

**California Architects Board**  
**Board Meeting**  
**December 9, 2022**





**Board Members**

Tian Feng, President  
Charles "Sonny" Ward, III,  
Vice President  
Malcolm "Brett" Gladstone,  
Secretary  
Ronald A. Jones  
Mitra Kanaani  
Sylvia Kwan  
Ebony Lewis  
Robert C. Pearman, Jr.  
Nilza Serrano

**NOTICE OF PUBLIC TELECONFERENCE  
MEETING**

**The California Architects Board**

**December 9, 2022**

**Stanford University**

**Building Y2E2 - Conference Room 270**

**473 Via Ortega, Stanford CA 94305**

The California Architects Board (Board) will hold a meeting as noted above.

**10:00 a.m., on Friday, December 9, 2022**

**The Board May Take Action on Any Agenda Item**

**AGENDA**

**10:00 a.m. to 2:00 p.m.**  
(or until completion of business)

**ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THIS AGENDA.**

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. President's Procedural Remarks and Board Member Introductory Comments
- C. Update on the Department of Consumer Affairs (DCA)
- D. Public Comment on Items Not on the Agenda

The Board may not discuss or act on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

- E. Election of 2023 Board Officers
- F. Review and Possible Action on September 16, 2022, Board Meeting Minutes

*(Continued)*

- G. Budget Update
- H. Update and Discuss National Council of Architectural Registration Boards (NCARB):
  - 1. Update and Discuss Committee Meetings
  - 2. Coalition of Community College Architecture Programs, Inc.
- I. Update on Committees
  - 1. Landscape Architects Technical Committee (LATC)
    - a) November 4, 2022, LATC Meeting
      - i. Discuss and Possible Action on Proposed Regulatory Language to Amend CCR, Title 16, Division 26, Article 1, Section 2615 (Form of Examinations) as an Emergency Rulemaking
      - ii. Discuss and Possible Action on Modified Proposed Regulatory Language to Amend CCR, Title 16, Division 26, Article 1, Section 2680 (Disciplinary Guidelines)
      - iii. Discuss and Possible Action on Proposal to Amend the Committee's Fee Schedule – DCA, Budget Office
  - 2. November 18, 2022, Regulatory and Enforcement Committee
- J. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
  - a) SB 1214, Jones. Planning and zoning: local planning.
- K. Discuss and Possible Action on Proposed Modified Regulatory Text for CCR, Title 16, Division 2, Article 2, Section 109.1 (Retired License Application), Proposed Modifications to Text
- L. Discuss and Action on Proposed Regulatory Language for CCR, Title 16, Division 2, Article 7, Section 144 (Fees) and Proposed Responses to Public Comments
- M. Discuss and Possible Action on Proposed Modified Regulatory Text for CCR, Title 16, Division 2, Article 5, Section 135 (Public Presentments and Advertising Requirements) and Proposed Responses to Public Comments
- N. Review of Future Board Meeting Dates
- O. Closed Session - Pursuant to Government Code Sections 11126(a)(1) and (c)(3), the Board Will Meet in Closed Session to:
  - 1. Perform the Annual Evaluation of its Executive Officer
  - 2. Deliberate and Vote on Disciplinary Matters
- P. Presentation on Stanford Architectural Design Program – John Barton, Director
- Q. Division of State Architect's Special Report – Ida Clair, State Architect

R. Adjournment – Due to technological limitations, adjournment will not be webcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.

The time and order of agenda items are subject to change at the discretion of the Board President 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 Board are open to the public.

The Board plans to webcast the meeting on its website at [www.cab.ca.gov](http://www.cab.ca.gov). Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. Meeting adjournment may not be webcast if adjournment is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to it taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board 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)).

A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

**Person:** Drew Liston  
**Telephone:** (916) 471-0769  
**Email:** [drew.liston@dca.ca.gov](mailto:drew.liston@dca.ca.gov)  
**Telecommunications Relay Service:** Dial 711

**Mailing Address:**  
California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834

Providing your request at least five (5) 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).

## **AGENDA ITEM A: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM**

Roll is called by the Board Secretary or, in his/her absence, by the Board Vice President or, in his/her absence, by a Board member designated by the Board President.

Business and Professions Code section 5524 defines a quorum for the 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 ten 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.

### **Board Member Roster**

Tian Feng

Malcolm Gladstone

Mitra Kanaani

Sylvia Kwan

Ebony Lewis

Robert C. Pearman, Jr.

Ronald A. Jones

Nilza Serrano

Charles Ward, III

## **AGENDA ITEM E: ELECTION OF 2023 BOARD OFFICERS**

### **Summary**

Business and Professions Code section 5518 states:

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

The Board Member Administrative Manual provides the following in relation to election of the Board officers:

The Board shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.

The Manual also provides for a nomination process as follows:

The Board president shall appoint a Nominations Committee prior to the last meeting of the calendar year and shall consider appointing a public and a professional member of the Board to the Committee. The Committee's charge will be to recommend a slate of officers for the following year. The Committee's recommendation will be based on the qualifications, recommendations, and interest expressed by the Board members. A survey of Board members will be conducted to obtain interest in each officer position. A Nominations Committee member is not precluded from running for an officer position. If more than one Board member is interested in an officer position, the Nominations Committee will make a recommendation to the Board and others will be included on the ballot for a runoff, if they desire. The results of the Nominations Committee's findings and recommendations will be provided to the Board members in the meeting packet prior to the election of officers. Notwithstanding the Nominations Committee's recommendations, Board members may be nominated from the floor at the meeting.

Board President Tian Feng appointed Mitra Kanaani and Robert Pearman to serve as members of the Nominations Committee. All Board members were surveyed as to their interest, and the Nominations Committee recommends the following slate of officers for 2023 for the Board's consideration based on the qualifications, recommendations, and interest expressed by the Board members:

Nominations Committee Recommended Slate of Officers for 2023

President – Sonny Ward  
Vice President – Ron Jones  
Secretary – Brett Gladstone

**Action Requested**

At this meeting, the Nominations Committee will present the recommended slate of officers to the Board for its consideration. The Board is asked to consider the slate and elect the officers for 2023.

**Attachment(s)**

None



**DRAFT  
MEETING MINUTES  
CALIFORNIA ARCHITECTS BOARD**

September 16, 2022  
Teleconference Meeting

**A. CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM**

On September 16, 2022, Board President Tian Feng called the meeting to order at 10 a.m. and Secretary Brett Gladstone called roll.

**Board Members Present**

Tian Feng, President  
Charles "Sonny" Ward, Vice President  
Malcolm "Brett" Gladstone, Secretary  
Mitra Kanaani  
Robert Pearman  
Ronald Jones (left meeting at 12 p.m.)  
Sylvia Kwan

Six members of the Board present constitute a quorum. There being six members present at the time of roll, a quorum was established.

**Board Members Absent**

Ebony Lewis  
Nilza Serrano

**Guests Present**

Keelan P. Kaiser, California Baptist University  
Mark Robinson, California Baptist University

**Board Staff Present**

Laura Zuniga, Executive Officer  
Kimberly McDaniel, Regulations Manager  
Jane Kreidler, Administration Manager  
Marccus Reinhardt, Examinations & Licensing Manager  
Alicia Kroeger, Enforcement Manager  
Trish Rodriguez, LATC Manager  
Drew Liston, Board Liaison  
Michael Sganga, Lead Enforcement Analyst  
Kourtney Nation, LATC



### **DCA Staff Present**

Mary Kate Cruz Jones, Executive Office  
Harmony DeFilippo, Budget Office  
Karen Halbo, Board Counsel  
Sarah Irani, SOLID Moderator  
Michael Kanotz, Board Counsel  
Matt Nishimine, Regulations/Budget Office  
Cesar Victoria, Office of Public Affairs

## **B. PRESIDENT’S PROCEDURAL REMARKS AND BOARD MEMBER INTRODUCTORY COMMENTS**

President Feng welcomed Jon Wreschinsky, Landscape Architects Technical Committee (LATC) Chair.

Mr. Feng announced that Mark Christian, Director for Government Relations at American Institute of Architects California (AIACA), for nearly two decades is retiring from AIACA this year and this will be his last meeting in his current capacity. The Board is awarding a Certificate of Recognition, which reads:

*Mark, for your outstanding contributions to the California Architects Board while working at AIA CA Director of Government Relations since 1999. You have been a tremendous advocate for the architect profession and an invaluable source of expertise to the Board and staff. Thank you for your exceptional performance.*

### **Public Comment:**

Mr. Christian shared that it has been an honor working with the Board during his 24 years of working at AIA. He has enjoyed working with the staff led by Steve Sands, Doug McCauley and Laura Zuniga. He said it has been a privilege and a learning experience.

Laura Zuniga said it has been a pleasure working with Mark throughout the years and thanked him for everything he’s done.

Sylvia Kwan also said that she appreciated his collaboration and will miss his counsel.

## **C. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA)**

Mary Kate Cruz Jones provided DCA’s Board and Bureau Relations (BBR) update:

- COVID-19 – Legislation has passed allowing more remote meetings, but Boards choosing to hold in-person meetings are to follow the local public health guidelines.
- On August 10, DCA held a brown bag meeting on social media best practices.

- DCA is updating its work force and succession plan to ensure a skilled and diverse workforce is represented.
- New DCA staff: Oliva Trejo has been appointed as DCA's Chief of the Office of Human Resources as of October 1. Taylor Schick was appointed Chief Fiscal Officer in July. The Governor recently appointed a new Director of Board and Bureau Relations, Melissa Gear. She will be joining DCA in October.
- Board members are required to complete Board Member Orientation Training (BMOT) within one year of appointment or reappointment. Executive Officers can also join.

Mr. Feng mentioned that he would like the new appointees to come to the next meeting either virtually or in person. Ms. Zuniga said we can invite them to the next Board meeting and Mary Kate will bring the request back to the Executive Office.

There were no comments from the public.

#### **D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

There were no comments from the public.

#### **E. REVIEW AND POSSIBLE ACTION ON BOARD MEETING MINUTES**

##### **June 8, 2022 Board Meeting Minutes**

Mr. Wreschinsky stated a correction needs to be made on Item H, page 6, second paragraph and last sentence: It should read, LATC voted to appoint Mr. Jon Wreschinsky to the CLARB work group. The work of the CLARB group hasn't commenced yet, and Mr. Wrechinsky will participate at that point in time.

**Sylvia Kwan moved to approve the June 8, 2022 minutes as amended.**

**Ron Jones seconded the motion.**

There were no comments from the public.

**Members Feng, Gladstone, Kanaani, Jones, Kwan, Pearman and Ward voted in favor of the motion. Motion passed 7-0.**

#### **F. PRESENTATION ON THE CALIFORNIA BAPTIST UNIVERSITY, COLLEGE OF ARCHITECTURE**

Mr. Feng introduced Keelan P. Kaiser, Program Director of Architecture and Professor of Architecture. Additionally, Dean Mark Robinson, Visual Art Design, joined the presentation.

Mr. Robinson shared that California Baptist University (CBU) expanded in 2012, which included an architecture program.

Mr. Kaiser mentioned that CBU was fully accredited in 2018 with the National Architectural Accrediting Board (NAAB), and currently has 250 students. CBU is in the top 25% of ARE pass rates in California and they are serious about teaching students to be practitioners and are ready to practice. CBU has an accelerated five-year program—one of the few in the country. The benefit for the students and family is the shorter timeframe and about 90% finish within that five-year timeframe. CBU has approximately 60 graduates in the workplace. Many students have won awards for their work and are hired by regional firms and in the Los Angeles market.

Mr. Pearman asked if students are able to get internships in Riverside County. Mr. Kaiser said most students obtain internships in Riverside County.

Ms. Kwan asked about the actual degree program and whether is a BA or M. Arch option? Mr. Kaiser said that most enter into the M.Arch (Masters in Architecture) program at entry (168 credit hour program for NAAB accreditation). At the fall semester of the senior year, students can opt out of the master's program and choose to graduate with a BA degree. This serves students who may want to attend graduate school elsewhere or take a break and work for a while. Ms. Kwan said the five-year approach is interesting and hopes her local firm office has some of their students.

Mr. Jones commended them for a fantastic presentation and applauded the program's efforts. He asked whether they have a professional practice curriculum and if a success rate is assigned to that curriculum. Mr. Kaiser said that part of the required curriculum includes two business classes—one on a small practice and one on project management. Additionally, they offer two professional practice courses. Ms. Kanaani thanked them for their presentation and asked if they are considering Integrated Paths to Licensure (IPAL) program. Mr. Kaiser said they have considered it, feel it's a great plan but doesn't have any plans to offer it. Mr. Ward commended them and said their scores are reflective of professional practice. Mr. Feng asked if the program accepts transfer students from community college. Mr. Kaiser said they do and probably bring in 15 out of 50 freshmen each year from community colleges. They also work with underrepresented student populations. Most students are from within 500 miles, but some are from throughout the United States, and a few are international students. Mr. Feng mentioned the five-year M.Arch program is a nice alternative path. Ms. Kanaani clarified that a five-year master's degree is not a new concept and started with Texas Tech 20 years ago. Four plus three happens when the applicant student is coming from another discipline and are switching majors.

Mr. Ward stated that he chairs the Professional Qualifications Committee, which is currently in the process of updating CAB's experience and credit for schools. This conversation goes back to the regional credit for an accredited four-year school in California. There are multiple pathways for licensure and for every year of accredited

architectural education for the California route, the four-year program would count for four years and this five-year program under the California regional path of licensure would only receive five years of credit. Mr. Ward clarified that California offers multiple pathways to licensure and doesn't only follow National Council of Architectural Registration Board (NCARB) because we accept licensure in a different way. President Feng then thanked Mr. Kaiser and Mr. Robinson to end the presentation

#### **PUBLIC COMMENT:**

Cary Bernstein commented about the University's Standards and Ethics. She believes that CBU's religious approach is in contradiction with today's social, architectural and business values.

#### **G. BUDGET UPDATE FROM DCA BUDGET OFFICE-**

##### **Harmony De Filippo, Budget Analyst**

Ms. DeFilippo started her update with an overview of FY 21-22 expenditure projections (pages 40-41). Over the last two years, expenditures have been impacted by the Business Modernization Project. During fiscal year 21/22, the Board is projected to spend approximately \$4,167,000, of which \$2,355,000 is expended on personal service costs and \$1,837,000 on operating expenses and equipment.

- The Board began FY 20/21 with a fund balance of \$5,706,000 and collected the following:
  - \$3,020,000 in revenue.
  - \$312,000 from initial license fees
  - \$2,000,611 from license renewals
  - \$97,000 was collected from issuance of citations, fines, delinquent fees and other revenue.
- Projected Revenues for the same time period are \$4,000,362; consistent with the high/low trend of renewal years.
  - \$366,000 projected initial license fees
  - \$3,000,904 from renewal fees
  - \$92,000 from the issuance of citations, fines, delinquent fees and other revenue
- Projected Expenditures for the same time period are \$4,157,000, which include reimbursements to the Board.
  - Outgoing expenditures are projected to grow at a factor of 3%
  - The fund condition shows the Board fully expending its appropriation ongoing. This projection includes Business Modernization costs. She stated that to the extent the Board does not fully expend its appropriation, any savings remain in the Board fund and would help support the reserve balance.

- Ms. DeFilippo added that future legislation or other events could require the Board to request additional resources through the annual budget process, increasing cost pressures on the fund.
- The fund balance reserve is the amount of funds remaining at the end of any given fiscal year. The Board has a statutory fund balance limit of 24 months, but typically three-to-six months is considered sufficient.
- Ms. DeFilippo added that a structural imbalance occurs when projected revenues are less than the anticipated expenditures. The Board's fund balance reserve is currently declining due to a structural imbalance. This is due to increased expenditures outweighing the revenue. For FY 21/22 the imbalance is projected at approximately \$316,000, and it's anticipated to increase and accelerate in the 22/23 budget year, which will cause the fund to become insolvent in 24/25. Ms. DeFilippo previously noted the Board has had a historical reversion of at least \$450,000; however, it is anticipated that costs associated with Business Modernization will increase. Ms. DeFilippo stated that because current law requires the fund to remain viable and solvent the Board is required to rectify these fundamental structural issues. The Board will need to take action to reduce or eliminate the structural imbalance to remain solvent by 1) reduce spending, 2) increase revenue, or 3) a combination of both 1) and 2). The Board has already begun taking action by voting to approve increasing the initial and renewal license fees from \$300 to \$400 through the regulatory process. This action is projected to increase revenues by approximately \$1.1 million per year. While we have been aware of the historical, high, low variants. Ms. DeFilippo mentioned that the DCA budget office will be conducting a fee study.

President Feng asked whether other boards have similar budgetary issues. Ms. DeFilippo responded that DCA monitors all boards and bureaus and watch for structural imbalances, and that other boards and bureaus face similar situations.

Matt Nishimine, DCA Regulations and Budget Office, stated that he would be talking about the fiduciary responsibility of Board members and Board management. Mr. Nishimine noted that LATC was also experiencing a structural imbalance and would be included in his presentation. He noted that LATC has reached its statutory caps and cannot increase fees without a legislative change.

Mr. Nishimine stated that his role is to help assist the Board and LATC to navigate these financial matters and priorities. Mr. Nishimine presented a past dated memo from another Board addressing the same budget issues. Mr. Nishimine stated that the purpose of this agenda item is to inform the Board members about their fiduciary duties and responsibilities under California law for the fiscal management and administration of the Board's fund. He continued that Government Code section 13324 says that every person who incurs any expenditure in excess of the allotments, or other provisions of the fiscal year budget, as approved by the department is liable both personally, and on his official bond for the amount of the

excess expenditures. He added, it's a very serious responsibility of Board members that makes them technically liable for these over expenditures. Mr. Nishimine then noted that the regulatory fee increases that began last spring are moving through the pipeline and will bring in over \$1 million per year, which will stabilize the budget in the near future. However, if the Board fails to take action, CAB could become insolvent by FY 25/26. The current regulatory fee proposal will increase the fees to their statutory caps. The Board cannot increase fees further without legislative change. Mr. Nishimine then gave an overview of the legislative process to making a fee change. Adding that it takes time, thought and effort, Mr. Nishimine stated that a fee study analysis has commenced through cooperation between the Board's EO, Management team and his office. A brief overview of how the study would be performed was presented. Both studies should be completed by the December 9 Board meeting.

President Feng asked if the Business Modernization implementation was taken into account for this report. Ms. DeFilippo said it was. Mr. Feng asked if other Boards were paying in the same way. Ms. DeFilippo explained the shared cost of the project and its future maintenance costs. Mr. Feng inquired of any other methods of reducing cost associated with the maintenance part of the Business Modernization plan. It was explained that the current method is the most cost effective for both DCA and CAB.

Ms. Kwan asked if we were able to stabilize the odd/even year income discrepancy through a process change, would this make the fund more stable. Mr. Nishimine explained changing the process would be a huge undertaking.

Mr. Pearman asked if the Board could receive money from the State's General Fund since it has such a large surplus. Mr. Nishimine said the Business Modernization project is a recent undertaking and CAB/LATC and several other programs joined to reduce costs which are more efficient and reasonable than others. With regard to receiving general fund dollars, most DCA programs do not use general fund dollars, but it is your right to seek the appropriation from the governor. DCA does not solicit general fund dollars, but the Board can work through the legislature. He cautioned that when you receive general fund dollars, it's not a blank check. You are semiautonomous as a Board and once you start receiving general fund dollars, you are part of the administration and could be subject to less autonomy. Ms. Zuniga recognized Mr. Pearman's statement regarding Business Modernization because originally the whole department was involved in the Breeze program. The likelihood of getting general fund monies is not great and the department has approximately 40 boards and bureaus and we'd have to explain why we deserve it when others aren't receiving it. We are supported by license fees because it is the cost the licensees pay for having the Board's structure.

Mr. Pearman said that if licensees protest, the Board might think we have an obligation to ask for the money and the governor's office has taken money in the past. The notion that we would relinquish our independence doesn't make sense

because we are in this situation because of imposed fees by DCA. Ms. Zuniga mentioned the state borrowed money in the past and repaid it.

Mr. Jones mentioned that Mr. Nishimine's office and CAB staff are working together in seeking a solution and asked when the Board gets involved in the process. Ms. Zuniga responded that more information and options will be presented at the December 9 Board meeting and reiterated the Board's fiduciary responsibility. Mr. Jones noted that LATC is having the same issue and this conversation parallels the one from LATC's last meeting. He wanted clarification regarding LATC's budget. Ms. Zuniga shared that LATC will discuss its budget and the Board will oversee and vote on any LATC business. Mr. Wreschinsky commented that LATC is extremely concerned about this issue and anticipates having to raise fees to the point where they may become prohibitive in order to cover expenses. He said they are eagerly awaiting the presentation at LATC's November meeting.

Mr. Ward commented that this presentation has surprised him because he was never told of this fiduciary responsibility when he was appointed. Ms. Zuniga said the presentation wasn't meant to be threatening and believes it's important that Board members be aware. She concurred that this is not covered in BMOT or when Board members are appointed. He ensured that staff will do everything possible to reduce our costs. Mr. Ward expressed his concerns about the future of the Board. He also noted the staff is not frivolous or wasteful. The idea that the protection of consumers is on the back of the people providing the service seems ironic.

Ms. Kwan said we have had discussions about further combining LATC and CAB (same meetings, etc.), and asked if further consolidation would result in savings. Ms. Zuniga replied that savings would result because of duplication, and could result in staff reductions, which would yield significant savings. Ms. Kwan stated it makes a lot of sense. Mr. Feng expressed his desire to make this issue important and said that there will be multiple discussions at the December meeting in search of a solution.

There were no comments from the public.

## **H. UPDATE AND POSSIBLE ACTION ON LEGISLATION**

Ms. Zuniga provided the update.

1. SB 1214 (Jones). This bill had a provision sponsored by AIACA that requires local planning agencies ensure architectural drawings are available online. The Governor signed the bill, and we will complete some outreach.

Brett Gladstone mentioned that he has represented many homeowners who can't get their plans because they need the permission of the architect who prepared the plans. He said the law seems to address the frustration in getting plans for their own properties, and says architects are allowed to prepare some kind of schematic or condensed version of the plans and provide to members of the public. He asked if he was correct and what was the reasoning? Ms. Zuniga said

the bill is a little different than what Mr. Gladstone is questioning, but we can look at it and report back. Mr. Gladstone is particularly interested in the origin of the law. Mr. Feng said that Mark Christian and Ron Jones may have additional information.

Mr. Christian said that AIACA sponsored the bill and stated there are two different things—one is seeking entitlements through the planning department and the second is seeking a building permit through the building department. The building department has the construction documents for homeowners to be able to get modifications. This bill does not address those documents—it deals with the architectural drawings to planning departments. Mr. Gladstone asked for an explanation as to the intent of the law. Was it that the proprietary interest of the architect be protected or does it also involve consumer protection? Mr. Christian said that local planning departments have a common practice that architectural drawings are submitted to them online. The act of them doing that is a violation of federal law; therefore, it is a violation of architects' intellectual property rights. The act of posting it online is a copyright violation and can facilitate someone to download online. We are trying to help local planning departments to do their job and allow their constituencies participation in the process and protect the intellectual property rights. The bill says you cannot post online in a format that can be copied, but it does create other documents that can be posted online. We are trying to help local governments not violate copyright law and protect intellectual property of architects.

2. SB 1237 by Senator Newman is still before the governor and makes a clarification of the definition of active duty and when members of the military are eligible for a waiver of the renewal process.
3. SB 1443 by Senator Roth extends the Board's sunset date for one year. The sunset review report must be prepared and submitted in January 2024 and hearings will be in the spring of 2024.

Mr. Jones asked if the sunset report would be the appropriate document to address the relationship between the Board and LATC. Ms. Zuniga said it would be the opportunity to explain and address changes.

There was no public comment.

#### **I. UPDATE AND DISCUSS NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)**

Ms. Zuniga shared that NCARB will now be providing the Board with upcoming meeting notifications six months in advance so we can plan travel, and they would like us to notify them in advance of members who will attend meetings. The next regional meeting is in Hawaii in March 2023 and the annual meeting is in Florida. and there are virtual options available. Ms. Kwan added that the Honolulu meeting has been finalized. Ms. Zuniga said we'll have to get the trip approved. NCARB



funds the EO, a public member and two other Board members. They also announced that a newly appointed Board member could be added.

There was no public comment.

## **J. UPDATE ON COMMITTEES**

### **1. Landscape Architects Technical Committee**

LATC Manager Trish Rodriguez began with a recap of LATC's August 2 meeting. She said LATC is experiencing a structural funding imbalance and looks forward to working with DCA's Budget Office to seek solutions. Ms. Rodriguez said the UCLA extension certificate program is adapting to provide a distance learning option where students would participate in-person during designated weekends during the enrollment period and participate remotely the rest of the time. She shared that the upcoming CLARB meeting in Omaha, Nebraska will be attended by Ms. Zuniga, Mr. Wreschinsky and herself. Mr. Wreschinsky has been reappointed to LATC through June 2026.

Mr. Rodriguez asked the Board to approve LATCs 2022-2024 Strategic Plan which was approved by the Committee at the August meeting. The plan includes implementation of a new automated licensing and enforcement system, conducting a linkage study between the Landscape Architects Registration Examination (LARE) and the California Supplemental Examination, need for continuing education, and preparation for the Sunset Review. Ms. Rodriguez pointed out a specific objective that was brought up earlier today. There is an objective to research the economic and consumer protection impact of re-establishing the Landscape Architects Board or establishing a merged board for CAB to provide better representation and strengthening the distinction between the two entities and increase efficiencies.

The Board is asked to approve the 2022-2024 Strategic Plan.

**Ron Jones made a motion to approve the 2020-2024 Strategic Plan.**

**Robert Pearman seconded the motion**

There was no public comment.

**Members Feng, Gladstone, Kanaani, Jones, Kwan, Pearman and Ward voted in favor of the motion. Motion passed 7-0.**

Ms. Rodriguez stated that CLARB recently conducted a linkage study of the LARE and is transitioning to a new exam format in December 2023. The formats are identified in regulations sections, 2614, examination, transition plan and this allows us to give credit to those who have taken previous sections appropriately applying it to the new structure. Ms. Rodriguez directed the Board to information

in the packet and asked for approval of the proposed regulatory text for section 2614, direct staff to submit the text to the director of the Department of Consumer Affairs, and the Business Consumer Services and Housing Agency for review and authorize the EO to take all steps necessary to initiate the rulemaking process and make any non- substantive changes to the package. If no adverse comments received during the 45-day comment, period, and no hearing is requested, authorized the executive officer to adopt the proposed regulations at section 2614 as originally noticed.

**Tian Feng made a motion to approve the rulemaking language on the Memo under Action Requested.**

**Robert Pearman seconded the motion.**

There was no public comment.

**Members Feng, Gladstone, Kanaani, Kwan, Jones, Pearman and Ward voted in favor of the motion. Motion passed 7-0.**

## 2. Communications Committee

Chair Kanaani announced the Communications Committee has a new member-- former EO of CAB, Doug McCauley, who is currently the Commissioner of the Department of Real Estate. She stated the committee had a productive meeting discussing Strategic Plan goals and will focus on goals that can be completed this year. She mentioned that the goal to publicize architects from diverse backgrounds can only be achieved with input.

Ms. Kwan asked about communication between the Board and the Coalition of Community College Architecture Programs (CCCAP). Ms. Kanaani said she is aware of CCCAP, and it is working on transforming community colleges into four-year colleges. Ms. Kwan said that CCCAP will be presenting at NCARB next week and will be happy to provide a report at the next Board meeting. Mr. Feng affirmed that it should be on the agenda. Mr. Gladstone mentioned the committee is doing a tremendous job to accomplish things that have been discussed in the past.

There was no public comment.

The Board took a break and Secretary Gladstone re-established a quorum with Members Feng, Ward, Gladstone, Kanaani, Kwan, and Pearman in attendance.

## **K. EXECUTIVE OFFICER'S REPORT**

- Business Modernization's first release should occur in December 2022 and will close out in November 2023.
- We are keeping the Assistant EO position open for salary savings and we have one vacancy in Licensing

- Our new video “Licensing 101” has been completed
- We have posted NCARBs free practice exams available to candidates and will highlight again
- Ms. Zuniga recognized Kim McDaniel and Karen Halbo for their hard work on CAB’s regulations
- Ms. Zuniga mentioned pass rates for the ARE, LARE and both CSE exams and directed the Board’s attention to the enforcement actions.

There was no public comment.

**L. DISCUSS AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY TEXT FOR CCR TITLE 16, DIVISION 2, ARTICLE 10, SECTION 109.1 (RETIRED LICENSE APPLICATION) AND AMENDMENT TO SECTION 144 AND PROPOSED RESPONSES TO PUBLIC COMMENTS**

Kimberly McDaniel, Regulations Manager, shared the status of the retired license regulation. The 45-day public comment period closed July 19 and seven comments were received. Three were directed at the rulemaking; one expressed concern and three were positive comments. One commentor questioned why licensees need to certify under penalty of perjury and questioned other language that we feel the BPC addresses. There were several comments about the short time period when the Board issued a retired license for \$300 and individuals asked for a refund because we are charging \$40 now. LAD researched the issue and found CAB is unable to issue refunds. We are not making any changes to the proposed regulatory text and asking for your approval to finish this proposed rulemaking package.

**Sonny Ward made a motion that the Board, upon reviewing the written public comments received during the 45-day comment period, adopt the proposed responses to the written comments.**

**Tian Feng seconded the motion.**

**Public Comment:**

Mr. Christian, AIACA, supports the regulation and thanks the Board and staff for the excellent work.

**Members Feng, Gladstone, Kanaani, Kwan, Pearman and Ward voted in favor of the motion. Motion passed 6-0.**

**M. DISCUSS AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY TEXT FOR CCR TITLE 16, DIVISION 2, ARTICLE 8, SECTION 165 (DISABILITY ACCESS CONTINUEING EDUCATION)**

Karen Halbo spoke about the disability access continuing education (CE) comments and staff felt there were reasonable comments; therefore, the text was changed for clarity. Ms. Halbo stated the original language seemed as if a person who attended a live presentation wouldn’t get a certificate. Since there are two CE packages in the

works, the language now aligns with the zero net carbon design regulatory package. The Board is considering the proposed responses to comments and the second modified text and we request the Board to vote to accept the proposed responses by staff and the second modified text. This package was originally published on November 12, 2021 and the notice lasts for one year. We would send the 15-day modification period right away and move forward with completing the package. If there are comments, we may have a problem making the one-year time period. It's a limited change that came from a licensee's complaint and has been clarified. Mr. Feng said it has met the intent but would like to hear from our members who have a legal background. Mr. Pearman stated he felt the Board was responsive and Mr. Gladstone said the comments were good and staff addressed them.

**Mr. Feng made a motion to approve the proposed modified text amending 16 CCR section 165 for a 15-day public comment period and if no adverse comments are received during the 15-day public comment period, delegate to the EO the authority to adopt the proposed modified text and also designate to the EO the authority to make any technical or non-substantive changes to the proposed modified text that may be required in completing the rulemaking file and adopting the proposed regulatory changes.**

Robert Pearman seconded the motion.

**Public Comment:**

Mark Christian stated that AIACA supports the modified text and the amendment and thanked staff for modifying the text for clarity.

**Members Feng, Gladstone, Kanaani, Kwan, Pearman and Ward voted in favor of the motion. Motion passed 6-0.**

**Mr. Feng made a motion for the Board to consider the public comments received during the 15-day public comment period and adopt the responses.**

**Ms. Kwan seconded the motion.**

There were no comments from the public.

**Members Feng, Gladstone, Kanaani, Kwan, Pearman and Ward voted in favor of the motion. Motion passed 6-0.**

**N. DISCUSS AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY TEXT FOR CCR TITLE 16, DIVISION 2, ARTICLE 5, SECTION 109 (FILING OF APPLICATIONS)**

This item will be discussed at a future meeting.

**O. DISCUSS AND POSSIBLE ACTION ON PROPOSED MODIFIED REGULATORY TEXT FOR CCR TITLE 16, DIVISION 2, ARTICLE 5, SECTION 135 (PUBLIC PRESENTMENTS AND ADVERTISING REQUIREMENTS) AND PROPOSED RESPONSES TO PUBLIC COMMENTS**

Mr. Feng stated this was heavily discussed, the requirement for architects to put their license number in advertisements. Ms. Halbo stated that this proposed regulation was published at the end of December 2021 so we are in the one-year notice period. The Board would have to start over if this isn't completed by the end of December. She continued, that there were a lot of comments, and the Board needs to decide what to do. Staff had originally prepared responses to comments and tried to list the proposed alternatives. This is simply adding the license number to presentments and advertisements, which is the practice of other DCA licensing boards. Clarifying modifications were made and the Board needs to decide whether to move forward. Ms. Halbo said that many comments were against the regulation.

Mr. Feng said the regulation was developed with good intent for consumer protection and other Boards have the practice, and LATC adopted a similar regulation. For consistency of policymaking, the Board thought it was logical to have a similar regulation for architects. In the span of one year, there has been discussion and tremendous feedback. My overall observation is we have not seen any enforcement cases where consumers have been harmed because the license number of an architect was not in the presentment. Ms. Zuniga stated that for clarification, cases regarding advertising--which are the majority that we received--are handled with a letter of advisement.

Ms. Kwan shared that one of the comments was from a contractor and an architect who is accustomed to putting his contractor's license number on presentments but is perplexed because there's three to four licensed architects in the firm and wasn't sure which license should be put on the advertisement. The firms with several architects are in a bind as to what to do and most of the communication I read from architects say that it's CAB's responsibility and the information is on the website. Based on that we should decide on putting away the issue once and for all.

Mr. Pearman mentioned the staff did a good job in responding to the comments, consumer protection is our goal, and we have to strike a balance. The burden on the architect community is not something that overweighs the consumer protection and other occupations do it--even our LATC. I like the changes the staff made in modifying the language to make it clear. While there may be things to be worked out, they can be accomplished through enforcement procedures. It's childish to worry about whose license to use and not adopt it because of that. We know there's a lot of unlicensed people posing as architects. We have dealt with this long enough; let's join the others who have found this viable and not destructive to consumer protection.

Mr. Ward stated that his feelings parallel the evolution. He shared that when he was a new Board member, LATC passed their regulation, and he couldn't formulate how

he felt about it at the time. He believes it will harm law abiding architects and concluded that he would vote no or to table this.

**Public Comment:**

Mark Christian said AIACA still questions how this will protect the consumer. It does not stop unlicensed people from advertising on Craigslist, but it will impose a new requirement on licensed architects and subject them to disciplinary action. The law already includes architects to include their number when contracting. Most people who hire architects are probably sophisticated consumers. It's important to recognize the difference between contractors and architects. CSLB often has stings with law enforcement officers because there is a harm to consumers. There's no similar environment for architects. CAB has never held a sting operation with law enforcement to arrest architects. For those reasons we ask that it not proceed.

Janis Kent acknowledged the language was changed and more specific, but the issue is the same and shouldn't be applicable to architects. We put our licenses on contracts but doesn't belong on other things such as my website, etc. We are similar to other professionals such as attorneys and CPAs. It doesn't feel correct, and we are not in the same category as a contractor. Ms. Kent concluded that she would say this is not appropriate. We put our license number where it is necessary.

Mr. Feng shared that we should vote to table this indefinitely, until we see a reason that having this regulation will protect the consumer. Ms. Zuniga said that if it is tabled, it's dead and we would need to restart it. We need action one way of the other. Mr. Feng said because of timing, the regulation would have to restart.

Mr. Gladstone shared that he agrees with Mr. Pearman. Gladstone continued that it's ironic that the two lawyers on the Board seem to feel the same way and the architects feel differently. Lawyers, unlike contractors and architects, don't have public safety as part of their practice. At the last meeting, he suggested compromises with the intent that the public most likely to be taken advantage of are homeowners. One compromise proposal involved requiring license numbers on social media outreach because consumers are the most vulnerable. Mr. Gladstone continued by saying at this point it may not be a good use of our Board time to continue to debate. Any compromise wouldn't be drafted and approved in time for our last meeting of the year, but he pointed out that he shares Robert Pearman's thoughts.

Mr. Pearman asked if we move to the December meeting will we have time? Ms. Halbo responded that we wouldn't have time to circulate the modified text and submit the documents before December 31. Ms. Zuniga said the Board can direct staff to work on something else but this was a strategic plan objective regarding social media, and this was already an alternative. Mr. Pearman said he shares Brett Gladstone's observation that the public members are for this and architects are opposed. He also stated, I would want to make a motion to be on record that I made the motion because I believe it's a mistake.

