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GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MINUTES

REGULATORY AND ENFORCEMENT COMMITTEE MEETING

August 24, 2017

California Architects Board, Sequoia Room
2420 Del Paso Road, Suite 109, Sacramento, CA 95834

Committee Members Present

Barry L. Williams, Chair
Robert C. Pearman, Jr., Vice Chair
Fred Cullum (arrived at 1:18 p.m.)
Michael Merino
Sheran Voigt

Committee Members Absent

Robert De Pietro
Robert Ho
Gary McGavin

Board Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Alicia Hegje, Program Manager, Administration/Enforcement
Lauren James, Enforcement Analyst
Kristin Walker, Enforcement Analyst
Katie Wiley, Enforcement Technician
Bob Carter, Architect Consultant
Bob Chase, Architect Consultant

Guests

Mark Christian, Director of Legislative Affairs, The American Institute of Architects, California Council (AIACC)
Linda Panattoni, California Legislative Coalition for Interior Design (CLCID)
Roze Wiebe, Executive Director, California Council for Interior Design Certification (CCIDC)

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

Regulatory and Enforcement Committee (REC) Chair Barry L. Williams called the meeting to order at 1:14 p.m. Mr. Williams welcomed everyone and requested self-introductions. Guests and Board staff introduced themselves.

Robert C. Pearman, Jr. called the roll and indicated four Committee members were present. Five members of the REC constitute a quorum. There being four at the time of roll, a quorum was not present, and the REC met as a subcommittee until a quorum was established with the arrival of the fifth member.

B. Public Comment on Items Not on Agenda

Mr. Williams opened the floor for public comments on items not contained in the meeting agenda. No comments were received.

C. Review and Possible Action on November 8, 2016, REC Meeting Summary Report

Mr. Williams asked if there were any questions, comments, or changes to the November 8, 2016, REC Meeting Summary Report. There were none.

Michael Merino moved to approve the November 8, 2016, REC Meeting Summary Report.

Sheran Voigt seconded the motion.

Voting on the subcommittee's motion was deferred until a quorum was present.

D. Update on Board's Enforcement Program and Complaint, Citation, and Disciplinary Action Statistical Data and Information

Alicia Hegje provided the Enforcement Program update and highlighted items of interest to the REC, including the: 1) status of the California Architects Board's (Board) Business Modernization Plan, formerly known as BreEZe, to create a system that will combine multiple databases into one web-based application; 2) continuing education (CE) audits, including actions taken for violations; 3) staff's diligent efforts to open, investigate, and close enforcement cases quickly; 4) Board's newsletter, *California Architects*; and 5) Board's social media accounts, including the launch of the Board's Facebook account in June. She summarized the Enforcement Program data since the last REC meeting and reported a slight decrease in the amount of CE, settlement report, and unlicensed practice cases. Ms. Hegje also noted the majority of pending complaints are aged under 90 days and there are no pending complaints aged beyond 2 years.

Mr. Merino suggested that future reports include data from the previous report to better identify and understand trends. He also asked Ms. Hegje to explain why the "Types of Complaints Received" chart in the Report indicated 8.6 percent for CE complaints during

FY 2016/17 and the “Most Common Violations” table in the Report indicated 16 percent for CE violations during FY 2016/17. Doug McCauley clarified that CE complaints accounted for 8.6 percent of the total complaints received by Board during FY 2016/17, whereas CE violations accounted for 16 percent of the citations issued by the Board during that same period.

Mr. Merino specified while the other violations and issues are driven by the declining economy, currently the economy is improving, creating a potential decline in complaints. He recalled concerns when CE was initially required by the Legislature because staff is performing audits to search out violations. Mr. Merino also emphasized that CE violations accounted for 52 percent of all citations issued during FY 2015/16.

