degree or units towards such a degree from an NAAB-accredited or CACB-accredited program, he or she shall be eligible for such credit if such program is or was accredited by NAAB or CACB either at the time of graduation or within two years after the date of graduation or termination of enrollment.

(4) Credit allowed for units obtained without a degree shall only be computed within the categories of subsections (a)(1) through (5) or (a)(14)(A) of this section. No credit for units obtained under subsections (a)(6) or (7) shall be recognized unless such units have been transferred to and accepted by a school within subsections (a)(1) through (5) of this section.

(5) Academic units based on the categories specified in subsections (a)(1) through (5) or (a)(14)(A) of this section shall be evaluated up to the maximum allowed for that subsection. Where a candidate has not obtained a degree, the maximum credit allowed for the categories contained in subsections (a)(1) through (5) or (a)(14)(A) shall be six months less than the maximum credit that would have been granted if the candidate had obtained a degree in that category. Fractions greater than one-half of an academic year shall be counted as one-half of a year and smaller fractions will not be counted. 30 semester units or 45 quarter units is considered to be one academic year.

(6) Degrees in a field related to architecture shall be evaluated under subsection (a)(5) and defined as the following: Architectural Design; Architectural Engineering; Architectural Studies; Architectural Technology; Building Science; City and Regional Planning; Civil, Mechanical, Structural, or Electrical Engineering; Construction Engineering; Construction Management; Environmental Design; Interior Architecture; Landscape Architecture; and Urban and Regional Design.

(7) (A) Experience obtained as, or experience obtained under the direct supervision of, a licensed professional as defined in subsections (a)(8), (a)(12), and (a)(15)(A) or (B) while a candidate is enrolled in a college or university shall be allowed maximum credit for educational/training equivalents of 1 year as defined in subsections (a)(10)(A) through (E). A candidate who obtains experience under the direct supervision of a licensed professional as defined in subsections (a)(8), (a)(12), and (a)(15)(A) or (B) while enrolled in a college or university shall have his/her education and/or experience evaluated according to the method which provides the candidate the most credit.

(B) A candidate enrolled in a degree program where credit earned is based on work experience courses (i.e., internship or co-op programs) shall not receive more than the maximum credit allowed for degrees earned under subsections (a)(1) through (7).

(C) A candidate who is certified as having completed the requirements of IDP, as referenced in section 109(b)(2), based upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB, is exempt from the provisions of subsection (b)(7)(B) relating to maximum credit allowed for degrees where credit is earned based on work experience courses.

(8) A candidate who possesses a degree and possesses units from more than one college or university shall have the degree evaluated first prior to evaluating additional education credits.

(9) A candidate with multiple degrees shall not be able to accumulate credit for more than one degree unless he or she has received one professional degree in architecture and one post professional degree in architecture or with an emphasis on architecture as specified in subsection (a)(14)(A). Otherwise, the degree that receives the most credit as determined by subsection (a) shall take priority over any other degree.

(10) A candidate who possesses a professional degree and also possesses a post professional degree in architecture or with an emphasis on architecture as specified in subsection (a)(14)(A) shall be granted one additional year credit for the post professional degree.

(11) Degrees from a foreign college or university shall be granted credit, as determined by the applicable category contained in subsections (a)(1) through (7). A transcript(s) certified by the college or university must be evaluated by NAAB or an educational evaluation service, approved by the National Association of Credential Evaluation Services, Inc. (NACES) equating the degree toward a comparable U.S. degree. Any cost of evaluation shall be the responsibility of the candidate. Professional degrees accredited by CACB shall be accepted by the Board and shall not be required to be evaluated by NAAB or an NACES educa- tion evaluation service equating the degree toward a comparable U.S. degree.

(12) Units from a foreign college or university shall be granted credit, as provided for in the applicable category contained in subsections (a)(1) through (5) upon submission of a transcript(s) certified by the college or university. These certified documents must be evaluated by NAAB or an NACES educational evaluation service equating the units toward a comparable U.S. degree. Any cost of evaluation shall be the responsibility of the candidate. Professional degrees accredited by CACB shall be accepted by the Board and shall not be required to be evaluated by NAAB or an NACES education evaluation service equating the degree toward a comparable U.S. degree.

(c) Training Equivalents:

"Training equivalents" shall mean Table categories (a)(8) through (a)(15).

(1) Candidates shall be at least 18 years of age or a high school graduate before they shall be eligible to receive training credit for work experience.

(2) Except as provided below, work experience shall be granted training credit only when:

(a) The supervising professional is licensed in a United States jurisdiction or a Canadian province and the work experience is obtained or the project is located in a United States jurisdiction or Canadian province, or

(b) The supervising professional is licensed in a qualifying foreign country where the work experience is obtained or project is located.

Training credit shall be granted for work experience obtained under the authority of or on the property of the United States Federal Government when the work experience is obtained as or under the direct supervision of a licensed professional as defined in subsections (a)(8), (a)(12)(A), and (a)(13).

The term "qualifying foreign country" shall mean a foreign country whose standards and qualifications for issuing a license to practice architecture are equivalent to those required in this state.

(3) Employment shall be considered on the basis of a calendar month of 40-hour work weeks. Credit may be given for overtime.

(4) Every candidate shall earn at least one year of training credit for experience as or under the direct supervision of an architect(s) licensed in a United States jurisdiction granted at 100% credit or at least two years of experience under the direct supervision of an architect(s) registered in a Canadian province granted at 50% credit.

(5) Any combination of credit received under subsections (a)(10)(B) and (a)(12)(A) shall not exceed the two years maximum credit allowed for experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer and/or a licensed landscape architect licensed in a United States jurisdiction. Any combination of credit received under subsections (a)(10)(C) and (a)(12)(B) shall not exceed the one year maximum

credit allowed for experience as, or experience obtained under the direct supervision of, a California licensed general building contractor. Any combination of credit received under subsections (a)(10)(D) and (a)(12)(C) shall not exceed the one year maximum credit allowed for experience as, or experience obtained under the direct supervision of, a California certified building official. Any combination of credit received under subsections (a)(10)(E) and (a)(15)(A) or (B) shall not exceed the maximum credit allowed for experience as, or experience obtained under the direct supervision of, a foreign licensed architect licensed in the qualifying foreign country where the experience occurred. A candidate cannot exceed two years maximum credit in any combination under subsections (a)(10)(B) through (D) and (a)(12)(A) through (C).