Mr. Ward reminded everyone that CAB has jurisdiction over licensed architects only and would only affect them. Mr. Feng said we are a consumer protection Board, and the need is not there, but we want to align with other professions. I hope we have some objectivity to judge that we don't have the evidence, yet the need is there. The point that Robert Pearman summarize touches me because in the physical presence today, architect members outnumber public members. Two public members are absent and we have an obligation to think about that aspect.

Mr. Ward said this agenda item is not the only way that California architects can protect consumers. The defeat does not stop the Board from protecting consumers.

Ms. Kanaani stated that she has mixed feelings and this is not protection of consumers, but is about convenience. Kanaani continued, we are putting our license number on a marketing document, this is not protecting the consumer.

Mr. Gladstone shared that as a real estate lawyer he deals with a lot of people who use contractors and some of his best friends are contractors. His clients are aware that a licensed contractor is required to list a license number. He said it has always been his hope that over time it would become commonplace for consumers to look for an architect's license number. This is not about handing out tickets and creating another reason to discipline architects. I believe it protects architects who are licensed.

**Mr. Feng made a motion to table this motion.**

**Sonny Ward seconded the motion.**

**Public Comment:**

Janis Kent agrees, doesn't believe this will give consumers the protection they need, and it punishes architects.

**Members Feng, Ward, Kanaani, Kwan voted yes; Members Gladstone and Pearman voted no. There are 4 yes votes and 2 no votes.**

**Michael Kanotz said the motion fails because BPC Section 5524 requires the concurrence of five members.**

Mr. Pearman said we could vote at the next meeting and try to get it through. Mr. Feng asked Ms. Zuniga to place it on the December agenda.

## **P. REVIEW OF FUTURE BOARD MEETING DATES**

Ms. Zuniga mentioned that LATC is meeting on November 4 and the next Board meeting is December 9 which will need to be all in-person or a hybrid meeting format, a location will be at DCA and another office. There's no IT support from DCA if we meet at another location. She will survey members and ask which format works best.

Mr. Gladstone mentioned that a meeting hasn't been held in the bay area for years now, and maybe we can have a meeting at a university. Ms. Zuniga said we can look at different options.

**Q. Closed Session**

No closed session

**R. Adjournment**

The meeting was adjourned at 2:13 p.m.



## **AGENDA ITEM G: BUDGET UPDATE**

### **Summary**

DCA's Budget Office has provided an updated fund condition.

### **Action Requested**

None

### **Attachment**

Fund Condition

0706 - California Architects Board Fund Analysis of Fund Condition  
(Dollars in Thousands)  
2022 Budget Act with FM 3 Projections

Prepared 11.29.2022

	Actuals 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25	BY +2 2025-26
BEGINNING BALANCE	\$ 4,509	\$ 4,436	\$ 2,850	\$ 2,003	\$ 152
Prior Year Adjustment	\$ 101	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,610	\$ 4,436	\$ 2,850	\$ 2,003	\$ 152
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 63	\$ 25	\$ 63	\$ 25	\$ 63
4127400 - Renewal fees	\$ 3,904	\$ 2,809	\$ 3,904	\$ 2,809	\$ 3,904
4129200 - Other regulatory fees	\$ 15	\$ 22	\$ 15	\$ 22	\$ 15
4129400 - Other regulatory licenses and permits	\$ 366	\$ 511	\$ 366	\$ 511	\$ 366
4163000 - Income from surplus money investments	\$ 21	\$ 42	\$ 30	\$ 2	\$ 0
4171400 - Escheat of unclaimed checks and warrants	\$ 2	\$ -	\$ -	\$ -	\$ -
4172500 - Miscellaneous revenues	\$ 1	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 4,372	\$ 3,409	\$ 4,378	\$ 3,369	\$ 4,348
Operating Transfers To General Fund 0001 per EO E 21/22-276 Revised (AB 84)	\$ -180	\$ -	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ -180	\$ -	\$ -	\$ -	\$ -
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 4,192	\$ 3,409	\$ 4,378	\$ 3,369	\$ 4,348
TOTAL RESOURCES	\$ 8,802	\$ 7,845	\$ 7,228	\$ 5,372	\$ 4,500
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,025	\$ 4,633	\$ 4,398	\$ 4,530	\$ 4,666
Anticipated Ongoing Business Modernization Costs	\$ -	\$ -	\$ 465	\$ 328	\$ 312
9892 Supplemental Pension Payments (State Operations)	\$ 95	\$ 95	\$ 95	\$ 95	\$ 0
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 246	\$ 267	\$ 267	\$ 267	\$ 267
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 4,366	\$ 4,995	\$ 5,225	\$ 5,220	\$ 5,245
FUND BALANCE					
Reserve for economic uncertainties	\$ 4,436	\$ 2,850	\$ 2,003	\$ 152	\$ -745
Months in Reserve	10.7	6.5	4.6	0.3	-1.7

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.  
Expenditure growth projected at 3% beginning BY +1.  
CY and BY Expenditure & Revenue adjustments are pending Gov. Budget release January 2023.

## **AGENDA ITEM H: UPDATE AND DISCUSSION OF NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)**

### **Summary**

1. Update and Discussion of Committee Meetings
2. Coalition of Community College Architecture Programs, Inc.

## **AGENDA ITEM I: UPDATE ON COMMITTEES**

### **1. Landscape Architects Technical Committee (LATC)**

- a) The LATC held a meeting on November 4, 2022. Program Manager, Trish Rodriguez will provide an update. There are three separate LATC action items for the Board's consideration:
- i. Discuss and Possible Action on Proposed Regulatory Language to Amend California Code of Regulations (CCR) Title 16, Division 26, Article 1, Section 2615 (Form of Examinations) as an Emergency Rulemaking
  - ii. Discuss and Possible Action on Modified Proposed Regulatory Language to Amend CCR Title 16, Division 26, Article 1, Section 2680 (Disciplinary Guidelines)
  - iii. Discuss and Possible Action on Proposal to Amend the Committee's Fee Schedule

#### **Attachment**

A) November 4, 2022 LATC Meeting Notice

**Summary for Action Item i:** On August 25, 2022, the Council of Landscape Architectural Registration Boards (CLARB) announced that the Landscape Architect Registration Examination (LARE) will transition to a new examination format in December 2023. The Board adopted 16 CCR 2614 at its meeting in September for the transition plan, and the proposed language was published on November 11, 2022, with the 45-day public comment period closing on December 27, 2022.

Now, emergency changes to CCR 2615 are temporarily needed to allow candidates who have been approved to take Sections 1 and 2 only a chance to take Section 4 and receive credit on the new LARE format. The exception will be rescinded when the new LARE is in place after September 1, 2023, and thereafter candidates will be required to complete all education and training prior to taking all sections of the LARE. Staff worked with legal counsel to prepare an emergency regulatory proposal to amend 16 CCR section 2615 (Form of Examination) to allow those candidates who passed Section 1 of the previously administered landscape architect licensing examination to be able to attempt to pass Section 4 before the upcoming LARE format change is implemented after September 1, 2023.

At its November 4, 2022, meeting, the LATC recommended to the Board approval of the attached proposal to amend CCR section 2615. After that meeting, DCA Legal Affairs Division (LAD) recommended revising the proposed emergency language to move the second paragraph within of former paragraph (a)(2) up to be new paragraph (a)(2), renumber the first paragraph of former paragraph (a)(2) as paragraph (a)(3), and add a sunset provision to clarify that after September 1, 2023, candidates must complete all education and training prior to taking all sections of the LARE. LAD recommends these changes to make it easier for LATC's

Executive Officer to complete the regular rulemaking process to make the regulatory changes permanent. The Board is asked to replace the proposed emergency language recommended for adoption by the Committee with the proposed emergency language containing LAD's revisions, which will be provided in an email from LATC's Executive Officer.

### **Action Requested for Action Item i**

The Board is requested to entertain a motion to direct staff to take all steps necessary to complete the emergency rulemaking process, including the filing of the emergency rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations, and adopt the finding of emergency and the proposed regulatory language as written in the Order of Adoption. If no adverse comments are received and the text is approved by OAL, authorize re-adoption as needed and authorize the Executive Officer to take all steps necessary to complete the regular rulemaking process to make the regulations permanent and adopt the proposed regulations at Section 2615 as noticed.

### **Attachments for Action Item i**

B) Proposed Emergency Regulatory Language to amend 16 CCR section 2615 (Form of Examinations)

### **Summary for Action Item ii:**

On August 11, 2022, the final regulatory package to amend CCR section 2680 was submitted to the Office of Administrative Law (OAL) for review. Due to concerns from the OAL reviewing attorney regarding license surrender while on probation as well as continuing education courses and providers, the regulatory package was withdrawn on September 20, 2022. Staff worked with DCA Legal to address the concerns and issue a 15-day Notice of Modified Text. The public comment period on the Modified Text commenced on October 14, 2022 and ended on October 31, 2022. No comments were received.

At its November 4, 2022, meeting, the LATC recommended to the Board approval of the attached Modified Text to amend CCR section 2680.

### **Action Requested for Action Item ii**

The Board is asked to consider a motion to approve and adopt the proposed Modified Text to amend 16 CCR section 2680, and as there were no adverse comments received during the 15-day public comment period, delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file and to adopt the proposed Second Modified Text as noticed.

### **Attachments for Action Item ii**

C) Modified Text to amend 16 CCR section 2680 (Disciplinary Guidelines)

## **Summary for Action Item iii**

At its November 4, 2022, meeting, Matt Nishimine, Budget Analyst with the Department of Consumer Affairs Budget Office, presented LATC's Fee Study Report and proposed fee schedule. Committee members discussed the attached Fee Analysis Report and recommended the following fee schedule.

Fee Type	Current Fee	LATC Recommended Fee	
		Minimum Floor	Maximum Cap
Eligibility Application	\$35	\$100	\$100
California Supplemental Examination	\$275	\$350	\$400
Reciprocity Application	\$310	\$350	\$400
Initial License	\$400	\$700	\$800
Renewal	\$400	\$700	\$800
Duplicate License	\$15	\$300	\$300

### **Action Requested for Action iii**

The Board is asked to review the proposed LATC fee schedule and recommend to the Legislature that the statutory fee caps under BPC section 5681 (Schedule of Fees) be raised.

### **Attachments for Action iii**

D) LATC Fee Analysis Report - October 2022

## **2. Regulatory and Enforcement Committee Meeting, November 18, 2022**

### **Attachments**

E) November 18, 2022 Regulatory and Enforcement Committee Meeting Notice



**NOTICE OF MEETING  
Landscape Architects Technical Committee**

**LATC MEMBERS**

Jon S. Wreschinsky, Chair  
Pamela S. Brief, Vice Chair  
Andrew C. N. Bowden  
Susan M. Landry  
Patricia M. Trauth

**November 4, 2022**

**University of California, Davis  
142 Hunt Hall  
One Shields Avenue  
Davis, CA 95616**

***Action may be  
taken on any  
item listed on  
the agenda.***

The Landscape Architects Technical Committee (LATC or Committee) will hold a meeting as noted above.

**AGENDA**

**10:30 a.m. to 5 p.m.**  
(or until completion of business)

**Action may be taken on any item listed below.**

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair’s Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda  
*The Committee 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 Committee’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)).*
- D. Update from the Department of Consumer Affairs (DCA) – Board and Bureau Relations, DCA
- E. Presentation on the University of California, Davis Landscape Architecture Program
- F. Discuss and Possible Action on Proposal to Amend the Committee’s Fee Schedule
- G. Review and Possible Action on August 2, 2022, LATC Meeting Minutes

*(Continued)*

- H. Program Manager’s Report – Update on Committee’s Administrative/Management, Examination, Licensing, and Enforcement Programs
- I. Council of Landscape Architectural Registration Boards
  - 1. Update on California Code of Regulations (CCR) Title 16, Division 26, Article 1, Section 2614 (Examination Transition Plan)
  - 2. Discuss and Possible Action on Proposed Regulatory Language to Amend CCR Section 2615 (Form of Examinations) as an Emergency Rulemaking
- J. Discuss and Possible Action on Modified Proposed Regulatory Language to Amend CCR Title 16, Division 26, Article 1, Section 2680 (Disciplinary Guidelines)
- K. Review and Discuss 2022 Legislation
  - 1. Senate Bill (SB) 1237 (Newman) Licenses: Military Service
  - 2. SB 1443 (Roth) The Department of Consumer Affairs
- L. Discuss and Possible Action on 2022-2024 Strategic Plan Objectives to:
  - 1. Explore the Etiquette of Social Media and Develop a Messaging Plan, Such as Celebrating New Licensees, to Reach Out to the Public and Practitioners
  - 2. Explore Linking LATC’s Website Directly to Other Jurisdictions’ and Licensing Boards’ Websites for Increased Licensee Awareness of What Other States are Doing and to Promote Dialogue
- M. Election of 2023 Committee Officers
- N. Review of Future Committee Meeting Dates
- O. 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 Committee 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 Committee are open to the public.

The LATC plans to webcast this meeting, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit [thedcapage.wordpress.com/webcasts/](http://thedcapage.wordpress.com/webcasts/). The meeting will not be cancelled if webcast is not available.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at their discretion, apportion available time among those who wish to speak.



Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee 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 disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

**Person:** Kourtney Nation

**Telephone:** (916) 575-7230

**Email:** [Kourtney.Nation@dca.ca.gov](mailto:Kourtney.Nation@dca.ca.gov)

**Telecommunication Relay Service:** Dial 711

**Mailing Address:**

Landscape Architects Technical Committee

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) 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 Committee 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 5620.1).***

DEPARTMENT OF CONSUMER AFFAIRS

CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

PROPOSED EMERGENCY REGULATORY LANGUAGE

Form of Examinations

**Legend:** Additions are shown in underline.  
Deletions are shown in ~~strikethrough~~

Amend Section 2615 in Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

**§ 2615. Form of Examinations**

(a)(1) A candidate who has a combination of six years of education and training experience as specified in section 2620 shall be eligible and may apply for the Landscape Architect Registration Examination (LARE).

(2) A candidate's score on the LARE shall not be recognized in this state if at the time the candidate took the LARE, the candidate was not eligible in accordance with California laws and regulations for the examination or sections thereof.

(23) Notwithstanding subdivision (a)(1), a candidate who has a degree from an accredited program in landscape architecture in accordance with section 2620(a)(1) or an extension certificate in landscape architecture from a Board-approved school in accordance with section 2620(a)(7) shall be eligible and may apply for Sections 1 and 2 of the Landscape Architect Registration Examination (LARE), and such candidates, from January 1, 2023 through September 1, 2023, shall be eligible and may apply for Section 4 of the LARE. From January 1, 2023 through September 1, 2023, ~~such candidates shall not be eligible for Sections 3 and 4 of the LARE until the candidate has a combination of six years of education and training experience as specified in section 2620. This subparagraph, Section 2615(a)(3), shall remain in effect only until September 1, 2023, and after that date shall be inoperative.~~

~~A candidate's score on the LARE shall not be recognized in this State if at the time the candidate took the LARE, the candidate was not eligible in accordance with California laws and regulations for the examination or sections thereof.~~

(b) A candidate shall be deemed eligible and may apply for the California Supplemental Examination upon passing all sections of the ~~Landscape Architect Registration Examination~~LARE.

(c) All candidates applying for licensure as a landscape architect shall pass all sections of the ~~Landscape Architect Registration Examination~~LARE or a written examination substantially equivalent in scope and subject matter required in California, as determined by the Board, and the California Supplemental Examination subject to the following provisions:

- (1) A candidate who is licensed as a landscape architect in a U.S. jurisdiction, Canadian province, or Puerto Rico by having passed a written examination substantially equivalent in scope and subject matter required in California as determined by the Board shall be eligible for licensure upon passing the California Supplemental Examination.
- (2) A candidate who is not a licensed landscape architect and who has received credit from a U.S. jurisdiction, Canadian province, or Puerto Rico for a written examination substantially equivalent in scope and subject matter required in California shall be entitled to receive credit for the corresponding sections of the ~~Landscape Architect Registration Examination~~LARE, as determined by the Board, and shall be eligible for licensure upon passing any remaining sections of the ~~Landscape Architect Registration Examination~~LARE and the California Supplemental Examination.

NOTE: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5651, Business and Professions Code.

Start Face Page:

Landscape Architects Technical Committee  
Disciplinary Guidelines and Model Orders  
(Revised OAL to insert year [202 ])



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Landscape Architects Technical Committee  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Phone: (916) 575-7230  
[www.latc.ca.gov](http://www.latc.ca.gov)

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*California Architects Board  
Landscape Architects Technical Committee*

**DISCIPLINARY GUIDELINES**

**I. INTRODUCTION**

To establish consistency in disciplinary penalties for similar offenses on a statewide basis, the California Architects Board (~~Board~~CAB), Landscape Architects Technical Committee (LATC) has adopted these uniform disciplinary guidelines for particular violations. This document, designed for use by Administrative Law Judges, attorneys, landscape architects, others involved in the disciplinary process, and ultimately the Board, ~~shall~~may be revised from time to time and will be distributed to interested parties upon request.

These guidelines include general factors to be considered, probationary terms, and guidelines for specific offenses. The guidelines reference the statutory and regulatory provisions for specific offenses ~~are referenced to the statutory and regulatory provisions~~.

For purposes of this document, terms and conditions of probation are divided into two general categories: (1) Standard Conditions are those conditions of probation which will generally appear in all cases involving probation ~~as a standard term and condition~~; and (2) Optional Conditions are those conditions which address the specific circumstances of the case and require discretion to be exercised depending on the nature and circumstances of a particular case.

The Board (~~CAB~~) recognizes ~~that~~ these recommended penalties and conditions of probation are merely guidelines, and ~~that~~ mitigating or aggravating circumstances ~~and~~ or other factors, may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken. All disciplinary actions will be published on the Internet to facilitate access under the California Public Records Act.

Additional copies of this document may be obtained by contacting the LATC~~CAB~~ at its office in Sacramento, California or accessing the document on-line at [www.latc.ca.gov](http://www.latc.ca.gov). There may be a charge assessed for providing paper copies sufficient to cover the direct costs of duplication.

**II. GENERAL CONSIDERATIONS**

**A. Citations**

This document covers considerations of disciplinary restrictions or penalties following the filing of an Accusation. For standards related to citations, please consult the Board's regulations commencing at Section 2630 of Title 16 of the California Code of Regulations.

**B. Proposed Decisions - General Considerations**

The Board requests ~~that~~ Proposed Decisions following administrative hearings include the following:

- a. Specific code sections violated, along with their descriptions~~definitions~~.

- b. Clear description of the underlying facts demonstrating the violation committed.
- c. Respondent's explanation of the violation if he or /she is they are present at the hearing.
- d. Findings regarding aggravation, mitigation, and rehabilitation where appropriate.
- e. When suspension or probation is ordered, the Board requests that the disciplinary order include terms within the recommended guidelines for that offense unless the reason for departure from the recommended terms is clearly set forth in the findings and supported by the evidence.

### **C. Stipulated Settlements**

The Board will consider stipulated settlements to promote cost effectiveness and to expedite disciplinary decisions if such agreements achieve its disciplinary objectives. Deputy Attorneys General should inquire as to Respondent's interest in stipulated settlement promptly after receipt of a notice of defense. If stipulated settlement appears unlikely, the case should be set for hearing. It is the Board's policy that matters resolved by stipulation include cost recovery.

### **D. Cost Reimbursement**

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases in which the licensee is found to have committed a violation. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

### **E. Criteria Factors to be Considered**

Substantially Related Criteria. The Board may deny, suspend, or revoke a license if the applicant or licensee has been convicted of a crime, professional misconduct, or act that is substantially related to the qualifications, functions, or duties of the profession, based on the criteria specified in section 2655 of article 1 of division 26 of title 16 of the California Code of Regulations.

Rehabilitation Criteria. When considering the denial, revocation, or suspension of a license on the ground that the applicant or licensee has been convicted of a crime, or disciplined for professional misconduct, the denial is based on one or more of the grounds specified in Business and Professions Code section 5653, a suspension or revocation of a licensee on the grounds of a disciplinary action as described in Business and Professions Code section 141, or one or more of the grounds specified in Business and Professions Code Article 5 of Chapter 3.5 of Division 3 of the Code, the Board shall consider whether the applicant or licensee has made a showing of rehabilitation based on the criteria specified in section 2656 of article 1 of division 26 of title 16 of the California Code of Regulations.

### **F. Mitigation and Rehabilitation Evidence**

The following are among mitigating circumstances that may be taken into account by ALJs in providing for penalties in proposed decisions:

- The licensee has cooperated with the Board's investigation, other law enforcement or

regulatory agencies, and/or the injured parties.

- The passage of considerable time since an act of professional misconduct occurred with no evidence of recurrence or evidence of any other professional misconduct.
- Convincing proof of rehabilitation
- Demonstration of remorse by the licensee.
- Recognition by licensee of their wrongdoing and demonstration of corrective action to prevent recurrence.
- Violation was corrected without monetary losses to consumers and/or restitution was made in full.

The following are examples of types of evidence which the licensee/applicant (respondent) may submit to the Board to demonstrate their rehabilitative efforts and competency and the Board will review the evidence submitted:

- Recent, dated, written statements and/or performance evaluations from persons in positions of authority who have on-the-job knowledge of the respondent's work as a landscape architect that include the period of time and capacity in which the person worked with the respondent. Such reports must be signed under penalty of perjury and will be subject to verification by Board staff.
- Recent, dated, letters from counselors regarding the respondent's participation in a rehabilitation or recovery program, which should include at least a description and requirements of the program, a therapist or mental health professional's diagnosis of the condition and current state of recovery, and the therapist or mental health professional's basis for determining rehabilitation. Such letters and reports will be subject to verification by Board staff.
- Recent, dated letters describing the respondent's participation in support groups, (e.g., Alcoholics Anonymous, Narcotics Anonymous, professional support groups, etc.). Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from probation or parole officers regarding the respondent's participation in and/or compliance with terms and conditions of probation or parole, which should include at least a description of the terms and conditions, and the officer's basis for determining compliance. Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from persons familiar with respondent in either a personal or professional capacity regarding their knowledge of: the respondent's character; the respondent's rehabilitation, if any; the conduct of which the respondent is accused; or any other pertinent facts that would enable the Board to better decide the case. Such letters must be signed under penalty of perjury and will be subject to verification by Board staff.

~~In determining whether revocation, suspension or probation is to be imposed in a given case, factors such as the following should be considered:~~

- ~~1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.~~
- ~~2. Actual or potential harm to any consumer, client or the general public.~~
- ~~3. Prior disciplinary record.~~
- ~~4. Number and/or variety of current violations.~~
- ~~5. Mitigation evidence.~~
- ~~6. Rehabilitation evidence.~~



7. ~~In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.~~
8. ~~Overall criminal record.~~
9. ~~Time passed since the act(s) or offense(s) occurred.~~
10. ~~Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.~~
11. ~~Recognition by respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.~~

### III. DEFINITION OF PENALTIES

**Revocation:** Loss of a license as the result of any one or more violations of the Landscape Architects Practice Act. Revocation of a license is permanent, unless the respondent takes affirmative action to petition the Board for reinstatement of ~~his/her~~their license and demonstrates to the Board's satisfaction that ~~he/she is~~they are rehabilitated.

**Suspension:** Invalidation of a license for a fixed period of time, not to exceed a period of one year.

**Stayed Revocation:** Revocation of a license, held in abeyance pending respondent's compliance with the terms of ~~his/her~~their probation.

**Stayed Suspension:** Suspension of a license, held in abeyance pending respondent's compliance with the terms of ~~his/her~~their probation.

**Probation:** A period during which a respondent's sentence is suspended in return for respondent's agreement to comply with specified conditions relating to improving ~~his/her~~their conduct or preventing the likelihood of a reoccurrence of the violation.

**Public Reproval:** A form of written censure or reprimand placed in a public document that is served on the licensee. It is considered part of the licensee's disciplinary history and public record with the Board.

### IV. DISCIPLINARY GUIDELINES

The offenses are listed by ~~statute~~section number in the Business and Professions Code or California Code of Regulations. The standard terms of probation as stated herein shall be included for all probations. The optional conditions of probation as stated herein are to be considered and imposed along with any other optional conditions if facts and circumstances warrant. The number(s) in brackets ~~listed after each condition of probation~~ refers to the specific standard or optional conditions of probation~~listed on pages XX—XX.~~

#### A. Business and Professions Code ~~BUSINESS AND PROFESSIONS CODE SECTIONS~~

##### Section 5616: Requirements for Landscape Architecture Contract

Maximum: Revocation

**Minimum:** Stayed revocation and 3 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

- a. Restitution [#17] (if applicable)

**Section 5640: Unlicensed Person -- Sanctions For Engaging in Practice-- Sanctions**

~~Applicant~~ **Maximum:** Revocation or Denial of application for a license application

~~Applicant~~ **Minimum:** Ninety (90) days actual suspension Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. All standard conditions of probation [#1-#7] Ethics course [#15]
- b. Restitution [#17] (if applicable)

**Section 5642: Partnership, Corporation -- Unlicensed Person in a Partnership or Corporation**

**Maximum:** Revocation

**Minimum:** Stayed Revocation, 90 days' actual suspension [#12], and probation for 5 years' probation on all standard conditions [#1-11]. the following conditions

- a. All standard conditions of probation [#1-#7]
- b. Cost reimbursement [#11]

**Section 5659: Failure to Include License Number**

**Maximum:** Revocation

**Minimum:** Stayed revocation and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Restitution [#17] (if applicable)

**Section 5666: Practice in Violation of Practice Act**

The appropriate disciplinary action depends on the nature of the offense.

**Maximum/Minimum:** See section of these guidelines showing specific statute/regulation violated for recommended penalty

**Section 5667: Fraud, Misrepresentation – Obtaining License Obtained by Fraud, Misrepresentation**

**Maximum/Minimum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

a. Ethics course [#15]

**Section 5668: Person Impersonating Landscape Architect – Practice Or Under Assumed Name**

~~Licensee~~ **Maximum:** Revocation

~~Licensee~~ **Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~ba. Continuing education courses~~ Ethics course [#1015]

~~cb. Cost reimbursement [#11]~~

~~de. Restitution [#1217] (if applicable)~~

**Section 5669: Licensee Aiding, Abetting – Unlicensed Practice**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~ba. Continuing education courses~~ Ethics course [#1015]

~~cb. Cost reimbursement [#11]~~

~~de. Restitution [#1217] (if applicable)~~

**Section 5670: Fraud, Licensee Deceit in Practice or Fraud**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7] Ethics course [#15]~~
- b. Continuing education courses [#1016]
- c. ~~Cost reimbursement [#11]~~
- d. ~~Restitution [#1217] (if applicable)~~

**Section 5671: Negligence, ~~Willful Misconduct~~ in Practice**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted,~~ the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7]~~
- ~~b.~~ a. Continuing education courses [#1016]
- ~~c.~~ b. Cost reimbursement [#11]
- ~~d.~~ c. Restitution [#1217] (if applicable)

**Section 5671: Willful Misconduct in Practice**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. -Restitution [#17] (if applicable)

**Section 5672: Licensee Gross Incompetence in Practice**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted,~~ the following optional conditions:

- ~~a.~~ a. ~~All standard conditions of probation [#1-#7]~~
- ~~b.~~ b. ~~Written examination [#109]~~
- a. California Supplemental Examination [#13]

~~eb.~~ Continuing education courses [#1016]

~~dc.~~ Cost reimbursement [#11]

~~ed.~~ Restitution [#1217] (if applicable)

**Section 5673: Licensee's False Use of Signature, Stamp**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted, the following optional conditions:~~

~~a.~~ All standard conditions of probation [#1-#7]

~~ba.~~ Continuing education courses Ethics course [#1015]

~~eb.~~ Cost reimbursement [#11]

~~dc.~~ Restitution [#1217] (if applicable)

**Section 5675: Sanctions for Licensee Felony Conviction – Sanctions**

**Maximum:** ~~Revocation or denial of license application~~

**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted, the following optional conditions:~~

~~a.~~ All standard conditions of probation [#1-#7]

~~b.~~ Continuing education courses #10]

~~c.~~ Cost reimbursement [#11]

~~d.~~ Restitution [#12]

~~ea.~~ Criminal Pprobation Rreports [#1318]

**Section 5675.5: Public Agency – Disciplinary Action By Public Agency**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted, the following optional conditions:~~

~~a.~~ All standard conditions of probation [#1-#7]

~~ba.~~ Continuing education courses [#1016]

~~eb. Cost reimbursement [#11]~~

~~ed. Restitution [#12-17] (if applicable)~~

**Section 5676: Plea of Nolo Contendere—Sanctions for Criminal Conviction—Sanctions**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted, the following optional conditions:~~

~~a. All standard conditions of probation [#1-7]~~

~~b. Continuing education courses #10]~~

~~c. Cost reimbursement [#11]~~

~~d. Restitution. [#12]~~

~~ea. Criminal Pprobation Rreports [#13-18]~~

**Section 5678: Licensee Failure to Report of Settlement or Arbitration Award—Licensee**

**Maximum:** Revocation

**Minimum:** Civil Penalty (see Model Orders section)

**B. General Provisions of Business and Professions Code** GENERAL PROVISIONS OF BUSINESS AND PROFESSIONS CODE

**Section 125.6: Licensee's Discrimination Against Individuals Based upon Personal Characteristics by Licensee**

**Maximum:** Revocation

**Minimum:** Stayed revocation, ~~60~~ 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11].

~~a. All standard conditions of probation [#1-7]~~

~~b. Cost reimbursement [#11]~~

**Section 140: Failure to Record Transactions Involving Wages or Make Those Records Available**

**Maximum:** Revocation

**Minimum:** Stayed revocation and 3 years' probation on all standard conditions [#1-11].

**Section 141:** **Disciplinary Action Taken Against Licensee by Another State, an Agency of the Federal Government, or Another Country**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Continuing education courses [#16]
- b. Restitution [#17] (if applicable)

**Section 143.5** **Settlement Agreements Prohibited Provisions; Regulations; Exemptions**

**Maximum:** Revocation  
**Minimum:** Stayed revocation and 3 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

- a. Ethics course [#15]

**Section 480 (a):** **Applicant's Grounds for Denial of the License Application of Licenses**

~~An applicant's application may be denied for (1) conviction of a crime; (2) any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; (3) any act which if done by a licensee would be grounds for suspension or revocation of license; or (4) knowingly making a false statement of fact required to be revealed in the application for such license.~~

**Maximum/Minimum:** Denial of license application  
**Minimum:** Issue initial license, stayed revocation, and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. Restitution [#17] (if applicable)

**Section 490:** **Grounds for Suspension, Revocation; Conviction of Crime**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

a. Criminal probation reports [#18]

**Section 496: Subversion of Licensing Examinations or Administration of Examinations**

**Maximum/Minimum:** Revocation or denial of license application  
**Minimum:** Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

a. Ethics course [#15]

b. Continuing education courses [#16]

c. Restitution [#17] (if applicable)

**Section 499: Licensee's False Statement in Support of Application Not Their Own**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

a. Ethics course [#15]

**C. California Code of Regulations CALIFORNIA CODE OF REGULATIONS**  
**Division 2, Title 16, Division 2, Chapter 26, Article 1. General Provisions**

**Section 2670: Rules of Professional Conduct**

**(a) Competence**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

a. California Supplemental Examination [#13]

b. Continuing education courses [#1016]

~~c. Cost reimbursement [#11]~~

~~d. Restitution [#1217] (if applicable)~~

**(b) Willful Misconduct**



**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. Restitution [#17] (if applicable)

**(bc) Full Disclosure**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7]~~ Ethics course [#15]
- b. ~~Continuing education courses [#10]~~
- eb. Cost reimbursement [#11]
- dc. Restitution [#1217] (if applicable)

**(ed) Informed Consent**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7]~~
- ba. Continuing education courses [#1016]
- eb. Cost reimbursement [#11]
- dc. Restitution [#1217] (if applicable)

**(de) Conflict of Interest**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7]Ethics course [#15]~~
- b. ~~Continuing education courses [#10]~~
- c. ~~Cost reimbursement [#11]~~
- d. ~~Restitution [#12-17] (if applicable)~~

**(ef) Copyright Infringement**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7]Ethics course [#15]~~
- b. ~~Continuing education courses [#10-16]~~
- c. ~~Cost reimbursement [#11]~~
- d. ~~Restitution [#12-17] (if applicable)~~

**V.D. Violation of Probation ~~VIOLATION OF PROBATION~~**

**Maximum Penalty**

Actual suspension; vacate stay order and reimpose penalty that was previously stayed; and/or revoke, separately and severally, for violation of probation and/or for any additional offenses.

**Minimum Penalty**

Actual suspension and/or extension of probation.

The maximum penalty is appropriate for repeated similar offenses, or for probation violations indicating a cavalier or recalcitrant attitude. If the probation violation is due in part to the commission of additional offense(s), additional penalties shall be imposed according to the nature of the offense; and the probation violation shall be considered as an aggravating factor in imposing a penalty for those offense(s).

**V. MODEL ORDERS**

**A. Licensee**

**Revocation of License**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is revoked.

Respondent shall relinquish and forward or deliver their license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision. Respondent may not reapply or petition the Board for reinstatement of their revoked license for one (1) year from the effective date of this Decision.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$ \_\_\_\_\_ within thirty (30) days of the effective date of this Decision.

**Option:** As a condition precedent to reinstatement of their revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$ \_\_\_\_\_. Said amount shall be paid in full prior to the reinstatement of their license unless otherwise ordered by the Board.

### **Revocation Stayed and Licensee Placed on Probation**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is revoked; however, the revocation is stayed and respondent is placed on probation for \_\_\_\_\_ years on the following terms and conditions:

#### **Public Reproval**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is publicly reproved. This reproval constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

#### **Surrender of License in Lieu of Revocation**

Respondent \_\_\_\_\_ surrenders Landscape Architect License No. \_\_\_\_\_ as of the effective date of this Decision. Respondent shall relinquish and forward or deliver their license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision.

The surrender of respondent's license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against respondent. This Decision constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

### **B. Petition for Reinstatement**

#### **Grant Petition with No Restrictions on License**

The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby granted, and petitioner's landscape architect license shall be fully restored.

#### **Grant Petition and Place Licensee on Probation**

The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby granted, and petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and the petitioner shall be placed on probation for a period of \_\_\_\_\_ years on the following terms and conditions:

### **Grant Petition and Place Licensee on Probation After Completion of Conditions Precedent**

The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby granted, and petitioner's landscape architect license shall be fully reinstated upon completion of the following conditions precedent (examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take the California Supplemental Examination, and/or specified sections of the Landscape Architect Registration Examination (LARE):

Upon completion of the conditions precedent above, and satisfaction of all statutory and regulatory requirements for issuance of a license, petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of \_\_\_\_\_ years on the following terms and conditions (list standard and applicable optional conditions of probation):

### **Deny Petition**

The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby denied.

## **C. Petition to Revoke Probation**

### **Revocation of Probation**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is revoked. Petitioner is not eligible to apply for reinstatement or reduction of penalty for one year from the effective date of this decision.

### **Extension of Probation**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is revoked; however, the revocation is stayed, and respondent is placed on probation for an additional \_\_\_\_\_ year(s) on the following terms and conditions:

## **D. Applicant**

(in cases where a Statement of Issues has been filed)

### **Grant Application with No Restrictions on License**

The application filed by respondent \_\_\_\_\_ for initial licensure is hereby granted, and a landscape architect's license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees.

## **Grant Application and Place Licensee on Probation**

The application filed by respondent \_\_\_\_\_ for initial licensure is hereby granted, and a landscape architect's license shall be issued to respondent upon successful completion of all licensing requirements, including payment of all fees. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for \_\_\_\_\_ years on the following terms and conditions:

## **Grant Application and Place Licensee on Probation After Completion of Conditions Precedent**

The application filed by respondent \_\_\_\_\_ for initial licensure is hereby granted, and a landscape architect's license shall be issued to respondent upon the following conditions precedent (examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take the California Supplemental Examination, and/or specified sections of the LARE):

Upon completion of the conditions precedent above and successful completion of all licensing requirements, including payment of all fees, respondent shall be issued a landscape architect's license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for \_\_\_\_\_ years on the following terms and conditions (list standard and applicable optional conditions of probation):

## **Deny Application**

The application filed by respondent \_\_\_\_\_ for initial licensure is hereby denied.