Mr. Merino inquired about the common excuses the Board has received from the architects for noncompliance. Ms. Hegje stated that some architects believe this is a one-time requirement or question why they must retake the training every two years when the Americans with Disabilities Act has not changed. Vickie Mayer stated the most common issue is architects will certify under penalty of perjury on their renewal forms that they have completed the requirement in the previous two years, but after they are selected for an audit, they submit coursework that was completed after the audit letter was sent. Ms. Mayer also explained that the renewal notices are mailed to licensees approximately 75 to 90 days prior to the license expiration date, which allows time for the licensee to complete the CE requirement, and there have been articles in the Board’s newsletter and on the website about the requirement. Mr. Merino asked if the citation violations are included in the newsletter. He stated that it would be helpful for licensees to know the circumstances regarding citations to put them on notice. Ms. Mayer responded that there are topics planned for the upcoming newsletters and that she can check those topics for reminders on the renewal to make sure an article references those points. Ms. Mayer mentioned that some newly licensed architects are unaware that they need to comply with the CE requirement because the first term of their license is not very long; however, she noted they are cautioned on their application for licensure that they must comply with the requirement.

Mr. Merino mentioned that he noticed that it is mainly the experienced architects receiving the citations for CE. Ms. Mayer replied that 20 years after the written contract requirement has been in law, there are many experienced architects that are not executing a proper written contract with their clients. Ms. Mayer did agree with Mr. Merino that it may ease the situation by continuing to educate licensees so fewer violations occur.

Mr. Merino expressed the importance of avoiding a perception from the public that the Board or staff has not exerted enough effort in preventing CE violations due the demand for the revenue from citations. Mr. McCauley assured Mr. Merino that staff is educating licensees about the CE requirement and indicated that currently there is a large amount of written contract cases although the requirement became effective over 20 years ago. Mr. Merino emphasized that those complaints come from the public whereas the CE audit comes from enforcement internally. Mr. Merino suggested that from the public’s perception, the CE audit could be another revenue stream for the Board and staff.

Ms. Mayer informed the REC that the Board staff only conducts a percentage of audits as required by law. She noted the Board is not creating the CE violations; the licensees are creating the violations by failing the audit. She also emphasized that if the audit failure rate went down and there were no violations, the Board would not be mandated to issue the citations. Mr. McCauley commented that the Board would be in a better place if there were fewer violations because the citations deplete enforcement resources and cost more than the fines assessed. Mr. Merino suggested that the public be aware that the CE citations are a distraction from the unlicensed practice issues. Mr. Cullum mentioned that he noticed that all International Code Council (ICC) Chapters have an increase in the number of architects that are taking educational courses and many of the classes are The American Institute of Architects (AIA) courses. He also stated that there is a significant increase in architects taking access, code update, and other similar classes. He advised this is leading to a delay in issuing certificates to the enrollees. Bob Carter explained when the CE requirement initially became effective, all architects were required to submit their coursework documentation to the Board with their license renewal applications, which required an extensive amount of staff time to review and process. He further explained that staff only audits a percentage of the renewal applications, which may impel some architects to feel they no longer need to take courses to fulfill the requirement and take the chance of an audit.

Mr. Williams mentioned that in the past few years he attended seminars for certification and this past year he viewed it online. He stated that most seminars indicate that the information in the course is approved by the Board, and he questioned the accuracy of this statement. Ms. Mayer clarified that the Board does not have the authority to approve coursework or providers; instead, staff informs the licensees to review the description of the course and check if it meets the criteria found in Business and Professions Code (BPC) section 5600.05(a)(3). She further explained that the licensee should read the provider's or trainer's biography to verify his or her knowledge and expertise in the subject and determine if the course meets the requirement.