(6) Experience under the supervision of a “responsible managing officer” operating under a corporate contractor license shall qualify as experience under subsection (a)(12)(B) and shall be verified by the responsible managing officer of that corporation.

(7) For the purpose of this section, a California certified building official shall be as defined by Section 18949.27 of the Health and Safety Code as an individual who is certified in accordance with or otherwise exempt from Chapter 7, Part 2.5 of Division 13 (commencing with Health and Safety Code Section 18949.25).

(8) The entry point for IDP shall be as defined in NCARB's *Intern Development Program Guidelines*, as referenced in section 109(b)(2).

(d) Practice Equivalents:

“Practice equivalents” shall mean Table categories (a)(8) through (a)(15).

(1) Practice credits for experience as a licensed architect, registered civil and/or structural engineer, California licensed general building contractor, licensed landscape architect, or certified California building official may be accumulated only after initial registration, licensure or certification by a licensing authority of a political jurisdiction.

(2) A candidate verifying his or her experience as a licensed architect, registered civil and/or structural engineer, California licensed general building contractor, licensed landscape architect, or certified California building official shall complete an Employment Verification Form (19C-12)(3/2006) available from the Board on his or her own behalf, submit proof of licensure, registration, or certification, and attach a list of projects for the time period covered. The list shall include the names and addresses of the clients, type of projects, construction costs, date project was started, date of completion, and all services provided by the candidate.

(e) Miscellaneous Information:

(1) Independent, non-licensed practice or experience, regardless of claimed coordination or liaison with licensed professionals, shall not be granted credit.

(2) Training experience under subsections (a)(10)(B) through (D), (a)(12), or (a)(14) can only be accumulated after the candidate has obtained credit for at least the five years of educational equivalents as evaluated by the Board. Candidates who are certified as having completed the requirements of IDP as referenced in section 109(b)(2), based upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB, or IAP, as referenced in section 109(b)(2), based upon receipt in the Board office of documentation transmitted by a Canadian provincial architectural association, are exempt from this requirement for their IDP/IAP training units.

§ 118 Time and Place of Examination

Examinations shall be held at such times and places as may be determined by the board.

§ 118.5 Examination Transfer Credit

A candidate who is not a licensed architect and who has passed an examination prepared by NCARB or divisions thereof in another United States or Canadian jurisdiction shall be entitled to receive Board credit, in accordance with sections 119, 119.5, and 119.6, for those examination sections or divisions as they correspond to the ARE divisions.

§ 119 Written Examination – Transition Plan

Effective January 1, 1987, all candidates for licensure as an architect shall pass all sections of the California architectural licensing examination, subject to the following provisions:

(a) Candidates who have previously received Board credit for any section of the Qualifying test or the Professional examination or division of the Architect Registration Examination (ARE) shall be given credit for those sections/divisions as these sections/divisions correspond to the 1987 California architectural licensing examination sections in accordance with the following transition chart:

Previous Sections Passed *Professional Examination/Qualifying Test*	*Credits to ARE Division*
Professional Examination, Section B, Part I & II	Division A
Professional Examination, Section A, (Design/Site)	Division B and C
Professional Examination, Section B, Part III	Division D, E, F, G, & H
Qualifying Test, Section B	Division D, E, & F
Qualifying Test, Section D	Division G
Qualifying Test, Section C	Division H
Professional Examination, Section B, Part IV	Division I

Previous Division Passed—ARE	*Credit to 1987 California Exam Sections*
Division A	Section 7
Division B	Section 8
Division C	Section 9
Division D	Section 1
Division E	Section 2
Division F	Section 3
Division G	Section 4
Division H	Section 5
Division I	Section 6

§ 119.5 1989 and 1990 Transition Plan

(a) Effective January 1, 1989, Section I - “General Structures” and Section 3 - “Long Span,” of the California architectural licensing examination shall be combined into a single section entitled “Section 1-Structural Systems.”
A candidate who has not received Board credit for Sections 1 and 3 of the 1987 or 1988 California architectural licensing examination shall be required to pass Section 1 - “Structural Systems” of the 1989 California architectural licensing examination.

A candidate who has received Board credit on the 1987 or 1988 California architectural licensing examination shall be given credit on the 1989 California architectural licensing examination in accordance with the following transition table:

Previous Sections Passed 1987/1988 California Exam	*Credit to 1989 California Exam*
Section 1	No Credit
Section 2	Section 2
Section 3	No Credit
Section 4	Section 4
Section 5	Section 5
Section 6	Section 6
Section 7	Section 7
Section 8	Section 8
Section 9	Section 9
Section 1 and 3	Section 1

(b) Effective January l, 1990, the California architectural licensing examination shall consist of nine separate divisions. A candidate who has passed portions of the l989 California architectural licensing examination shall receive credit in accordance with the following transition table:

Previous Sections Passed 1989 California Exam	*Credit to 1990 California Exam and Thereafter*
Section 1	Division D/F
Section 2	Division E
Section 3	Not Applicable
Section 4	Division G
Section 5	Division H
Section 6	Division I
Section 7	Division A
Section 8	Division B.1 (Written) Division B.2 (Graphic)
Section 9	Division C (Graphic)

(c) Effective January 1, 1990, a candidate who has passed all or portions of either the 1987, 1988, or 1989 Architect Registration Examination (ARE) as prepared by the NCARB, shall be given corresponding credit for those sections of the 1987, 1988 or 1989 California architectural licensing examination in accordance with the following transition tables:

Previous Divisions Passed 1987 ARE	*Credit to 1987 California Exam Sections*
Division A	Section 7
Division B	Section 8
Division C	Section 9
Division D	Section 1
Division E	Section 2
Division F	Section 3