## **Civil Penalty**

Respondent shall pay to the Board a civil penalty in the amount of \$ \_\_\_\_\_ [not less than \$100 and not more than \$1,000; and if there is continued knowing and intentional failure to report, the Board may assess an additional civil penalty up to \$20,000} pursuant to Business and Professions Code section 5678.] Respondent shall make the payments as follows: \_\_\_\_\_.

[Term only applicable to Business and Professions Code section 5678 violations and used in lieu of revocation.]

## **VI. STANDARD CONDITIONS OF PROBATION**

### **A. Standard Conditions**

**(I to be included in all cases of probation)**

The Board reserves the discretion to waive any conditions of probation on a case-by-case basis.

#### **1. Obey All Laws**

Respondent shall obey all federal, state, and local laws and regulations governing the practice of landscape architecture in California and comply with all conditions of probation.

## 2. **Submit Quarterly Reports**

Respondent, within 10 days of completion of the quarter, shall submit completed quarterly written reports to the Board, on a Quarterly Report of Compliance form (10/98) obtained from the Board (Attachment A). Respondent's quarterly written report to the Board shall include the following:

1. Respondent's full legal name, telephone number, and address of record,
2. Name of the firm respondent works for, respondent's title, firm address and telephone number,
3. A statement of all of Respondent's landscape architecture activities during this reporting period. The statement shall include: the client's name, address and telephone number, project title/address, project description, project's start and end date and a description of Respondent's involvement.
4. A list of any other of Respondent's activities related to the practice of landscape architecture by activity and date; and,
5. A certification under penalty of perjury that the information provided in the report is true and correct.

## 3. **Personal Appearances**

Upon reasonable notice by the Board, ~~the~~ respondent shall report to and make personal appearances at times and locations as the Board may direct.

## 4. **Cooperate During Probation**

Respondent shall cooperate fully with the Board, and with any of its agents or employees in their supervision and investigation of ~~his/her~~ their compliance with the terms and conditions of this probation. Upon reasonable notice, ~~the~~ respondent shall provide the Board, its agents or employees, with the opportunity to review all plans, specifications, and instruments of service prepared during the period of probation.

## 5. **Maintain Active and Current License**

Respondent shall maintain an active and current license to practice landscape architecture in California for the length of the probation period. Failure to pay all renewal fees prior to respondent's license expiration date shall constitute a violation of probation. If the license is expired at the time the Board's decision becomes effective, the license must be renewed within 30 days of the effective date of the decision.

## 6. **Notification of Changes to Address and/or Telephone Number**

Respondent shall notify the Board in writing of any and all changes to their address of record and/or telephone number within 10 calendar days of such change.

## 57. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice**

In the event respondent should leave California to reside or to practice outside the State or for any reason stops practicing landscape architecture in California, respondent shall notify the Board or its designee in writing within 10 ~~ten~~ days of the dates of departure and return,

or the dates of non-practice or the resumption of practice within California. Respondent's probation is tolled when they cease practicing in California. Non-practice is defined as any period of time exceeding 30~~thirty~~ days in which respondent is not engaging in any activities defined in Section 5615 of the Business and Professions Code. All provisions of probation other than the quarterly report requirements, examination requirements, and education requirements, shall be held in abeyance until respondent resumes practice in California. All provisions of probation shall recommence on the effective date of resumption of practice in California. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period. Respondent shall not be relieved of the obligation to maintain an active and current license with the Board. It shall be a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total of five years.

Periods of non-practice do not relieve Respondent of the responsibility to comply with the terms and conditions of probation.

## **68. Violation of Probation**

If respondent violates probation in any respect, the Board, after giving respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that ~~which~~ was stayed. If an accusation or a petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction ~~until the matter is final~~, and the period of probation shall be extended until the matter is final.

## **9. License Surrender While on Probation**

Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request, in writing, the voluntary surrender of Respondent's license to the Board. Respondent's written request to surrender their license shall include the following: their name, license number, case number, address of record, and an explanation of the reason(s) why Respondent seeks to surrender their license.

The Board reserves the right to evaluate the Respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. **The Board will consider whether the request would compromise public protection under the following circumstances: when respondent has (1) an unsatisfied cost recovery, fine, or restitution order, (2) an Accusation or Petition to Revoke Probation that has been served on respondent alleging violations of this probation, or (3) an unresolved complaint or investigation pending with the Board.** Respondent shall not be relieved of the requirements of their probation unless the Board or its designee notifies respondent in writing that Respondent's request to surrender their license has been accepted.

Upon formal acceptance of the surrender, Respondent shall, within 15 days, deliver Respondent's wall certificate to the Board or its designee and shall no longer practice as a landscape architect. Respondent will no longer be subject to the terms and conditions of probation and the surrender of Respondent's license shall be deemed disciplinary action.

If Respondent re-applies for a landscape architect's license, the application shall be treated as a petition for reinstatement of a revoked license.

**710. Completion of Probation**

Upon successful completion of probation, respondent's license will be fully restored.

**11. Cost Reimbursement**

Respondent shall reimburse the Board \$ \_\_\_\_\_ for its investigative and prosecution costs. The payment shall be made within \_\_\_\_\_ days/months of the date the Board's Decision is final.

Option: The payment shall be made as follows: \_\_\_\_\_ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

~~VII. OPTIONAL CONDITIONS OF PROBATION~~

**B. Optional Conditions**

**812. Suspension**

Respondent is suspended from the practice of landscape architecture for \_\_\_\_\_ days beginning on the effective date of this Decision.

**13. California Supplemental Examination**

Option 1 (Condition Subsequent)

Within six months of the effective date of this Decision, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board.

If respondent fails to pass said examination within six months, respondent shall notify the Board and shall cease practice until respondent passes said examination, has submitted proof of same to the Board, and has been notified by the Board that they may resume practice. It is a violation of probation for Respondent to be unable to pass the CSE for a period exceeding a total of three years. Respondent must comply with tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence or In-State Non-Practice) of this order while not practicing and is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall pass the California Supplemental Examination (CSE) designated by the Board within two years of the effective date of this Decision.

This probationary period shall not commence until respondent passes said examination, has submitted proof of same to the Board, and has been notified by the Board that they may resume practice. Respondent is responsible for paying all costs of such examination.

**914. Written Examination**



### Option 1 (Condition Subsequent)

Within one year of the effective date of this Decision, Respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (L-A-R-E-).

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he/she/they may resume practice. It shall be a violation of probation for Respondent to be unable to pass the LARE for a period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation. Respondent must comply with tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence or In-State Non-Practice) of this order while not practicing and is responsible for paying all costs of such examination.

### Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (LARE) within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and passes said examination, has submitted proof of same to the Board, and has been notified by the Board that they may resume practice. Respondent is responsible for paying all costs of such examination.

## **15. Ethics Course**

Within 30 days of the effective date of this Decision, respondent shall submit to the Board's office by mail a written request for prior approval by the Board or its designee of a course in ethics that will be completed within the first year of probation. Respondent shall submit with the written request for approval the name of the course provider and a copy of the course outline, syllabus, or a description for the proposed course. The request shall contain, at a minimum, the following:

- (1) A short, descriptive title of the educational program;
- (2) A statement of educational objectives;
- (3) Length of the educational program;
- (4) Sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured; and,
- (5) Instructional mode or methods.

The Board shall approve any course that is directly relevant to the subject matter of the violation(s) alleged in the Board's decision placing respondent on probation, offered by an approved provider. Approved providers are the American Society of Landscape Architects (ASLA), a Landscape Architecture Continuing Education System (LA CES) provider, any provider approved by the United States Department of Education. The Board may approve other providers of courses determined equivalent on a case-by-case basis.

Failure to satisfactorily complete the required course within the first year of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board or its designee for approval the specifics of the course required by this condition, and for paying all costs of said course.

#### **4016. Continuing Education Courses**

Respondent shall successfully complete and pass professional education courses, approved in advance by the Board or its designee, directly relevant to the violation as specified by the Board. The professional education courses shall be completed within a period of time designated by the Board or its designee, which timeframe shall be incorporated as a condition of this probation.

Failure to satisfactorily complete the required courses as scheduled or failure to complete same no later than one year 400 days prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board or its designee for its approval the specifics of each course required by this condition, and for paying all costs of such courses. To obtain prior approval, respondent shall submit a written request by mail to the Board's offices for approval by the Board or its designee of requested professional education courses. Respondent shall submit with the written request for approval the name of the course provider(s) and a copy of the course outline, syllabus, or a description for the proposed course(s). The request shall contain, at a minimum, the following:

- (1) A short, descriptive title of the educational program(s);
- (2) A statement of educational objectives;
- (3) Length of the educational program(s);
- (4) Sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured; and,
- (5) Instructional mode or methods.

The Board shall approve any course directly relevant to the subject matter of the violation(s) alleged in the Board's decision placing respondent on probation and is offered by an approved provider. Approved providers are ASLA, a LA CES provider, approved by the United States Department of Education. The Board may approve other providers of courses determined equivalent on a case-by-case basis.

#### **11. Cost Reimbursement**

Respondent shall reimburse the Board \$ \_\_\_\_\_ for its investigative and prosecution costs. The payment shall be made within \_\_\_\_\_ days/months of the date the Board's decision is final.

Option: The payment shall be made as follows: \_\_\_\_\_ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

#### **4217. Restitution**

Within \_\_\_\_\_ days of the effective date of this Decision, respondent shall make restitution to \_\_\_\_\_ in the amount of \$\_\_\_\_\_ and shall provide the Board with proof from \_\_\_\_\_ attesting that the full restitution has been paid. In all cases, restitution shall be completed no later than one year before the termination of probation.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

#### **4318. Criminal Probation Reports**

If respondent is convicted of any crime, Respondent shall provide the Board with a copy of the standard conditions of the criminal probation, copies of all criminal probation reports, and the name of their probation officer.

#### **14. ~~Relinquish License and Wall Certificate~~**

~~Respondent shall relinquish and shall forward or deliver the license to practice and the wall certificate to the Board within 10 days of the effective date of this decision and order.~~

#### **4519. Notification to Clients/Cessation of Practice**

In orders which provide for a cessation or suspension of practice, within 30 days of the effective date of this Decision, respondent shall ~~comply with procedures provided by the Board regarding notification to, and management of,~~ provide all clients with whom they have a current contractual relationship in the practice of landscape architecture with a copy of the Decision and Order of the Board and provide the Board with evidence of such notification, including the name and address of each person or entity required to be notified.

#### ***II. REHABILITATION CRITERIA***

**California Code of Regulations, Title 16, Division 26, Section 2656, Criteria for Rehabilitation states:**

- (a) ~~When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his 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 a landscape 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 present eligibility for a license, 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 a petition for reinstatement of the license of a landscape architect, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

**CALIFORNIA ARCHITECTS BOARD**  
**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

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Sacramento, CA 95814

Phone: (916) 445 4954 Fax: (916) 324 2333

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State of California

Department of Consumer Affairs

Gray Davis, Governor



DEPARTMENT OF CONSUMER AFFAIRS, BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

CALIFORNIA ARCHITECTS BOARD



**Landscape Architects Technical Committee**

Public Protection through Examination, Licensure, and Regulation



Gavin Newsom,  
Governor

**Attachment A**

**QUARTERLY PROBATION REPORT OF COMPLIANCE**

1. NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
(Last/First/Middle) (Residence)

RESIDENCE ADDRESS  
OF RECORD: \_\_\_\_\_

— CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

2. NAME OF FIRM: \_\_\_\_\_ YOUR TITLE: \_\_\_\_\_

— FIRM ADDRESS: \_\_\_\_\_

— CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

---

TELEPHONE #: ( ) \_\_\_\_\_

3. On the back second page of this form detail your landscape architectural activities for the probation period beginning:

beginning \_\_\_\_\_ and ending \_\_\_\_\_  
Mo. Day Year Mo. Day Year

4. SiteList any other activities related to the practice of landscape architecture:

<i>ACTIVITY</i>	<i>DATE</i>

5. I declare under penalty of perjury under the laws of the State of California that the information contained in this quarterly report regarding my professional practice is true and correct.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

DATE: \_\_\_\_\_ QUARTER: \_\_\_\_\_ YEAR: \_\_\_\_\_

CLIENT NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
(Last/First/Middle)

—ADDRESS: \_\_\_\_\_

—CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
(Last/First/Middle)

—ADDRESS: \_\_\_\_\_

—CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
(Last/First/Middle)

—ADDRESS: \_\_\_\_\_

—CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START COMPLETE	YOUR INVOLVEMENT



DEPARTMENT OF CONSUMER AFFAIRS • BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
CALIFORNIA ARCHITECTS BOARD

# Landscape Architects Technical Committee

*Public Protection through Examination, Licensure, and Regulation*



Governor  
Gavin Newsom

# Fee Analysis Report

## October 2022



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# A. Background

## Mission

The Landscape Architects Technical Committee (LATC) regulates the practice of landscape architecture through the enforcement of the LATC Practice Act to protect consumers, and the public health, safety, and welfare while safeguarding the environment.

## Fee Study Purpose, Objectives & Scope

This fee analysis project is intended to help ensure the LATC can fulfill its mission by identifying funding resources needed to meet ongoing demands. The LATC is required to maintain sufficient financial resources to meet its important roles of regulating the profession of landscape architecture and helping to protect Californians.

This report analyzes the LATC's existing fee level amounts to determine whether the fees levied on examination applicants, initial licensure, and renewal licensure are appropriate and properly aligned for the full recovery of the actual costs of conducting LATC regulatory activities.

This report summarizes the analytical methodology, observations, and findings of the LATC's fee study analysis. It details the analysis that resulted in calculations of costs for individual applicants and licensees.

The primary objectives of this analysis are to ensure the LATC is fully accounting for all its costs and recovering sufficient revenues to be reimbursed for its expenses.

The LATC's primary sources of revenues result from examination and license fees. Current law requires the LATC to be self-supporting from these revenue sources to fully-fund any costs to the program.

The scope of this study includes:

- Examining historical, current, and projected expenditures, revenues, and staffing.
- Calculating the full direct cost of applicants and licensees.
- Allocating indirect costs by application and license type.
- Determining total direct and indirect costs by application and license type.
- Developing expenditure and revenue projections from fiscal year (FY) 2024-25 through FY 2029-30.

## B. Fee Analytical Methodology

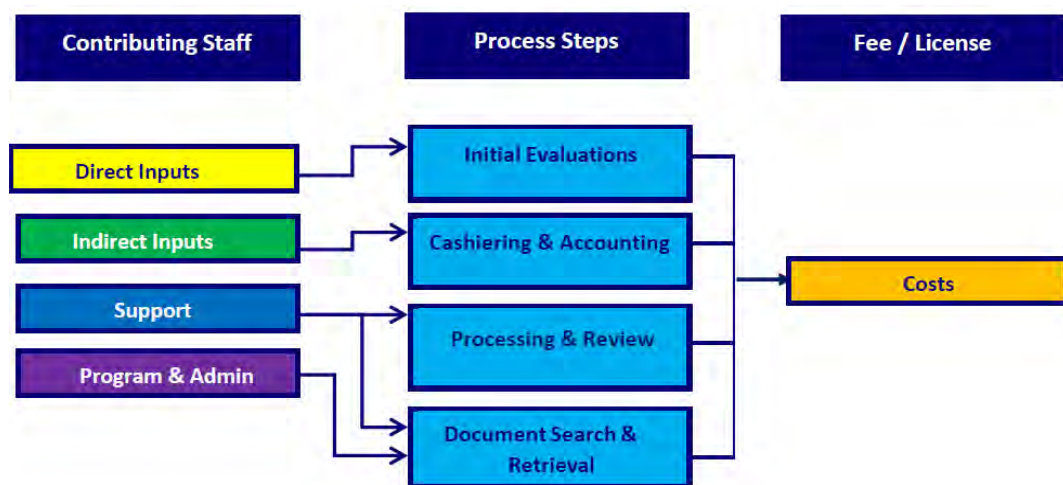
### Driver-Based Methodology:

This analysis is a traditional driver-based cost model used to calculate the costs of LATC's application and license types. It is based on the principle of determining all direct and indirect cost inputs at an operational level.

LATC management and staff contributed to this project by participating in interviews and providing periodic assessments during the analytical process. Additionally, LATC process workflow maps completed in cooperation with the Department of Consumer Affairs were used to confirm and verify workload estimates.

The following diagram depicts the driver-based cost model (example):

### Driver-Based Cost Model



### Fee Analysis Steps

Step #1: Collect Data – Interviews were conducted with LATC management and staff to identify the various job classifications, tasks, and timeframes to complete each task within LATC's various units providing direct support workload services.

Additionally, LATC fiscal data was collected and aggregated including: historical actual, current, and future projected expenditures and revenues, staffing allocations, salary and benefits, non-personnel expenditures, and all other direct and indirect costs.

Step #1 includes:

- Identifying personnel – Program unit, job classification, titles, and names.
- Identifying direct processes and activities – Direct workload tasks to process an application or license type.
- Collecting application and license volume data – The number of times an application is submitted and processed per year.
- Identifying and allocating non-personnel costs – Overhead, operating expenses and equipment (OE&E), and other costs.
- Identifying any other expenses allocated in other program areas – Includes enforcement, administration, information technology (IT), and other costs.
- Identifying indirect processes and activities – Includes all other support functions and costs, which do not directly apply to the processing of a specific application or license type.

Step #2: Build Cost Structures – This step continued interaction with the LATC management and staff to develop time estimates for both direct and indirect processes in each program area by application and license type. The sum of all workload tasks determines the total time required to process the application or license type.

Step #2 includes:

- Calculating direct workload costs hours – Per application and license type.
- Determining and assigning indirect timeframes – An annual time estimate is determined to assign indirect cost allocations.
- Calculating full direct and indirect costs (per unit) – By application and license type (per unit).
- Calculating total costs by application and license type (per unit) - Total direct and indirect costs aggregated with application and license type volume data to assign total costs per application and license type (per unit).
- Calculating projected future costs and revenue models to align and ensure future fund solvency.
- Quality Assurance – Crosscheck and verify assigned workload hours and costs with budgeted resource allocations.

Step 3: Determine Cost Recovery Policy – The LATC is authorized to establish fee amount rates as a policy cost recovery decision. The fee amount level may not be higher than the costs related to the application or license type but may be established at a lower amount as a policy decision.

Such a policy decision may include the LATC opting to subsidize one application or license type with revenues derived from other sources.

Step 4: Set fee Levels Amounts – Fee level amounts are statutorily required to be based on the actual costs related to each application or license type. Fee amounts should be established to fully recover the LATC’s projected costs to ensure ongoing operations and fund solvency.

## Quality Assurance

Ensuring the accuracy, quality, and integrity of each step in the process, including data inputs, quantitative analysis, and results are fundamental priorities of this report.

This analysis builds-in automatic quantitative checks as follows:

- Total costs (budgeted expenditures) assigned to the model equals total revenues.
- Total number of staffing hours available fully accounted and distributed.
- Current and projected expenditures and revenues are reasonably consistent with actual or projected values reported by the state.

## Input Data and Information

The primary sources of input data and information include:

1. Actual and projected expenditure and revenue data (FY 2016-17 through FY 2029-30), including:
  - a. Personal services
  - b. Operating expenses and equipment
  - c. Distributed administrative
  - d. Other state agency and contracts
2. Workload tasks and timeframe estimates to process each application type
3. Indirect costs include:
  - a. Program, policy, and administration
  - b. Enforcement-related support
  - c. Distributed administrative
  - d. Inter-Agency agreements and contracts
4. Total number of each application type received and processed
5. Revenues collected by application and license type

## Key Assumptions

This project includes various key assumptions.

## Expenditure Data – Historical, Current & Projected

This analysis is based on the FY 2022-23 Budget Act (Chapter 43, Statutes of 2022) and examines actual expenditure and revenue data from prior years dating back to FY 2016-17. These expenditure and revenue baselines are used to project the LATC's future baseline budgets beginning in FY 2024-25, which would be the first full fiscal year upon implementation of any statutory fee level adjustments included in the FY 2022-23 legislative session.

Additionally, the LATC is currently undergoing an IT business modernization project (BMP) to update existing IT legacy systems. The LATC is currently in year-two of the BMP IT schedule and costs may be required to be adjusted due to operational delays or other factors.

Future projected expenditures include typical and standard employee compensation and retirement rate benefit adjustments. However, the projected employee staffing compositions remain consistent with current levels.

## Revenue Data – Based on Actuals

The LATC's application and licensee populations have remained relatively consistent in recent years and are projected to continue using historical trends. This analysis assumes application workload will remain consistent using historical and current rates and trends.

## Direct Allocated Costs

Direct costs include:

- Actual assigned staff, workload tasks, and timeframes required to process a specific application or license type.
- Actual and projected personal services costs.

## Indirect Allocated Costs

Indirect costs include:

- Management, enforcement, administration
- Operating expenses and equipment
- Distributed administration
- Other state agency and contracts

## C. Observations

### High Fund Balance Reserve & Historical Reversions (savings):

Notably, the LATC had a significant fund balance reserve of 31.9 months ending in FY 2016-17, which exceeded the 24-month maximum cap established under current law.

Since that time, the LATC has been and remains structurally imbalanced with revenues collected less than actual expenditures. Additionally, the LATC has historically not fully expended its annual appropriation and reverted savings.

These two factors of a significantly high fund balance reserve and annual reversions may have in the past contributed to obscuring the need to increase fee level amounts and eliminate the ongoing structural imbalance.

### Licensee Population:

The number of individuals applying for licensure and the existing licensee population have a direct impact on fee levels. Assuming costs and revenues remain constant, the greater number of individuals paying fee assessments will result in lower costs per individual.

The LATC's staffing levels and licensee population are amongst the smallest within the Department of Consumer Affairs. Any additional cost pressures or revenue increases may have a proportionally greater impact on individuals than on programs with larger licensee populations.

## Notable Impacts

Additionally, several other factors have recently resulted in higher cost pressures and increased budget appropriations, which have exacerbated the structural imbalance and accelerated fund insolvency.

1. Staffing Costs: Prior to FY 2019-20, the LATC staffing composition was comprised of 1.0 Staff Services Manager I, 3.0 Staff Services Analysts (SSA), and 1.0 Office Technician (OT).

In FY 2020-21, 1.0 SSA was promoted to an Associate Governmental Program Analyst (AGPA) position and 1.0 SSA was promoted to an AGPA in FY 2021-22. Budgeted personal services costs have increased by \$114,000 (24%) from \$472,000 in FY 2019-20 to \$586,000 in FY 2022-23.

Personal services costs related to these staffing changes, plus annual employee compensation and retirement-rate adjustments have increased costs pressures to the LATC in recent years.

2. Covid-19: In FY 2020-21, the Administration implemented current year FY 2020-21 and FY 2021-22 costs savings measures in response to the Covid-19 pandemic, including reductions to OE&E expenditures and issuing staffing furloughs.

As a result, during this two-year period the LATC's actual expenditures were artificially reduced, which caused the personal services cost increases associated with the staffing promotions to not fully materialize or be recognized.

These imposed Covid-19 related costs reductions resulted in lowered expenditures during this period, which were more consistent with previous expenditure levels and further obscured the LATC's full-cost pressures.

3. Business Modernization Project (BMP) – Beginning in FY 2021-22, the LATC's began the process of updating its legacy IT platforms to a modern IT system. The LATC joined with other DCA programs, which were also updating their respective IT systems to share and defray costs. While the LATC's portion of costs have been reasonable, the transition to a modern IT platform has increased costs pressures.

The LATC is currently in year-two of the BMP IT implementation. BPM IT costs are typically greatest in the first three-years of implementation as the new IT platform is purchased and installed.

After the IT system is integrated, BMP IT costs are anticipated to re-set at a lower baseline amount as the project goes into maintenance phase.

Due to these additional costs pressures and typical annual costs increases, the LATC is anticipated to more fully expend its appropriations and likely have lower savings (reversions) in the future.

## Statutory Fee Structure

This project identifies fee level amounts necessary to sustain the LATC by using the FY 2024-25 projected budget as a baseline minimum floor. Any statutory fee changes included in the 2022-23 legislative session would become effective January 1, 2024.

However, because the LATC's costs will continue to increase in the future this analysis also provides fee level amounts based on projected future LATC budgets in FY 2027-28 and FY 2029-30.

This minimum floor and maximum cap (range) fee structure provides greater flexibility for the LATC to increase revenues through the regulatory process to:

- Meet future budgetary demands
- Fund unanticipated cost pressures, including future legislation
- Begin building a reserve balance



# D. Conclusions & Findings

The LATC is not currently (or projected) to recover the full costs of its operations. For FY 2022-23, the LATC’s expenditure authorization plus direct draws to the fund are currently projected at \$1.38 million with projected revenues of \$837,000, which results in a deficit of \$543,000 (39%).

This structural imbalance is projected to continue to increase in the future and is unsustainable. Based on current projected revenues and expenditures, the LATC is scheduled to become insolvent in late FY 2023-24.

## Options

The LATC has several options to reduce and/or eliminate its structural imbalance and avoid insolvency including:

- 1) Increasing statutory fee level amounts charged to applicants and licensees
- 2) Decreasing costs – Programmatic, enforcement, OEE, and other
- 3) Implementing a combination of increased fees and decreased costs

## Fee Models: V1, V2 & V3

This report provides three fee amount models, which fully recover projected expenditures beginning in FY 2024-25, FY 2027-28, and FY 2029-30 as follows:

Model V1 (minimum floor) – FY 2024-25 Baseline (Appendix 8):

- Implements V1 fee amounts effective January 1, 2024
- Eliminates the structural imbalance until FY 2026-27
- Delays fund insolvency until FY 2029-30

Model V2 (maximum cap – option #1) – FY 2027-28 Baseline (Appendix 9):

- Implements V1 fee amounts effective January 1, 2024
- Implements V2 fee amounts effective July 1, 2026
- Eliminates the structural imbalance until FY 2028-29
- Delays fund insolvency until FY 2031-32

Model V3 (maximum cap – option #2) – FY 2029-30 Baseline (Appendix 10):

- Implements V1 fee amounts effective January 1, 2024
- Implements V3 fee amounts effective July 1, 2027
- Eliminates the structural imbalance until 2030-31
- Begins to build modest fund balance reserve
- Delays fund insolvency until FY 2033-34

## Appendices

Appendix 1 – Fund condition statement revenue and expenditure detail (actuals and projected) from FY 2016-17 through FY 2029-30. Also, includes staffing allocations and BMP IT project costs (actuals and projected).

Appendix 2 – Historical expenditures (budgeted and actuals) by expense type from FY 2018-19 through FY 2021-22.

Appendix 3 – Historical and future expenditures (actuals and projected) by expense type from FY 2018-19 through FY 2025-26.

Appendix 4 – FY 2021-22 fee summary by application and license type.

Appendix 5 – Exam and license application workload summary for FY 2022-23 and fund condition statement (status quo).

Appendix 6 – Exam and license application workload summaries for FY 2024-25, FY 2027-28, and FY 2029-30.

Appendix 7 – Exam and license application workload summary for FY 2024-25 and fund condition statement (Scenario #1 - V1 baseline: effective January 1, 2024).

Appendix 8 – Exam and license application workload summary for FY 2027-28 and fund condition statement (Scenario #2 - V2 combo: V1 fees effective January 1, 2024, and V2 fees effective July 1, 2026).

Appendix 9 – Exam and license application workload summary for FY 2029-30 and fund condition statement (V1 fees effective January 1, 2024, and V3 fees effective July 1, 2027).

# Appendix 1

**0757 - Landscape Architects Technical Committee  
Fund Condition Statement (Dollars in Thousands)**

Prepared 9/13/2022

2022-23 Budget Act with 2021-22 (FM 12) Pre-Actuals

	Actual 2016-17	Actual 2017-18	Actual 2018-19	Actual 2019-20	Actual 2020-21	Actual 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25	BY +2 2025-26	BY +2 2026-27	BY +3 2027-28	BY +4 2028-29	BY +5 2029-30
<b>BEGINNING BALANCE</b>	\$ 2,319	\$ 2,102	\$ 1,826	\$ 1,474	\$ 1,316	\$ 1,254	\$ 903	\$ 360	\$ -174	\$ -729	\$ -1,307	\$ -1,925	\$ -2,585	\$ -3,288
Prior Year Adjustment	\$ -11	\$ -	\$ 0	\$ -7	\$ -15	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,308	\$ 2,102	\$ 1,826	\$ 1,467	\$ 1,301	\$ 1,254	\$ 903	\$ 360	\$ -174	\$ -729	\$ -1,307	\$ -1,925	\$ -2,585	\$ -3,288
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>														
<b>Revenues</b>														
4121200 - Delinquent fees	\$ 11	\$ 9	\$ 8	\$ 11	\$ 10	\$ 13	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9
4127400 - Renewal fees	\$ 392	\$ 404	\$ 394	\$ 684	\$ 724	\$ 694	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716
4129200 - Other regulatory fees	\$ 9	\$ 5	\$ 2	\$ 4	\$ 3	\$ 1	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2
4129400 - Other regulatory licenses and permits	\$ 91	\$ 93	\$ 127	\$ 76	\$ 83	\$ 86	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108
4163000 - Income from surplus money investments	\$ 16	\$ 6	\$ 37	\$ 28	\$ 8	\$ 2	\$ 2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4171400 - Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ 1	\$ -	\$ -	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4173500 - Settlements and Judgements - Other	\$ -	\$ -	\$ -	\$ -	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Totals, Revenues</b>	\$ 519	\$ 517	\$ 569	\$ 803	\$ 829	\$ 797	\$ 837	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 519	\$ 517	\$ 569	\$ 803	\$ 829	\$ 797	\$ 837	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835
<b>TOTAL RESOURCES</b>	\$ 2,827	\$ 2,619	\$ 2,395	\$ 2,270	\$ 2,130	\$ 2,051	\$ 1,740	\$ 1,195	\$ 661	\$ 106	\$ -472	\$ -1,090	\$ -1,750	\$ -2,453
<b>Expenditures:</b>														
1111 DCA - LATC (State Operations)	\$ 657	\$ 740	\$ 862	\$ 879	\$ 802	\$ 1,026	\$ 1,293	\$ 1,282	\$ 1,303	\$ 1,342	\$ 1,382	\$ 1,424	\$ 1,467	\$ 1,511
8880 Financial Information System for California (State Operations)	\$ 1	\$ 2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ -	\$ -	\$ 8	\$ 16	\$ 16	\$ 55	\$ 16	\$ 16	\$ 16	\$ -	\$ -	\$ -	\$ -	\$ -
9900 Statewide (Pro Rata) (State Operations)	\$ 58	\$ 51	\$ 51	\$ 59	\$ 58	\$ 67	\$ 71	\$ 71	\$ 71	\$ 71	\$ 71	\$ 71	\$ 71	\$ 71
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 716	\$ 793	\$ 921	\$ 954	\$ 876	\$ 1,148	\$ 1,380	\$ 1,369	\$ 1,390	\$ 1,413	\$ 1,453	\$ 1,495	\$ 1,538	\$ 1,582
<b>FUND BALANCE</b>														
Reserve for economic uncertainties	\$ 2,111	\$ 1,826	\$ 1,474	\$ 1,316	\$ 1,254	\$ 903	\$ 360	\$ -174	\$ -729	\$ -1,307	\$ -1,925	\$ -2,585	\$ -3,288	\$ -4,034

<b>Months in Reserve</b>	<b>31.9</b>	<b>23.8</b>	<b>18.5</b>	<b>18.0</b>	<b>13.1</b>	<b>7.9</b>	<b>3.2</b>	<b>-1.5</b>	<b>-6.3</b>	<b>-11.1</b>	<b>-15.9</b>	<b>-20.8</b>	<b>-25.7</b>	<b>-30.6</b>
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Notes:

**1. BY and Ongoing (projected)**

	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actuals Expenditures - Change (%)	-	13%	16%	2%	-9%	28%	26%	-1%	2%	3%	3%	3%	3%	3%
Appropriation	\$ 971	\$ 1,009	\$ 1,059	\$ 1,081	\$ 1,064	\$ 1,292	\$ 1,293	\$ 1,282	\$ 1,303	\$ 1,342	\$ 1,382	\$ 1,424	\$ 1,467	\$ 1,511
Appropriation - Change (%)	-	4%	5%	2%	-2%	21%	0%	-1%	2%	3%	3%	3%	3%	3%
<b>Staffing</b>														
SSMI - Staff Services Manager I	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
AGPA - Associate Governmental Program Analyst	-	-	-	-	1.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
SSA - Staff Services Analyst	3.0	3.0	3.0	3.0	2.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
OT - Office Technician	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Temp Help	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
<b>Total Positions:</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>

<b>BizMod - IT Project</b>							
\$ 165	\$ 176	\$ 116	\$ 75	\$ 80	TBD	TBD	TBD

# Appendix 2

## Landscape Architects Technical Committee Expenditure Projection Report (Actuals Comparison)

	2018-19		2019-20		2020-21		2021-22	
	Budget	Actuals	Budget	Actuals	Budget	Actuals	Budget	Pre-Actuals
<b>PERSONAL SERVICES</b>								
PERMANENT POSITIONS	\$286,000	\$259,599	\$297,000	\$288,189	\$285,000	\$260,287	\$338,000	\$331,165
TEMPORARY POSITIONS	\$6,000	\$30,759	\$6,000	\$0	\$6,000	\$0	\$6,000	\$0
PER DIEM, OVERTIME, & LUMP SUM	\$3,000	\$2,100	\$3,000	\$6,619	\$3,000	\$1,500	\$3,000	\$2,000
STAFF BENEFITS	\$177,000	\$171,970	\$191,000	\$174,103	\$182,000	\$175,378	\$207,000	\$206,622
<b>TOTAL PERSONAL SERVICES</b>	<b>\$472,000</b>	<b>\$464,428</b>	<b>\$497,000</b>	<b>\$468,911</b>	<b>\$476,000</b>	<b>\$437,165</b>	<b>\$554,000</b>	<b>\$539,787</b>
<b>OPERATING EXP &amp; EQUIPMENT</b>	<b>Budget</b>	<b>Actuals</b>	<b>Budget</b>	<b>Actuals</b>	<b>Budget</b>	<b>Actuals</b>	<b>Budget</b>	<b>Actuals</b>
GENERAL EXPENSE	\$44,000	\$10,142	\$44,000	\$3,687	\$44,000	\$8,879	\$34,000	\$12,918
PRINTING	\$16,000	\$2,832	\$17,000	\$974	\$16,000	\$1,589	\$16,000	\$4,177
COMMUNICATIONS	\$5,000	\$1,082	\$5,000	\$898	\$5,000	\$1,145	\$5,000	\$1,956
POSTAGE	\$12,000	\$1,482	\$12,000	\$7,994	\$12,000	\$109	\$12,000	\$359
INSURANCE	\$0	\$1,916	\$0	\$12	\$0	\$75	\$0	\$10
IN STATE TRAVEL	\$14,000	\$4,056	\$14,000	\$5,105	\$14,000	\$3,226	\$14,000	\$8,424
OUT OF STATE TRAVEL	\$0	\$0	\$0	\$3,026	\$0	\$0	\$0	\$1,434
TRAINING	\$3,000	\$600	\$3,000	\$5,741	\$3,000	\$0	\$3,000	\$0
FACILITIES	\$15,000	\$53,177	\$25,000	\$56,416	\$25,000	\$56,393	\$25,000	\$57,694
CONSULTING/PROF SRVS (INTERNAL)	\$34,000	\$50,796	\$21,000	\$25,375	\$21,000	\$34,881	\$28,000	\$46,606
CONSULTING/PROF SRVS (EXTERNAL)	\$224,000	\$43,401	\$235,000	\$46,801	\$248,000	\$34,718	\$304,000	\$52,966
DEPARTMENT PRORATA	\$169,000	\$162,336	\$169,000	\$160,008	\$164,000	\$166,350	\$213,000	\$215,414
DEPARTMENTAL SERVICES	\$30,000	\$34,593	\$30,000	\$87,364	\$30,000	\$26,278	\$30,000	\$57,082
CONSOLIDATED DATA CENTERS	\$1,000	\$44	\$1,000	\$719	\$1,000	\$1,163	\$1,000	\$7,764
INFORMATION TECHNOLOGY	\$1,000	\$4,953	\$1,000	\$2,025	\$6,000	\$4,206	\$40,000	\$18,269
EQUIPMENT	\$12,000	\$374	\$8,000	\$3,685	\$0	\$25,630	\$14,000	\$1,001
SPECIAL ITEMS OF EXPENSE	\$0	\$26,000	\$0	\$1,077	\$0	\$652	\$0	\$252
<b>OPERATING EXPENSES &amp; EQUIPMENT</b>	<b>\$580,000</b>	<b>\$397,784</b>	<b>\$585,000</b>	<b>\$410,907</b>	<b>\$589,000</b>	<b>\$365,293</b>	<b>\$739,000</b>	<b>\$486,326</b>
<b>OVERALL TOTALS</b>	<b>\$1,052,000</b>	<b>\$862,212</b>	<b>\$1,082,000</b>	<b>\$879,818</b>	<b>\$1,065,000</b>	<b>\$802,458</b>	<b>\$1,293,000</b>	<b>\$1,026,113</b>
REIMBURSEMENTS	(\$1,000)	\$0	(\$1,000)	\$0	(\$1,000)	\$0	(\$1,000)	\$0
<b>NET TOTALS:</b>	<b>\$1,051,000</b>	<b>\$862,212</b>	<b>\$1,081,000</b>	<b>\$879,818</b>	<b>\$1,064,000</b>	<b>\$802,458</b>	<b>\$1,292,000</b>	<b>\$1,026,113</b>