Mr. Merino questioned if there is a reporting requirement to the Legislature for the acceptable coursework and the possibility of the Board being audited. Additionally, he inquired whether a third party from the Legislature would dictate the approved coursework for the Board. Ms. Mayer explained that there is a report due to the Legislature in 2019 and staff has been gathering statistics of the history of the audits and the outcomes to include in that report; however, the Board is not required to provide details of the courses that are accepted in the report. She advised the law is very specific in that it states that the Board shall issue a citation if the licensee has not fulfilled the coursework requirement. Ms. Mayer further explained how the Legislature is going to focus on the audits the Board conducted, the type of violations, the actions the Board took, the effectiveness of the training, and if there are differences in the types of complaints since the licensees took the training. Mr. Merino queried if the Board has a lot of accessibility-based complaints to which Ms. Mayer and Mr. McCauley replied that the Board did not. Ms. Mayer further stated that the legislation was tailored to require architects to complete the coursework as a resolution to the issue at the time.

C. Review and Possible Action on November 8, 2016, REC Meeting Summary Report - Continued*

Due to the arrival of a fifth Committee member during Agenda Item D, a quorum was present. Mr. Williams returned to Agenda Item C in order for the REC to review and take action on the subcommittee's prior motion.

Michael Merino moved to approve the November 8, 2016, REC Meeting Summary Report.

Sheran Voigt seconded the motion.

Mr. Williams asked for any comments. No comments were received.

Members Cullum, Merino, Pearman, Voigt, and Committee Chair Williams voted in favor of the motion. The motion passed 5-0.

E. Discuss and Possible Action on the Following 2017–2018 Strategic Plan Objectives to:

1. Update the *Building Official Information Guide* to Better Educate Local Building Officials on the Architects Practice Act

Kristin Walker presented this agenda item and informed the REC that the Board's *Building Official Information Guide (Guide)* was last published in 2000, and it is a compilation of responses to questions that the Board has received from building officials and general information that may be helpful for those enforcing local codes. She indicated staff and the architect consultants have reviewed the *Guide* and the guides from the Board for Professional Engineers, Land Surveyors, and Geologists and the Contractors State License Board and are in the process of making necessary updates and revisions to the Board's *Guide*. Ms. Walker explained that following an internal review, proposed changes to the *Guide* will be brought to the REC for review and discussion at its next meeting and she asked the Committee to provide any direction or input to assist staff in updating the *Guide*.

Ms. Voigt mentioned the Board needs to update the section in the *Guide* pertaining to the Board's examinations as the examination is no longer taken orally. Mr. Merino stated that there are some spelling errors and any changes to mechanics lien laws would be beneficial. He asked Ms. Mayer and staff if there are any changes that would increase awareness about unlicensed practice and if the *Guide* has served its purpose or proved to be an effective tool since 2000. Mr. Carter responded that every year he attends the California Building Officials' (CALBO) Annual Business Meeting and building officials come to his table to request more copies of the *Guide*. He expressed that building officials use the *Guide* to train their staff on how to interpret plans and understand which project belongs to which profession and asked Mr. Cullum if the *Guide* is useful to him as a building official. Mr. Cullum stated that it is useful because it covers areas about reciprocity, the ability of an engineer to do architectural work, and the architects' ability

to complete engineering work. He explained this information should be continually taught due to the amount of staff turnover.

Mr. Merino further queried if the *Guide* is a tool that assists building officials to identify unlicensed practice and if it instructs building officials to report suspected unlawful practices to the Board. He also inquired about the amount of calls the Enforcement Unit has received from building officials since 2000. Mr. Carter recalled only a few calls from building officials about individuals using stamps that do not belong to them. He clarified the building officials' responsibility is to verify the work was done by a licensed design professional and if it was not, then they would reject the application. Mr. Merino expressed his concerns regarding consumer protection if the building official rejects an application without notifying the Board of the violation. He commented that based on the issued citations, unlicensed practice is primarily identified through consumer complaints. He suggested that since the *Guide* is provided for the building officials, they should have identified the violation, advised the Board, and then a citation should be issued. Mr. Carter mentioned there would have to be an investigation because often there is an engineer in the background who is providing supervision. Mr. Merino questioned the effectiveness of the *Guide* if the Board has received very few phone calls from building officials due to potential violations and commented the building officials should be using this tool and become an extension of the Board's enforcement capability. Bob Chase clarified that if building officials avoid those issues they are indemnified. Mr. Merino agreed and stated that it is not his intention to assess liability but that it seems problematic that there have been few calls since 2000; therefore, the *Guide* does not seem to be effective. Mr. Carter stated there are issues that are being resolved by the *Guide* on a daily basis that do not get reported to the Board or are not required to be reported so there is some validity to what the document does and the purpose it serves. Mr. Cullum explained that the job of a building official is to achieve compliance with the minimum requirements of the California Building Code and once the building official rejects the application for the permit then his or her duty is complete. Mr. Cullum reiterated that the building official's concern is compliance with the California Building Code, which means there is not an unlicensed individual doing the design work.