Previous Divisions Passed 1987 ARE	*Credit to 1987 California Exam Sections*
Division G	Section 4
Division H	Section 5
Division I	Section 6

Previous Divisions Passed 1988 ARE	*Credit to 1988 California Exam Sections*
Division A	Section 7
Division B.1 (Written)	Section 8
Division B.2 (Graphic)	Section 8
Division C (Graphic)	Section 9
Division D/F	Sections 1 & 3
Division E	Section 2
Division G	Section 4
Division H	Section 5
Division I	Section 6

Previous Divisions Passed 1989 ARE	*Credit to 1989 California Exam Sections*
Division A	Section 7
Division B.1 (Written)	Section 8
Division B.2 (Graphic)	Section 8
Division C (Graphic)	Section 9
Division D/F	Section 1
Division E	Section 2
Division G	Section 4
Division H	Section 5
Division I	Section 6

To receive credit for Section 8 of the 1988 or 1989 California architectural licensing examination, a candidate shall have passed both Division B.1 and Division B.2 of the 1988 or 1989 ARE.

§ 119.6 Computer-Based Examination Transition Plan

(a) Commencing with the first administration of the computer-based Architect Registration Examination (ARE) in February 1996, Division B1: Site Design (Written) and Division B2: Site Design (Graphic) of the California architectural licensing examination shall be combined into a single division entitled "Division B: Site Design."
A candidate who has passed Division B: Site Design of the computer-based ARE during the February 1996 Field Test shall be given Board credit for both Division B1: Site Design (Written) and Division B2: Site Design (Graphic) of the California architectural licensing examination.

(b) Commencing with the implementation of the computer-based ARE in February 1997, Division B: Site Design shall be entitled "Site Planning."
Effective July 1, 1996, a candidate who has not received Board credit for both Division B1: Site

Design (Written) and Division B2: Site Design (Graphic) of the California architectural licensing examination by June 30, 1996 shall be required to pass the Site Planning division of the computer-based ARE.

(c) Commencing with the implementation of the computer-based ARE in February 1997, Division C: Building Design shall be separated into two divisions entitled "Building Planning" and "Building Technology."
Effective November 1, 1996, a candidate who has not received Board credit for Division C: Building Design of the California architectural licensing examination by June 30, 1996 shall be required to pass both the Building Planning and Building Technology divisions of the computer-based ARE.

(d) Commencing with the implementation of the computer-based ARE in February 1997, the titles of the divisions of the ARE shall be revised to those listed on the following transition table.
Effective July 1, 1996, a candidate who has received Board credit on the 1990-1996 California architectural licensing examination shall be given Board credit on the computer-based ARE in accordance with the following transition table:

Previous Divisions Passed 1990–1996 California Exam	*Credit to 1997 Computer-Based ARE and Thereafter*
Division A	Pre-Design
Division B1	No Credit
Division B2	No Credit
Division C	Building Planning and Building Technology
Division D/F	General Structures
Division E	Lateral Forces
Division G	Mechanical & Electrical Systems
Division H	Building Design/Materials & Methods
Division I	Construction Documents and Services
Divisions B1 and B2	Site Planning

§ 119.7 Examination Transition Plan – ARE 3.1 to ARE 4.0

(a) Effective July 1, 2008, all candidates for licensure as an architect who have not passed at least one division of the Architect Registration Examination Version 3.1 (ARE 3.1) will be required to take and pass all divisions of Architect Registration Examination Version 4.0 (ARE 4.0) and versions thereafter.

(b) Effective July 1, 2008, all candidates for licensure as an architect who have passed at least one division of ARE 3.1 will have until June 30, 2009 to pass all remaining divisions of ARE 3.1.

(c) Effective July 1, 2009, candidates for licensure as an architect who have not passed all divisions of ARE 3.1 by June 30, 2009 will be required to transition to ARE 4.0 and versions thereafter. Candidates who are required to transition from ARE 3.1 to ARE 4.0 will be required to take and pass divisions of ARE 4.0 in accordance with the following transition chart:

Divisions Not Passed in Version 3.1	*Divisions Required for Version 4.0*
Pre-Design	Programming Planning & Practice
General Structures	Structural Systems
Lateral Forces	Structural Systems
Mechanical & Electrical Systems	Building Systems

Divisions Not Passed in Version 3.1	*Divisions Required for Version 4.0*
Building Design/Materials & Methods	Building Design & Construction Systems
Construction Documents & Services	Construction Documents & Services
Site Planning	Programming Planning & Practice Site Planning & Design
Building Planning	Schematic Design
Building Technology	Building Design & Construction Systems Building Systems Construction Documents & Services Structural Systems

§ 120 Re-Examination

(a) Credit for divisions of the Architect Registration Examination (ARE) passed prior to January 1, 2006 shall expire on July 1, 2014 unless all divisions of the ARE have been passed and credited.
(b) Effective January 1, 2006, candidates for the ARE shall receive conditional credit for each division passed and shall be required to retake only those divisions of the ARE previously failed or those divisions passed on or after January 1, 2006 for which the conditional credit has expired. Conditional credit shall remain valid for five years after the date the division was passed for which conditional credit was granted. Conditional credit shall become full credit only if the conditional credit is within its five-year period of validity and the candidate has passed all remaining divisions of the ARE. Candidates who have received full credit for all divisions of the ARE shall be deemed to have passed the ARE.
(c) A candidate who has failed a division of the ARE or who has failed to appear for a scheduled division of the ARE shall not be permitted to take any subsequent division of the ARE unless he or she has reapplied properly to NCARB or its authorized representative for the division(s).
(d) A candidate who has failed a division of the ARE shall not be permitted to reapply to NCARB or its authorized representative for that previously failed division within six (6) months after the date that the candidate last failed the division.