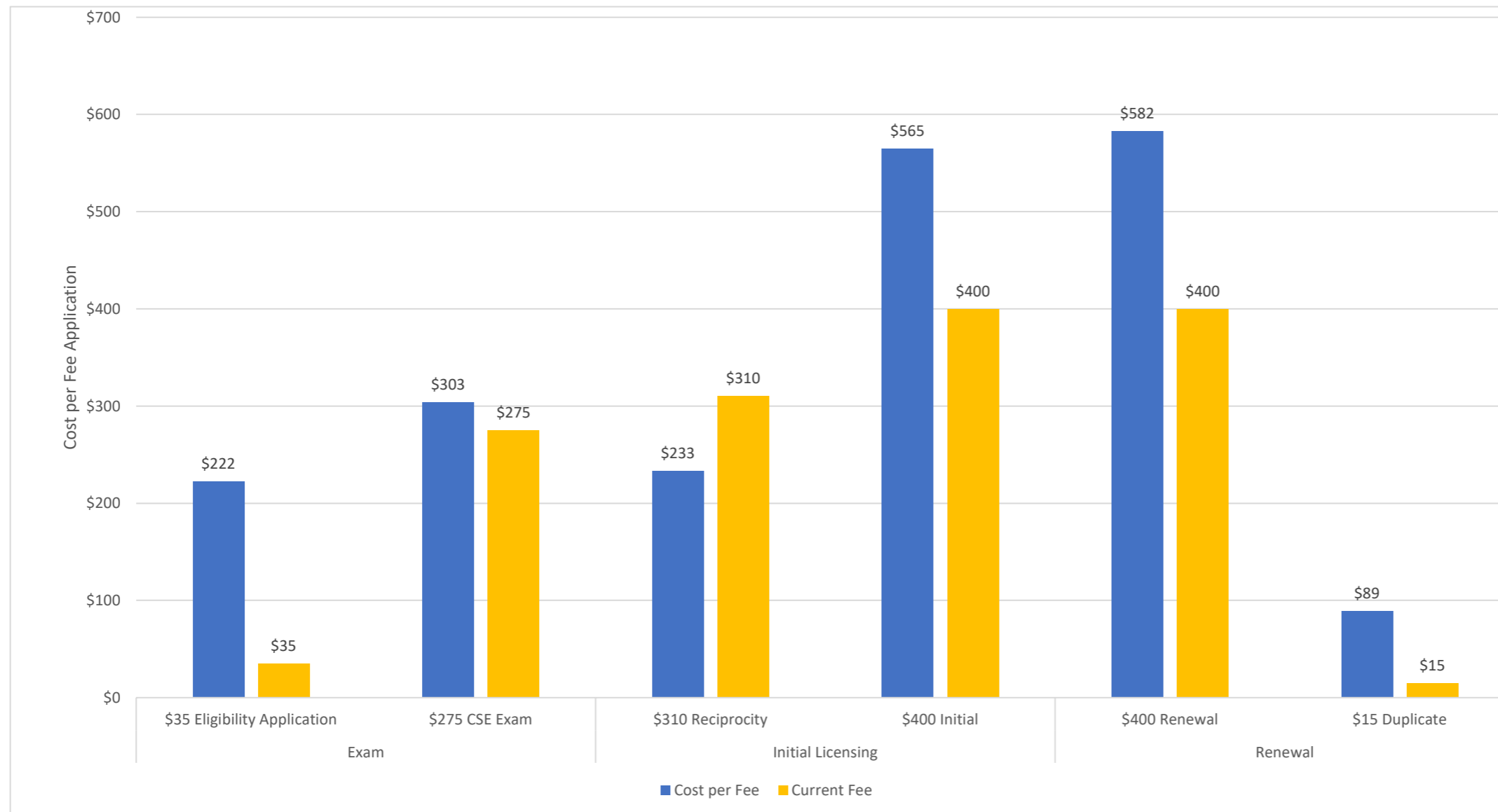
# Appendix 3

Landscape Architects Technical Committee Expenditures (Actuals and Projected)								
Fiscal Year	Actuals 2018-19	Actuals 2019-20	Actuals 2020-21	Actuals 2021-22	Projected 2022-23	Projected 2023-24	Projected 2024-25	Projected 2025-26
<b>PERSONAL SERVICES</b>								
PERMANENT POSITIONS	\$259,599	\$288,189	\$260,287	\$331,165	\$346,000	\$357,000	\$361,000	\$366,000
TEMPORARY POSITIONS	\$30,759	\$0	\$0	\$0	\$6,000	\$6,000	\$6,000	\$6,000
PER DIEM, OVERTIME, & LUMP SUM	\$2,100	\$6,619	\$1,500	\$2,000	\$3,000	\$3,000	\$3,000	\$3,000
STAFF BENEFITS	\$171,970	\$174,103	\$175,378	\$206,622	\$230,000	\$249,000	\$259,000	\$274,000
<b>TOTAL PERSONAL SERVICES</b>	<b>\$464,428</b>	<b>\$468,911</b>	<b>\$437,165</b>	<b>\$539,787</b>	<b>\$585,000</b>	<b>\$615,000</b>	<b>\$629,000</b>	<b>\$649,000</b>
<b>OPERATING EXPENSES &amp; EQUIPMENT (OE&amp;E)</b>								
GENERAL EXPENSE	\$10,142	\$3,687	\$8,879	\$12,918	\$34,000	\$34,000	\$34,000	\$34,000
PRINTING	\$2,832	\$974	\$1,589	\$4,177	\$16,000	\$16,000	\$16,000	\$16,000
COMMUNICATIONS	\$1,082	\$898	\$1,145	\$1,956	\$5,000	\$5,000	\$5,000	\$5,000
POSTAGE	\$1,482	\$7,994	\$109	\$359	\$12,000	\$12,000	\$12,000	\$12,000
INSURANCE	\$1,916	\$12	\$75	\$10	\$0	\$0	\$0	\$0
IN STATE TRAVEL	\$4,056	\$5,105	\$3,226	\$8,424	\$14,000	\$14,000	\$14,000	\$14,000
OUT OF STATE TRAVEL	\$0	\$3,026	\$0	\$1,434	\$0	\$0	\$0	\$0
TRAINING	\$600	\$5,741	\$0	\$0	\$3,000	\$3,000	\$3,000	\$3,000
FACILITIES	\$53,177	\$56,416	\$56,393	\$57,694	\$25,000	\$25,000	\$25,000	\$25,000
CONSULTING/PROF SRVS (INTERNAL)	\$50,796	\$25,375	\$34,881	\$46,606	\$28,000	\$28,000	\$28,000	\$28,000
CONSULTING/PROF SRVS (EXTERNAL)	\$43,401	\$46,801	\$34,718	\$52,966	\$266,000	\$206,000	\$214,000	\$221,000
DEPARTMENT PRORATA	\$162,336	\$160,008	\$166,350	\$215,414	\$230,000	\$248,000	\$263,000	\$275,000
DEPARTMENTAL SERVICES	\$34,593	\$87,364	\$26,278	\$57,082	\$30,000	\$30,000	\$30,000	\$30,000
CONSOLIDATED DATA CENTERS	\$44	\$719	\$1,163	\$7,764	\$1,000	\$1,000	\$1,000	\$1,000
INFORMATION TECHNOLOGY	\$4,953	\$2,025	\$4,206	\$18,269	\$30,000	\$30,000	\$12,000	\$12,000
EQUIPMENT	\$374	\$3,685	\$25,630	\$1,001	\$15,000	\$16,000	\$18,000	\$18,000
SPECIAL ITEMS OF EXPENSE	\$26,000	\$1,077	\$652	\$252	\$0	\$0	\$0	\$0
<b>TOTAL OE&amp;E</b>	<b>\$397,784</b>	<b>\$410,907</b>	<b>\$365,293</b>	<b>\$486,326</b>	<b>\$709,000</b>	<b>\$668,000</b>	<b>\$675,000</b>	<b>\$694,000</b>
<b>OVERALL TOTALS</b>	<b>\$862,212</b>	<b>\$879,818</b>	<b>\$802,458</b>	<b>\$1,026,113</b>	<b>\$1,294,000</b>	<b>\$1,283,000</b>	<b>\$1,304,000</b>	<b>\$1,343,000</b>
REIMBURSEMENTS	\$0	\$0	\$0	\$0	(\$1,000)	(\$1,000)	(\$1,000)	(\$1,000)
<b>NET TOTALS:</b>	<b>\$862,212</b>	<b>\$879,818</b>	<b>\$802,458</b>	<b>\$1,026,113</b>	<b>\$1,293,000</b>	<b>\$1,282,000</b>	<b>\$1,303,000</b>	<b>\$1,342,000</b>

# Appendix 4

## 2021-22 Prior Year Summary by Fee

Type	Type2	Fee	Total Cost	Number of Applications	Cost per Fee	Current Fee	Total Hours	Hours per App	% of Total Hours	% of Total Apps
Eligibility App	Exam	\$35 Eligibility Application	\$ 36,459	164	\$222	\$35	335	2.0	8%	8%
CSE Exam		\$275 CSE Exam	\$ 39,753	131	\$303	\$275	322	2.5	8%	6%
Reciprocity	Initial Licensing	\$310 Reciprocity	\$ 6,833	29	\$233	\$310	61	2.1	1%	1%
Initial Licensing		\$400 Initial	\$ 45,763	81	\$565	\$400	290	3.6	7%	4%
Renewal	Renewal	\$400 Renewal	\$ 1,015,223	1,743	\$582	\$400	3,181	1.8	76%	81%
Duplicate		\$15 Duplicate	\$ 1,332	15	\$89	\$15	10	0.7	0%	1%
<b>Total</b>			<b>\$ 1,145,364</b>	<b>2,163</b>			<b>4,200</b>		<b>100%</b>	<b>100%</b>



# Appendix 5

## Landscape Architects Technical Committee Exam & License Application Workload Summary

2021-22 Actuals				Unit Cost Summary			Annual Cost Calculations			Results - Pricing Model	
License Type	Application Volume	Direct Costs	Indirect Costs	Total Cost (assigned)	Current Fee	Unit Surcharge (or Subsidy)	Revenues at Full Cost of Services	Revenues at Current Fee Levels	Annual Surplus (or Subsidy)	Fee Model	Fee Revenues
Eligibility App	164	\$94	\$128	\$222	\$35	(\$187)	\$36,459	\$5,740	(\$30,719)		
CSE Exam	131	\$169	\$134	\$303	\$275	(\$28)	\$39,753	\$36,025	(\$3,728)		
Reciprocity	29	\$95	\$141	\$236	\$310	\$74	\$6,833	\$8,990	\$2,157		
Initial License	81	\$191	\$374	\$565	\$400	(\$165)	\$45,743	\$32,400	(\$13,343)		
Renewal	1,743	\$90	\$493	\$582	\$400	(\$182)	\$1,015,223	\$697,200	(\$318,023)		
Duplicate	15	\$31	\$77	\$109	\$15	(\$94)	\$1,632	\$225	(\$1,407)		
<b>Totals:</b>							<b>\$1,145,642</b>	<b>\$780,580</b>	<b>(\$365,062)</b>		

0757 - Landscape Architects Technical Committee  
Fund Condition Statement (Dollars in Thousands)

Prepared 10/1/2022

2022-23 Budget Act with 2021-22 (FM 12) Pre-Actuals (Status Quo)

	Actual 2021-22	CY 2022-23	BY 2023-24	BY+1 2024-25	BY+2 2025-26	BY+2 2026-27	BY+3 2027-28	BY+4 2028-29	BY+5 2029-30
<b>BEGINNING BALANCE</b>	\$ 1,254	\$ 903	\$ 360	\$ -174	\$ -729	\$ -1,307	\$ -1,925	\$ -2,585	\$ -3,288
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,254	\$ 903	\$ 360	\$ -174	\$ -729	\$ -1,307	\$ -1,925	\$ -2,585	\$ -3,288
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>									
4121200 - Delinquent fees	\$ 13	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9
4127400 - Renewal fees	\$ 694	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716
4129200 - Other regulatory fees	\$ 1	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2
4129400 - Other regulatory licenses and permits	\$ 86	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108
4163000 - Income from surplus money investments	\$ 2	\$ 2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4171400 - Escheat of unclaimed checks and warrants	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Totals, Revenues</b>	\$ 797	\$ 837	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 797	\$ 837	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835	\$ 835
<b>TOTAL RESOURCES</b>	\$ 2,051	\$ 1,740	\$ 1,195	\$ 661	\$ 108	\$ -472	\$ -1,090	\$ -1,750	\$ -2,453
<b>Expenditures:</b>									
1111 DCA - LATC (State Operations)	\$ 1,026	\$ 1,293	\$ 1,282	\$ 1,303	\$ 1,342	\$ 1,382	\$ 1,424	\$ 1,467	\$ 1,511
9892 Supplemental Pension Payments (State Operations)	\$ 55	\$ 16	\$ 16	\$ 16	\$ -	\$ -	\$ -	\$ -	\$ -
9900 Statewide (Pro Rata) (State Operations)	\$ 67	\$ 71	\$ 71	\$ 71	\$ 71	\$ 71	\$ 71	\$ 71	\$ 71
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 1,148	\$ 1,380	\$ 1,369	\$ 1,390	\$ 1,413	\$ 1,453	\$ 1,495	\$ 1,538	\$ 1,582
<b>FUND BALANCE</b>									
Reserve for economic uncertainties	\$ 903	\$ 360	\$ -174	\$ -729	\$ -1,307	\$ -1,925	\$ -2,585	\$ -3,288	\$ -4,034
<b>Months in Reserve</b>	7.9	3.2	-1.5	-6.3	-11.1	-15.9	-20.8	-25.7	-30.6

Notes:

1. BY and Ongoing (projected)

**Landscape Architects Technical Committee  
Exam & License Application Workload Summary**

Scenario #1: V1 - 2024-25 Baseline Budget (projected)				Unit Cost Summary			Annual Cost Calculations			Results - Pricing Model	
License Type	Application Volume	Direct Costs	Indirect Costs	Total Cost (assigned)	Current Fee	Unit Surcharge (or Subsidy)	Revenues at Full Cost of Services	Revenues at Current Fee Levels	Annual Surplus (or Subsidy)	V1 Fee Model	V1 Fee Revenues
Eligibility App	170	\$99	\$179	\$278	\$35	(\$243)	\$47,196	\$5,950	(\$41,246)	\$275	\$46,750
CSE Exam	154	\$132	\$192	\$324	\$275	(\$49)	\$49,942	\$42,350	(\$7,592)	\$325	\$49,942
Reciprocity	29	\$100	\$202	\$301	\$310	\$9	\$8,736	\$8,990	\$254	\$300	\$8,800
Initial License	131	\$201	\$497	\$698	\$400	(\$298)	\$91,375	\$52,400	(\$38,975)	\$700	\$91,700
Renewal	1,783	\$95	\$608	\$702	\$400	(\$302)	\$1,252,323	\$713,200	(\$539,123)	\$700	\$1,247,867
Duplicate	15	\$37	\$115	\$152	\$15	(\$137)	\$2,280	\$225	(\$2,055)	\$100	\$1,500
<b>Totals:</b>							<b>\$1,451,852</b>	<b>\$823,115</b>	<b>(\$628,737)</b>		<b>\$1,446,558</b>

**Landscape Architects Technical Committee  
Exam & License Application Workload Summary**

Scenario #2: V2 - 2027-28 Baseline Budget (projected)				Unit Cost Summary			Annual Cost Calculations			Results - Pricing Model	
License Type	Application Volume	Direct Costs	Indirect Costs	Total Cost (assigned)	Current Fee	Unit Surcharge (or Subsidy)	Revenues at Full Cost of Services	Revenues at Current Fee Levels	Annual Surplus (or Subsidy)	V2 Fee Model	V2 Fee Revenues
Eligibility App	170	\$96	\$201	\$297	\$35	(\$262)	\$50,428	\$5,950	(\$44,478)	\$275	\$46,750
CSE Exam	154	\$169	\$213	\$382	\$275	(\$107)	\$58,902	\$42,350	(\$16,552)	\$325	\$50,050
Reciprocity	29	\$96	\$214	\$310	\$310	(\$0)	\$8,993	\$8,990	(\$3)	\$300	\$8,700
Initial License	131	\$193	\$556	\$749	\$400	(\$349)	\$98,158	\$52,400	(\$45,758)	\$750	\$98,250
Renewal	1,783	\$91	\$645	\$736	\$400	(\$336)	\$1,311,426	\$713,200	(\$598,226)	\$750	\$1,337,250
Duplicate	15	\$36	\$120	\$157	\$15	(\$142)	\$2,351	\$225	(\$2,126)	\$150	\$2,250
<b>Totals:</b>							<b>\$1,530,259</b>	<b>\$823,115</b>	<b>(\$707,144)</b>		<b>\$1,543,250</b>

**Landscape Architects Technical Committee  
Exam & License Application Workload Summary**

Scenario #3: V3 - 2029-30 Baseline Budget (projected)				Unit Cost Summary			Annual Cost Calculations			Results - Pricing Model	
License Type	Application Volume	Direct Costs	Indirect Costs	Total Cost (assigned)	Current Fee	Unit Surcharge (or Subsidy)	Revenues at Full Cost of Services	Revenues at Current Fee Levels	Annual Surplus (or Subsidy)	V3 Fee Model	V3 Fee Revenues
Eligibility App	170	\$96	\$206	\$302	\$35	(\$267)	\$51,349	\$5,950	(\$45,399)	\$300	\$51,000
CSE Exam	154	\$169	\$219	\$388	\$275	(\$113)	\$59,784	\$42,350	(\$17,434)	\$350	\$53,900
Reciprocity	29	\$96	\$220	\$316	\$310	(\$6)	\$9,162	\$8,990	(\$172)	\$300	\$8,700
Initial License	131	\$193	\$580	\$774	\$400	(\$374)	\$101,353	\$52,400	(\$48,953)	\$780	\$102,180
Renewal	1,783	\$91	\$676	\$766	\$400	(\$366)	\$1,366,462	\$713,200	(\$653,262)	\$780	\$1,390,740
Duplicate	15	\$36	\$122	\$158	\$15	(\$143)	\$2,371	\$225	(\$2,146)	\$150	\$2,250
<b>Totals:</b>							<b>\$1,590,480</b>	<b>\$823,115</b>	<b>(\$767,365)</b>		<b>\$1,608,770</b>



# Appendix 7

## Landscape Architects Technical Committee Exam & License Application Workload Summary

Scenario #1: V1 - 2024-25 Baseline Budget (projected)				Unit Cost Summary			Annual Cost Calculations			Results - Pricing Model	
License Type	Application Volume	Direct Costs	Indirect Costs	Total Cost (assigned)	Current Fee	Unit Surcharge (or Subsidy)	Revenues at Full Cost of Services	Revenues at Current Fee Levels	Annual Surplus (or Subsidy)	V1 Fee Model	V1 Fee Revenues
Eligibility App	170	\$99	\$179	\$278	\$35	(\$243)	\$47,196	\$5,950	(\$41,246)	\$275	\$46,750
CSE Exam	154	\$132	\$192	\$324	\$275	(\$49)	\$49,942	\$42,350	(\$7,592)	\$325	\$49,942
Reciprocity	29	\$100	\$202	\$301	\$310	\$9	\$8,736	\$8,990	\$254	\$300	\$8,800
Initial License	131	\$201	\$497	\$698	\$400	(\$298)	\$91,375	\$52,400	(\$38,975)	\$700	\$91,700
Renewal	1,783	\$95	\$608	\$702	\$400	(\$302)	\$1,252,323	\$713,200	(\$539,123)	\$700	\$1,247,867
Duplicate	15	\$37	\$115	\$152	\$15	(\$137)	\$2,280	\$225	(\$2,055)	\$100	\$1,500
<b>Totals:</b>							<b>\$1,451,852</b>	<b>\$823,115</b>	<b>(\$628,737)</b>		<b>\$1,446,558</b>

Prepared 10/1/2022										
0757 - Landscape Architects Technical Committee Fund Condition Statement (Dollars in Thousands)										
2022-23 Budget Act with 2021-22 (FM 12) Pre-Actuals										
V1 Fee Increase Model (effective 1/1/24)										
	Actual 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25	BY +2 2025-26	BY +2 2026-27	BY +3 2027-28	BY +4 2028-29	BY +5 2029-30	
<b>BEGINNING BALANCE</b>	\$ 1,254	\$ 903	\$ 360	\$ 139	\$ 191	\$ 214	\$ 198	\$ 138	\$ 35	
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Adjusted Beginning Balance	\$ 1,254	\$ 903	\$ 360	\$ 139	\$ 191	\$ 214	\$ 198	\$ 138	\$ 35	
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>										
Revenues										
4121200 - Delinquent fees	\$ 13	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	
4127400 - Renewal fees	\$ 694	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	
Renewal fees increase (effective 1/1/24)	\$ -	\$ -	\$ 266	\$ 532	\$ 532	\$ 532	\$ 532	\$ 532	\$ 532	
4129200 - Other regulatory fees	\$ 1	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	
4129400 - Other regulatory licenses and permits	\$ 86	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	
Other regulatory licenses and permits Increase (eff 1/1/24)	\$ 0	\$ 0	\$ 45	\$ 91	\$ 91	\$ 91	\$ 91	\$ 91	\$ 91	
4163000 - Income from surplus money investments	\$ 2	\$ 2	\$ 2	\$ 3	\$ 3	\$ 3	\$ 2	\$ 1	\$ -	
4171400 - Escheat of unclaimed checks and warrants	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>Totals, Revenues</b>	\$ 797	\$ 837	\$ 1,148	\$ 1,461	\$ 1,461	\$ 1,461	\$ 1,460	\$ 1,459	\$ 1,458	
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 797	\$ 837	\$ 1,148	\$ 1,461	\$ 1,461	\$ 1,461	\$ 1,460	\$ 1,459	\$ 1,458	
<b>TOTAL RESOURCES</b>	\$ 2,051	\$ 1,740	\$ 1,508	\$ 1,600	\$ 1,651	\$ 1,675	\$ 1,657	\$ 1,597	\$ 1,493	
Expenditures:										
1111 DCA - LATC (State Operations)	\$ 1,026	\$ 1,293	\$ 1,282	\$ 1,303	\$ 1,342	\$ 1,382	\$ 1,424	\$ 1,467	\$ 1,511	
9892 Supplemental Pension Payments (State Operations)	\$ 55	\$ 16	\$ 16	\$ 16	\$ -	\$ -	\$ -	\$ -	\$ -	
9900 Statewide (Pro Rata) (State Operations)	\$ 67	\$ 71	\$ 71	\$ 90	\$ 95	\$ 95	\$ 95	\$ 95	\$ 95	
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 1,148	\$ 1,380	\$ 1,369	\$ 1,409	\$ 1,437	\$ 1,477	\$ 1,519	\$ 1,562	\$ 1,606	
<b>FUND BALANCE</b>										
Reserve for economic uncertainties	\$ 903	\$ 360	\$ 139	\$ 191	\$ 214	\$ 198	\$ 138	\$ 35	\$ -113	
<b>Months in Reserve</b>	7.9	3.2	1.2	1.6	1.8	1.6	1.1	0.3	-0.8	
<b>Notes:</b>										
1. BY and Ongoing (projected)										

# Appendix 8

## Landscape Architects Technical Committee Exam & License Application Workload Summary

Scenario #2: V2 - 2027-28 Baseline Budget (projected)				Unit Cost Summary			Annual Cost Calculations			Results - Pricing Model	
License Type	Application Volume	Direct Costs	Indirect Costs	Total Cost (assigned)	Current Fee	Unit Surcharge (or Subsidy)	Revenues at Full Cost of Services	Revenues at Current Fee Levels	Annual Surplus (or Subsidy)	V2 Fee Model	V2 Fee Revenues
Eligibility App	170	\$96	\$201	\$297	\$35	(\$262)	\$50,428	\$5,950	(\$44,478)	\$275	\$46,750
CSE Exam	154	\$169	\$213	\$382	\$275	(\$107)	\$58,902	\$42,350	(\$16,552)	\$325	\$50,050
Reciprocity	29	\$96	\$214	\$310	\$310	(\$0)	\$8,993	\$8,990	(\$3)	\$300	\$8,700
Initial License	131	\$193	\$556	\$749	\$400	(\$349)	\$98,158	\$52,400	(\$45,758)	\$750	\$98,250
Renewal	1,783	\$91	\$645	\$736	\$400	(\$336)	\$1,311,426	\$713,200	(\$598,226)	\$750	\$1,337,250
Duplicate	15	\$36	\$120	\$157	\$15	(\$142)	\$2,351	\$225	(\$2,126)	\$150	\$2,250
<b>Totals:</b>							<b>\$1,530,259</b>	<b>\$823,115</b>	<b>(\$707,144)</b>		<b>\$1,543,250</b>

0757 - Landscape Architects Technical Committee Fund Condition Statement (Dollars in Thousands)										Prepared 10/1/2022
2022-23 Budget Act with 2021-22 (FM 12) Pre-Actuals										
V1 Fee (min floor) Increase Model - (effective 1/1/24)										
V2 Fee Increase (max cap) Model - (effective 7/1/26)										
	Actual 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25	BY +2 2025-26	BY +2 2026-27	BY +3 2027-28	BY +4 2028-29	BY +5 2029-30	
<b>BEGINNING BALANCE</b>	\$ 1,254	\$ 903	\$ 360	\$ 139	\$ 191	\$ 214	\$ 285	\$ 315	\$ 302	
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Adjusted Beginning Balance	\$ 1,254	\$ 903	\$ 360	\$ 139	\$ 191	\$ 214	\$ 285	\$ 315	\$ 302	
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>										
<b>Revenues</b>										
4121200 - Delinquent fees	\$ 13	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	
4127400 - Renewal fees	\$ 694	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	
Renewal fees increase (V1 effective 1/1/24 & V2 effective 7/1/26)	\$ -	\$ -	\$ 266	\$ 532	\$ 532	\$ 621	\$ 621	\$ 621	\$ 621	
4129200 - Other regulatory fees	\$ 1	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	
4129400 - Other regulatory licenses and permits	\$ 86	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	
Other regulatory licenses and permits Increase (V1 eff 1/1/24 & V2 7/1/26)	\$ 0	\$ 0	\$ 45	\$ 91	\$ 91	\$ 98	\$ 98	\$ 98	\$ 98	
4150500 - Interest Income from Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
4163000 - Income from surplus money investments	\$ 2	\$ 2	\$ 2	\$ 3	\$ 3	\$ 4	\$ 5	\$ 4	\$ 4	
4171400 - Escheat of unclaimed checks and warrants	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>Totals, Revenues</b>	\$ 797	\$ 837	\$ 1,148	\$ 1,461	\$ 1,461	\$ 1,558	\$ 1,559	\$ 1,558	\$ 1,558	
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 797	\$ 837	\$ 1,148	\$ 1,461	\$ 1,461	\$ 1,558	\$ 1,559	\$ 1,558	\$ 1,558	
<b>TOTAL RESOURCES</b>	\$ 2,051	\$ 1,740	\$ 1,508	\$ 1,600	\$ 1,651	\$ 1,772	\$ 1,844	\$ 1,873	\$ 1,860	
<b>Expenditures:</b>										
1111 DCA - LATC (State Operations)	\$ 1,026	\$ 1,293	\$ 1,282	\$ 1,303	\$ 1,342	\$ 1,382	\$ 1,424	\$ 1,467	\$ 1,511	
9892 Supplemental Pension Payments (State Operations)	\$ 55	\$ 16	\$ 16	\$ 16	\$ -	\$ -	\$ -	\$ -	\$ -	
9900 Statewide (Pro Rata) (State Operations)	\$ 67	\$ 71	\$ 71	\$ 90	\$ 95	\$ 105	\$ 105	\$ 105	\$ 105	
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 1,148	\$ 1,380	\$ 1,369	\$ 1,409	\$ 1,437	\$ 1,487	\$ 1,529	\$ 1,572	\$ 1,616	
<b>FUND BALANCE</b>										
Reserve for economic uncertainties	\$ 903	\$ 360	\$ 139	\$ 191	\$ 214	\$ 285	\$ 315	\$ 302	\$ 244	
<b>Months in Reserve</b>	7.9	3.2	1.2	1.6	1.8	2.3	2.5	2.3	1.8	
<b>Notes:</b>										
1. BY and Ongoing (projected)										

# Appendix 9

## Landscape Architects Technical Committee Exam & License Application Workload Summary

Scenario #3: V3 - 2029-30 Baseline Budget (projected)				Unit Cost Summary			Annual Cost Calculations			Results - Pricing Model	
License Type	Application Volume	Direct Costs	Indirect Costs	Total Cost (assigned)	Current Fee	Unit Surcharge (or Subsidy)	Revenues at Full Cost of Services	Revenues at Current Fee Levels	Annual Surplus (or Subsidy)	V3 Fee Model	V3 Fee Revenues
Eligibility App	170	\$96	\$206	\$302	\$35	(\$267)	\$51,349	\$5,950	(\$45,399)	\$300	\$51,000
CSE Exam	154	\$169	\$219	\$388	\$275	(\$113)	\$59,784	\$42,350	(\$17,434)	\$350	\$53,900
Reciprocity	29	\$96	\$220	\$316	\$310	(\$6)	\$9,162	\$8,990	(\$172)	\$300	\$8,700
Initial License	131	\$193	\$580	\$774	\$400	(\$374)	\$101,353	\$52,400	(\$48,953)	\$780	\$102,180
Renewal	1,783	\$91	\$676	\$766	\$400	(\$366)	\$1,366,462	\$713,200	(\$653,262)	\$780	\$1,390,740
Duplicate	15	\$36	\$122	\$158	\$15	(\$143)	\$2,371	\$225	(\$2,146)	\$150	\$2,250
Totals:							\$1,590,480	\$823,115	(\$767,365)		\$1,608,770

0757 - Landscape Architects Technical Committee Fund Condition Statement (Dollars in Thousands)										Prepared 10/1/2022
2022-23 Budget Act with 2021-22 (FM 12) Pre-Actuals										
V1 Fee (min floor) Increase Model - (effective 1/1/24)										
V3 Fee (max cap) Increase Model - (effective 7/1/27)										
	Actual 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25	BY +2 2025-26	BY +2 2026-27	BY +3 2027-28	BY +4 2028-29	BY +5 2029-30	
<b>BEGINNING BALANCE</b>	\$ 1,254	\$ 903	\$ 360	\$ 139	\$ 191	\$ 214	\$ 188	\$ 283	\$ 338	
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Adjusted Beginning Balance	\$ 1,254	\$ 903	\$ 360	\$ 139	\$ 191	\$ 214	\$ 188	\$ 283	\$ 338	
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>										
<b>Revenues</b>										
4121200 - Delinquent fees	\$ 13	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	
4127400 - Renewal fees	\$ 694	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	\$ 716	
Renewal fees increase (V1 effective 1/1/24 & V3 effective 7/1/27)	\$ -	\$ -	\$ 266	\$ 532	\$ 532	\$ 532	\$ 675	\$ 675	\$ 675	
4129200 - Other regulatory fees	\$ 1	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	
4129400 - Other regulatory licenses and permits	\$ 86	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	\$ 108	
Other regulatory licenses and permits increase (V1 eff 1/1/24 & V3 7/1/27)	\$ 0	\$ 0	\$ 45	\$ 91	\$ 91	\$ 91	\$ 111	\$ 111	\$ 111	
4163000 - Income from surplus money investments	\$ 2	\$ 2	\$ 2	\$ 3	\$ 3	\$ 3	\$ 4	\$ 5	\$ 5	
4171400 - Escheat of unclaimed checks and warrants	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>Totals, Revenues</b>	\$ 797	\$ 837	\$ 1,148	\$ 1,461	\$ 1,461	\$ 1,461	\$ 1,625	\$ 1,626	\$ 1,626	
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 797	\$ 837	\$ 1,148	\$ 1,461	\$ 1,461	\$ 1,461	\$ 1,625	\$ 1,626	\$ 1,626	
<b>TOTAL RESOURCES</b>	\$ 2,051	\$ 1,740	\$ 1,508	\$ 1,600	\$ 1,651	\$ 1,675	\$ 1,812	\$ 1,909	\$ 1,963	
<b>Expenditures:</b>										
1111 DCA - LATC (State Operations)	\$ 1,026	\$ 1,293	\$ 1,282	\$ 1,303	\$ 1,342	\$ 1,382	\$ 1,424	\$ 1,467	\$ 1,511	
9892 Supplemental Pension Payments (State Operations)	\$ 55	\$ 16	\$ 16	\$ 16	\$ -	\$ -	\$ -	\$ -	\$ -	
9900 Statewide (Pro Rata) (State Operations)	\$ 67	\$ 71	\$ 71	\$ 90	\$ 95	\$ 105	\$ 105	\$ 105	\$ 105	
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 1,148	\$ 1,380	\$ 1,369	\$ 1,409	\$ 1,437	\$ 1,487	\$ 1,529	\$ 1,572	\$ 1,616	
<b>FUND BALANCE</b>										
Reserve for economic uncertainties	\$ 903	\$ 360	\$ 139	\$ 191	\$ 214	\$ 188	\$ 283	\$ 338	\$ 348	
<b>Months in Reserve</b>	7.9	3.2	1.2	1.6	1.8	1.5	2.2	2.6	2.6	
<b>Notes:</b>										
1. BY and Ongoing (projected)										



**Committee Members**  
Ronald A. Jones, Chair  
Robert C. Pearman Jr.,  
Vice Chair  
Robert Chase  
Sylvia Kwan  
Steven Winkel

## **NOTICE OF TELECONFERENCE MEETING**

**November 18, 2022**

**The Regulatory and Enforcement Committee (Committee) of the California Architects Board (Board) will meet by teleconference at**

**10:00 a.m., on Friday, November 18, 2022**

NOTE: Pursuant to Government Code section 11133, this meeting will be held by teleconference with no physical public locations.

**Important Notice to the Public: The Committee will hold a public meeting via WebEx Events.**

**Teleconference Information to Register/Join Meeting for Members of the Public via WebEx Events. To participate in the WebEx meeting, please log on to this website the date of the meeting:**

To access the WebEx event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m83468eb001069e4ff43bb49b3a5cef43>

*If joining using the link above*

Webinar number: 2487 036 6697  
Webinar password: CAB11182022

If joining by phone: 1-415-655-0001 US Toll

Access code: 248 703 66697  
Passcode: 22211182

Due to potential technical difficulties, please consider submitting written comments by November 11, 2022, to cab@dca.ca.gov for consideration.

*(Continued)*

Instructions to connect to the meeting can be found at the end of this agenda.

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: [XXXXX@mailinator.com](mailto:XXXXX@mailinator.com).

## **AGENDA**

**10:00 a.m. to 2:00 p.m.**  
*(or until completion of business)*

### **Action may be taken on any item listed below.**

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda  
*The Committee may not discuss or act 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)).*
- D. Review and Possible Action on January 25, 2022, Committee Meeting Minutes
- E. Enforcement Program Update
- F. Discuss and Update on 2022-2024 Strategic Plan Objectives:
  - 1. Provide more detail on enforcement cases in the Executive Officer report during board meetings regarding decisions on cases, to make information more accessible and inform consumers.
  - 2. Develop narrative discussions and case studies of common violations to educate and inform consumers and architects on what violations to avoid.
  - 3. Better educate practitioners on standards of practice during the renewal process to protect the public.
  - 4. Educate the public and practitioners regarding their roles when contracts are signed with a third party (contractor/developer).