Mr. Merino appealed to the Chair to include a section in the *Guide* that states the submission of a document by someone who is identified as unlicensed is a violation of law, so the building official can understand it is enforceable by the Board if he or she receives documents in violation of the BPC. Mr. Merino asked Mr. Cullum if this proposed statement was in the *Guide*, would this make a building official reconsider not reporting a violation to the Board. Mr. Cullum stated that as a building official, he would not report the violation due to the amount of work he already has. Mr. Williams advised the REC that the Board may not want to be bothered with minor issues such as a project prepared by a student. Mr. Merino pointed out there is an issue between discretion and threshold. He stated these acts are in violation of the law and enforceable by the Board and the connection is not stated in the *Guide* as strongly as he would prefer. He expressed his concerns about unlicensed practice and consumer protection.

Mr. Williams invited additional comments and asked if any action or motion was needed to continue. Ms. Mayer reiterated the suggestions made by Ms. Voigt and Mr. Merino about the examination information, spelling errors, and the mechanics lien laws and asked for input on anything that was not covered or should be expanded. She emphasized staff's plan to review the *Guide* with the consultants for updates, then have legal counsel review the document, and present the updated *Guide* to the REC for review and input at the next meeting. Mr. McCauley explained that the Department of Consumer Affairs (DCA) Legal Office may recommend changes to the *Guide* based on its opinion regarding interpretations versus reiterations of the law.

Mr. Williams inquired if the *Guide* is only available in hard copy or if it is also in digital form. Ms. Mayer stated that previously it was printed and provided to the building officials, but the updated *Guide* would also be available online. Mr. Chase added that he recently received a request for 143 copies of the *Guide* from Los Angeles County and noted it would be more efficient and economical to be able to send a link to the *Guide*.

Mr. Williams asked if there were any additional comments from the Committee members or the public. Roze Wiebe with CCIDC inquired about the individual who will receive the changes and suggestions submitted from CCIDC. Ms. Mayer recommended that she contact Ms. Walker and provide the suggestions. Mark Christian with AIACC requested the section about the mechanics lien laws also reference the design professionals lien law. Mr. Carter explained that the mechanics lien law and design professionals lien law are grouped together; however, the Board should not repeat laws outside of its jurisdiction, as the Board has no control over them. He advised providing a link to the information would be appropriate. He also explained that the design professionals lien law was combined with the mechanics lien laws in 2012 and emphasized the importance of utilizing an expert to file a lien due to the complexity of the requirements.

Ms. Voigt requested a copy of the *Guide* with tracked changes of the updates and Ms. Mayer confirmed any proposed changes would be tracked for the Committee's review.

2. Educate Consumers on the Standard of Care so They Understand What to Expect From an Architect When Choosing to Hire One

Ms. Walker presented this agenda item and reminded the REC that the Board currently provides outreach and education to consumers through a variety of different methods including the website, social media, publications, press releases, and direct responses to questions from consumers. She explained that in order to address this Strategic Plan objective, staff is exploring methods to further educate consumers about architects' services and professional obligations, such as updating the "Consumers" section of the Board's website, developing and sharing more consumer-oriented materials through social media, and promoting the Architect Consultants' Education and Information Program. Ms. Walker asked the REC to discuss this objective and provide feedback on the consumer education methods that have been identified.