§ 121 Form of Examinations; Reciprocity

All candidates for an architectural license shall be required to take and successfully complete the Architect Registration Examination (ARE) and the California Supplemental Examination subject to the following provisions:

(a) (1) A candidate who is licensed as an architect in another United States jurisdiction, (i.e., state, territory or possession of the United States) either by having passed a written architectural licensing examination administered by that United States jurisdiction on or before January 1, 1966 and who has engaged in the practice of architecture as a licensed architect for five or more years in one or more United States jurisdiction or by having passed an examination prepared by the National Council of Architectural Registration Boards (NCARB), comparable to the ARE (as determined by the Board), shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

(2) A candidate shall prior to licensure (1) complete IDP or IAP, as referenced in section 109(b)(2); or (2) submit to the Board (A) proof of licensure in another U.S. jurisdiction, (B) an Employment Verification Form on his or her own behalf documenting three years

of architectural practice as a licensed architect in another U.S. jurisdiction, and (C) documentation of five years of education equivalents. Both documents referred to in the preceding sentence are hereby incorporated by reference. A candidate who holds a current and valid Certification by NCARB shall be exempt from the IDP/IAP requirement and the requirement to submit items (A) through (C) prescribed in this subdivision upon receipt in the Board office of the candidate's current and valid NCARB blue cover Certification file transmitted by NCARB.

(b) (1) A candidate who is registered as an architect in a Canadian province and who holds a current and valid Certification issued by the National Council of Architectural Registration Boards shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

(2) A candidate who is registered as an architect in the United Kingdom and who holds a current and valid Certification issued on or before December 31, 1996 by the National Council of Architectural Registration Boards shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

(3) A candidate who is registered as an architect in a foreign country and who holds a current and valid Certificate issued by the National Council of Architectural Registration Boards obtained by completing the Broadly Experienced Foreign Architect Program shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

§ 122 Examinations; Waivers

Those applicants who had unsuccessfully attempted and were only required to complete the graphic design section of the Qualifying test shall have until June 30, 1982 to pass the graphic design section or the equivalent thereof in order to receive credit for the Qualifying test.

§ 122.5 Refund of Fees

If the board determines that a candidate is not eligible for any of the applicable examination or sections thereof for which he or she has applied, the examination fee submitted shall be refunded to such candidate.

§ 124 California Supplemental Examination

(a) The California Supplemental Examination shall consist of an examination covering the practice of architecture.

(b) A candidate who has been deemed eligible for the California Supplemental Examination, pursuant to Section 116(b)(2) of these regulations, shall submit the applicable fee and application, as provided by the Board.

(c) A candidate who fails the California Supplemental Examination shall be allowed to retake the examination only after reapplying with the Board, as prescribed above.

(d) A candidate who fails the California Supplemental Examination may not retake the examination for at least 180 days from the date that the candidate took the examination that he or she failed.

(e) Effective January 1, 1991, where a candidate who has been found to be deficient in an area or areas of the California Supplemental Examination, such candidate shall be required to reappear for another complete California Supplemental Examination.

(f) A candidate who has received Board credit for any individual section(s) of the California Supplemental Examination but who has not passed that exam as of January 1, 1991, shall be required to pass the California Supplemental Examination as administered after January 1, 1991.

§ 124.5 Review of California Supplemental Examination

(a) A candidate who has failed the California Supplemental Examination may apply to the Board for review. The Board's review shall be limited to situations where a candidate has alleged that he or she was significantly disadvantaged due to a significant procedural error in or adverse environmental conditions during the exam administration.
(b) A request for review and all supporting documentation shall be filed with the Board within 30 days after the date on which the examination result was mailed to the candidate. A request for review shall be made in writing and shall set forth the grounds for review and all of the specific facts or circumstances and how those facts or circumstances constitute the basis for review.
(c) Examination materials shall not be released to or reviewed by any candidate.
(d) Within 30 days after the Board has rendered a decision on a candidate's request for review, the candidate will be notified in writing of the Board's decision. In acting on requests for review, the Board may take such action as it deems appropriate, provided that such action shall not include the reversal of a failing score.

§ 124.7 Expired License; California Supplemental Examination

An individual whose architect license has been expired for more than five years shall apply for a new license pursuant to Section 5600.3 of the code. Except as provided for in subdivision (a) of Section 5600.3, all such individuals shall be examined by the Board. In the examination of the applicant, the Board may waive all or portions of the Architect Registration Examination, but shall require the applicant to pass the California Supplemental Examination specified in Section 124.

ARTICLE 5. MISCELLANEOUS

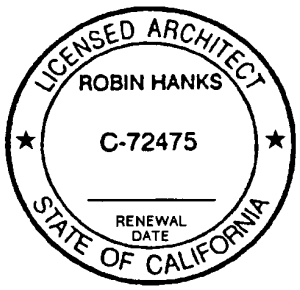
§ 134 Use of the Term Architect; Responsible Control Within Business Entity

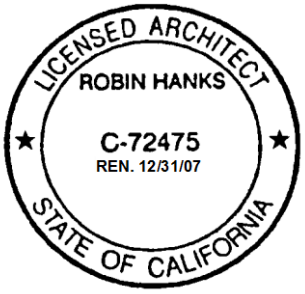
(a) Use of the Term Architect: It shall be unlawful for any person to use a business name that includes as part of its title or description of services the term “architect,” “architecture,” or “architectural,” or any abbreviations or confusingly similar variations thereof, unless that person is a business entity wherein an architect is: (1) in management control of the professional services that are offered and provided by the business entity; and, (2) either the owner, a part-owner, an officer or an employee of the business entity.
(b) Responsible Control within Business Entity: Where a person uses a business name that includes as part of its title or description of services the term “architect,” “architecture,” or “architectural,” or any abbreviations or confusingly similar variations thereof, all of the professional services offered and provided by that person are to be offered and provided by or under the responsible control of an architect.
(c) Definitions of Terms Used in this Section:
    (1) The term “professional services” shall be given the same meaning as defined in Business and Professions Code section 5500.1.
    (2) The term “management control” shall mean general oversight of the professional services offered and provided by the business entity.

(3) The term “responsible control” shall be given the same meaning as defined in Business and Professions Code section 5535.1.
(4) The term “business entity” shall mean any sole proprietorship, firm, corporation, partnership, limited liability partnership, or alliance formed by written agreement to practice architecture including on a single project or on a series of projects.
(5) The term “person” shall be given the same meaning as defined in Business and Professions Code section 5535.
(6) The term “architect” shall be given the same meaning as defined in Business and Professions Code section 5500.