5. Review the current threshold for fines to determine if they are appropriate to deter violations.
6. Monitor social media to proactively enforce against unlicensed advertising.

#### G. 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 Committee 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 Committee are open to the public.

The Committee plans to webcast the meeting on the Board's website at [www.cab.ca.gov](http://www.cab.ca.gov). Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to it taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee 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)).

This meeting is being held via WebEx Events. The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

**Person:** Katie Wiley  
**Telephone:** (916) 471-0762  
**Email:** [katie.wiley@dca.ca.gov](mailto:katie.wiley@dca.ca.gov)  
**Telecommunications Relay Service:** Dial 711

**Mailing Address:**  
California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834

Providing your request at least five (5) 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).***

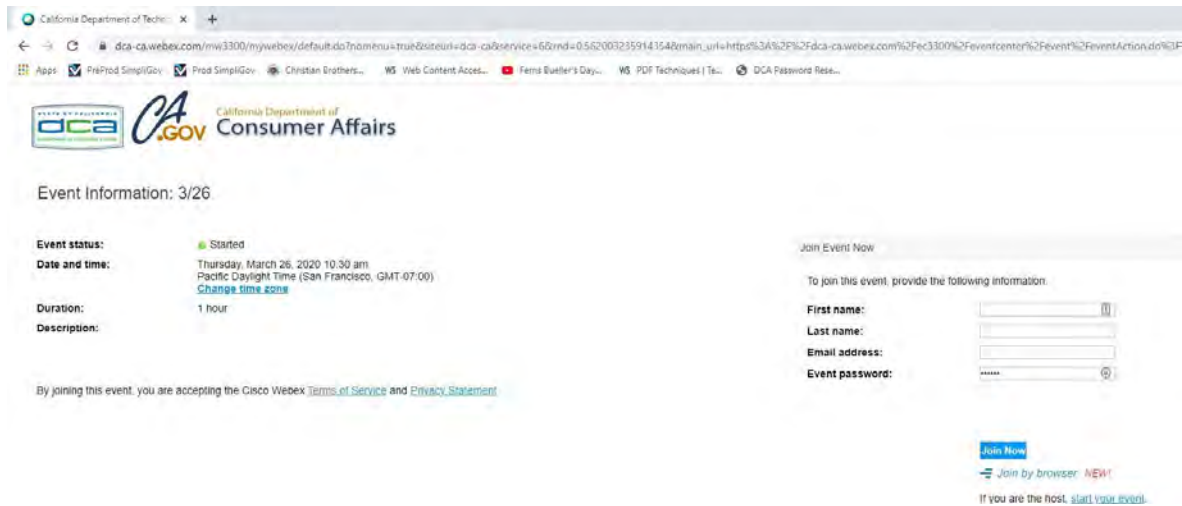
# HOW TO – Join – DCA WebEx Event

The following contains instructions on how to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

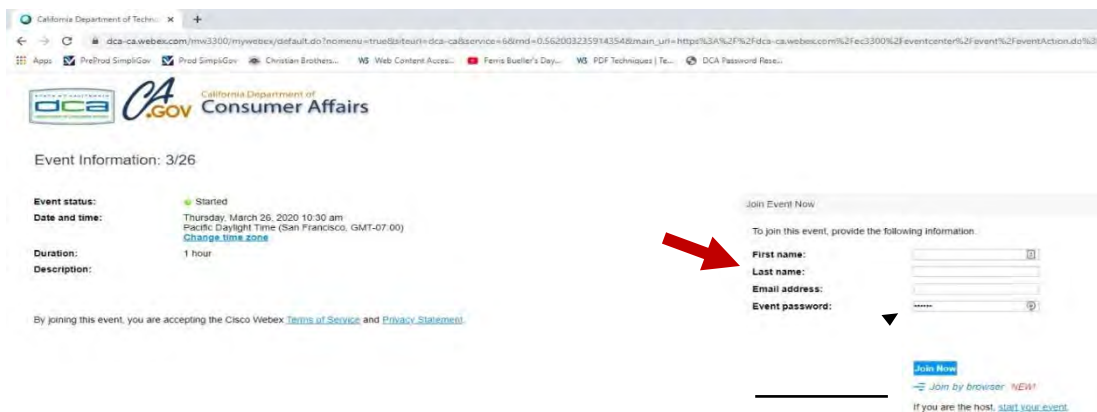
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

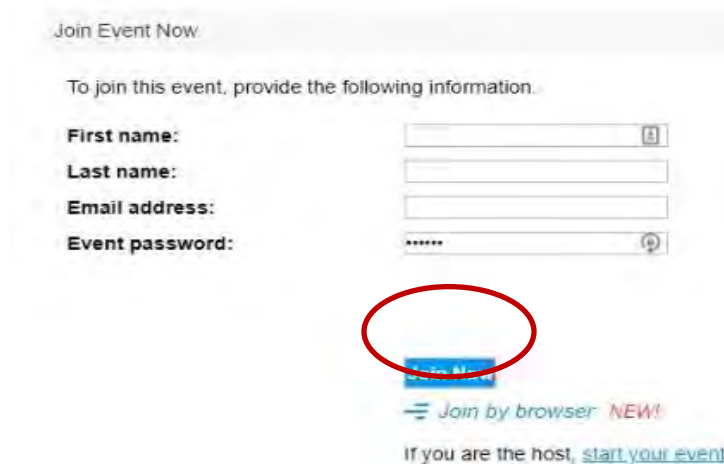
*NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.*



# HOW TO – Join – DCA WebEx Event

3. Click the 'Join Now' button.

*NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.*



Join Event Now

To join this event, provide the following information.

**First name:**

**Last name:**

**Email address:**

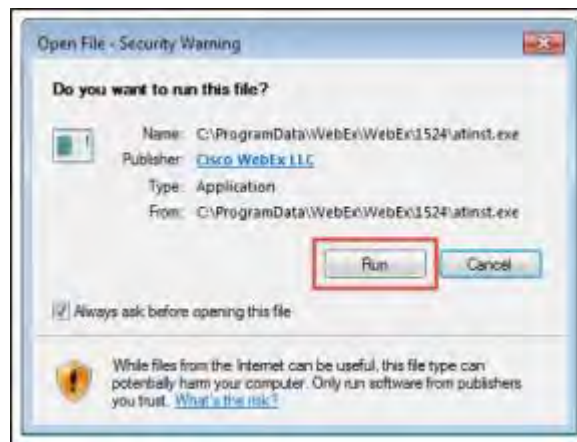
**Event password:**

**Join Now**

[Join by browser](#) **NEW!**

If you are the host, [start your event!](#)

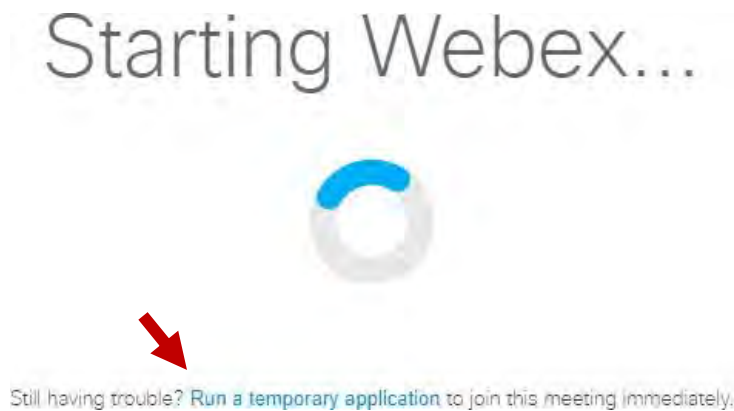
4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



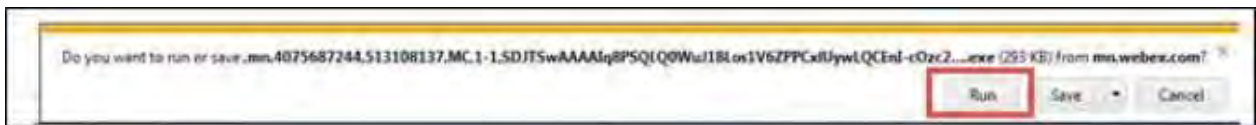
Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.



- To bypass step 4, click 'Run a temporary application'.



- A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

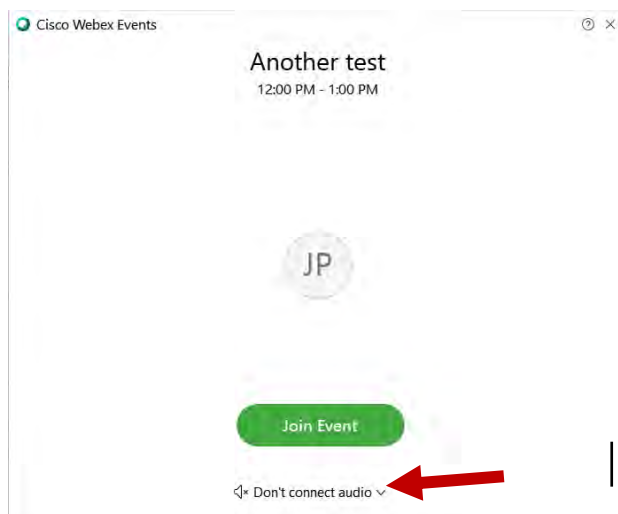
NOTE: The preferred audio connection to our event is via telephone conference or headset. Use of an open microphone and speakers through your computer could result in issue with audio clarity and potential feedback/echo.

- If using a headset plugged into your computer, click the 'Join Event' button.

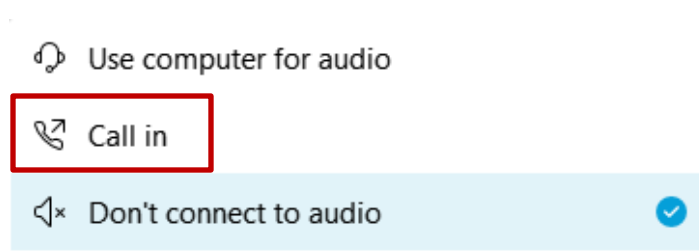


# HOW TO – Join – DCA WebEx Event

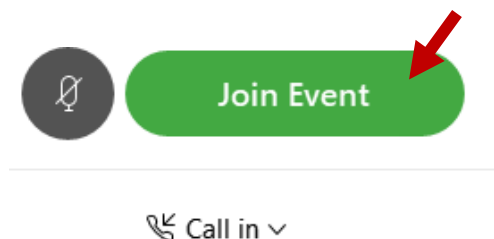
8. If using teleconference via your phone for audio, click the audio menu below the green 'Join Event' button.



9. When the audio menu appears click 'Call in'.

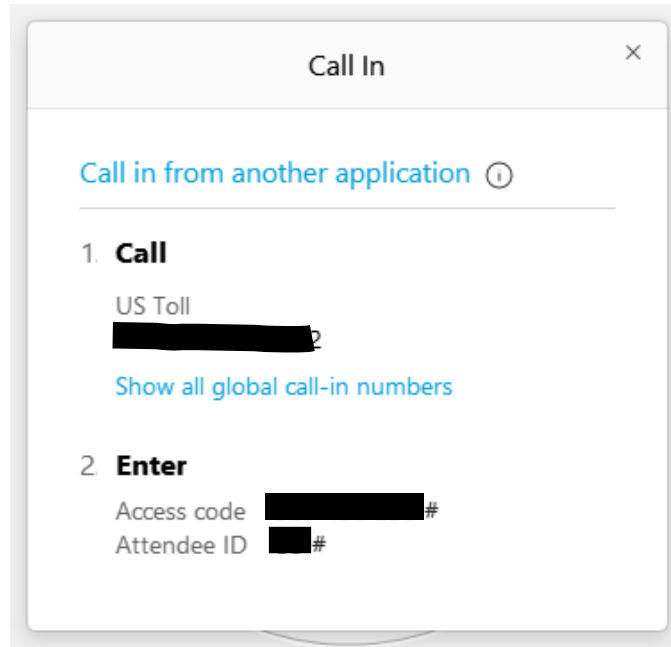


10. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



# HOW TO – Join – DCA WebEx Event

11. Call into the audio conference with the details provided.



*NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.*

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

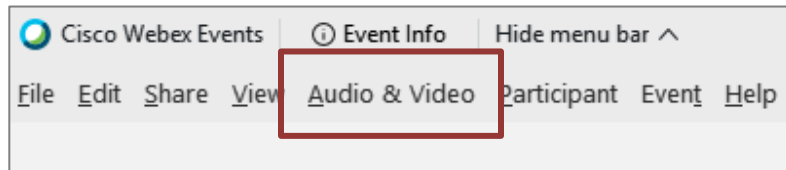


*NOTE: Your audio line is muted and can only be unmuted by the event host.*

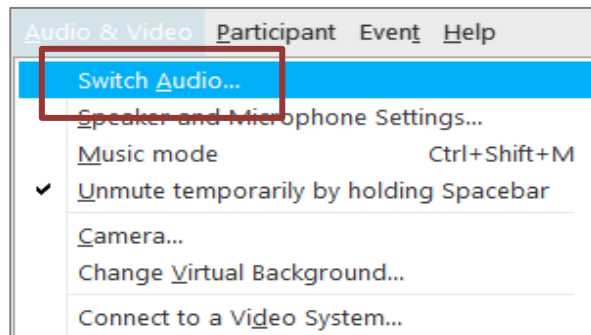
## Selecting Audio Connection After Joining

If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

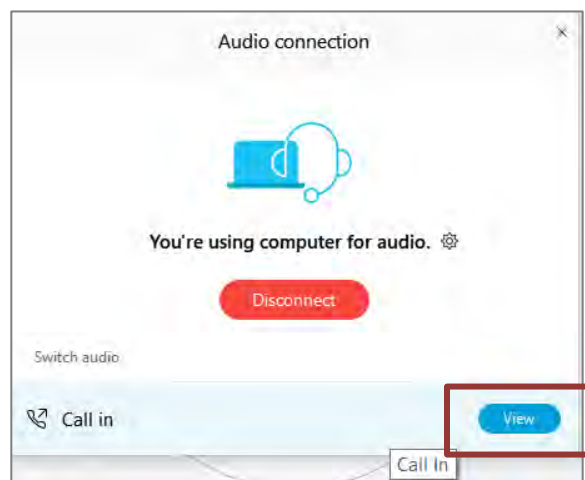
1. Select 'Audio & Video' from the menu bar at the top of your screen.



2. Select "Switch Audio" from the drop-down menu.



3. The 'Call In' information can be displayed by selecting 'View'



You will then be presented the dial in information for you to call in from any phone.

## Participating During a Public Comment Period

At certain times during the event, the facilitator may call for public comment.

Using the Question & Answer feature (Q&A):

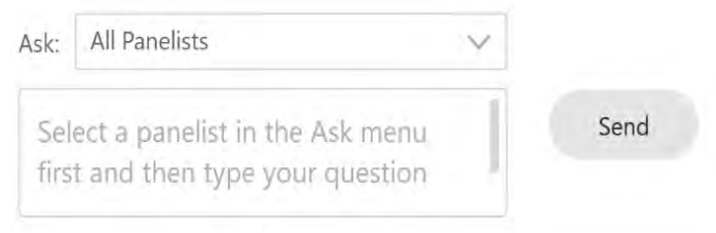
If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

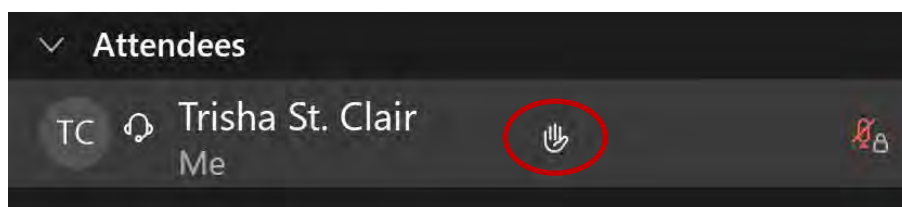
*NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.*

Make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.



Using the hand raise feature:

If the program elects to allow use of the hand raise feature and you would like to make a public comment, click on the hand icon next to your name.



Please click on the hand icon again once your comment has been presented to lower your hand.

# HOW TO – Join – DCA WebEx Event

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

When you are identified as the next commenter, the moderator will unmute your line, sending you a request to unmute yourself. Clicking “unmute me” on the pop-up window will open your microphone. You may then begin providing your public comment.



*NOTE: Your line will be muted at the end of the allotted public comment duration. You will be given a warning that your time is about to expire.*

# Quarterly Report of the Executive Officer

## Administrative/Management

**Board.** The Board met by teleconference on September 16.

**Meetings.** The Landscape Architects Technical Committee (LATC) met by teleconference on August 2. The Communications Committee met by teleconference on August 24.

## Newsletter

The summer issue of the *California Architects* newsletter was distributed in September.

## Budget

Both the Board and LATC's budgets were discussed at their respective meetings.

## Business Modernization

The Business Modernization Cohort 2 Project programs consisting of CAB/LATC, Structural Pest Control Board, Cemetery and Funeral Bureau, and the Bureau of Household Goods and Services began on May 16, 2022. The 19-month project has incremental releases to the public, with the first release targeted for early 2023. The first release build will include automation of the Eligibility Application; additional applications may be added in the first release as capacity permits.

### Personnel

Iskra Rodriguez began employment on September 19 as the new Office Technician in the Exams and Licensing Unit. Melanie Murphy, ARE Analyst, accepted a promotion at the Board of Accountancy. Recruitment is underway to fill the position.

### Outreach

CAB has begun outreach for the new zero net carbon design continuing education requirement that becomes effective January 1, 2023. Information has been disseminated on social media, the *California Architects* newsletter, and sent to the licensee email list.

LATC recently posted a brochure entitled *Licensing Resources Guide for Military Members and Their Families* to its website.

### Social Media and Website

LATC's Twitter account has 255 followers, and 46 Instagram followers. CAB's social media accounts are noted in the chart below.

Platform	July – Sept.	Followers 9/30/22
Twitter	52	953
Instagram	51	1,239
Facebook	52	420

### Regulatory Proposals

Kim McDaniel, Regulations Manager, continues to work closely with Legal Affairs Division (LAD) staff toward timely completion of the Board's various regulatory packages.

### Architects

**CCR Section 109 (Application Update).** This regulatory proposal provides updates to the Application for Eligibility reference to address AB 496, AB 2113, AB 2138, aligns with current Board practices and the National Council of Architectural Registration Boards (NCARB) current requirements, and makes non-substantive changes to the text to increase understanding. Staff are working with DCA's Legal Affairs Division (LAD) to prepare regulatory text for Board approval during the December 9, 2022 Board meeting.



**CCR Section 135 (Architectural Advertising).** This regulatory proposal establishes the requirement for architect licensees to include their name and license number on any public advertisement or presentment.

The Board considered REC's recommendation at its February 28, 2020 meeting to adopt a regulation to require architects to include their license number on all forms of advertisement solicitation or other presentments to the public in connection with the rendition of architectural services. During the meeting, staff presented proposed regulatory text for CCR section 135 (Presentment and Advertising Requirements) for the Board's consideration. The Board expressed concern about the regulation's implementation and whether it would protect consumers, and asked the issue be returned to the REC to research how such a regulation would increase consumer protection. At the November 5, 2020 REC meeting, staff presented research addressing the Board's concerns and the committee discussed the regulatory package. The Board approved the proposed regulatory language for CCR section 135 at its December 11, 2020 meeting. The initial regulatory package was submitted to LAD in April 2021. LAD's suggested changes were presented and approved at the September 10, 2021 Board meeting. The 45-day public comment period ended February 15, 2022. A public hearing was requested and held February 18, 2022. Staff worked with LAD to prepare proposed modified text to address concerns raised in the public comments, and a memo to the Board responding to adverse public comments, both of which were on the February 18, 2022 Board meeting agenda. The Board decided to postpone consideration of this item to the June 8, 2022 Board meeting. During the June 8, 2022 meeting, the Board voted to postpone this item to the September 16, 2022 Board meeting.

At the September Board meeting, members discussed the proposed regulatory amendments and did not have enough members present for a voting quorum. As the Board was unable to direct staff to either modify the text or file the final documents, the final rulemaking documents cannot be filed with the Office of Administrative Law (OAL) by December 31, 2022. On that date, under Government Code Section 11346.4(b), the notice for this rulemaking is no longer effective. If at a later date the Board wishes to proceed with a rulemaking on this topic, new text will need to be adopted and published for a 45-day public comment period (starting the rulemaking process over again from the beginning).

**CCR Section 144 (Fees [Retired License]) and CCR Section 109.1 (Retired License Application).** After discussing the fee associated with retiring an architectural license at its February, June and September 2019 meetings, the Board approved proposed regulatory language to amend CCR section 144 to set a retired license fee of \$40 at its December 11, 2019 meeting. They delegated the authority to the EO to adopt the regulation, provided no adverse comments were received during the public comment period, and to make minor technical or non-substantive changes, if needed. Some of the initial documents of the regulatory package were submitted to LAD on December 19, 2019. After review, discussion, and revision, staff submitted the regulation package in March 2021. In September 2021, LAD sent the package back to CAB with questions about the \$40 fee and required staff to add new text to the package to establish, in regulation, a retired license application. Staff worked with the Budget Office (BO) to justify a \$40 fee and added a retired license application section (new CCR 109.1).

**CCR Section 109.1 (Retired License Application).** This new CCR section incorporates the Retired Architect License Application and defines the term. During the regulatory process, LAD recommended a corresponding regulation to codify the application. The new CCR section 109.1 establishes and defines the application for a retired license and specifies the requirements for a retired architect to restore their license to active status. The Board approved the language for CCR 109.1 at the September 10, 2021 Board meeting. Staff revised the initial documents to address BO's concerns and added CCR section 109.1, resubmitted the documents to LAD, and worked with LAD on further revisions. The 45-day public comment period ran from June 3-19, 2022. The Board adopted the proposed responses to the comments at the September 16, 2022 Board meeting. LAD required the following non-substantive edit for clarity: the Board is adding to the end of the second sentence in 16 CCR section 109.1 (c)(2)(A) the phrase: "except for the education requirements of that section". The 15-day public comment period for the modified text ends October 25, 2022. Thus far, the Board has received one comment in support.

**CCR Section 144 (Fees – Increase).** The fees of the Board are required to be sufficient to support the functions of the Board. The fees, as they are currently set, do not adequately support the functions of the Board as they relate to regulating the profession. At the December 10, 2021 Board meeting, the BO's 2020-24 budget presentation projected that the fund condition would change from having an 11-month reserve to -0.6 at the end of FY 23-24. The Board discussed the budget and options including a fee increase. To prevent the projected fiscal structural imbalance in its budget and remain viable, at the February 18, 2022 Board meeting, the Board approved proposed regulatory text to increase fees to the statutory maximums as follows:

- Increase the fee for an original license from \$300 to \$400
- Increase the fee for an original license that is issued less than one year before the date on which it will expire from \$150 to \$200
- Increase the biennial renewal fee from \$300 to \$400

Initial submission documents were submitted to LAD on June 26, 2022. The 45-day public comment period runs from September 23 through November 8, 2022.

**CCR Section 152 (Citations).** This regulatory proposal amends CCR section 152 to enhance the Board's authority to issue citations to unlicensed individuals. The 45-day public comment period commenced on November 12 and ended on December 27, 2021, and the Board received no adverse comments. The final documents of the regulatory package were filed with OAL on December 31, 2021. Within 30 working days, OAL must review and issue either an approval or disapproval of a filed rulemaking. OAL requested substantive and non-substantive edits to the text. The package was withdrawn on February 8, 2022 (the final day of OAL's review period). Modified proposed regulatory text addressing OAL's concerns was sent out for a 15-day public comment period from March 24 to April 8, 2022. New rulemaking that incorporated by reference all documents in the previous rulemaking was filed and approved by OAL on August 29, 2022. The new regulation becomes effective October 1, 2022.

**CCR Section 154 (*Disciplinary Guidelines*).** Initial documents for the regulatory package were submitted to LAD on September 19, 2019. Staff incorporated LAD's feedback and the initial budget document was approved by the BO on October 19, 2020. On November 18, 2020, LAD forwarded the initial documents to the next level of review in the process and edits were required. Staff sent documents to LAD on September 8 and October 10, 2021. LAD is currently reviewing the regulatory language due to edits recommended by OAL to LATC's *Disciplinary Guidelines* rulemaking to ensure the language in the two regulatory packages is better aligned, and to expedite the review of the Board's *Disciplinary Guidelines* rulemaking when the final documents are submitted to OAL.

**CCR Section 165 (*Disability Access Continuing Education*).** This regulatory proposal seeks to establish requirements for disability access continuing education (CE) courses and providers by January 1, 2023. The Board approved the proposed regulatory language and delegated authority to the EO, provided no adverse comments were received during the public comment period, to adopt the regulation and to make minor technical or non-substantive changes, at the June 5, 2020 Board meeting. The proposed text was sent out for a 45-day public comment period commencing on November 12, 2021 and ending on December 27, 2021. Staff worked with LAD and prepared a Board memo proposing responses to adverse public comments. This memo was presented to the Board at the February 18, 2022 Board meeting where the decision was made not to vote on the matter but bring it back to the next Board meeting. At the June 8, 2022 Board meeting the Board voted to approve (1) the proposed modified text as amended and (2) proposed responses to the public comments received during the 45-day public comment period. Modified proposed regulatory text addressing public comments was sent out for a 15-day public comment period from June 27 to July 13, 2022, and additional public comments were received. The Board adopted the proposed responses to the additional comments at the September 16, 2022 Board meeting and approved the proposed second modified text. The second modified text public comment period closes October 4, 2022 and staff are preparing the final documents for filing with OAL.

**CCR Section 166 (*Zero Net Carbon Design Continuing Education*).** This is a regulatory proposal to establish requirements for zero net carbon design (ZNCD) CE through the creation of a new CCR section 166. [Assembly Bill 1010](#) (Berman, Chapter 176, Statutes of 2021) amended the Business & Professions Code (BPC) requiring architects to complete five hours of CE coursework on ZNCD for all renewals occurring on or after January 1, 2023. BPC 5600.05 requires the Board to promulgate regulations by July 1, 2024, that would establish qualifications for ZNCD CE courses and course providers. Proposed regulatory text was presented and discussed during the March 30, 2022 PQC meeting.

After considerable discussion on the topic of ZNCD CE, the Board approved proposed amended regulatory language during the June 8, 2022 Board meeting. The Board also delegated the authority to the EO, provided no adverse comments were received during the public comment period, to adopt the regulation and to make minor technical or non-substantive changes, if needed. Staff are preparing the documents for initial submission.

## Landscape Architects

**Legislative Proposal BPC section 5659 (Inclusion of License Number—Requirement).** LATC set an objective to educate the different jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations. Staff worked with LAD to add language to section 5659 to coincide with section 460 specifically referencing landscape architects. The proposed additional language would prohibit local jurisdictions from rejecting plans solely based on the fact they are stamped by a licensed landscape architect; however, they could still reject plans based on defects or public protection from the licensee.

Proposed language to amend BPC section 5659 was presented to LATC on February 5, 2020 and the Board approved LATC's recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal and submitted it to legislative staff in mid-March, 2020; however, the bill proposal was late and not accepted. The bill was resubmitted to legislative staff in January 2021; however, proposed language in the omnibus bill would delay review for other programs, so it was removed. At this time, LATC is planning to resubmit this proposal in the fall to the Senate Business and Professions Committee.

**CCR Sections 2614 (Examination Transition Plan).** On August 25, 2022, the Council of Landscape Architectural Registration Boards (CLARB) announced changes to the content and structure of the Landscape Architectural Registration Examination (LARE) effective December 2023. At its September 16, 2022 meeting, the Board approved proposed regulatory language to establish a plan to grant examination credit toward the new LARE sections to candidates who passed sections of the previously administered LARE. The package was submitted to LAD for initial analysis on September 15, 2022.

**CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program).** At the December 6, 2018 LATC meeting, LATC discussed opportunities to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with the regulation.

The Board approved LATC's proposed regulatory language at its meeting on June 12, 2019. Staff proceeded with the regulatory proposal process and on June 24, 2021 the package was submitted to OAL to publish the notice of the 45-day comment period which began on July 9, 2021 and ended on August 24, 2021. No comments were received. On September 3, 2021, the final regulatory proposal was provided to DCA for review; the final regulatory package was sent to OAL for review on December 27, 2021.

On February 4, 2022, OAL notified LATC staff that the text changes made after the Board's June 12, 2019, meeting were not clearly reflected in the minutes and carried through in the text. Additionally, OAL raised clarity concerns in the proposed text that would require a 15-day notice

to the public of modified text. As a result, the regulatory proposal was withdrawn from OAL and the Board approved the modified text at its February 18, 2022 Board meeting. On February 28, a 15-day notice of the modified text commenced. A second 15-day notice of modified text commenced on April 1, 2022. The Board approved the modified text at its June 8, 2022 Board meeting. The final regulation package was resubmitted to OAL on June 22, 2022 and approved on August 4, 2022. The regulatory action will take effect on October 1, 2022.

**CCR Sections 2630 (Issuance of Citations) and 2630.2 (Appeal of Citations).** To be more in line with the Board's procedures for the appeal of citations, staff proposed edits to LATC's appeal of citations regulation. Legal counsel advised additional edits were needed. Language has been added to clarify the Board's existing ability to issue orders of corrections to cease unlawful advertising under BPC section 149, clarifying that the 30-day deadlines are counted as calendar days, amending the appeal of citations process. The proposed language was presented to LATC on December 2, 2020 and adopted by the Board at its December 11, 2020 meeting. LAD completed the pre-review on April 5, 2021. In September 2021, amendments were made while in the initial analysis phase. The substantial amendments were approved by the Board at its December 10, 2021 meeting. Staff revised the necessary documents and submitted to LAD on January 4, 2022 and resubmitted on July 15, 2022. The BO approved the regulatory package on August 19, 2022, and it was submitted to OAL on September 12, 2022 to publish the Notice of the 45-day comment period beginning September 23 through November 8, 2022.

**CCR Section 2651 (Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency).** Effective January 1, 2020, section 11009.5 of the Government Code allows state licensing entities to reduce or waive licensing fees for people affected by a proclaimed or declared emergency in the previous year. Licensing programs within DCA may, but are not required to, establish a process for reducing or waiving the licensing fees of those impacted by federal, state, or local emergencies.

In February 2021, staff prepared a draft regulatory proposal that would implement an emergency fee waiver by adopting CCR, title 16, division 26, article 1, section 2651 Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency. The proposed language was presented to LATC on April 29, 2021, adopted by the Board at its June 11, 2021. This regulatory package is on hold while a fee study is conducted to analyze the fiscal impact.

**CCR Section 2680 (Disciplinary Guidelines).** As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of collaborating with the Board to review and update LATC's *Disciplinary Guidelines*. Staff worked closely with Board staff to update their respective guidelines to mirror each other wherever appropriate.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed changes to the LATC's *Disciplinary Guidelines* and CCR section 2680 as modified. DCA guidance due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation), required staff to revise the *Disciplinary Guidelines*. On February 8, 2019, the Committee made a recommendation to the

Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*. During initial analysis, LAD found that additional amendments were necessary. LATC and the Board approved the additional amendments to the proposed regulatory language at their meetings on August 4, 2021 and September 10, 2021, respectively. After the Committee’s approval and in anticipation of the Board’s approval, staff revised documents for the regulatory proposal to incorporate the additional amendments and submitted them to LAD for review on August 26, 2021. A revised fiscal impact statement was sent to the BO on January 10, 2022. LAD completed its review on March 4, 2022, and revised documents based on LAD’s recommendations were resubmitted to LAD on March 25, 2022. The package was submitted to OAL to publish the Notice of the 45-day comment period which commenced on May 20 and ended on July 5, 2022. No written comments were received.

Staff prepared the final documents and submitted to DCA for review on July 27, 2022. The final regulatory package was submitted to OAL on August 11, 2022. The regulatory package was withdrawn on September 20, 2022 due to concerns from OAL regarding license surrender while on probation and continuing education courses and providers. Staff worked with LAD to address the concerns and the 15-day comment period of the modified text will commence on October 14 and end on October 31, 2022.

**Licensing and Examination Program**

**Architects**

Performance data for the Architect California Supplemental Examination (CSE) and Architect Registration Examination (ARE) 5.0 for California candidates during the second quarter of 2022 are presented in Tables A and B.

**Table A  
Architect CSE Examinee Performance: July 1 – September 30, 2022**

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
Instate First-time	93	76%	30	24%	123
Instate Repeat	30	67%	15	33%	45
Reciprocity First-time	39	78%	11	22%	50
Reciprocity Repeat	11	65%	6	35%	17
<b>Total</b>	<b>173</b>	<b>74%</b>	<b>62</b>	<b>26%</b>	<b>235</b>



**Table B**  
**California ARE 5.0 Examinee Performance by Division/Topic: July 1 - September 30, 2022**

ARE Division	Pass	Rate	Fail	Rate	Total Exams
Construction and Evaluation	112	60%	75	40%	187
Practice Management	119	50%	120	50%	239
Programming and Analysis	119	55%	99	45%	218
Project Development and Documentation	113	57%	85	43%	198
Project Management	109	57%	81	43%	190
Project Planning and Design	134	53%	121	47%	255

**Table C**  
**California and NCARB Performance Comparison (FY 2022/23)**

ARE Division	FY 22/23		
	CA Pass	Natl. Pass	▲%
Construction and Evaluation	60%	68%	-8%
Practice Management	50%	52%	-2%
Programming & Analysis	55%	59%	-4%
Project Development & Documentation	57%	56%	+1%
Project Management	57%	64%	-7%
Project Planning & Design	53%	51%	+2%

▲% is the difference in the California and national (NCARB) performance.



## Landscape Architects

**Table D**  
**Landscape Architect CSE Examinee Performance: July 1 – September 30, 2022**

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
First-time	21	72%	8	28%	29
Repeat	2	50%	2	50%	4
<b>Total</b>	<b>23</b>	<b>70%</b>	<b>10</b>	<b>30%</b>	<b>33</b>

**Table E**  
**California LARE Examinee Performance by Division/Topic: July 1 - September 30, 2022**

Topic	Pass	Rate	Fail	Rate	Total Examinees
Project and Construction Management	25	54%	21	46%	46
Inventory and Analysis	25	54%	21	46%	46
Design	23	56%	18	44%	41
Grading, Drainage, and Construction Documentation	27	64%	15	36%	42

**Table F**  
**California and CLARB Performance Comparison (FY 2022/23)**

LARE Division	FY 22/23		
	CA Pass	Natl. Pass	▲ %
Property and Construction Management	54%	58%	-4%
Inventory & Analysis	54%	64%	-10%
Design	56%	57%	-1%
Grading, Drainage and Construction	64%	70%	-6%

▲ % is the difference in the California and national (CLARB) performance.





## Enforcement

### Architects

The Board has been using a pool of qualified Subject Matter Experts (SMEs) to provide case review, technical evaluation, and courtroom testimony.

**Table G**  
**Architects Complaints and Enforcement Actions**

Category	Current Quarter July – Sept. 2022	Prior Quarter April - June 2022	FY 22–23
<b>Complaints</b>			
Received	72	78	72
Opened	72	78	72
Closed	96	71	96
Average Days to Close	392	156	392
Pending	123	153	123
<b>Citations</b>			
Issued	2	9	2
Final	8	8	8
<b>Attorney General</b>			
Pending Attorney General	3	4	3
Final	1	0	1

## Landscape Architects

**Table H**  
**Landscape Architects Complaints and Enforcement Actions**

Category	Current Quarter July – Sept. 2022	Prior Quarter April - June 2022	FY 22–23
<b>Complaints</b>			
Received	5	7	5
Opened	5	7	5
Closed	9	9	9
Average Days to Close	134	107	134
Pending	6	6	6
<b>Citations</b>			
Issued	2	2	2
Final	2	1	2
<b>Attorney General</b>			
Pending Attorney General	0	0	0
Final	0	0	0

## Enforcement Actions

### Architects

#### Administrative Actions

**Twen Ma** (Bradbury) – Effective July 8, 2022, and in accordance with a stipulated settlement, Twen Ma’s architect license number C-16815 was revoked. However, the revocation was stayed, his license suspended for 30 days, and he was placed on probation for three years with specific terms and conditions, including reimbursing the Board for the amount of \$14,495.75 for investigative costs. An Accusation filed against Ma alleged four causes for discipline for violations of: (1) Business and Professions Code (BPC) section 5584 and California Code of Regulations (CCR), title 16, section 160(a)(2) (Negligence); (2) BPC section 5584 and CCR, title 16, section 150 (Willful Misconduct – Breach of Contract); (3) BPC section 5584 and CCR, title 16, section 150 and 160(b)(1) (Willful Misconduct); and (4) BPC section 5583 (Fraud or Deceit in the Practice of Architecture).