Mr. McCauley stated staff has had an extensive conversation about consumer education and the “information gap” in understanding the architect’s role and obligations and defining the Board’s meaning and intention of “standard of care.” Mr. Carter commented the intent is to educate the consumer about the architect’s role, and the tasks and services provided by an architect. He specified the problem is with the improper use of the legal term “standard of care” which is used to judge the performance of tasks, not the tasks themselves. He referred to the *AIA Architect’s Handbook of Professional Practice* and how it defines the phases of a project and the types of services architects provide. Mr. Carter further explained the discussion about the “standard of care” refers to words about what reasonable architects would do in similar circumstances in the same jurisdiction and that language may have consumers assume the architect is attempting to evade the work.

Mr. Merino opined that the “standard of care” issue is about performance and expectations and expressed his fear that the Board will create a standard and provide it to the public which would create more litigation than it will resolve. He stated consumers still need to know they are receiving a complete set of documents, but he questioned the Board’s objective from the standpoint of protecting the consumer.

Mr. McCauley highlighted how Mr. Merino voiced that the objective was aligning consumer’s protection to the reality of the marketplace and for that reason, the focus realigned to articulating the architect’s services, professional responsibilities, the written contract requirement, and the rules of professional conduct. Mr. Merino reiterated the problem with establishing a “standard of care” and recommended contacting professional insurance liability carriers and AIA for recommendations.

Mr. Chase commented that staff’s intent is to inform consumers about the practice of architecture, including the architect’s role and how the architect can assist the consumer, not to deal with the legality of “standard of care.” Mr. Merino restated his concern with the use of the legal term “standard of care” in the objective. Mr. McCauley specified that more detail will be added, as well as information on the services. Mr. Carter implied that this was a misuse of the term because the discussion was not about “standard of care”; instead, it was about the practice of architecture, not liability. Mr. Merino commented that any misuse of terminology needs to be corrected, or if the term “standard of care” was not misused, there needs to be a different approach. Ms. Voigt advised staff to ask the Board for clarification on the intent of the objective. Mr. Williams recalled that the intent of the objective was to educate consumers on what an architect does, what to expect from the services of an architect, and the reasons to utilize an architect. Ms. Mayer suggested reviewing the Board’s discussion about this objective during its Strategic Planning session to better understand the intent before asking the Board to clarify. Mr. Pearman suggested researching whether any related professions provide similar documentation to the public. Mr. Merino added the REC may want to review the Council of American Structural Engineers’ white paper titled “Do You Know the Standard of Care?”

Mr. Williams asked if there were any comments from the public. There were no comments.

3. Measure the Effectiveness of the Board's Citation Collection Methods as a Means of Protecting Future Consumers

Ms. Walker presented this agenda item and informed the REC that the overall collection rate for citations in the past five years is 54 percent with collection rates of 78 percent for licensees and 41 percent for unlicensed individuals. She explained the current and most effective method to collect unpaid fines from licensees is to place a hold on their license pursuant to BPC section 125.9(b)(5), so they cannot renew until the fine is paid. She noted the majority of unpaid fines were against unlicensed individuals and stated the Board currently uses the Franchise Tax Board Intercept Program to collect those fines through state tax refunds, lottery proceeds, and unclaimed property. She also mentioned the Board has had success in offering payment plans. Ms. Walker explained in order to increase the effectiveness of the Board's citation collection methods, staff is in the process of securing a collection agency contract which would include skip-tracing, credit reporting, and filing legal actions and may be more impactful than the current process. She indicated the contract is planned to be presented to the Board in December with a start date of January 1, 2018. She informed the REC that staff will continue to track the citation collection rate, assess the effectiveness of the collection methods, and provide the Committee with updates throughout the duration of this Strategic Plan.

Mr. Merino commented that there has been incremental, but good, progress in obtaining another collection tool and congratulated staff for getting the collection contract this far.

Mr. Williams asked if there were any additional comments from the Committee members and the public. There were no comments.