§ 136 Stamp

(a) The stamp authorized for use by architects by section 5536.1 of the code may be purchased from any source. It shall be circular in shape and shall be not less than one (1) inch in diameter and not more than two (2) inches in diameter. The stamp shall be of a design similar to those shown below and shall bear at minimum those elements specified in section 5536.1(b) of the Code.
(b) The stamp shall not be of the embossing type.
(c) The license renewal date shall be shown on the stamp by either leaving a space on the stamp where the architect shall write his or her renewal date or having the license renewal date printed on the stamp.





*REN. Refers to Renewal Date

§ 137 Public Information Disclosure

(a) The Board shall establish and maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed architects and unlicensed persons subject to the Board's jurisdiction and Chapter 3, Division 3 of the Code (commencing with section 5500). Such a system shall also provide the public with information regarding the licensed status of the Board's licensees.
Information subject to the public information system shall be disclosed to members of the public, upon request, by telephone, in person, or in writing (including fax or email). Such information, when feasible and to the extent required or permitted by law, shall be made available by the Board in writing or by telephone. Requests for information shall be responded to within ten (10) days.
(b) Information to be Disclosed Regarding License Status.
The Board shall disclose the following information regarding past and current licensees:
(1) The name of the licensee, as it appears in the Board's records;
(2) The license number;
(3) The address of record;
(4) The license issue date;

(5) The license expiration date; and
(6) The license status and history.

(c) Information to be Disclosed Regarding Disciplinary or Enforcement Action.
Unless otherwise required by law, the Board shall disclose the following information regarding disciplinary or enforcement actions taken against licensees and unlicensed persons, if applicable:
(1) Total number of disciplinary and enforcement actions taken by the Board;
(2) Brief summary of disciplinary and enforcement actions taken by the Board; Citations that have been satisfactorily resolved shall be disclosed as such;
(3) Current status of pending Accusations, Statements of Issues, and Citations filed by the Board; disclosure of pending actions shall contain a disclaimer stating that the pending administrative action(s) against the person is/are alleged and no final legal determination has yet been made; further disclaimers or cautionary statements regarding such pending actions may also be made; and
(4) Information which is statutorily mandated to be disclosed.

(d) Information to be Disclosed Regarding Complaints.
(1) The Board shall disclose complaint information when the executive officer has determined that:
(A) The complaint information has a direct and immediate relationship to the health and safety of another person; and
(B) One or more of the following have occurred:
1. A complaint involves a dangerous act or condition caused by the subject of the complaint that has or could result in a death, bodily injury or severe consequences and disclosure may protect the consumer and/or prevent additional harm to the public;
2. A series of complaints against a party alleging a pattern of unlawful activity has been received by the Board and it has been determined that disclosure may protect the consumer and/or prevent additional harm to the public;
3. A complaint has been referred to the Attorney General for filing of an Accusation or Statement of Issues; or
4. A complaint has been referred to other law enforcement entity for prosecution.
Complaint information that is determined to meet the conditions of disclosure listed in subsection (d)(1) shall be incorporated into the public information system no later than ten (10) days after the conditions of disclosure have been met.
(2) Information about a complaint shall not be disclosed if it is determined by the executive officer that any of the following apply:
(A) Disclosure is prohibited by statute or regulation;
(B) Disclosure might compromise an investigation or prosecution; or
(C) Disclosure might endanger or injure the complainant or third party.
(3) When conditions of disclosure have been met, the Board shall disclose the following information regarding complaints received against licensees and unlicensed persons, if applicable:
(A) Total number of complaints meeting conditions of disclosure;
(B) Date(s) of receipt and nature of the complaint(s);
(C) Disposition of the complaint(s), by indicating whether the matter has been:
1. Referred to formal disciplinary action;
2. Disposed of through any other action, formal or informal; or
3. Other disposition;
(D) Information which is statutorily mandated to be disclosed;
(E) Current status of criminal prosecution resulting from a complaint received by the Board;

(F) A description of the type of public information not included in the system (i.e., civil judgments, criminal convictions, unsubstantiated complaints); and
(G) Disclaimers indicating that the system does not constitute endorsement or non-endorsement of a person, and that the system may not contain all available information.

ARTICLE 6. CERTIFICATES

§ 139 Issuance of Duplicate Certificates

Upon the submission of an affidavit by an architect verifying that his original certificate has been lost, destroyed or mutilated, and upon the payment of the fee as prescribed in Section 144, the Board shall issue a certificate marked "DUPLICATE."

§ 140 Notification of Licensure to Clients

Every licensee shall provide notice to the licensee's clients of the fact that the licensee is currently licensed by the Board. Notice shall be provided by any of the following methods:

(a) Displaying his or her license in a public area of the principal place of practice where the licensee provides the licensed service.
(b) Providing a statement to each client to be signed and dated by the client and retained in the architect's records, that states the client understands the architect is licensed by the California Architects Board.
(c) Including a statement that the licensee is licensed by the California Architects Board either on letterhead or on a contract for services.
(d) Posting a notice in a public area of the principal place of practice where the licensee provides the licensed service that states the named licensee is licensed by the California Architects Board.

ARTICLE 7. FEES

§ 144 Fees

Pursuant to Section 5604 of the code, the following fees are fixed by the Board effective January 1, 2011.

(a) The application fee for reviewing a candidate's eligibility to take any or all division(s) of the Architect Registration Examination (ARE) is one hundred dollars ($100) for applications submitted on or after July 1, 1999.
(b) The application fee for reviewing a reciprocity candidate's eligibility to take the California Supplemental Examination is thirty-five dollars ($35).
(c) The fee for the California Supplemental Examination is one hundred dollars ($100).
(d) The fee for an original license is three hundred dollars ($300). If the license is issued less than one year before the date on which it will expire, the fee is one hundred fifty dollars ($150).
(e) The biennial renewal fee commencing with the renewal period which begins on or after January 1, 2011 shall be three hundred dollars ($300).
(f) The delinquency fee is one hundred dollars ($100).
(g) The fee for a duplicate certificate is fifteen dollars ($15).