The Accusation alleged that on or about August 4, 2015, Ma was hired to design a 65,000 square foot warehouse in the city of Montclair. He received a deposit of \$47,500. The payment schedule in the Agreement for Architectural Services stated that payment would be made as follows: 25% upon consummation of the agreement, 20% upon completion of the preliminary sketches, 20% beginning working drawings and specifications, 20% upon completion of working drawings and specifications for the building plan, 10% upon receipt of the building permit, and 5% upon final map recording.

Ma informed his client that he obtained approval on the preliminaries from the City of Montclair and had prepared the drawings for structural, plumbing, mechanical, and electrical work. On or about September 10, 2015, Ma was paid \$38,000 for the completion of the preliminary sketches for planning approval. On or about March 16, 2016, Ma was paid \$38,000 for beginning work on the drawings and specifications. Ma's client later discovered that Ma had lied about obtaining approvals on the preliminaries by the City of Montclair and that Ma had proceeded to prepare the drawings for structural, plumbing, mechanical, and electrical work without the preliminary approvals.

In order to continue the project, Ma signed a document admitting to breaching the original contract by failing to obtain the mandatory approval by the city of Montclair. He proceeded to make additional designs and/or changes, which were subsequently rejected by the city of Montclair. In September 2016, the city of Montclair requested corrections, but as of February 1, 2017, Respondent had not submitted a response to address the corrections. Ma entered into a stipulated settlement and the Board adopted the Proposed Disciplinary Order which became effective on July 8, 2022.

### Citations

**Ben Fernandez** (Los Angeles) The Board issued a one-count citation that included a \$2,500 administrative fine to Ben Fernandez, an unlicensed individual, doing business as BF Design Group, for alleged violations of BPC 5536(a) and CCR 134(a).

The action alleged that Mr. Fernandez provided architectural services for his client's existing apartment building in Los Angeles. Mr. Fernandez created a fee estimate proposal for \$12,000 including completion of "architectural drawings." Mr. Fernandez was paid over \$8,000 and stopped communicating with his clients once the submittal required corrections and abandoned the project. The scope of work for the project including demolition and the conversion of three existing apartment units on the first floor to a retail unit and remodeling of the second-floor units. The project was not exempt from licensing requirements per BPC section 5537(a) or 5538 as it was a commercial building and included demolition.

Fernandez's business cards also included "Architect-Planning-Interiors" as his description of service. Offering or providing architectural services without a license and use of the words architect and architectural in his business entity's description of services constitute violations of BPC 5536(a) and CCR 134(a). Fernandez was served with notice of the violations but did not respond to multiple requests to make corrections The citation became final on June 22, 2022.

**Kenneth F. Ibarra** (San Bruno) – The Board issued a one-count citation that included a \$500 administrative fine to Kenneth F. Ibarra, Architect license number C-15478, doing business as Ibarra Associates Architecture & Planning, for alleged violations of BPC sections 5536.22(a)(8), 5558, and 5584 and Title 16, CCR sections 160(a)(2) and 160(b)(1).

On or about February 26, 2020, Ibarra entered into a written contract to provide architectural services related to the remodel and addition to an existing one-story single-family residence located in San Bruno for an estimated fee of \$6,000. Ibarra agreed to complete the project in one week but took approximately ten months to present his first set of two schematic design drawings. His lack of communication with his clients and failure to timely complete the work constituted a violation of BPC section 5584 and CCR sections 160(a)(2) (Incompetence) and 160(b)(1) (Negligence).

Board records revealed that Ibarra had not filed the proper and current name and address of the entity through which he provided architectural services, Ibarra Associates Architecture & Planning, a violation of BPC section 5558. Ibarra also failed to include a statement in at least 12-point type that reads: "Architects are licensed and regulated by the California Architects Board located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834." in his written contract for the above-referenced project, a violation of BPC section 5536.22(a)(8). Ibarra paid the fine, satisfying the citation. The citation became final on September 15, 2022.

**Geo Lefranc** (Hawthorne) – The Board issued a one-count citation that included a \$1,500 administrative fine to Geo Lefranc, an unlicensed individual, doing business as LeFranc Design, for alleged violations of BPC section 5536(a).

The action alleged that LeFranc's company Facebook profile identified him as an "Architectural Designer" and offered "Architectural and Solar Design." LeFranc's company website offered "Architecture" and stated he would "Generate architectural drawings quickly and efficiently...GOALS increase my Architectural knowledge, perform well, gain trust and develop a long-term relationship that promotes mutual growth and prosperity..." LeFranc's company Houzz profile was categorized under "Architects" and offered "architecture design and plans services." LeFranc's title block offered "Architectural CAD Permit Services." LeFranc's company The Builder Market profile was categorized under "Architects." LeFranc's company Angi profile offered "Architects."

LeFranc's website and profiles (Angi, Facebook, Houzz, and The Builder Market), wherein he described his services as "Architecture" and "Architectural" and offered "Architects," are devices that might indicate to the public that LeFranc is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a). LeFranc was served with notice of the violations but did not respond to multiple requests to make corrections. The citation became final on July 22, 2022.

**William Matzuy** (Lake Elsinore) – The Board issued a one-count citation that included a \$1,500 administrative fine to William Matzuy, an unlicensed individual, doing business as Matzuy and Associates, for alleged violations of BPC section 5536(a).

The action alleged that Matzuy executed a Service Agreement to provide Mr. J.D. with plans for a residential project located in Hacienda Heights. The project consisted of adding floor area to the rear

of an existing two-story, single-family dwelling for a fixed fee of \$4,300. Matzuy's agreement offered "architectural design services" and included "architectural design."

Matzuy's service agreement, wherein he described his services as "Architectural," is a device that might indicate to the public that Matzuy is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of BPC section 5536(a). Matzuy was served with notice of the violations but did not respond to multiple requests to make corrections. The citation became final on July 22, 2022.

**Eddy Zhong Shen** (San Jose) – The Board issued a two-count modified citation that included a \$6,000 administrative fine to Eddy Zhong Shen, an unlicensed individual, doing business as LRS Associates Architecture and Planning, for alleged violations of BPC section 5536(a) and 5536(b) and Title 16, CCR section 134(a). Shen is a former architect with a revoked license.

The action alleged that Shen submitted plans to the city of Cupertino for a tenant improvement project dated August 15, 2019. The plans contained a signed architect stamp with the legend "State of California," the title "Licensed Architect," license number "C12727" and an expiration date of "April 30, 2021." The plans also included the company name LRS Associates Architecture and Planning in the title block. Shen's LinkedIn profile also included the title "Architect-President at LRS Associates Inc.Architecture-Planning-Interiors."

Shen's use of a stamp bearing the legend "State of California" or words or symbols that represent or imply that he was licensed by the state at the time to prepare plans, specifications, or instruments of service constituted a violation of BPC section 5536(b). Shen's LinkedIn profile, wherein he described his services as "Architecture" and used the title "architect" is a device that might indicate to the public that he was an architect or qualified to engage in the practice of architecture in California. Such conduct constituted a violation of BPC section 5536(a). Shen's use of the business name "LRS Associates Architecture and Planning," which included the term "Architecture" in its title, without a California licensed architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity constituted a violation of Title 16, CCR section 134(a).

After a formal administrative hearing, the Board adopted the Proposed Decision issued by an Administrative Law Judge, affirming the grounds for the issuance of Citation No. 20-01 and ordering Shen to pay an administrative fine in the amount of \$6,000 to the Board and to cease and desist from violating BPC section 5536, subdivisions (a) and (b) and CCR, title 16, section 134, subdivision (a). The order became effective on July 8, 2022. Shen paid the fine, satisfying the citation.

### Landscape Architects

#### Citations

**Patton, Jake** (Culver City) - The Board issued a one-count citation that included a \$1,000 administrative fine to Jake Patton, an unlicensed individual, for alleged violations of BPC section 5640 (Unlicensed Person Engaging in Practice - Sanctions). The action alleged that Patton provided

services for a project not described in BPC section 5641 (Chapter Exceptions, Exemptions) as an exempt project without a valid, unrevoked license. The citation became final on July 7, 2022.

**Kathleen McKernin** (Los Angeles) - The Board issued a two-count citation that included a \$2,000 administrative fine to Kathleen McKernin, landscape architect license number LA 5630, for alleged violations of BPC section 5616 (Landscape Architecture Contract-Contents, Notice Requirements) and CCR, title 16, section 2670, subsection (a)(2) (Rules of Professional Conduct-Competence). The action alleged that McKernin failed to include all requirements in the executed contract for a project and provided design plans that did not comply with City laws, codes, and/or regulations potentially causing monetary damage to the client. McKernin paid the fine, satisfying the citation. The citation became final on September 19, 2022.

## MEMORANDUM

<b>DATE</b>	November 14, 2022
<b>TO</b>	California Architects Board
<b>FROM</b>	Kimberly McDaniel, Regulations Manager Karen Halbo, Regulations Counsel, Attorney III
<b>SUBJECT</b>	<b>Agenda Item K: Sections 109.1 and 144, Articles 2 and 7, Division 2, Title 16 of the CCR Regarding Retired License Fee and Application</b>

### Background

The California Architects Board (CAB) Retired License Fee and Application regulatory proposal was originally approved by the Board at its December 11, 2019, meeting. At the Board's September 10, 2021 meeting, the Board approved and adopted adding CCR section 109.1 to the regulatory proposal to clarify who is eligible for a retired license, how to obtain a retired license, and how a holder of a retired license may return to active status. The regulatory package was published on May 27, 2022, for the 45-day public comment period that was extended to ensure proper notice was given and closed July 19, 2022 (53 days after the publication of the notice). Seven public comments were received, three which were directed at obtaining documents and information about the rulemaking, one which expressed a concern, and three positive comments, two of which inquired as to a matter outside the scope of the rulemaking. At its September 16, 2022, meeting, the Board voted to adopt staff's proposed responses to comments.

After the Board's September 16, 2022 meeting, the Legal Affairs Division (LAD) at the Department of Consumer Affairs requested modification of the text for clarity, specifically, to add to 16 CCR 109.1(c)(2) at the end of the sentence the phrase "except for the education requirements of that section." The requested modification makes clear to retired license holders who wish to reactivate their license that they are not required to repeat the education retired architects already completed to obtain their original license. Modified Text was noticed for a 15-day comment period starting October 5, 2022, and to make certain all interested parties had time to comment, the comment period was extended to close on October 25, 2022. During this second 15-day public comment period, the Board received two comments and no changes in the text were deemed necessary in response.

Upon the Board adopting the modified text (Attachment 1), Board staff will prepare the Final Statement of Reasons (FSR) to be included in the final rulemaking package documents to be filed with the Office of Administrative Law.

**Action Requested**

The Board is asked to consider the proposed Modified Text and entertain a motion to approve and adopt the rulemaking text as modified, direct staff to take all steps necessary to complete the rulemaking process, delegate to the Executive Officer the authority to make any technical or non-substantive changes to the proposed regulations that may be required in completing the rulemaking file and adopt the proposed regulatory changes.

**Attachments:**

1. Proposed Second Modified Text



Department of Consumer Affairs  
TITLE 16. CALIFORNIA ARCHITECTS BOARD

**PROPOSED MODIFIED TEXT**  
**Retired License Application and Fee**

<b>Legend:</b>	Added text is indicated with an <u>underline</u> . Deleted text is indicated by <del>strikeout</del> . Added modified text is indicated with a <u>double-underline</u> . Deleted modified text is indicated by <del>double-strikethrough</del> . Modifications are also indicated by <b>yellow highlighting</b> .
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Adopt Section 109.1 of Article 2 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

**§ 109.1. Retired License Application**

(a) To be eligible for a retired license, an architect (“applicant”) shall meet the requirements in subdivision (a) of Section 5600.4 of the code and submit a completed application to the board as required by subsection (b).

(b) (1) For the purposes of this section, a completed application for a retired license includes the nonrefundable fee specified in Section 144 and all of the following information from the applicant:

(A) Social security number or individual taxpayer identification number (ITIN),

(B) California architect license number,

(C) Full legal name (Last Name, First Name, Middle Name, and (if any) Suffix),

(D) Month and year of birth,

(E) Contact information including, the applicant’s address of record, phone numbers, and an email address (if any),

(F) Legal name as the applicant wants it to appear on their retired architect license wall certificate,

(G) A statement regarding whether the applicant is engaged in any activity for which an architect’s license is required; and,

(H) A statement signed under penalty of perjury that the information provided on the application is true and correct.

(2) Upon meeting the requirements of this section, the board shall issue a retired license and a wall certificate as evidence of such license status to the applicant.

(c) (1) The holder of a retired license (“holder”) may restore their architect license to active status at any time within five years from the expiration date of their original architect license by:

(A) Paying all accrued and unpaid renewal fees and if appropriate, any delinquency fee specified in Section 144; and,

(B) Completing and submitting the architect license renewal application to the board, which includes the following information from the holder:

(i) Full legal name (Last Name, First Name, Middle Name, and (if any) Suffix),

(ii) Contact information including address of record, phone numbers and email (if any),

(iii) Original architect license number,

(iv) The statements required by subdivision (c) of Section 5600 of the code,

(v) A statement regarding whether the holder has completed continuing education (CE) coursework requirements provided in Section 5600.05 of the code within the previous two years; and,

(vi) A statement signed under penalty of perjury that the information provided on the application is true and correct.

(2) The holder of a retired license ineligible to restore their license under subsection (c)(1) because more than five years have passed since the expiration date of their original architect license may seek to restore their original architect license to active status by:

(A) Submitting all of the information and documentation to the board required by Section 109 and complying with Section 124.7. The holder of a retired license shall be considered a new candidate as defined in Section 109(a)(1) for the purposes of compliance with Section 109, **except for the education requirements of that section.**

(B) Paying all the application fees for examination and for an original license specified in Section 144; and,

(C) Furnishing to the Department of Justice a full set of fingerprints for the purposes of the board conducting criminal history record checks pursuant to Section 144 of the Code.

(d) For the purposes of determining when a holder of a retired license may restore a license, “expiration date” shall mean the date an active license lapses or is no longer

effective, or the date the board issued a retired status license to an architect holding a current and active license.

Note: Authority cited: Sections 5526 and 5600.4, Business and Professions Code. Reference: Sections 30, 144, 5600.2, 5600.3, and 5600.4, Business and Professions Code.

Amend Section 144 of Article 7 of Division 2 of Title 16 of the CCR as follows:

**§ 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).
- (h) The fee for a retired license is forty dollars (\$40).

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 5604, Business and Professions Code.



## MEMORANDUM

<b>DATE</b>	November 29, 2022
<b>TO</b>	California Architects Board
<b>FROM</b>	Kimberly McDaniel, Regulations Manager Karen Halbo, Regulations Counsel, Attorney III
<b>SUBJECT</b>	<b>Agenda Item L: Section 144, Article 7, Division 2, Title 16 of the CCR Regarding Fees</b>

### **Background**

The California Architects Board (CAB) Fees regulatory proposal was approved by the Board at its February 18, 2022, meeting.

[Notice](#) of the proposed language was published and the 45-day public comment period ran from September 23, 2022, to November 8, 2022. A request for a public hearing was received and Board staff held a hearing on November 28, 2022 (for a transcript, see **Attachment 1**). Seven public comments were received, three which were directed at obtaining documents and information about the rulemaking and four which expressed opposition and one of which made a request for a hearing (**Attachment 2**). In response to the public comments staff does not recommend modifications to the proposed text approved by the Board at its February 18, 2022, meeting.

### **Action Requested**

The Board is asked, upon reviewing and considering the public comments received during the 45-day public comment period and during the public hearing, to adopt the proposed response to the written comments.

### **Attachments:**

1. Transcript of November 28, 2022 public hearing.
2. Public Comments received during 45-day comment period

**Attachment 1 for Agenda Item L - Discuss and Action on Proposed Regulatory Language for Title 16, of the CCR, Division 2, Article 7, Section 144 (Fees) and Proposed Responses to Public Comments**

**Transcript of Public Hearing**

November 28, 2022

8:30 a.m.-11:30 a.m.

Title 16, California Code of Regulations, Section 144 – Fees

**Hearing Location:** Department of Consumer Affairs  
1625 North. Market Blvd.  
North Market Hearing Room, 1st Floor, South, Suite 102  
Sacramento, CA 95834

A public hearing was held on November 28, 2022.

Kim McDaniel, Regulations Manager for the California Architects Board, provided introductory remarks and opened the hearing officially at 8:38. The public hearing was closed at 11:30 am. No public comments were received at the hearing.

## Attachment 2 for Agenda Item L -Discuss and Action on Proposed Regulatory Language for CCR, Title 16, Division 2, Article 7, Section 144 (Fees) and Proposed Responses to Public Comments

**From:** [Colleen Garrison](#)  
**To:** [CAB@DCA](mailto:CAB@DCA)  
**Subject:** RE: CCR 144  
**Date:** Friday, September 23, 2022 4:19:07 PM

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Okay thank you for the clarification.

### Newman Garrison + Partners, Inc.

ARCHITECTURE      PLANNING      INTERIORS

Colleen Garrison  
Administrative Assistant

**3100 Bristol Street, Suite 400**  
**Costa Mesa, CA 92626**

**T: 949-756-0818 Ext. 1023**  
**F: 949-756-0145**

**[www.nggpartners.com](http://www.nggpartners.com)**

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**From:** CAB@DCA <[CAB@dca.ca.gov](mailto:CAB@dca.ca.gov)>  
**Sent:** Friday, September 23, 2022 4:17 PM  
**To:** Colleen Garrison <[CGarrison@nggpartners.com](mailto:CGarrison@nggpartners.com)>  
**Subject:** RE: CCR 144

Hello,

The notice pertains to a proposal to raise fees and provides a 45-day comment period.

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**From:** Colleen Garrison <[CGarrison@nggpartners.com](mailto:CGarrison@nggpartners.com)>  
**Sent:** Friday, September 23, 2022 4:12 PM  
**To:** CAB@DCA <[CAB@dca.ca.gov](mailto:CAB@dca.ca.gov)>  
**Subject:** RE: CCR 144

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Hello,

What is this notice regarding?

Thank you,  
Colleen

Newman Garrison + Partners, Inc.

Colleen Garrison  
Administrative Assistant

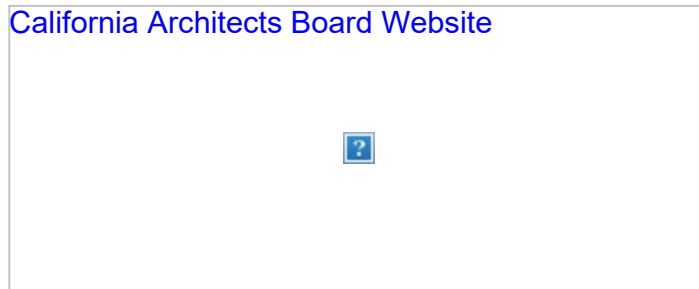
**3100 Bristol Street, Suite 400  
Costa Mesa, CA 92626**

T: 949-756-0818 Ext. 1023  
F: 949-756-0145

[www.nggpartners.com](http://www.nggpartners.com)

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**From:** California Architects Board Legislation and Regulation Updates <[CAB-LEGISLATION@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LEGISLATION@SUBSCRIBE.DCALISTS.CA.GOV)> **On Behalf Of** California Architects Board  
**Sent:** Friday, September 23, 2022 2:25 PM  
**To:** [CAB-LEGISLATION@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LEGISLATION@SUBSCRIBE.DCALISTS.CA.GOV)  
**Subject:** CCR 144



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The Notice of Proposed Regulatory Action concerning section 144 of the California Code of Regulations has been posted to the website. Below is the link:

- [Notice of Proposed Regulatory Action](#)

DO NOT reply to this email. If you have any questions or require further assistance, please [contact the Board](#).

Thank you,

California Architects Board



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<http://subscribe.dcalists.ca.gov/cgi-bin/wa?SUBED1=CAB-LEGISLATION&A=1>

**From:** [Kristopher Conner](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Re: CCR 144  
**Date:** Friday, September 23, 2022 3:30:55 PM

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Hello Ms. McDaniel,

I am writing to express my concern over this proposed increase in license fees. A 33% single increase seems absurd, even amidst the current economic environment. I hope there will be a hearing where the members of the profession will be allowed to voice concerns and objections.

Kind Regards,

Kristopher Conner, AIA, NCARB

**CONNER + PERRY**  
*Architects, Inc.*

A: 3200 Airport Ave. Suite 12,  
Santa Monica, CA 90405  
O: [\(310\) 313-1928](tel:3103131928)  
E: [kconner@conner-perry.com](mailto:kconner@conner-perry.com)  
W: [conner-perry.com](http://conner-perry.com)

On Fri, Sep 23, 2022 at 2:25 PM California Architects Board <[000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov](mailto:000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov)> wrote:



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The Notice of Proposed Regulatory Action concerning section 144 of the California Code of Regulations has been posted to the website. Below is the link:

- [Notice of Proposed Regulatory Action](#)

DO NOT reply to this email. If you have any questions or require further assistance, please [contact the Board](#).

Thank you,



California Architects Board

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<http://subscribe.dcalists.ca.gov/cgi-bin/wa?SUBED1=CAB-LEGISLATION&A=1>



**From:** [Chris](#)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Fee Increase  
**Date:** Friday, September 23, 2022 2:40:14 PM  
**Attachments:** [image001.jpg](#)  
[ccr\\_144\\_notice.pdf](#)

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Hi Kimberly,

So you all are going to double our renewal fees right on the back of increased CE's?

I know the General Public thinks all architects are wealthy but that is simply NOT the case. The regulatory environment in this State is so excessive already and having to deal with employees, workman's comp, E and O, ad nauseam along with inflation, gas prices, yadda, yadda.

I for one am NOT in favor of this. As if I actually have a vote!

Regards,

Chris McFadden

McFadden Architects  
75-145 St. Charles Place, Suite 4  
Palm Desert, California 92211  
Tel: (760) 346-8014



**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**To:** [Dennis De Pietro](mailto:Dennis.DePietro)  
**Subject:** RE: changes to Section 144 of Article 7, Division 2, Title 16 of the California Code of Regulations related to Fees.  
**Date:** Wednesday, November 9, 2022 12:40:00 PM  
**Attachments:** [CAB - Fees - Text.pdf](#)  
[CAB - Fees - ISOR.pdf](#)

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Good afternoon,

The requested information may be found at the following:

[https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml#proposed](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml#proposed)

For your convenience, I have also attached a copy of the proposed regulatory text and another document, Initial Statement of Reasons, that describes the proposed changes.

Thank you,

Kim McDaniel, Regulations Coordinator

---

**From:** Dennis De Pietro <dennis@depietroholdings.com>  
**Sent:** Wednesday, November 9, 2022 11:16 AM  
**To:** McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>  
**Subject:** changes to Section 144 of Article 7, Division 2, Title 16 of the California Code of Regulations related to Fees.

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Dear Kimberly,

I received an email notice regarding proposed fee changes.

Please provide information on what are the proposed fee changes and any staff reports regarding the economics requiring these changes.

Thank you,

Dennis

Dennis De Pietro  
Architect C9502



**From:** [Baisch Ingrid](#)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** FW: [Possible Spam] Regulations Public Hearing Notice  
**Date:** Tuesday, November 8, 2022 1:13:04 PM

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Owch. I wish I could get a 25% raise...

**INGRID BAISCH** (she/her/hers)

Project Manager  
San Diego Unified School District  
Facilities Planning and Construction  
4860 Ruffner Street  
San Diego, CA 92116  
Cell: (619) 701-7135  
[ibaisch@sandi.net](mailto:ibaisch@sandi.net)

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**From:** California Architects Board Legislation and Regulation Updates <[CAB-LEGISLATION@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LEGISLATION@SUBSCRIBE.DCALISTS.CA.GOV)> **On Behalf Of** California Architects Board  
**Sent:** Tuesday, November 8, 2022 1:02 PM  
**To:** [CAB-LEGISLATION@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LEGISLATION@SUBSCRIBE.DCALISTS.CA.GOV)  
**Subject:** [Possible Spam] Regulations Public Hearing Notice

[California Architects Board Website](#)



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NOTICE IS HEREBY GIVEN that the California Architects Board (Board) will hold a public hearing on the proposed regulatory action to amend Section 144 of Article 7, Division 2, Title 16 of the California Code of Regulations, related to Fees. Any interested person may present statements or arguments orally during the public hearing to be held on November 28, 2022, from 8:30 a.m. to 11:30 a.m. Additionally, any interested person may present statements or arguments relevant to the action proposed, in writing via email to [kimberly.mcdaniel@dca.ca.gov](mailto:kimberly.mcdaniel@dca.ca.gov) or fax at (916) 575-7238, from 8:30 a.m. to 11:30 a.m. on November 28 2022. Hearing Location: Department of Consumer Affairs 1625 North Market Blvd. North Market Hearing Room, 1st Floor, South, Suite 102 Sacramento, CA 95834 Date: November, 28, 2022 Time: 8:30 a.m.-11:30 a.m.

- [Click here for more information](#)

DO NOT reply to this email. If you have any questions or require further assistance, please [contact the Board](#).

Thank you,



California Architects Board

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<http://subscribe.dcalists.ca.gov/cgi-bin/wa?SUBED1=CAB-LEGISLATION&A=1>

California

October 22, 2022

Kim McDaniel  
California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834

Hello Kim McDaniel:

Thank you for forwarding the "NOTICE OF PROPOSED REGULATORY ACTION CONCERNING Fees" which indicated comments concerning the proposed action should be addressed to you.

The proposal to increase the license fees 33-1/3 % does not seem warranted. Please accept this letter as a request that the Board not increase the fees.

Sincerely Yours,

John I Weaver  
C-3045

**From:** [Victor Montgomery](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** RE: Is there a copy of the proposed fees available to the public for review?  
**Date:** Wednesday, November 9, 2022 8:51:48 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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**WARNING:** This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [VMontgomery@rrmdesign.com](mailto:VMontgomery@rrmdesign.com)

Received, thank you.



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**From:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Sent:** Tuesday, November 8, 2022 4:03 PM  
**To:** Victor Montgomery <[VMontgomery@rrmdesign.com](mailto:VMontgomery@rrmdesign.com)>  
**Subject:** RE: Is there a copy of the proposed fees available to the public for review?

Good afternoon,

The requested information may be found at the following:

[https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml#proposed](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml#proposed)

For your convenience, I have also attached a copy of the proposed regulatory text and another document, Initial Statement of Reasons, that describes the proposed changes.

Thank you,

Kim McDaniel, Regulations Coordinator

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**From:** Victor Montgomery <[VMontgomery@rrmdesign.com](mailto:VMontgomery@rrmdesign.com)>  
**Sent:** Tuesday, November 8, 2022 2:01 PM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Subject:** Is there a copy of the proposed fees available to the public for review?

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Proposed Architects fees amendments.



VICTOR MONTGOMERY, AIA

Principal  
P: (805) 543-1794  
rrmdesign.com







## MEMORANDUM

<b>DATE</b>	November 14, 2022
<b>TO</b>	California Architects Board
<b>FROM</b>	Kimberly McDaniel, Regulations Manager Karen Halbo, Regulations Counsel, Attorney III
<b>SUBJECT</b>	<b>Agenda Item M: Section 135, Article 5, Division 2, Title 16 of the CCR Regarding Public Presentments and Advertising</b>

### Background

The California Architects Board (CAB) Presentments and Advertising regulatory proposal was originally approved by the Board at its February 28, 2020, meeting. At the December 11, 2020, Board meeting the Board voted to amend the proposed language to address its application to firms with 2 or more architects. The changes required such firms provide the license number of an architect with management control. At the September 10, 2021, Board meeting, the Board voted to amend the proposed language to add a definition of “management control” to the proposed language.

[Notice](#) of the proposed language was published and the 45-day public comment period ran from December 31, 2021 to February 18, 2022. A request for a public hearing was received and Board staff held a hearing on February 18, 2022 (for a transcript, see **Attachment 1**). Numerous public comments were received raising concerns about the proposed regulation (**Attachment 2**). In response to those concerns, staff recommends the Board vote to modify the text and adopt the Modified Text in **Attachment 3**.

This memo and the proposed Modified Text (**Attachment 3**) and other attachments were on the February 18, 2022 Board meeting agenda. The Board decided to postpone consideration of this item to the June 8, 2022 meeting. During the June 8, 2022 Board meeting the Board voted to postpone this item to the September 16, 2022 Board meeting. At the September Board meeting, members discussed the proposed regulatory amendments and did not have enough members present for a voting quorum. As the Board was unable to direct staff to either modify the text or file the final documents, the final rulemaking documents cannot be filed with the Office of Administrative Law (OAL) by December 31, 2022. On that date, under Government Code Section 11346.4(b), the notice for this rulemaking is no longer effective. If the Board wishes to proceed with a rulemaking on this topic, staff will need to start the rulemaking process over again from the beginning.

The proposed changes in the Modified Text address several concerns raised in the public comments:

### Changes made to subsection (a):

- A delayed implementation date of July 1, 2023, was added to provide individual architects and firms additional time to comply with the regulation.
- The broad language regarding any “solicitation, or other presentments” in connection with “the rendition of” architectural services was removed so that the requirement applies to “all forms of advertisement presented to the public in connection with an offer to provide architectural services.” This change narrows the requirement for an architect to include their license number to advertising connected with an offer to provide services, and thus excludes from requiring a license number: an architect’s personal on-line profile, comments not soliciting business that an architect posts to a website or chat room, sponsorship of community events, posting of the name of the architect and builder at a jobsite, and any other such communications that are not an advertisement offering to provide architectural services.
- The terms “advertisement,” “telephone listing,” and “written solicitation to a prospective client or clients,” were removed from the list of specific examples because a telephone number listing does not constitute an advertisement that offers to provide architectural services, and the other two eliminated terms simply repeated the language at the start of the sentence.

Changes made to subsection (b):

- Removed the phrase “solicitations or presentments to the public”
- Replaced the phrase “at least one” with “any”
- Added paragraph (A) to clarify that an architect associated or employed by a business that has two or more architects will be in compliance if their personal business card only contains their license number.
- Added paragraph (B) to clarify that listing additional architects’ names and license numbers to businesses’ advertisements or business cards is allowed but not required.

If the Board approves the proposed changes in the Modified Text, staff will initiate a new rulemaking process in January 2023 since the one-year timeline will be exceeded and the final rulemaking documents cannot be filed with the Office of Administrative Law (OAL) by the required deadline of December 31, 2022. On that date, under Government Code Section 11346.4(b), the notice for this rulemaking is no longer effective. If the Board wishes to proceed with a rulemaking on this topic staff will start the rulemaking process over again from the beginning.

**Summary of Concerns with the Proposal**

In accordance with Government Code section [11346.9](#), subdivision (a)(3), the Board, in its final statement of reasons supporting the rulemaking, must summarize each objection or recommendation made regarding the specific adoption, amendment, or repeal proposed, together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation, or the reasons for making no change.

The Board received numerous public comments opposed to the proposed regulation, and a handful in favor. The Board is asked to review the concerns raised in the comments and staff's proposed responses drafted for inclusion in the Board's Final Statement of Reasons for this rulemaking. Staff has grouped the concerns raised in the public comments below for the Board's consideration.

**Summary of Grouped Comment 1: Doesn't protect the public.** Commentors assert the proposed regulation does not increase consumer protection. Commentors note consumers can already search on the Board's website using an individual's name and obtain that architect's license number, whether the license is current, and when it expires. Commentors point out that unscrupulous individuals can place a false number on presentments and advertisements. Commentors point out there is no public expectation at present that architects provide their license number and several architects speculated that consumers won't check license numbers. The Board was urged to consider the similar requirement imposed on real estate agents, and how the public generally fails to use license numbers to check on their own real estate agent's license status.

Commentors point out that for architectural firms, the proposed regulation is potentially misleading to the public. Providing one architect's name and license number on presentments and ads is confusing, as firms are not licensed to practice architecture, and the individual architect who eventually provides the architectural services to a client may not be the architect whose license number was listed on the firm's advertising materials.

#### Board Response to Grouped Comment 1:

The proposed regulation benefits consumers because including a license number on advertising materials clearly informs consumers that architects are licensed professionals, separating them from unlicensed designers and other individuals acting as architects. While unlicensed persons can work on certain projects in California, the Board believes that consumers will benefit from easily knowing who is a licensed professional and who is not licensed. Once all architects are required to place license numbers on advertising materials, Californians will gain clarity on who is an unlicensed designer or other non-licensed individual and who is a licensed architect. The Board receives numerous complaints against unlicensed individuals that stem from the consumer's failure to realize that they were working with an unlicensed individual. In addition, other California professionals in the building profession such as landscape architects, realtors, and contractors are all required to display a license number in their advertisements.

This regulation will aid the Board in enforcing laws against unlicensed practice by making it easier for Board staff and building officials to distinguish between licensed and unlicensed persons. The Board will continue to enforce existing laws against unlicensed practice, while evaluating other options to monitor and deter unlicensed activity on the internet and social media.

**Summary of Grouped Comment 2: Increases risk of fraud.** Commentors stated the proposed regulation increases the risk of fraudulent misuse of an architect's license number by increasing the visibility of individual license numbers. License numbers are not presently disclosed until an architect is about to enter a contractual relationship with the client which allows architects to vet clients before disclosing their license number. License numbers are not customarily provided during inquiries, requests for proposals, or screening interviews. Commentors noted the Board's website links to the DCA license search tool which allows anyone who inquires to obtain an architect's address of record. One commentor objected that by increasing the visibility of an architect's license number, this draws attention to the already available public information, creating privacy and safety concerns for solo practitioners who work from home and provide that address in connection with their license.

#### Board Response to Grouped Comment 2:

An architect's license number is already public information, currently available online both through the Board's website and from the National Counsel of Architectural Registration Boards (NCARB). The Board does not believe adoption of the proposed regulations will significantly increase the fraudulent misuse of architects' license numbers. In situations where a person fraudulently uses an architect's license number, this presents a clear case of unlicensed practice, unlike other situations where individuals are investigated for possible engagement in unlicensed practice. Many architects already include their license numbers in their advertising and the Board has not seen an increase in the fraudulent use of those architects' license numbers as a result of their use of their license number in advertisements.

**Summary of Grouped Comment 3: Burdens large firms, non-architectural firms, & multi-state practices.** Commentors noted the Board licenses individual architects, not businesses, in contrast with the practice of the Contractors State License Board which licenses individuals and businesses. Commentors asserted the proposed regulation is unduly burdensome to large firms as it would mislead the public to have the name and license number of an architect with a controlling interest in the firm on the letterhead and advertisements, while that named individual may have no involvement in a client's project. Commentors noted that non-architect employees of larger firms will be required to have on their business cards the name and license number of the architect with a controlling interest in the firm, and this would only confuse the public or require explanatory footnotes. Commentors pointed out a variety of businesses other than architecture firms that employ architects, including development companies, planning and engineering firms, and designer-builder contractors. Requiring the high-end advertising materials of

such firms to bear the name and license number of an individual architect was called absurd by commentators, who pointed out it is possible none of the architects employed in such firms have a controlling interest in the firm, complicating such firms' ability to comply with the proposed regulation.

Commentors pointed out that the proposed regulation is unduly burdensome on individual architects and firms that practice in multiple states and advertise in multiple states, nationally, and/or internationally. Such individuals' and firms' advertisements are meant for use in multiple jurisdictions, and commentors opined it is an unreasonable burden to require them to design advertising materials and letterhead that contains an architect's name and license number just to comply with this California regulation. At present only one other state requires an architect's name and license number on advertising materials, but if similar regulations are adopted elsewhere, commentors asserted that individuals and firms with multi-state practices will be overburdened by having to include multiple license numbers on multi-state, national, and international advertisements.

#### Board Response to Grouped Comment 3:

The Board understands that it may be a challenge for large firms, non-architecture firms that employ architects, and for individuals and firms with multi-state practices to revise their advertisements to comply with the proposed regulation. However, larger firms, non-architecture firms, and individuals or firms with multi-state practices have both the creative and financial resources needed to produce compliant advertising materials. With the changes proposed in the Modified Text, these entities and individuals will have time to develop and print the compliant advertisements, business cards, and letterhead stationery. Individuals and firms that practice in multiple states already comply with the statutes and regulations of the different jurisdictions in which they practice. The Board believes that with the delayed effective date, larger firms, non-architecture firms, and individuals or firms with multi-state practices will be able to design creative and elegant solutions.