4. Develop Educational Materials for Newly Licensed Architects to Provide More Information About the Requirements in Order to Avoid Future Violations

Ms. Walker presented this agenda item and indicated the following materials are currently provided to new licensees with the initial license and wall certificate: a Business Entity Report Form; information about the stamp requirements; and copies of the Board's *Consumer's Guide to Hiring an Architect*, *Consumer Tips for Design Projects*, Twitter card, and bookmark. She explained in order to address this Strategic Plan objective, staff suggests creating a checklist for new licensees that would outline: the license renewal process and CE requirements; how to file and update their mailing address and business entity information; and common violations of the Act. She stated the proposed checklist would be distributed with the initial license and posted on the Board's website where it would be accessible to all licensees and the public. She asked the REC to provide any additional direction or input in creating a new licensee checklist and other ways to inform new licensees of the requirements.

Mr. Merino expressed his enthusiasm about staff creating the checklist and suggested that it be shared with all licensees because this information is as valuable and beneficial to those who have been practicing for 20 to 30 years, as it is to new licensees. He also recommended the checklist be added to the renewal notices, which may assist in decreasing violations. Mr. Carter agreed with Mr. Merino and proposed adding the definition of the practice of architecture to the checklist, as many architects assume the practice of architecture only involves stamping and signing drawings. He commented that many architects do not file their business entity information with the Board as they incorrectly presume they are not providing architectural services through a firm if they are not stamping and signing drawings. Mr. Merino also suggested including the reporting requirements for convictions; disciplinary actions; and judgments, settlements, or arbitration awards in the proposed checklist.

Mr. Williams stated that it seemed the experienced architects are receiving more citations and suggested the Board create a user-friendly checklist that must be signed and returned when they renew their license. Mr. Merino agreed with Mr. Williams and stated that a signature would make it more serious.

Mr. Williams asked if there were any comments from the public. Mr. Christian inquired if AIACC can partner with the Board on the checklist or work with the Board on communicating the information that architects should know to its members.

Mr. Williams replied that the Board does welcome that suggestion. He asked for additional comments. There were no other comments.

F. Review and Possible Action on Retention Schedule for Board's Complaint and Citation Records

Ms. Walker presented this agenda item and explained the Board is required to manage its records according to the procedures established by DCA and the Department of General Services (DGS). She stated the Board's current records retention schedule expires in December 2018, and it requires complaint and citation records to be retained in the Board's office for five years and then be confidentially destroyed. She referred to the history within the packet and indicated citations were originally being retained and disclosed to the public for 100 years; however, the retention period for citations was then lowered to 20 years, and again lowered to 5 years in 2005. Ms. Walker explained in order to increase consumer protection, staff is requesting the REC consider proposed changes to the Board's records retention schedule to increase the retention and public disclosure period for citation records from 5 years to 10 years. She emphasized that staff has found that the current five-year retention period is relatively short and often prevents staff from being able to disclose information to consumers and/or establish a pattern of violations. Ms. Walker stated that if the retention period for citations was extended, it would allow additional time to collect outstanding fines from unlicensed individuals because the file would be retained longer. She also noted that under the current retention schedule, complaints that are closed with no action are kept in the Board's office for the same amount of time as complaints that result in citations. She asked the REC to review and discuss the proposed changes to the Board's records retention schedule and consider making a recommendation to the Board.

Mr. Merino asked for clarification regarding the five-year retention period. Ms. Mayer explained that the five-year period is for citations to be retained in the office, disclosed to the public, and used as an element of aggravation in a future case. Mr. Merino asked if extending the retention period could increase the seriousness of the CE violations if 2 violations occurred within 10 years. Ms. Mayer stated that an individual would have to have been randomly selected for the audit. Mr. Merino expressed uncertainty with moving the retention period from 5 years to 10 years and opined it would be an extensive time for those with CE violations. He also stated there is much higher chance of violating the law again in 10 years rather than 5 years.