ARTICLE 8. DISCIPLINARY PROCEEDINGS

§ 150 Willful Misconduct

Willful misconduct includes the violation by an architect of a provision of the agreement with a client if:

(1) the architect has full knowledge that the conduct or omission is a violation of the agreement, and
(2) the architect has made no reasonable effort to inform the client of the conduct or omission.

§ 151 Aiding and Abetting

(a) For purposes of Sections 5582 and 5582.1 of the code, aiding and abetting takes place when a California licensed architect signs any instrument of service which has been prepared by any person who is not:
  (1) a California licensed architect or civil engineer or structural engineer, or
  (2) a subordinate employee under his/her immediate and responsible direction, or
  (3) an individual, who is associated by written agreement with the architect and who is under the architect's immediate and responsible direction as described in subsection (b) of this section.
(b) The requirements of “immediate and responsible direction” as used in this section shall be deemed to be satisfied when the architect:
  (1) instructs the person described in subsection (a) of this section, in the preparation of instruments of service, and
  (2) the architect has exercised the same judgment and responsibility in reviewing all stages of the design documents and other phases of the work as required by law, and which would normally be exercised if he/she personally performed the required tasks.

§ 152 Citations

(a) The Board's executive officer is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to sections 125.9 or 148 of the code against an architect or an unlicensed person who has committed any acts or omissions which are in violation of the Architects Practice Act or any regulation adopted pursuant thereto.
(b) A citation shall be issued whenever any order of abatement is issued or any fine is levied. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statutes or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.
(c) Where citations include an assessment of an administrative fine, they shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows:
  (1) Class “A” violations are violations which the executive officer has determined involve an unlicensed person who has violated Business and Professions Code section 5536, including but not limited to, acting in the capacity of or engaged in the practice of architecture. A class “A” violation is subject to an administrative fine in an amount not less than seven hundred and fifty dollars ($750) and not exceeding two thousand five hundred dollars ($2,500) for each and every violation.

(2) Class “B” violations are violations which the executive officer has determined involve either a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has caused physical damage to a structure or building or to real property or monetary damage to a client or member of the public or a person who has committed a class “C” violation and has one or more prior, separate class “C” violations. A class “B” violation is subject to an administrative fine in an amount not less than one thousand dollars ($1,000) and not exceeding two thousand five hundred dollars ($2,500) for each and every violation.

(3) Class “C” violations are violations which the executive officer has determined involve a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has not caused either the death or bodily injury to another person or physical damage to a structure or building or to real property or monetary damage to a client or a member of the public. A class “C” violation is subject to an administrative fine in an amount not less than two hundred and fifty dollars ($250) and not exceeding one thousand dollars ($1,000) for each and every violation.

(d) In assessing the amount of an administrative fine, the executive officer shall consider the following criteria:

(1) The good or bad faith exhibited by the cited person.

(2) The nature and severity of the violation.

(3) Evidence that the violation was willful.

(4) History of violations of the same or similar nature.

(5) The extent to which the cited person has cooperated with the board's investigation.

(6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.

(7) Such other matters as justice may require.

(e) Notwithstanding the administrative fine amounts specified in subsection (c), a citation may include a fine between $2,501 and $5,000 if one or more of the following circumstances apply:

(1) The citation involves a violation that has an immediate relationship to the health and safety of another person.

(2) The cited person has a history of two or more prior citations of the same or similar violations.

(3) The citation involves multiple violations that demonstrate a willful disregard of the law.

(4) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.

(f) The sanction authorized under this section shall be separate from, and in addition to, any other civil or criminal remedies.

§ 152.5 Contest of Citations, Informal Conference

(a) In addition to requesting an administrative hearing as provided for in subdivision (b)(4) of section 125.9 of the code, the cited person may request an informal conference to review the acts charged in the citation. A request for an informal conference shall be made in writing, within ten (10) days after service of the citation, to the executive officer.

(b) The executive officer shall hold, within sixty (60) days from the receipt of the request, an informal conference with the cited person. At the conclusion of the informal conference, the executive officer may affirm, modify or dismiss the citation, including any fine levied, order of abatement or order of correction issued. The executive officer shall state in writing the reasons for his or her action and transmit a copy of his or her findings and decision to the cited person. Unless an administrative hearing as provided for in subdivision (b)(4) of section 125.9 of the

code was requested in a timely manner, an informal conference decision which affirms the citation shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement or order of correction.

(c) If the citation, including any fine levied or order of abatement or correction, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If the cited person desires a hearing to contest the new citation, he or she shall make a request in writing, within thirty (30) days of receipt of the informal conference decision, to the executive officer. The hearing shall be conducted as provided for in subdivision (b)(4) of section 125.9 of the code. A cited person may not request an informal conference for a citation which has been modified following an informal conference.

§ 153 Dwellings

(a) For the purposes of subdivision (a) of Section 5537 of the code, the term "single family dwelling" shall mean a free standing unattached dwelling of woodframe construction not more than two stories and basement in height. Such a single family dwelling shall not share any common building components, including, but limited to, foundations, roofing and structural systems, with any other structure or dwelling.

(b) For purpose of subdivision (a) of Section 5537 of the Code, the term" multiple dwellings" shall mean a structure composed of no more than four attached dwelling units which share any common building components including, but not limited to, foundations, roofing and structural systems. Such multiple dwelling units shall be of woodframe construction and not more than two stories and basement in height.

§ 154 Disciplinary Guidelines

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" [2000] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

ARTICLE 9. PROFESSIONAL CONDUCT

§ 160 Rules of Professional Conduct

A violation of any rule of professional conduct in the practice of architecture constitutes a ground for disciplinary action. Every person who holds a license issued by the Board shall comply with the following:

(a) Competence:

(1) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(2) In addition to subsection (a)(1) above, when practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in this state under similar circumstances and conditions.