#### **Summary of Grouped Comment 4: Burdens architects without solving problem.**

Commentors assert it is the Board's job to prevent and prosecute unscrupulous people who falsely represent themselves as architects and offer architectural services. Commentors believe the proposed regulation does not deter those unlicensed individuals and instead places a significant burden on licensed architects. Commentors assert the proposed regulation transfers the Board's burden to deter unlicensed individuals from illegally presenting themselves as architects onto licensed architects, who can be cited and disciplined for failing to comply. Commentors speculate that once the proposed regulation is adopted, architects will be cited for even the smallest failure to comply.

#### Board Response to Grouped Comment 4:

The purpose of this regulation is to raise public awareness of the difference between unlicensed and licensed architectural services by requiring architects to display their

license numbers on advertising. Learning that architects are licensed will motivate more members of the public to look up an architect's license number on the Board website, and that is a deterrent to unlicensed individuals who offer architectural services.

The enforcement unit of the Board will work with architects to educate them about the impact of the regulation and there will be sufficient time for architects to revise their advertising materials to bring them into compliance with the regulation. The Board's enforcement staff assess violations within the larger context of the Architects Practice Act. Staff considers, among other factors, the nature and severity of violations. Once the regulation becomes effective, initially architects will only receive a letter of advisement if staff determines that the sole violation of the Act was failure to provide a license number in an advertisement.

**Summary of Grouped Comment 5: Unrealistically low-cost estimate.** Commentors stated the estimated cost to comply with the proposed regulation is unrealistically low for every type of architect and firm. Commentors estimated that even for an individual practitioner, ordering business cards and letterhead on the internet would exceed the estimate of \$100. Commentors noted the cost of business cards and letterhead varies depending on quality and complexity and that individual architects and architectural firms use their business cards and letterhead stationery to display their design skills and have those items printed via premium methods. Commentors asserted if the proposed regulation is adopted, there will be substantially higher costs for large firms and for individuals and firms with a multi-state practice, a badly timed expense given that architects have suffered significant negative economic impacts during the worldwide pandemic.

#### Board Response to Grouped Comment 5:

As modified, the regulation will not become effective until July 1, of 2023, providing individuals and firms with time to comply and reducing the overall cost as business cards, letterhead stationery, and other printed materials are used up and need to be replaced. An attractive stamp with an architect's name and license number could be designed and used to bring older printed materials into compliance if they are employed after July 1, 2023. While larger firms and individuals and firms with a multi-state practice may face greater challenges to comply with the regulation, they are also better situated to absorb such costs.

**Summary of Grouped Comment 6: Overbroad and unclear concerning on-line and social media.** Commentors asserted the proposed regulation is too broad and is unclear as to how it applies to on-line materials and social media. What is defined by public presentment? How broad will this regulation be for advertising? Specifically, what is the scope for social media? If the regulation does apply to social media, commentors noted it will be hard for them to control online platforms as architects as individuals don't have control over online platforms.

### Board Response to Grouped Comment 6:

As modified, the regulation has been narrowed to only require including an architect's license number on advertisements that offer to provide architectural services. In the on-line context, this will exclude an architect's personal on-line profile, comments not soliciting business that an architect posts to a website or chat room, sponsorship of community events, posting of the name of the architect and builder at a jobsite, and other such communications that do not constitute an advertisement offering to provide architectural services.

Architects participating on social media platforms that connect individuals so they may offer their professional services should be required to include their license number. The Board believes having licensed architects provide their license numbers on such websites can deter unlicensed individuals from falsely presenting themselves as licensed architects on such platforms. All on-line websites and portals on which an architect has an on-line presence will need to be individually evaluated to determine if an architect having an on-line presence on such a website or web portal is advertising or offering architectural services. If a member of the public can locate an architect on a website by searching for architectural services, having an on-line presence on the website would constitute an offer to provide architectural services. The crucial consideration is whether the architect listed on that website is essentially an advertisement by which they can offer their architectural services.

**Summary of Grouped Comment 7: Cheapens the profession, analogous to contractors, and will have a negative design impact.** Requiring the inclusion of a license number on all presentments and advertising cheapens the overall reputation of the occupation, as architects are professionals akin to physicians and attorneys, who are not required to list their license numbers on presentments and advertising. Requiring adding a license number makes architects look like contractors, which will confuse the public. Firms that provide contracting services are separately licensed, while there is no such separate license for architectural firms. The proposed regulation's requirement to add a license number to advertisements, business cards, and letterhead stationery will negatively impact the design of those items.

### Board Response to Grouped Comment 7:

The Board does not believe that providing a license number will have a negative impact on the reputation or statute of the profession. The Board does not believe inclusion of a license number on advertisements, business cards, and letterhead stationery will significantly inhibit architects from designing creative and inspiring advertisements. Designing a structure that responds to environmental, mechanical, and regulatory restraints, conditions, and specifications is at the heart of the profession. The Board is confident architects will find ways to comply with this regulation while producing creative and attractive advertisements, business cards, and letterhead stationery. Adding a

license number in a readable font should not be an insurmountable challenge to licensees.

### **Additional Concerns Raised by Commentors:**

Requiring the inclusion of a license number on presentments and advertising provides a new route for disgruntled individuals who oppose a project to make nuisance complaints. This concern is speculative, but even so, the Board believes the benefit of increasing public awareness that architects are licensed outweighs the more remote possibility of increasing nuisance complaints.

The cost of Errors & Omissions insurance for architects will rise due to these increased legal requirements, and that E&O coverage will not cover a frivolous penalty for not including a license number on all media. This concern is speculative, but even so, the Board believes the benefit of increasing public awareness that architects are licensed outweighs the more remote possibility that this regulation will cause E&O coverage for architects to be increased.

### **Summary of Proposed Alternatives:**

- Increase efforts to enforce existing rules instead of making new ones.
- Prepare a campaign that educates the public on the importance of using a licensed architect.
- Educate planning and building department staff on what they should look for and when licensure is required by law and encourage that staff to look up licenses to confirm the stamp number is current and linked to the person/firm listed in the title block. Develop posters and/or brochures for planning and building department counters that clarify when a licensed architect's services are required. List on the website the fines for providing unlicensed architectural services. Link the license lookup pages of the Board's website to all city and county planning and building websites with explanation why it should be used. Consider offering a bounty to planning and building staff who turn in individuals offering unlicensed architectural services
- Seek legislative change so that unlicensed individuals are not allowed to produce plans for anything other than small remodels (so that all other plans should be required to have a licensed architect's stamp).
- Seek legislative change so that Building Departments require only licensed architects and engineers to be able to prepare plans, even for single family homes.
- Work to standardize the professional designation for licensed architects to something like RA (Registered Architect) or LA (Licensed Architect), similar to the term "Dr." for doctors and "Esq." for attorneys.



- Address the loss of protection of the title of “architect” in society due to technology usurpation of the term (Software architects, enterprise architects, application architects, etc.)
- Address the projected 3% growth in the profession over the next 10 years.
- Establish a strongly suggested regional base pay for architects (standard rates similar to real estate brokers).
- Take a stand on overtime work in the workplace.
- Do not require license numbers on business cards if the business card lists a business website where the architect’s license number is provided.
- Expand this regulation to require a warning be added to advertisements that the services advertised require the services of a licensed architect and the consumer should verify their professional has a valid license in good standing.
- Require a certification statement that the firm employs a licensed architect, paired with a QR code linking to the CAB website and the license search page (essentially a license indicator that better protects individual architect’s privacy).
- Adopt an identifier, or firm registration, issued annually by the Board, for firms to be able to use instead of having to list the license number of specific owners or employees.
- Seek to regulate the services of firms that employ architects to provide consulting services on behalf of public and private entities that practice architecture, but do not stamp and sign construction documents. Their work is largely unregulated and the liability for those services is opaque. Expand this regulation to cover all firms that employ licensed architects to provide consulting services on design and construction delivery.
- If the regulation is promulgated, the Board should send an email notice of the new regulation requirements and the effective date to all licensees.

**Board Response to Proposed Alternatives:**

The Board does not find any of the proposed alternatives to be more effective to increase public awareness that architects are licensed in California than this proposal to require architects include their license numbers on any advertisements that offer to provide architecture services.

**Action Requested**

If the Board seeks to continue with this rulemaking, the Board is asked to consider the proposed Modified Text and proposed responses to the written comments and entertain a motion to approve initiating a new rulemaking that incorporates the Text originally circulated and the proposed Modifications to amend CCR, title 16, section 135, and direct staff to take all steps necessary to initiate the rulemaking process, , and if there are no adverse comments received during the 45-day public comment period, delegate to the

Executive Officer the authority to make any technical or non-substantive changes to the proposed regulations that may be required in completing the rulemaking file and adopt the proposed regulatory changes.

**Attachments:**

1. Transcript of February 18, 2022 public hearing.
2. Public Comments received during 45-day comment period
3. Proposed Modified Text

## Transcript of Public Comments

### Alicia Moniz, AIA

I would like to state for the record I'm, Alicia, I'm a licensed architect. Address is 2401 C Street Sacramento, California.

I'm opposed to the proposed regulations, the section 135 change. The information stated in the ISOR is incorrect. It states that this will help consumers to check license numbers. Consumers are already able to check with these numbers on the CAB web site.

Another statement, is that architects are not currently required to include their license numbers on communications. That is incorrect also. They are actually already required to include their license numbers on written proposals and contracts.

This proposal transfers CAB's responsibilities directly onto architects. Architects responsibilities are to practice the profession responsibly. It's CAB's responsibility to censure and monitor unlicensed individuals. This proposed regulation transfers that responsibility directly onto the architects

Another incorrect statement in the ISOR is that costs will be \$100 for each effected license. There's no substantiation of those costs. I personally believe it will be substantially more if it includes all advertisements going through all websites, job site signs, promotional materials, and so that information has not been substantiated.

No data has been provided to substantiate the consumers will be better protected by this regulation.

I'm also a member of the Central Valley American Institute of Architects, and I support all the comments that they made in their written commentary that was submitted to you on February 11th.

### Janis Kent

My name is Janice Kent. I'm an architect. I've been an architect for probably at least 35 years. I find this new law, it does not protect the public in any way, shape, or form.

Currently, we are supposed to put a license number on proposals, on reports, on agreements. Now, it's not really being enforced. If we enforce with what we have, we'd be fine. The public is already protected because they can look up, on the state site to see whether an individual has a license.

The \$100 dollars for reprinting business cards is a fallacy. I looked it up, if I get mine online the card alone for reprinting will be \$175 to \$200, but then I have graphic design fees, I will have fees for my internet provider, in terms of redesigning all that kind of stuff and all the stationery.

I do not see in any way, shape, or form how this protects the public. We already have the information there for them. What would protect the public more is if people who are unlicensed, if the state goes after them. That is really protecting them. You're transferring the burden on to the architect.

The other thing is the architect is a professional, similar to an attorney similar to a doctor similar, to a CPA. They do not put their license numbers on their communication. They put it on the end products. We are not like a contractor where it is a business license, that's why they have it on all their material. We are different. We are professional, and it goes on the professional aspects of what we do.

And I think that really summarized it off. I think that the estimate of costs is way off. I'm thinking that even though I'm a sole practitioner, it could be anywhere from \$500 to a \$1000 for me to hire the consultant, to update all the information. So, I think there's a fallacy going on there too. We need to protect the public, but not from architects.

### **Julie Jackson**

Hi. My name is Julie Jackson. I'm an architect in San Francisco.

I've been licensed since 1997 and I agree with the previous caller, all the points.

I think that what could be more helpful to protect the public is to educate the public on why architects are necessary. Or that they [public] really should be aware of the difference between licensed architects and our professional obligations, and what's obviously flooding the market, which is unlicensed professionals, doing projects that they are not qualified to do.

This is just a huge burden on architects. The, the printing cost \$100 is ridiculous and it is going after the wrong people. You're putting the obligation on architects to provide this information when consumers don't even know that this is something they can be looking for, or should be looking for.

It's very easy to check to see if somebody is licensed. Let's educate the public on how to access the website, give them more education on why architects are important. And reconsider this new rule.

### **Laura Knauss**

I'm an architect and principal at Lionakis architects, and vice president of the Central Valley AIA.

We have provided all of our comments in writing from both our firm and the AIA Central Valley, but I do want to add something to my colleagues that spoke previously.

And that is, I think there's a, a big gap between the licensure of an individual and the application of these regulations to a firm of many individual licensed professionals, and right now looking at the regulations and suggesting that we choose one licensed architect, perhaps to equate to

the firm's licensure if you will, or ability to practice really doesn't make a lot of sense to me certainly. And to our firm. And so, I think that's another area of concern, in addition to those of my colleagues.

### **Jim Zach**

I'm an architect in San Francisco, been practicing for about 30 years. I have a unique situation. I'm also a licensed contractor, and as many people might know, the contractors that have had this requirement to post their license number on business cards, advertising, etc.; so, I'm somewhat used to that.

I do think that the situation is completely different for architects and as the previous person just said, it's like, in my office. I'm not at a big office, but I have three other licensed architects, and it is my firm so it's kind of clear that we would use my license. But really we're not licensing firms, we're licensing people and, it doesn't seem really appropriate.

And I do think this expense issue is, you know, it's a big deal. It's like, we have signs, we have job site signs, we have websites, we have posts on social media, and where exactly when we would need to use their licensing information seems a bit unclear.

And it just puts the architect into a position of having to be concerned about whether they're following the rules correctly or not. And it just seems a bit laborious. Julie Jackson had mentioned that it's pretty easy to find out if someone's licensed.

And it just seems that there's other ways that the public can be protected and, putting the onus on the architects to do this. So, I'm adamantly against this, this proposal.

### **Jacqueline Whitlam**

My name's Jackie Whitlam. I've been a licensed architect since 1981, and I was a California Board of Architectural Examiners commissioner years ago.

I spent my career committed to the protection of the health, safety, and welfare of the public. I oppose this reg, because it's not needed and will not better protect the public.

The public, as many have said, can already use the Board's website to find out if someone's a licensed architect in good standing. And architects are already required to provide their license numbers on written proposals and contracts.

And, ironically, I'm concerned that requiring us to widely and public circulate our license numbers in the real and virtual world will make it easier for unlicensed individuals to misappropriate and misuse them.

The ISOR states the reg will benefit architects, because it will help distinguish us from unlicensed individuals on the Internet.

But as noted in your meeting minutes, this assumes architects will be better able than the Board to get Internet platforms to include our license numbers

on their sites. This is a faulty assumption and it's I think it's a poorly conceived transfer of the Board responsibility.

We protect the public by designing structures that are safe, accessible and energy conscious. It's what we're trained and qualify to do. It's your responsibility to protect the public by regulating entities that market architectural services to consumers.

Please, let us do our work and come up with other ways to do yours, using your resources to better educate consumers on the role and value of architects as the previous speaker said in his one thought. Joining maybe with other entities to advocate for legislation, regulating the Internet, and I know that's a big job. Thank you for holding this public here.

### **Cary Berstein**

All the previous comments are absolutely valid. I have no need to repeat them.

There are times when there's a conflict between CCR 134 and the Architects Practice Act.

And I think, CAB could go a long way in cleaning up discrepancies between who calls themselves an architect and, in their firm, naming as well, as, in their personal representation.

Currently CAB permits, a non-licensed individual to call themselves an architect through their firm name. So, for example, Mary Jones and unlicensed person may name her firm, Mary Jones architect, according to CAB. So long as Mary Jones has an employee named Tom Smith who's a licensed architect who's going to sign and stamp for the drawings. It's also illegal for a licensed architect to sign and stamp the drawings for somebody else, but this is currently a permitted situation.

I can't think of anything more confusing to the public than asking the public to sort out whether Mary Jones architect is different entity than Mary Jones, the person. These are sort of legal loopholes that could clearly be closed, which would help prevent public confusion and I think CAB how could go a long way in helping to make this really, really clear, very straightforward, you can't use the the word architect in your firm name unless you are licensed architect. I realize that overlaps with other governmental authorities. But, this is the way it is and it's just messy.

So just by removing that little loophole, it could go a long way and who can call themselves or name their firms architect, and cause public confusion.

**From:** [Jerome Scott](#)  
**To:** [Janis Kent](#); [McDaniel, Kimberly@DCA](#)  
**Cc:** [CAB-LICENSEE@subscribe.dcalists.ca.gov](mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov); [Mark Christian](#); [AIA-LB/SB](#)  
**Subject:** RE: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising  
**Date:** Friday, January 21, 2022 12:43:09 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)

---

[EXTERNAL]: [Jerome.Scott@acmartin.com](mailto:Jerome.Scott@acmartin.com)

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I agree with Ms. Kent 100% on this issue. To be an Architect is to be a licensed professional not a licensed tradesperson.

Thank you.

**JEROME SCOTT** AIA, CSI, ICC, LEED AP, NCARB  
SR ASSOCIATE | DIRECTOR OF CONSTRUCTION ADMINISTRATION  
D 213 614 6088

**ACMARTIN**

---

**From:** Janis Kent [mailto:[janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)]  
**Sent:** Friday, January 21, 2022 12:34 PM  
**To:** [Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)  
**Cc:** [CAB-LICENSEE@subscribe.dcalists.ca.gov](mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov); [Mark Christian <mchristian@aicalifornia.org>](mailto:Mark Christian <mchristian@aicalifornia.org>); [AIA-LB/SB <kristine@aialb-sb.org>](mailto:AIA-LB/SB <kristine@aialb-sb.org>)  
**Subject:** Re: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising

Kim McDaniel-

I am writing concerning this new proposed rule making, #135 of requiring licensed architects to place their license number on business cards, stationary, websites, phone listings, etc.

Quite. frankly I do not know how adding this piece of information helps protect the public, but it does make it an undue burden on architects. We already place our license number on proposals, legal agreements, and officially issued reports - does that protect the public? It should, but if it does not, then placing it on other pieces of paper is not furthering the effort. Architects are a profession such as doctors and lawyers. I looked at all of the business cards I have from my doctors and lawyers who I work with - no one has their license number on their card.

Building contractors are different since they are a trade, and they do have the requirement for when they provide bids and costs. BUT, architects are more appropriately placed in the

category of doctors and lawyers - the classic professions rather than the construction trades. I would think that is more than enough. I have concern with this on many levels.

1. Identity theft - placing a number so publicly where anyone can grab it without repercussions - it is one thing to provide it to our clients and potential clients but to place it in such a public manner is irresponsible in my opinion and does not afford more protection to the public
2. If the public is savy enough, they can look up on the licensing board if their consultant is registered and the same is there for contractors - there is already protection in place without placing more burden on architects
3. Placing a number on a business card, website stationary has nothing to do with protecting the public - in fact it is adding more cost to reprint cards and stationary in a time period where there is already a loss of jobs

In my opinion, this is an unnecessary requirement and adds more burden on the architect. If anything, effort should be placed on those who are working in an unlicensed fashion and **using the name architect or architectural** in a non-compliant manner, whether in print or on the internet, would add more protection. I do not see where this current proposed rulemaking benefits the public since they already have the benefit to be able to look up to see if someone is licensed or not and if they are hiring non-licensed people it is because they do not care and are willing to take the risk OR they do not know about nuances of licensing. This proposed rule making would have no further impact on the public.

And as an additional note - increasing the amount for a violation of mis-selling oneself as an architect or providing 'architectural services' would have more of an affect for prevention. An amount of \$750, \$1,000, or \$250 minimum depending on the type of violation, is hardly a penalty for stopping mis-use - I spend more on professional liability insurance a year than these penalties.

It is my opinion that a public hearing should be scheduled rather than just pushing this thru. The vast majority of architects I have spoken to are not aware of this revision to the law that affects us, just as they are not aware of the proposed revised Learning Unit requirements in disabled access as proposed in Section 165.

**Janis Kent** FAIA, CASp, Architect

Certified Access Specialist

**Stepping Thru Accessibility**

phone — 562-426-9363

web site — [www.SteppingThruAccessibility.com](http://www.SteppingThruAccessibility.com)

email — [janisk@SteppingThruAccessibility.com](mailto:janisk@SteppingThruAccessibility.com)

*Our new on-demand webinars are now available - check it out at <https://steppingthruaccessibility.thinkific.com>*

On Jan 3, 2022, at 2:22 PM, California Architects Board <[000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)> wrote:



DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**Public Hearing**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this Notice.

**Comment Period**

Written comments, including those sent by mail or e-mail to the addresses listed under “Contact Person” in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

**Contact Person**

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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**From:** [brwtwo@aol.com](mailto:brwtwo@aol.com)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Fwd: Proposed Regulatory Action Extension  
**Date:** Thursday, January 6, 2022 4:02:58 PM

---

[EXTERNAL]: brwtwo@aol.com

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-----Original Message-----

From: brwtwo@aol.com <brwtwo@aol.com>  
To: noreply@DCA.CA.GOV  
Sent: Thu, Jan 6, 2022 3:17 pm  
Subject: Re: Proposed Regulatory Action Extension

Hello,

I tried to contact you twice today to resolve this matter. You have contacted the wrong email address.

Besides, this is a generic

email it is not addressing me by my name. I will consider this email as a scam.

If you want to call me back at 951 214-3103

I will be available to speak with you to resolve this matter. If I do not hear (by voice communication) from you and if you keep emailing me before we talk I will consider your emails as junk mail.

Your email did state: "If you have any questions, please contact Ms. McDaniel."

Regards,

[Sent from the all new AOL app for Android](#)

On Tue, Jan 4, 2022 at 3:43 PM, California Architects Board  
<00000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV> wrote:

You are receiving this email because you have subscribed to CAB's lists. This is a follow-up to the email sent yesterday and extends the public comment period for the proposed regulation concerning Public Presentment and Advertising.

GENERAL PUBLIC INTEREST

NOTICE OF EXTENSION OF WRITTEN COMMENT PERIOD

CALIFORNIA ARCHITECTS BOARD

On December 31, 2021, the California Architects Board published a Notice of Proposed Rulemaking concerning Public Presentment and Advertising. (California Regulatory Notice Register 2021, No. 53-

Z, December 31, 2021, p. 1769.)

The original written comment period deadline for this action was February 15, 2022. The Board is now extending the written comment deadline to February 18, 2022.

Please submit all written comments to:

Kim McDaniel, Regulations Manager  
California Architects Board  
2420 Del Paso Rd. #105  
Sacramento, California 95834  
Telephone: (916) 575-7220  
Email: [kimberly.mcdaniel@dca.ca.gov](mailto:kimberly.mcdaniel@dca.ca.gov)

If you have any questions, please contact Ms. McDaniel.

Any comments previously submitted remain in the rulemaking file and will be responded to by the Board's staff as part of the Final Statement of Reasons. All written comments received by the new end date listed above that pertain to these modifications will be reviewed and responded to by the Board's staff as part of the compilation of the rulemaking file.

---

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<https://www.cab.ca.gov/webapps/subscribe.php>

**From:** [allan.nichol](mailto:allan.nichol)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Solution looking for a problem  
**Date:** Thursday, January 6, 2022 5:58:49 PM

---

[EXTERNAL]: [allannichol4@gmail.com](mailto:allannichol4@gmail.com)

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Hello Kimberly,

I think the board needs to demonstrate the need for such an action.

Allan Nichol Architect C10249 renews January 31, 2023

**From:** [Barton Anderson](#)  
**To:** [McDaniel, Kimberly@DCA](#)  
**Cc:** [Wade Frazier](#); [Kirstyn Bonneau](#)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Friday, February 4, 2022 10:44:58 AM  
**Attachments:** [PBWS Architects Letter Regarding CAB California Regulatory Notice Register 2021, No. 53-Z 211231.pdf](#)

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[EXTERNAL]: barton@pbws.com

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.....  
Ms. McDaniel,

I have attached a letter I would like submitted as part of the Public Comments related to the proposed regulatory action described in your e-mail message below. The letter will not be mailed (sent via e-mail only).

Thank you.

Barton Anderson, NCARB, LEED® AP  
Partner

PBWS | Architects  
100 W Villa Street, Suite 101  
Pasadena, California 91103

626 432 5000 Ext 102  
barton@PBWS.com

California License C-27286  
Idaho License 985527  
Oregon License 5924

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board  
Sent: Monday, January 3, 2022 2:23 PM  
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV  
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§ 135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**Public Hearing**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

**Comment Period**

Written comments, including those sent by mail or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

**Contact Person**

Kimberly McDaniel, Regulations Manager

2420 Del Paso Road, #105  
Sacramento, CA 95834  
Kimberly.mcdaniel@dca.ca.gov

Website: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_news\\_laws\\_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmnmA2Y0nlWzEjg&m=o3xYhS2gnXrBzFkEkXE9OS6DNBQjbyq8boAtJC1I94tn5Wc3wA\\_Yy1YL6Z\\_ev-mr&s=qppjnD8Hyog9\\_UjTPa2NBPWV9EitpxqpPwvcXIF-5U&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmnmA2Y0nlWzEjg&m=o3xYhS2gnXrBzFkEkXE9OS6DNBQjbyq8boAtJC1I94tn5Wc3wA_Yy1YL6Z_ev-mr&s=qppjnD8Hyog9_UjTPa2NBPWV9EitpxqpPwvcXIF-5U&e=)

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January 5, 2022

Ms. Kim McDaniel, Regulations Manager  
California Architects Board  
2420 Del Paso Road, #105  
Sacramento, California 95834

via email only: Kimberly.McDaniel@dca.ca.gov

RE: California Architects Board  
Proposed Rulemaking regarding Public Presentment and Advertising  
California Regulatory Notice Register 2021, No. 53-Z

Dear Ms. McDaniel,

We are writing in support of the effort by the California Architects Board to protect the general public through the proposed rule regarding Public Presentment and Advertising of licensed architects and firms who employ licensed architects.

All of the partners/owners of PBWS Architects are California licensed architects.

During the time we have been California licensed architects, we have become aware of multiple instances where non-licensed persons/firms offered services to the public which would have required licensure. This representation has typically included wording that implies licensure without actually stating that the person or firm was capable of providing the services under the active supervision of a licensed architect. The effect of the wording seemed to be a willful attempt to create the impression of a capability that did not exist.

The Board's proposed rule is a simple return to an older policy, albeit a less onerous one, that requires any person or firm representing themselves to be capable of providing architectural services to demonstrate that capability by placing a license number on all communications to the public. This is not an undue imposition upon any person or firm.

Having said that, it might be appropriate for the Board to create a means by which architectural firms could create a single identifier (a firm registration), issued on an annual basis by the Board, without requiring that the firm list the name or names of specific licensed owners or employees.

While the proposed rule is a common sense improvement to the current situation, we don't think it goes far enough to protect the public. There are a significant number of firms both registered in California, and from outside California, that employ licensed architects to provide consulting services on behalf of public and private entities. These firms and the architects they employ are very much involved in the practice of architecture, even though they may not stamp and sign construction documents. They advise their clients and manage the design and construction process just as any single architect or multi-architect practice does. Their services directly impact the health, welfare, and safety of the public through their influence on the planning, design, and construction of buildings in the State of California.. However, at present, these services are largely unregulated and the liability for these services is opaque. Extending the proposed rule to include

Ms. Kim McDaniel, Regulations Manager  
**California Architects Board**  
January 05, 2022  
Page 2

all firms that employ licensed architects providing consulting services related to design and construction delivery would expand the public protection beyond the current proposal.

We commend the Board to taking this action and for resisting pressure from those who prefer the existing ambiguity to remain.

Sincerely,

The Partners of PBWS Architects



Barton Anderson, RA, NCARB, LEED  
California Licensed Architect C-27286  
Idaho Licensed Architect AR-985527  
Oregon Licensed Architect No. 5924



Wade Frazier, RA, CSI, LEED  
California Licensed Architect C-24336



Kirstyn Bonneau, AIA, LEED  
California Licensed Architect C-36535

CC: File



**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**To:** ["billiskamm@aol.com"](mailto:billiskamm@aol.com)  
**Subject:** RE: Question  
**Date:** Monday, February 7, 2022 6:45:00 PM

---

This is a general public notification of a proposed regulation and is an opportunity for you to provide input.

**From:** billiskamm@aol.com <billiskamm@aol.com>  
**Sent:** Tuesday, January 4, 2022 6:32 AM  
**To:** McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>  
**Subject:** Question

[EXTERNAL]: [billiskamm@aol.com](mailto:billiskamm@aol.com)

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Hi Kimberly

Is this a general notice?  
or, does it concern me specifically?

Please clarify.  
Many thanks,  
Bill

**Bill Liskamm, FAIA**  
**415 246 7350 mobile**  
[billiskamm.net](http://billiskamm.net)

**From:** [Brad Hammerstrom](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Comment on Proposed Regulatory Action  
**Date:** Tuesday, January 4, 2022 11:20:30 AM

---

[EXTERNAL]: [bhammerstrom@gmail.com](mailto:bhammerstrom@gmail.com)

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Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

I am opposed to proposed Section 135 of Article 5 of Division 2 of Title 16.

The problem attempting to be solved, in part, is the restriction of online advertising by unlicensed individuals or firms. This is already unlawful, and it seems the proposal is attempting to shift the burden of enforcement to licensees.

The other problem the proposal seems to address is the potential client's assumed difficulty in verifying the license status of an architect. This is laughable. The name of an architect seeking a client is in no way a secret. Firms nearly universally have websites that list names of employees. The CAB license lookup is very simple to use, even if only a last name is known. The prospective client's ability to look up licensees is a non-problem.

Further, this proposal is California-centric and is blind to the case where an architect is licensed in numerous states. For an architect registered, practicing and offering services through multi-state presentments, this is at best burdensome if not plainly impossible to comply with.

Case in point: I am registered in 5 states. The firm I am employed with is listed in many local, state, regional, and national publications and third party websites. It is impossible to know exactly in which state a particular presentment is distributed, forwarded or viewed; or to control whether or not the names and license numbers are properly listed in every case.

Our firm's letterhead is a special problem given our multi-state registration. Our firm would be required to include the California Registration numbers on our letterhead sent to our non-California clients; or we would be forced to utilize different letterheads for each state.

Further, the stated estimated cost to a firm of \$100 to update printed and online materials is unrealistic and does not account for potential on-going daily administration tasks.

In the interest of Public Safety, the law is strict and clear regarding non-registered individuals using any form of the word Architect...as it should be. However, the proposed Section 135 of Article 5, Division 2 of Title 16 is an unnecessary regulation that promises to punish otherwise law-abiding Licensed Architects!

I hope the Board can see the lack of need and the impracticality of this proposed change, and abandons it.

Respectfully,

Bradley C. Hamerstrom AIA NCARB

CA #C-28387

**From:** [Brent Kelley](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Proposed Regulatory Action  
**Date:** Tuesday, January 4, 2022 6:51:14 PM  
**Attachments:** [Proposed Regulatory Action Extension.msg](#)

---

[EXTERNAL]: [brent.kelley@corgan.com](mailto:brent.kelley@corgan.com)

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I am not for this change. It seems the State is requiring additional requirements of those who follow the rules instead of prosecuting those who do not. Why should I as an architect have to bear the burden of this proposed regulation?

---

**BRENT KELLEY**, AIA, LEED AP, DBIA  
Aviation Sector Leader, Managing Principal  
Corgan

D — 310 873 3602 M — 214 684 1946  
5800 Bristol Parkway, Suite 640, Culver City, California 90230

**From:** [Brooks Dunn](#)  
**To:** [McDaniel, Kimberly@DCA](#)  
**Cc:** [Ahmed, Idris@DCA](#)  
**Subject:** Comment regarding CCR Section 135 Architectural Advertising Public Presentments and Advertising Requirements  
**Date:** Thursday, February 3, 2022 11:30:50 AM

---

[EXTERNAL]: [brooks@dunnarchitecture.com](mailto:brooks@dunnarchitecture.com)

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Kimberly & Idris:

I'd like to see some clarification regarding social media in the proposed rule change. Specifically, I'd like to know that I will meet the requirement of the new rule if I include my license number in my profile description [ie. the profile page of LinkedIn, the header description on twitter, or in the about section of our page on Facebook etc]. The fact is, I don't control how many characters of my screen name that will display [especially on a phone] and in most contexts, the text in the avatar that accompanies the screen name is too small to read.

Thanks  
Brooks Dunn  
AIA | LEED AP BD+C

[dunnarchitecture.com](http://dunnarchitecture.com)

**From:** [Carole Bookless](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Re: New Architecture regulations  
**Date:** Tuesday, January 4, 2022 2:06:28 PM

---

[EXTERNAL]: [carobo@rocketmail.com](mailto:carobo@rocketmail.com)

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Thanks but you misread my email. CCR 135 was the only regulation that had a working link. All the other new proposed regulations do not have working links. Please send those links. Thank you.

On Jan 4, 2022, at 8:40 AM, McDaniel, Kimberly@DCA  
<[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)> wrote:

Good morning,

Thank you for your feedback.

Please try this link for the CCR 135 text:

[https://www.cab.ca.gov/docs/regulation\\_changes/2021-22/ccr\\_135\\_prl.pdf](https://www.cab.ca.gov/docs/regulation_changes/2021-22/ccr_135_prl.pdf)

Kim McDaniel, Administration Analyst  
California Architects Board  
2420 Del Paso Rd. Ste. 105  
Sacramento, CA 95834-9673  
(916) 575-7221  
[Kimberly.Mcdaniel@dca.ca.gov](mailto:Kimberly.Mcdaniel@dca.ca.gov)

---

**From:** Carole Bookless <[carobo@rocketmail.com](mailto:carobo@rocketmail.com)>  
**Sent:** Monday, January 3, 2022 6:07 PM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Subject:** New Architecture regulations

[EXTERNAL]: [carobo@rocketmail.com](mailto:carobo@rocketmail.com)

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Dear Ms. McDaniel,

Can you please send me the wording of all the new regulations? When I click on the link to any of the regulations except CCR Section 135, the text sends me to another link, that sends me to another link, etc and the text of the regulation can't be found.

I would also like to draw your attention to the fact that the reasoning behind CCR Section 135 is stated as making it easier to find out if an architect is licensed. This is simply not true. Adding a person's license number to their name is not necessary to find licensing. The search engine provides licensure verification with just a name. My concern is that adding the number might give a false sense of security because a disreputable person might still use a valid number under a false name that might be similar to a valid name. For instance, misspelling my name in the search engine still gives my credentials with or without the number listed. I would posit that requiring exact spelling in the search engine would do more than this regulation. I don't have the answer to making things safer. Being out of state I really worry about the chance of someone using my license illegally. However, I don't think this requirement helps in any way and simply adds to chances of accidentally missing a regulation, adding to your workload and ours.

If it is necessary to have a hearing in order to provide feedback on this regulation, then I request a hearing, otherwise please accept this as my feedback on CCR Section 135. I can't provide feedback on the other sections because I can't find the text.

Thank you for your work on this,

Carole Bookless

**From:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**To:** [Daniel\\_Dascanio / Architect](mailto:Daniel_Dascanio / Architect)  
**Subject:** RE: Proposed Regulatory Action Extension ~ Dascanio  
**Date:** Monday, February 7, 2022 5:40:00 PM  
**Attachments:** [image001.png](#)

---

Per your request, this is the email that was sent out the day before.

Thank you,

Kim

[EXTERNAL]: [owner-cab-legislation@SUBSCRIBE.DCALISTS.CA.GOV](mailto:owner-cab-legislation@SUBSCRIBE.DCALISTS.CA.GOV)

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DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_news\\_laws\\_proposed-5Regulation.shtml&d=DwlFaQ&c=LHlWblRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmnmA2Y0nlWzEjg&m=NxNv42HD2Q8C7hyRaG04YUgnF1o8VaECfViPrWvhU550zGcVXyWg0pg1InFntuq\\_&s=zPizUwvtl3ce7zAeyl8oHuFNpd-RyhHQRISVM7K7I0k&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Regulation.shtml&d=DwlFaQ&c=LHlWblRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmnmA2Y0nlWzEjg&m=NxNv42HD2Q8C7hyRaG04YUgnF1o8VaECfViPrWvhU550zGcVXyWg0pg1InFntuq_&s=zPizUwvtl3ce7zAeyl8oHuFNpd-RyhHQRISVM7K7I0k&e=)

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[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_webapps\\_subscribe.php&d=DwlFaQ&c=LHlWblRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmnmA2Y0nlWzEjg&m=NxNv42HD2Q8C7hyRaG04YUgnF1o8VaECfViPrWvhU550zGcVXyWg0pg1InFntuq\\_&s=3U38FbcVxZ4o7dDmHtQ3rGDU0\\_4KfMAOMRXd2XDdwwU&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_webapps_subscribe.php&d=DwlFaQ&c=LHlWblRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmnmA2Y0nlWzEjg&m=NxNv42HD2Q8C7hyRaG04YUgnF1o8VaECfViPrWvhU550zGcVXyWg0pg1InFntuq_&s=3U38FbcVxZ4o7dDmHtQ3rGDU0_4KfMAOMRXd2XDdwwU&e=)

---

**From:** Daniel Dascanio / Architect <Daniel@DDArchitect.net>  
**Sent:** Wednesday, January 5, 2022 11:03 AM  
**To:** McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>  
**Subject:** Re: Proposed Regulatory Action Extension ~ Dascanio

[EXTERNAL]: [daniel@ddarchitect.net](mailto:daniel@ddarchitect.net)

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---

Hi Kimberly, I did not receive the e-mail yesterday.  
Can you send it to me?