Ms. Mayer clarified that if the fine was paid then the licensee would not need to be concerned. She explained citations were originally considered a disciplinary action and the records were retained for 100 years to cover the licensee's lifetime, but since legal counsel has surmised that citations are no longer considered a disciplinary action, the retention period was lowered to 20 years. Ms. Mayer recalled that the Board eventually concluded that a 20-year retention period was too lengthy, so it was lowered to 5 years. She explained the current five-year retention period for citations often prevents staff from being able to establish a pattern of violations if the original violation(s) occurred just over five years ago and also noted the difficulty in collecting fines through the Franchise Tax Board Intercept Program when the related citation records are destroyed after five years. Mr. Merino countered that although he understands staff's concerns, he does not support extending the retention period for citations because it would result in the retention period for CE violations also being extended. Ms. Mayer suggested there might be ways to separate the citations into classes and have them on different types of schedules. She explained that staff can conduct additional research and review the procedures from other boards. Mr. Merino asked if other boards divide the citations. Ms. Mayer replied that research is needed to determine that. Mr. Williams asked when the retention period begins. Ms. Mayer indicated the retention period begins on the effective date of the citation, once all appeals have been exhausted. Ms. Voigt intervened and stated the extension should be approved.

Sheran Voigt moved to recommend to the Board that it increase the retention period for citation records and related complaint files, and the public disclosure period for citations, to 10 years.

Robert Pearman seconded the motion.

Mr. Williams asked if there are any comments on the motion. Mr. Merino reiterated his disapproval of the motion due his concern with extending the retention period for the CE citations. He also opined that a CE violation is a minor issue and a 10-year retention period is draconian.

Mr. Williams requested public comments. Mr. Christian inquired about the other boards' citation retention schedules. Ms. Mayer offered to research other boards' records retention policies. Ms. Voigt commented that the Department of Real Estate keeps them forever. Mr. Merino inquired if there is a CE requirement in real estate. Ms. Voigt responded affirmatively and added that licenses will not be renewed if the licensee does not meet the

requirement. Mr. Merino asked Ms. Voigt if the CE requirement for real estate is on a continual basis with an issued citation once the licensee does not meet the requirement. Ms. Voigt clarified that if the licensee does not meet the CE requirement, then they will not get their license because the Department of Real Estate is more draconian, while the Board allows licensees to have their license. Mr. Cullum mentioned that building officials must complete CE within each three-year period or the building official will lose his or her certification and job according to the law.

Mr. Christian questioned if an architect license can be renewed if the CE requirement is not met. Ms. Mayer replied that it depends on the manner in which the renewal application is completed. She explained that occasionally staff will receive renewal applications that are marked “no” to the completion of the CE, so the licensee is contacted for clarification. Ms. Mayer continued that once staff receives an application that is marked “yes,” it indicates that the licensee is certifying under perjury that he or she has completed the required coursework and the license is renewed. Mr. Merino asked Ms. Mayer the ramifications if the licensee inputs “no” on the application. Ms. Mayer said that is an indication that they have not completed the renewal requirement. Mr. Merino queried if the license goes into suspension. Ms. Mayer responded that it depends on the time frame the licensee sends the renewal form because if staff received the application long before the expiration date, then the licensee had time to complete the required coursework. She added that if the application is received close to the renewal time then the license would expire, and it would be renewed upon the effective date staff received the required documents to renew. Ms. Mayer stated it is better for the licensee to not submit the form until they have completed the requirement. Mr. Williams questioned if staff has ever had a case in which the licensee input “no” on the application and then hurried to complete it. Ms. Mayer explained that there have been some licensees that completed the coursework prior to the expiration date, however, the problem lies with the licensee inputting “yes” even though they did not complete it. Mr. Williams stated it is like lying on an affidavit.

Mr. Williams called for the vote.

Members Cullum, Merino, Pearman, Voigt, and Committee Chair Williams voted in favor of the motion. The motion passed 5-0.

G. Adjournment

The meeting adjourned at 2:37 p.m.