(b) Willful Misconduct:

(1) In designing a project, an architect shall have knowledge of all applicable building laws, codes, and regulations. An architect may obtain the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations and shall not knowingly design a project in violation of such laws, codes and regulations.

(2) Whenever the Board is conducting an investigation, an architect or a candidate for licensure shall respond to the Board's requests for information and/or evidence within 30 days of the date mailed to or personally delivered on the architect or a candidate for licensure.

(c) Conflict of Interest:

(1) An architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all such parties.

(2) If an architect has any business association or financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or financial interest. If the client(s) or employer(s) object(s) to such association or financial interest, the architect shall either terminate such association or interest or offer to give up the project or employment.

(3) An architect shall not solicit or accept payments, rebates, refunds, or commissions whether in the form of money or otherwise from material or equipment suppliers in return for specifying their products to a client of the architect.

(4) An architect shall not engage in a business or activity outside his or her capacity as an officer, employee, appointee, or agent of a governmental agency knowing that the business or activity may later be subject, directly or indirectly to the control, inspection, review, audit, or enforcement by the architect.

(5) When acting as the interpreter of construction contract documents and the judge of construction contract performance, an architect shall endeavor to secure faithful performance of all parties to the construction contract and shall not show partiality to any party.

(d) Full Disclosure:

(1) An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with projects or services for which he or she is claiming credit.

(2) An architect shall respond in writing within 30 days to any request from the Board for information solicited in connection with a candidate's application for a license to practice architecture. When providing information in connection with a candidate's application for a license to practice architecture, an architect shall accurately report the candidate's training or experience for the period of time that the architect had direct supervision of the candidate.

(e) Copyright Infringement:

(1) An architect shall not have been found by a court to have infringed upon the copyrighted works of other architects or design professionals.

(f) Informed Consent:

(1) An architect shall not materially alter the scope or objective of a project without first fully informing the client and obtaining the consent of the client in writing.

UPDATE AND POSSIBLE RECOMMENDATION REGARDING 2015-2016 STRATEGIC PLAN OBJECTIVE TO PURSUE METHODS TO OBTAIN MULTIPLE COLLECTION MECHANISMS TO SECURE UNPAID CITATION PENALTIES

The California Architects Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties.

Currently, if a licensee fails to satisfy a citation, the Board places a hold on his or her license preventing it from being renewed without the payment of both the renewal fee and the administrative fine assessed with the citation [Business and Professions Code section 125.9(b)(5)]. The Board is also authorized to pursue disciplinary action against a licensee for failure to pay the administrative fine within 30 days of the date of assessment.

However, the majority of the Board's outstanding, unpaid administrative fines are against unlicensed individuals, and some choose to ignore their citations, as they do not have licenses in jeopardy from failing to pay the administrative fines. The Board currently utilizes the Franchise Tax Board "Intercept Program" as an additional tool to collect unpaid administrative fines from unlicensed individuals, but the success in collecting fines through this program has not been significant, as the potential sources of recovery are limited to State tax refunds, Lottery proceeds, and unclaimed property.

At its April 29, 2015 meeting, the REC discussed multiple strategies to collect outstanding administrative fines, including:

1) Proactively offering payment plans in the cover letters of each citation;
2) Strengthening and increasing the frequency of enforcement letters to both licensees and unlicensed individuals who have not satisfied their citations;
3) Contracting with a collection agency to pursue the unpaid administrative fines;
4) Using the telephone disconnect program as a deterrent for repeat violations and to encourage payment;
5) Establishing a "license leveraging system" within the Department of Consumer Affairs; and
6) Partnering with the Employment Development Department to collect the unpaid fines through wage garnishments.

Following the meeting, staff strengthened the content of the citation collection notices to emphasize that the Board will promptly take appropriate action to enforce the citations and recover the administrative fines. Staff also began offering payment plans in the unpaid citation collection notices. Additionally, staff researched the feasibility of each of the proposed strategies for collecting unpaid administrative fines, and determined that pursuing a contract with a collection agency may be the most effective method to encourage payment of the outstanding fines. A collection agency is able to provide the Board with debt collection services to collect outstanding administrative fines

and cost reimbursements, which may include filing legal actions when attachable assets have been identified.

At the November 5, 2015 REC meeting, staff advised the REC to consider recommending to the Board that it pursue a contract with a collection agency because they possess the necessary experience and resources to effectively recover unpaid administrative fines. The REC reviewed and discussed this objective, and voted to recommend to the Board that it should encourage staff to continue pursuing all avenues for collecting unpaid administrative fines, and specifically, start utilizing a collection agency for unpaid accounts aged beyond 90 days, or at the discretion of the Executive Officer. The Board approved the REC's recommendation at its December 10, 2015 meeting.

Following the Board meeting, staff identified outstanding accounts that could be referred to a collection agency and obtained quotes for full-service debt collection services, including "skip-tracing," credit reporting, and filing legal actions if appropriate. Staff is currently in the process of securing a contract with a collection agency through the informal solicitation method (Government Code section 14838.5) to allow the Board to refer unpaid accounts aged beyond 90 days to a collection agency beginning August 1, 2016 (or upon approval of the contract).

Staff also explored the feasibility of reporting unpaid accounts directly to the three credit reporting agencies (Equifax, Experian, and TransUnion), and obtained information from each of the agencies regarding the reporting services they offer to government entities. However, based on the information provided by the agencies, staff determined that it is more cost-effective to allow the collection agency to provide credit reporting services, as it already possesses and maintains nationwide credit reporting accounts and the required software to electronically transmit data to the credit reporting agencies.

Additionally, staff reviewed the outstanding administrative fines, and found that a significant amount of the unpaid fines from the current fiscal year were assessed against licensees. Staff will continue to identify and pursue all avenues for collecting unpaid administrative fines, including increasing the frequency of enforcement letters and possible disciplinary action against licensees who have not satisfied their citations.

UPDATE AND POSSIBLE RECOMMENDATION REGARDING 2015-2016 STRATEGIC PLAN OBJECTIVE TO PURSUE RECRUITMENT OF AN ADDITIONAL ARCHITECT CONSULTANT TO ENSURE CONTINUITY AND EFFECTIVENESS IN THE BOARD'S ENFORCEMENT PROGRAM

The California Architects Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to pursue the recruitment of an additional architect consultant to ensure continuity and effectiveness in the Board's Enforcement Program.

Architect Consultants

Business and Professions Code section (BPC) 5528 authorizes the Board to contract with licensed architect consultants to assist in its Enforcement Program. The Board recruits architect consultants through the Department of General Services Request for Proposal (RFP) process using the "secondary method" to select the most qualified individuals to successfully and effectively carry out the services identified in the RFP. To be considered, each proposer must: 1) possess an active valid license to practice architecture in California; 2) have no history of enforcement and/or administrative actions; 3) have been in practice, as defined in BPC 5500.1, within California for the last five years; and 4) have experience preparing for testimony or testifying in a minimum of three architectural related civil or other matters.

The Board's architect consultants review practice-based consumer complaints concerning deceptive, incompetent, or negligent acts of architects or unlicensed individuals, and assist the Board in the development of disciplinary cases by preparing reports of findings and testifying as expert witnesses on behalf of the Board. The architect consultants' services also include: 1) responding to practice-based inquiries from the public and members of the profession; 2) participating in the Board's Building Official Contact Program; 3) analyzing and researching issues and trends affecting consumer protection; 4) assisting in the Board's consumer education programs by providing presentations at conferences and seminars; 5) drafting newsletter articles, press releases, and bulletins on matters concerning professional practice issues; and 6) providing input to the Board on matters requiring technical expertise.

The Board currently contracts with two architect consultants who work from the Board's office in Sacramento. One of the architect consultant contracts expires on June 30, 2016 and the other expires on January 31, 2017.

Independent Expert Consultants

SB 541 (Price) [Chapter 339, Statutes of 2011] established BPC 40, which streamlines the process for boards and bureaus to contract with independent expert consultants to provide an expert opinion on enforcement-related matters, and assist as subject matter experts (SMEs) in examination development, examination validation, or occupational analyses. The Board contracts with SMEs under the provisions in SB 541 to assist in California Supplemental Examination development and occupational analyses.

The scope of services for enforcement case review by independent expert consultants under delegated contracts is limited to the preparation of expert opinions on enforcement-related matters, including technical subject matters, professional standards and any deviations therefrom, the quality and completeness of evidentiary material, and assistance in all phases of the judicial and administrative process, including hearings and appeals, if required.

Under the delegated contract process, independent expert consultants are compensated based on an hourly rate for their services, with a maximum duration of 36 months and a maximum value of $50,000 per contract. The Board can execute delegated contracts with independent expert consultants for enforcement-related matters and amend the contracts as needed, staying within the stated parameters.

In July 2015, the Enforcement Program executed its first delegated contract under this streamlined process with an independent expert consultant who was tasked with examining and evaluating evidentiary material pertaining to an enforcement case, and preparing a written report of findings and expert opinion describing the architectural work relative to the standard of practice and any deviations therefrom.

At its November 5, 2015 meeting, the REC reviewed this objective and voted to recommend to the Board that it authorize staff to also pursue an RFP to provide the Board with an additional architect consultant and continue to utilize the services of independent expert consultants through the delegated contract process. The Board approved the REC's recommendation at its December 10, 2015 meeting.

Following the meeting, an SME expressed interest in assisting the Board with enforcement case review, but, as a current public employee, was precluded from contracting with the Board under the provisions of SB 541. Therefore, staff executed a Volunteer Service Agreement with the SME effective March 1, 2016 through May 1, 2016. Staff also subsequently executed another contract with an independent expert consultant in April 2016.

Staff also consulted with Department of Consumer Affairs Business Services Office staff, which advised the Board to release separate RFPs to replace the architect consultant contract that expires on June 30, 2016 and to pursue the additional contract as approved by the Board at its December 2015 meeting.

An RFP for architect consultant services (to replace the contract that expires on June 30, 2016) for the next three fiscal years (2016/17 through 2018/19) was released on March 9, 2016, and advertised under the State Contracts Register. The Notice of Intent to Award announcing the consultant selected was posted, as required by law, in the Board's office on April 21, 2016, and the tentative agreement start date will be July 1, 2016.

Staff is currently preparing a second RFP to recruit and hire a third architect consultant for the purpose of succession planning, and anticipates that the RFP will be released in the summer. Staff will also continue to utilize the services of independent expert consultants through the delegated contract process on an intermittent basis to complement the work of the architect consultants and allow for expediency and flexibility in the Enforcement Program.

DISCUSS AND POSSIBLE RECOMMENDATION REGARDING 2015-2016 STRATEGIC PLAN OBJECTIVE TO MONITOR AIACC LEGISLATION REQUIRING ARCHITECT OF RECORD TO PERFORM MANDATORY CONSTRUCTION OBSERVATION TO PROMOTE CONSUMER PROTECTION

The California Architects Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to monitor The American Institute of Architects, California Council (AIACC) legislation requiring the architect of record to perform mandatory construction observation to promote consumer protection.

At the April 29, 2015 REC meeting, AIACC representative Kurt Cooknick informed the REC that the proposal would not enable the architect of record to provide construction inspection services, but instead, would allow him or her to review the access components after the project is finalized for comparison to the approved set of plans and provide a list of deficiencies and deviations to the owner. He explained that AIACC is seeking to ensure, with respect to the access components of a commercial building, that the architect of record is given the opportunity to verify what he or she designed was actually constructed, and indicated that the proposal would not be pursued until 2016.

AIACC also shared that this proposal is intended to give architects the ability to protect themselves and the rights of individuals with disabilities through an accessible built environment. According to AIACC, the proposal would provide the architect of record, or a Certified Access Specialist retained by the architect, with the ability to visit the project post-construction to compare the approved plans against the completed work for access-related matters only. The architect of record would then document any deviations from the plans in a field report and provide a copy of the report to the project owner to address the deviations with his or her contractor.

AIACC has indicated that this complex proposal remains under development and will be the subject of a more detailed explanation in the future.

ADJOURNMENT

Time: _____