Thank You  
Daniel Dascanio



17460 Drake Street Yorba Linda CA 92886  
714 996-9900 Studio 714 990-6006 Mobile



On 1/4/2022 3:42 PM, California Architects Board wrote:

You are receiving this email because you have subscribed to CAB's lists. This is a follow-up to ***the email sent yesterday*** and extends the public comment period for the proposed regulation concerning Public Presentment and Advertising.

GENERAL PUBLIC INTEREST

NOTICE OF EXTENSION OF WRITTEN COMMENT PERIOD

CALIFORNIA ARCHITECTS BOARD

On December 31, 2021, the California Architects Board published a Notice of Proposed Rulemaking concerning Public Presentment and Advertising. (California Regulatory Notice Register 2021, No. 53-Z, December 31, 2021, p. 1769.) The original written comment period deadline for this action was February 15, 2022. The Board is now extending the written comment deadline to February 18, 2022.

Please submit all written comments to:

Kim McDaniel, Regulations Manager  
California Architects Board  
2420 Del Paso Rd. #105  
Sacramento, California 95834  
Telephone: (916) 575-7220  
Email: [kimberly.mcdaniel@dca.ca.gov](mailto:kimberly.mcdaniel@dca.ca.gov)

If you have any questions, please contact Ms. McDaniel.

Any comments previously submitted remain in the rulemaking file and will be responded to by the Board's staff as part of the Final Statement of Reasons. All written comments received by the new end date listed above that pertain to these modifications will be reviewed and responded to by the Board's staff as part of the compilation of the rulemaking file.

-----  
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<https://www.cab.ca.gov/webapps/subscribe.php>

**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**To:** [Eric Elerath](mailto:Eric_Elerath)  
**Subject:** RE: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations  
**Date:** Monday, February 7, 2022 8:38:00 AM  
**Attachments:** [Notice of Hearing CCR 135 FINAL.pdf](#)

---

The Board is in receipt of your comments. The Notice of Hearing is attached.

---

**From:** Eric Elerath <[eelerath@verizon.net](mailto:eelerath@verizon.net)>  
**Sent:** Friday, February 4, 2022 1:44 PM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Subject:** Fwd: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations

[EXTERNAL]: [eelerath@verizon.net](mailto:eelerath@verizon.net)

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Ms. McDaniel

I am interested in addressing the CAB with a statement and argument at this meeting. The attached email states,

To participate in the WebEx Events public hearing, please see the attachment for log on instructions.

This email had no attachments. My questions are:

- 1.) What is the procedure for attending the meeting and what hardware / software is required?
- 2.) How much time will each speaker be allotted?
- 3.) What criteria will be applied, and which person will assume responsibility for removing people from the meeting for making statements that are politically incorrect?

Thank you.

Eric Elerath

Begin forwarded message:

**From:** California Architects Board <[000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)>

**Subject: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations**

**Date:** February 3, 2022 at 10:01:26 AM PST

**To:** [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)

**Reply-To:** [noreply@DCA.CA.GOV](mailto:noreply@DCA.CA.GOV)

The California Architects Board (Board) will hold a public hearing on the proposed regulatory action to adopt section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR) on February 18, 2022, starting at 3:00 p.m. Any interested person may present statements or arguments orally during the public hearing to be held by teleconference with no physical public locations. The Board will hold this public hearing via WebEx Events. To participate in the WebEx Events public hearing, please see the attachment for log on instructions.

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<https://www.cab.ca.gov/webapps/subscribe.php>

**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**To:** [Ernie Gorrill](mailto:Ernie.Gorrill)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Monday, February 7, 2022 6:27:00 PM

---

Please try this link.  
[https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml#proposed](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml#proposed)

-----Original Message-----

From: Ernie Gorrill <[egorrill@sdkatelier.com](mailto:egorrill@sdkatelier.com)>  
Sent: Tuesday, January 4, 2022 2:13 PM  
To: McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
Subject: Re: Proposed Regulatory Action

[EXTERNAL]: [egorrill@sdkatelier.com](mailto:egorrill@sdkatelier.com)

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Hello Kimberly,

As a practicing California Architect I am anxious to stay informed, the notice sent to inform architect is in. a format my MAC computer is unable to open.

Can you please resend it in another format.

Thank you.

Ernie Gorrill, NCARB  
ARCHITECT, PRINCIPAL  
<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_sdkatelier.com\\_&d=DwIFAg&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmmnA2Y0nlWzEjg&m=q085q21EpMHBn12tRYnTF5faiNeoHOoF-mPURbIrXsFPxiy7ch6rpcHjErdAfgi3&s=o2Hvg63DfyqPZYCIoe70SqVdkOok3CD1Z6FGcRIBFoY&e=>9100](https://urldefense.proofpoint.com/v2/url?u=http-3A__sdkatelier.com_&d=DwIFAg&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmmnA2Y0nlWzEjg&m=q085q21EpMHBn12tRYnTF5faiNeoHOoF-mPURbIrXsFPxiy7ch6rpcHjErdAfgi3&s=o2Hvg63DfyqPZYCIoe70SqVdkOok3CD1Z6FGcRIBFoY&e=>9100)>  
Irvine Center Drive, Irvine, CA 92618  
T: 949 585 9167 #202 W: [SDKatelier.com](http://SDKatelier.com)

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On 1/3/22, 2:22 PM, "California Architects Board Licensee Related Bulletins on behalf of California Architects

Board"

<CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV on behalf of 000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV> wrote:

>Kimberly.mcdaniel@dca.ca.gov

**From:** [Fiona O'Neill](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Comment on regulation change to CCR Section 135  
**Date:** Tuesday, January 4, 2022 6:55:47 PM

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[EXTERNAL]: [fionaone@mcn.org](mailto:fionaone@mcn.org)

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Kimberly McDaniel  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Sent via email to: [Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)

4 January 2022

Dear Kimberly McDaniel:

I am principal of a small architecture firm in Northern California. I'm not opposed to the proposed regulation change for section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations. However I find the stated rationale rather puzzling, since a consumer can already search the Consumer Affairs Systems database without a license number. Additionally, the compliance costs to businesses could greatly exceed the stated \$100 maximum. Careful redesign of an extensive suite of promotional business material could be involved. This could entail graphic design work, revised web site design as well as re-printing costs and redistribution costs. If the requirements can be implemented over an extended time period, this would ease the burden for small businesses. Thank you for taking my comments into consideration.

Sincerely, Fiona E. O'Neill

Fiona E. O'Neill  
a r c h i t e c t  
The Sea Ranch, CA  
707-785-0040  
[www.fionaoneillarchitect.com](http://www.fionaoneillarchitect.com)

**From:** [Fred Pollack](#)  
**To:** [McDaniel, Kimberly@DCA](#); [Ahmed, Idris@DCA](#)  
**Subject:** re: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations  
**Date:** Thursday, February 3, 2022 3:32:54 PM

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[EXTERNAL]: fred@vmwp.com

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Dear Ms. McDaniel,

I am writing in response to the proposed rulemaking action on Public Presentments and Advertising Requirements.

I do not support the new proposed regulation change for three primary reasons.

1. The rule change appears vague, what are public presentments? Is this letterhead, envelopes, business cards, posters that may be used in project meetings that may be open to the public, city council presentations, design review boards? How broad is the rule? Is it in effect every time we write 'architects' in marketing collateral or work product? How does this further protect the public?
2. How broad is the problem of false advertising/mis-representation and how far will this proposed solution go in solving that problem? It indeeds reads like a solution in search of a problem or at best an overly broad regulation that will have little to no effect on the problem.
3. The cost for conversion is not negligible. For larger offices, reprinting collateral, cards, letterhead, envelopes, brochures, posters and signage is significantly more expensive than \$100. It is important that if this rule change is adopted a window of compliance is included to allow firms time to cycle through collateral and make the required changes.

### **In Summary**

This regulation would have minor consequences for a sole practitioner, but for a larger office the vagueness of the rules and the degree of public collateral that is produced in Design Guidelines, Urban Design Plans, community meetings, online communications, advertising, RFP responses, business licenses and registrations, organizational memberships and presentations create a much deeper burden. This coupled with many firms having multi state practices further complicates the "presentments" requirement. I recently received a correspondence from my doctor signed 'MD' from a large medical institution, no license number included. Is this a requirement that a license number is associated with all other "presentments" produced by the licensed professionals that DCA regulates? This seems like just one more burden for architects.

Lastly if the problem is mainly miscommunication between upset homeowners and people that may have presented themselves as 'architectural designers' this will do nothing to reconcile

that issue.

Please consider this rule change carefully,

**Fred Pollack**  
Partner, Architect  
[fred@vmwp.com](mailto:fred@vmwp.com)

**Van Meter Williams Pollack LLP**  
ARCHITECTURE | URBAN DESIGN  
San Francisco | Denver | Minneapolis  
333 Bryant St. Suite 300  
San Francisco, CA 94107  
T 415.974.5352 x 202  
C 415.515.5457



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----- Forwarded message -----

From: **California Architects Board** <[000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov](mailto:000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov)>

Date: Thu, Feb 3, 2022 at 10:18 AM

Subject: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations

To: <[CAB-LICENSEE@subscribe.dcalists.ca.gov](mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov)>

The California Architects Board (Board) will hold a public hearing on the proposed regulatory action to adopt section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR) on February 18, 2022, starting at 3:00 p.m. Any interested person may present statements or arguments orally during the public hearing to be held by teleconference with no physical public locations. The Board will hold this public hearing via WebEx Events. To participate in the WebEx Events public hearing, please see the attachment for log on instructions.

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**From:** [Gregory De Peña](mailto:Gregory.De.Peña)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Cc:** [Ahmed, Idris@DCA](mailto:Ahmed.Idris@DCA)  
**Subject:** Adoption of section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations  
**Date:** Thursday, February 3, 2022 2:51:40 PM

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[EXTERNAL]: [gregory@designopera.com](mailto:gregory@designopera.com)

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Hi Kimberly,

I oppose the this new rule as I feel that only linseed architects will be impacted, creating additional rules that we need to follow.

I would encourage the board to seek to establish more regulations that would require the Building Departments to require only license architects or engineers to prepare plans, even for single family homes. The Board can also prepare a campaign to educate the public in the importance of a license architect. And also work on give us standard rates similar to that of real estate brokers.

Best,

-Gregory

Gregory De Peña, AIA, NCARB  
Principal Architect

<http://www.designopera.com>

Design OPERA, Inc.  
8322 Beverly Blvd., Suite 303-C  
Los Angeles, CA 90048

Tel. 310.990.5534

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**From:** [Hayes Shair](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** PUBLIC COMMENT: ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS  
**Date:** Thursday, January 6, 2022 8:00:46 AM

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[EXTERNAL]: hshair@gmail.com

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Hello California Architects Board,

My name is Hayes Shair (#36549), a practicing architect licensed in the State of California and registered in the State of New York. I have been practicing for about 15 years primarily in the residential sector (both single-family and multi-family), and am the sole practitioner of my firm. Prior to the pandemic, I served for two years as a Subject Matter Expert, developing content for the Supplemental Exam.

I am writing this email to express my **opposition** to the proposed legislative change as it is currently written.

My concern stems from the potential for fraudulent use of my license number and name, if it were to be featured in a public advertisement format. While the information is available online, it requires several steps in order to access the information. (There is a difference between knowing a specific name, and looking it up for verification; versus having that name and number printed on a magazine or posted on a website in the age of cyber security concerns).

For my practice, the licensure information is only given out to those clients who have been vetted, and with whom we have a contracted, business relationship. This isn't given out (unless specifically requested and after careful deliberation) during inquiries, RFPs, or screening interviews. This is a business in which fees are low as compared to the degree of liability assumed and smaller practitioners are disproportionately affected.

I would caution that the benefits of this requirement might outweigh its unintended consequences. For instance, the number of fraudulent license usage cases may rise. If one intentional benefit is to allow licensed architects to differentiate themselves from unlicensed "designers", this change would make it much easier for those "designers" to appropriate a licensed architect's identity without their knowledge.

I would be in favor of some type of license indicator that better respects privacy. For example, one option is to require a "certification statement" that the firm employs a licensed architect, paired with a QR code that links to a CAB website outlining a client's rights and the licensure search page.

Thank you for taking these concerns into consideration.

Best wishes,

Hayes Shair,  
Architect

(pronouns: he/him/his)

--

Hayes Shair

(pronouns: he/him/his)

**From:** [CAB@DCA](mailto:CAB@DCA)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Cc:** [Ahmed, Idris@DCA](mailto:Ahmed_Idris@DCA)  
**Subject:** FW: CCR 135  
**Date:** Friday, February 4, 2022 3:33:36 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Please see comment below.

**Coleen Galvan**  
Communications Analyst  
Administration



2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 619-3325 (916) 575-7283 Fax [cab.ca.gov](http://cab.ca.gov)



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---

**From:** heidi liebesarchitects.com <[heidi@liebesarchitects.com](mailto:heidi@liebesarchitects.com)>  
**Sent:** Friday, February 4, 2022 2:37 PM  
**To:** CAB@DCA <[CAB@dca.ca.gov](mailto:CAB@dca.ca.gov)>  
**Subject:** CCR 135

[EXTERNAL]: [heidi@liebesarchitects.com](mailto:heidi@liebesarchitects.com)

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---

Hello,

I have some objections to your proposed legislation. I appreciate the objective of cracking down on unlicensed individuals who claim to be architects. But please don't put that responsibility on already licensed architects.

Below are some issues that would greatly affect my life:

1. The proposed legislation completely underestimated the costs to firms for reprinting cards, website and social media pages, etc.
2. How would CAB regulate social media posts? Does every Instagram post have to have "#C-license number" on it? As you might imagine, a lot of self-promotion happens through social media. Similarly, CAB has no way to manage a third party's promotion of one's work so bad actors can get others to do the promotion as a workaround.
3. The proposed legislation is putting the burden on compliant individuals rather than on non-compliant individuals. There are potentially hefty fines awaiting architects who make a misstep. If one receives a citation it stays on your permanent record. This can have negative implications for obtaining work.
4. It is very easy to find out if someone is licensed - it's very easy to do and takes less than a minute.
5. We think there are many, many other things that CAB can do instead which will help rectify the problems of unlicensed individuals before putting a huge burden - and professional risk - on architects.

Thank you,

Heidi Liebes  
LiebesArchitects.com

**From:** [Jackie Whitelam](mailto:JackieWhitelam@gmail.com)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Fwd: CAB proposed action re Public Presentments and Advertising Requirements  
**Date:** Friday, January 7, 2022 11:11:30 AM

---

[EXTERNAL]: [jackiewhitelam@gmail.com](mailto:jackiewhitelam@gmail.com)

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----- Forwarded message -----

**From:** Jackie Whitelam <[jackiewhitelam@gmail.com](mailto:jackiewhitelam@gmail.com)>  
**Date:** Fri, Jan 7, 2022 at 11:03 AM  
**Subject:** CAB proposed action re Public Presentments and Advertising Requirements  
**To:** <[Kimberly.McDaniel@dca.gov](mailto:Kimberly.McDaniel@dca.gov)>, <[Idris.Ahmed@dca.ca.gov](mailto:Idris.Ahmed@dca.ca.gov)>  
**Cc:** AIA Central Valley <[kanderson@aiacv.org](mailto:kanderson@aiacv.org)>

Good Day. I am writing to you as the Chair of the AIA Central Valley Chapter Civic Engagement Team regarding the proposed regulation requiring architects to include their name and license number in all forms of advertisement, solicitation, or other presentments made to the public. A member of our chapter has asked our board to request a public hearing on this matter and I've been tasked with putting a recommendation for the board's consideration at its upcoming January 13th meeting.

In preparing this recommendation, I've gone on the CAB website and thus far have reviewed the Initial Statement of Reasons and the minutes of the CAB meetings at which this proposed regulation was developed. In this review, I note it's stated that an e-mail survey of all licensees was taken in November 2019 and that an overwhelming number of respondents expressed their support of this proposed regulation. I'm not disputing that this was done, but neither I or any of the chapter members I've spoken to thus far can recall receiving this survey. Can you provide me more specifics? Perhaps a copy of the survey, the date it was emailed out and the source of the email addresses used to distribute it?

Your timely assistance on this matter would be appreciated.

**From:** [Janis Kent](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Cc:** [CAB-LICENSEE@subscribe.dcalists.ca.gov](mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov); [Mark Christian](#); [AIA-LB/SB](#)  
**Subject:** Re: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising  
**Date:** Friday, January 21, 2022 12:34:50 PM

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[EXTERNAL]: [janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)

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Kim McDaniel-

I am writing concerning this new proposed rule making, #135 of requiring licensed architects to place their license number on business cards, stationary, websites, phone listings, etc.

Quite. frankly I do not know how adding this piece of information helps protect the public, but it does make it an undue burden on architects. We already place our license number on proposals, legal agreements, and officially issued reports - does that protect the public? It should, but if it does not, then placing it on other pieces of paper is not furthering the effort. Architects are a profession such as doctors and lawyers. I looked at all of the business cards I have from my doctors and lawyers who I work with - no one has their license number on their card.

Building contractors are different since they are a trade, and they do have the requirement for when they provide bids and costs. BUT, architects are more appropriately placed in the category of doctors and lawyers - the classic professions rather than the construction trades. I would think that is more than enough. I have concern with this on many levels.

1. Identity theft - placing a number so publicly where anyone can grab it without repercussions - it is one thing to provide it to our clients and potential clients but to place it in such a public manner is irresponsible in my opinion and does not afford more protection to the public
2. If the public is savy enough, they can look up on the licensing board if their consultant is registered and the same is there for contractors - there is already protection in place without placing more burden on architects
3. Placing a number on a business card, website stationary has nothing to do with protecting the public - in fact it is adding more cost to reprint cards and stationary in a time period where there is already a loss of jobs

In my opinion, this is an unnecessary requirement and adds more burden on the architect. If anything, effort should be placed on those who are working in an unlicensed fashion and **using the name architect or architectural** in a non-compliant manner, whether in print or on the internet, would add more protection. I do not see where this current proposed rulemaking benefits the public since they already have the benefit to be able to look up to see if someone is licensed or not and if they are hiring non-licensed people it is because they do not care and

are willing to take the risk OR they do not know about nuances of licensing. This proposed rule making would have no further impact on the public.

And as an additional note - increasing the amount for a violation of mis-selling oneself as an architect or providing 'architectural services' would have more of an affect for prevention. An amount of \$750, \$1,000, or \$250 minimum depending on the type of violation, is hardly a penalty for stopping mis-use - I spend more on professional liability insurance a year than these penalties.

It is my opinion that a public hearing should be scheduled rather than just pushing this thru. The vast majority of architects I have spoken to are not aware of this revision to the law that affects us, just as they are not aware of the proposed revised Learning Unit requirements in disabled access as proposed in Section 165.

**Janis Kent** FAIA, CAsp, Architect

Certified Access Specialist

**Stepping Thru Accessibility**

phone — 562-426-9363

web site — [www.SteppingThruAccessibility.com](http://www.SteppingThruAccessibility.com)

email — [janisk@SteppingThruAccessibility.com](mailto:janisk@SteppingThruAccessibility.com)

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On Jan 3, 2022, at 2:22 PM, California Architects Board <[000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)> wrote:

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

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#### Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed



under “Contact Person” in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person  
Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

-----  
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<https://www.cab.ca.gov/webapps/subscribe.php>

**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**To:** [Janis Kent](mailto:Janis_Kent)  
**Subject:** RE: Proposed Regulatory Action for CCR Section 165  
**Date:** Monday, February 7, 2022 12:03:00 PM

---

Thank you for your email. Please see responses in blue below.

---

**From:** Janis Kent <[janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)>  
**Sent:** Monday, February 7, 2022 10:16 AM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Subject:** Fwd: Proposed Regulatory Action for CCR Section 165  
**Importance:** High

[EXTERNAL]: [janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)

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Ms McDaniel-

I sent comments on CCR 165 and have not seen anything on a hearing for it. Did you receive my comments?

Yes.

I also sent comments on CCR 135 where I did receive a response.

Did you get the attached email and is there a hearing for 165?

Government Code (Gov Code) section 11346.45(a)(17) states that a request for a public hearing, if one is not scheduled, must be made no later than 15 prior to the close of the written comment period. As no timely request for a hearing was received, the Board will not be holding a public hearing on the proposed rulemaking. Thank you for your inquiry.

**Janis Kent** FAIA, CASp, Architect

Certified Access Specialist

**Stepping Thru Accessibility**

phone — 562-426-9363

web site — [www.SteppingThruAccessibility.com](http://www.SteppingThruAccessibility.com)

email — [janisk@SteppingThruAccessibility.com](mailto:janisk@SteppingThruAccessibility.com)

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Begin forwarded message:

**From:** Janis Kent <[janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)>  
**Subject:** Re: Proposed Regulatory Action for CCR Section 165  
**Date:** January 5, 2022 at 2:34:57 PM PST

**To:** [Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

**Cc:** AIA-LB/SB <[kristine@aialb-sb.org](mailto:kristine@aialb-sb.org)>, Ida Clair <[ida.clair@dgs.ca.gov](mailto:ida.clair@dgs.ca.gov)>

Ms McDaniel-

I am having trouble with some of these new regulatory requirements the state is proposing for architects.

- I am an AIA CES provider. The latest standards for continuing education under AIA is dated October 15, 2018. On pre-recorded on-demand webinars there is a requirement for a self-assessment quiz with a pass rate of **70%**, not 80% - so somewhere, someone has gotten their information incorrect. This makes it very difficult for architects having 2 standards for continuing education.

- Also, another important point is that a self-assessment quiz is not required for live seminars, whether in-person or live zoom seminars. **It is only required for recorded or self-reading type.** I have no idea how I would give a quiz to a live audience, let alone take the time for grading it.

- Also, under AIA, the provider is allowed 10 days to issue certificates, not 5 days as this law is suggesting - it places an undue burden on the provider.

Another issue that this new proposed law is not addressing, is that the self-assessment quiz takes up time and AIA has a complex formula to determine how much time one gets credit for taking it. The AIA also provides credit for someone who creates these seminars since they take quite a bit of time to create as well as maintain the knowledge - this is not so relevant to me personally since I accrue many hours of learning on the topic. But many places I learn do NOT have quizzes such as - live online webinars that the Federal Access Board hosts, or the ADA Symposium, or a multitude of other learning venues I glean my information from.

I have attached 2 pages from the CES provider Handbook for your review. If you wish the full handbook, I would be happy to share and forward on my copy. It shows the 70% pass rate for recorded on-demand webinars only.

Below are some other issues that in my opinion, should be considered

A. Another aspect is that there are Accessibility laws and regulations, but there are concepts above and beyond this which is important for architects and designers to know/understand/be familiar with. This includes - Aging In Place, Universal Design, Deaf Space Design, and other design considerations for the diverse community of people with disabilities that go over and beyond just regulations

B. I would say that the list of provider types should be expanded to include Attorneys who specialize in Access as well as others who specialize in specific types of support for the disabled community which can include IT people who specialize in accessible websites, or those who understand the needs of the deaf or HOH community, or those who specialize in the autistic/on-the-spectrum community, or those that specialize in

people who are blind or low vision. I could go on with this, but these are people I learn from and are not on your list. Quite frankly, someone who works at a building department or is a CASp or has an ICC certification does not necessarily have the knowledge to teach architects on these subjects and I would be leery of someone who does not have a professional license or a speciality as I listed above teaching this.

And on another note entirely, having architects take a test on this does not make them more or less qualified - it is just another burdensome step. In my work I would find it much more helpful if contractors, interior designers, landscape architects, signage companies, facility people, and project managers also have an awareness of Access and what it entails. Architects are no longer the 'ring-leaders' of a project - it is a whole family of players and to place the burden on architects is not realistic or appropriate. Expanding the knowledge requirements to the other groups implementing buildings and construction would protect the public more than having architects do another layer of requirements.

I would be happy to discuss any of the above with you. But I would say that if the above-mentioned points are not seriously addressed, then we do need a hearing on this. It should not go forward as a revision to the law as currently written.

**Janis Kent** FAIA, CASp, Architect

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Certified Access Specialist

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phone — 562-426-9363

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**S9-02. Review questions and other content reinforcement tools**

Review questions must be placed at the end of each logical unit throughout the program in sufficient intervals to allow the learner the opportunity to evaluate material that needs to be restudied. Review questions are to help learners determine their understanding of content presented and any need for additional review. Review questions are not summative assessments to determine whether a learner has successfully completed a learning activity. Learners should be able to repeat activity units as needed for additional reinforcement and review.

**S9-03. Evaluative and reinforcement feedback on review questions**

Evaluative feedback for each incorrect review question response must explain specifically why each response is wrong, and reinforcement feedback must be provided for correct responses. Simulations and other innovative tools that guide learners through structured decisions may provide feedback at irregular intervals or at the end of the learning experience. "True or false" questions, or review questions that do not meet the evaluative and reinforcement feedback requirements, are discouraged as review questions. There is no minimum passing rate required for review questions.

**S9-04. Summative assessment requirement**

On-demand e-learning programs must require learners to successfully complete a summative assessment (separate from review questions) during or after the program with a cumulative minimum passing grade of at least 70 percent before issuing LUs for successful completion of the program. The summative assessment grade may be reported with the attendance record.

**S9-05. Based on materials developed for instructional use**

Instructional materials for on-demand e-learning include teaching materials that are written for instructional purposes. These materials must demonstrate the expertise of the author(s). At a minimum, instructional materials should include the following items:

- An overview of topics
- Review questions with feedback
- Summative assessment

**Standard 10. On-demand print/other learning activities**

On-demand print/other programs must use instructional methods that clearly define learning objectives, guide the participant through a program of learning, and provide evidence of a learner's satisfactory completion of the program.

**S10-01. Learner guidance**

On-demand print/other learning programs must elicit learner responses to test for understanding of the material. Print/other materials must be well-structured with a logical method of progression through the materials.

**S10-02. Summative assessment requirement**

On-demand print/other programs must require learners to successfully complete a summative assessment during or after the program with a cumulative minimum passing grade of at least 70 percent before issuing LU credit for successful completion of the program. The summative assessment grade may be reported with the attendance record.

**Standard 13. Summative assessments**

All on-demand learning programs (including blended learning programs categorized as on-demand) require a summative assessment. Live (and blended-learning activities categorized as live) may incorporate summative assessments at the discretion of the provider.

**S13-01. Summative assessment requirements**

On-demand programs must require learners to successfully complete a summative assessment during or after the program with a cumulative minimum passing grade of at least 70 percent (100 percent for Nano learning programs) before issuing LUs for successful completion of the course. Assessments may contain questions of varying format (for example, multiple choice, essay, and simulations). Summative assessment questions should focus on measuring the outcomes as outlined in the course learning objectives. "True or false" questions are not allowed in the summative assessment.

For the first full Learning Unit (LU) of a program (not including any LU credit based on the number of summative assessment questions), a minimum of 10 assessment questions and scored responses are required. After the first LU and the minimum of 10 questions and scored responses, additional summative assessment questions and scored responses are required based on the additional LUs of the instructional program (not including LUs awarded based on question count) as follows:

Additional credit:	Additional questions/ scored
0.25	1
0.5	2
0.75	3
Next full credit	4

Three (3) assessment questions and scored responses are required for on-demand Nano learning programs.

Assessment items must be written to test the achievement of the stated learning objectives of the learning program.

**S13-02. Summative assessment feedback**

Providing feedback on the summative assessment is at the discretion of the AIA CEs Provider but is encouraged.

If the AIA CEs Provider chooses to provide feedback, feedback must comply with the feedback for review questions, as described in S9-03, or take the form of identifying correct and incorrect answers.

**S13-03. Summative assessment retakes**

Learners who fail to meet the minimum passing grade for a summative assessment must be provided the opportunity to retake the assessment. Learners must be permitted to retake assessments for at least 30 days after a failed attempt or until the learning program approval expiration (whichever is earlier).

On Jan 3, 2022, at 2:22 PM, California Architects Board  
[00000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:00000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)  
 wrote:

DEPARTMENT OF CONSUMER AFFAIRS  
 TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
 SECTION 135 OF ARTICLE 5 OF DIVISION 2  
 CALIFORNIA ARCHITECTS BOARD

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#### Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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**From:** [Jeff Stowell](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel, Kimberly@DCA)  
**Subject:** Proposed Title 16, CCR section 135 adoption  
**Date:** Tuesday, January 4, 2022 5:19:19 PM

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[EXTERNAL]: [JStowell@silvastowell.com](mailto:JStowell@silvastowell.com)

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Hi Kimberly,

Happy New Year!

I just wanted to voice my support of your proposed adoption of CCR section 135.

- Jeff

Jeff Stowell AIA | LEED AP  
Silva Stowell Architects, LLP  
915 Broadway, Suite 100, Sacramento, CA 95818  
mobile | 916.834.9609

Silva Stowell Architects is committed to supporting our clients and project teams during the COVID-19 pandemic.  
Stay well.



**From:** [Jerome Scott](#)  
**To:** [Janis Kent](#); [McDaniel, Kimberly@DCA](#)  
**Cc:** [CAB-LICENSEE@subscribe.dcalists.ca.gov](mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov); [Mark Christian](#); [AIA-LB/SB](#)  
**Subject:** RE: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising  
**Date:** Friday, January 21, 2022 12:48:17 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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[EXTERNAL]: [Jerome.Scott@acmartin.com](mailto:Jerome.Scott@acmartin.com)

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Re-sent with my company logo removed (ironically) because it is a jpg not text and the DCA website rejected it.

I agree with Ms. Kent 100% on this issue. To be an Architect is to be a licensed professional not a licensed tradesperson.

Thank you.

---

JEROME SCOTT AIA, CSI, ICC, LEED AP, NCARB  
SR ASSOCIATE | DIRECTOR OF CONSTRUCTION ADMINISTRATION  
D 213 614 6088

---

**From:** Jerome Scott  
**Sent:** Friday, January 21, 2022 12:43 PM  
**To:** Janis Kent <[janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)>; [Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)  
**Cc:** [CAB-LICENSEE@subscribe.dcalists.ca.gov](mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov); [Mark Christian <mchristian@aicalifornia.org>](mailto:Mark Christian <mchristian@aicalifornia.org>); [AIA-LB/SB <kristine@aialb-sb.org>](mailto:AIA-LB/SB <kristine@aialb-sb.org>)  
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SR ASSOCIATE | DIRECTOR OF CONSTRUCTION ADMINISTRATION  
D 213 614 6088

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**Sent:** Friday, January 21, 2022 12:34 PM

**To:** [Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

**Cc:** [CAB-LICENSEE@subscribe.dcalists.ca.gov](mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov); Mark Christian <[mchristian@aicalifornia.org](mailto:mchristian@aicalifornia.org)>; AIA-LB/SB <[kristine@aialb-sb.org](mailto:kristine@aialb-sb.org)>

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**Janis Kent** FAIA, CASp, Architect

Certified Access Specialist

**Stepping Thru Accessibility**

phone — 562-426-9363

web site — [www.SteppingThruAccessibility.com](http://www.SteppingThruAccessibility.com)

email — [janisk@SteppingThruAccessibility.com](mailto:janisk@SteppingThruAccessibility.com)

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Written comments, including those sent by mail or e-mail to the addresses listed under “Contact Person” in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

#### Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105

Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

-----  
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**From:** [Jerome Scott](#)  
**To:** [McDaniel\\_Kimberly@DCA](#)  
**Cc:** [CAB-LICENSEE@subscribe.dcalists.ca.gov](#); [Mark Christian](#); [AIA-LB/SB](#); [Janis Kent](#)  
**Subject:** RE: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising  
**Date:** Friday, January 21, 2022 1:02:56 PM

---

[EXTERNAL]: [Jerome.Scott@acmartin.com](mailto:Jerome.Scott@acmartin.com)

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.....

Re-sent with my company logo removed (ironically) because it is a jpg not text and the DCA website rejected it. And with the message converted to plain text.

I agree with Ms. Kent 100% on this issue. To be an Architect is to be a licensed professional not a licensed tradesperson.

Thank you.

JEROME SCOTT AIA,CSI, ICC, LEED AP, NCARB  
SR ASSOCIATE | DIRECTOR OF CONSTRUCTION ADMINISTRATION  
D 213 614 6088

From: Jerome Scott  
Sent: Friday, January 21, 2022 12:43 PM  
To: Janis Kent <<mailto:janisk@steppingthruaccessibility.com>>; <mailto:Kimberly.mcdaniel@dca.ca.gov>  
Cc: <mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov>; [Mark Christian](mailto:Mark Christian) <<mailto:mchristian@aicalifornia.org>>; [AIA-LB/SB](#) <<mailto:kristine@aialb-sb.org>>  
Subject: RE: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising

I agree with Ms. Kent 100% on this issue. To be an Architect is to be a licensed professional not a licensed tradesperson.

Thank you.

JEROME SCOTT AIA,CSI, ICC, LEED AP, NCARB  
SR ASSOCIATE | DIRECTOR OF CONSTRUCTION ADMINISTRATION  
D 213 614 6088

From: Janis Kent [<mailto:janisk@steppingthruaccessibility.com>]  
Sent: Friday, January 21, 2022 12:34 PM  
To: <mailto:Kimberly.mcdaniel@dca.ca.gov>  
Cc: <mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov>; [Mark Christian](mailto:Mark Christian) <<mailto:mchristian@aicalifornia.org>>; [AIA-LB/SB](#) <<mailto:kristine@aialb-sb.org>>  
Subject: Re: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising

Kim McDaniel-

I am writing concerning this new proposed rule making, #135 of requiring licensed architects to place their license number on business cards, stationary, websites, phone listings, etc.

Quite frankly I do not know how adding this piece of information helps protect the public, but it does make it an undue burden on architects. We already place our license number on proposals, legal agreements, and officially issued reports - does that protect the public? It should, but if it does not, then placing it on other pieces of paper is not furthering the effort. Architects are a profession such as doctors and lawyers. I looked at all of the business cards I have from my doctors and lawyers who I work with - no one has their license number on their card.

Building contractors are different since they are a trade, and they do have the requirement for when they provide bids and costs. BUT, architects are more appropriately placed in the category of doctors and lawyers - the classic professions rather than the construction trades. I would think that is more than enough. I have concern with this on many levels.

1. Identity theft - placing a number so publicly where anyone can grab it without repercussions - it is one thing to provide it to our clients and potential clients but to place it in such a public manner is irresponsible in my opinion and does not afford more protection to the public
2. If the public is savy enough, they can look up on the licensing board if their consultant is registered and the same is there for contractors - there is already protection in place without placing more burden on architects
3. Placing a number on a business card, website stationary has nothing to do with protecting the public - in fact it is adding more cost to reprint cards and stationary in a time period where there is already a loss of jobs

In my opinion, this is an unnecessary requirement and adds more burden on the architect. If anything, effort should be placed on those who are working in an unlicensed fashion and using the name architect or architectural in a non-compliant manner, whether in print or on the internet, would add more protection. I do not see where this current proposed rulemaking benefits the public since they already have the benefit to be able to look up to see if someone is licensed or not and if they are hiring non-licensed people it is because they do not care and are willing to take the risk OR they do not know about nuances of licensing. This proposed rule making would have no further impact on the public.

And as an additional note - increasing the amount for a violation of mis-selling oneself as an architect or providing 'architectural services' would have more of an affect for prevention. An amount of \$750, \$1,000, or \$250 minimum depending on the type of violation, is hardly a penalty for stopping mis-use - I spend more on professional liability insurance a year than these penalties.

It is my opinion that a public hearing should be scheduled rather than just pushing this thru. The vast majority of architects I have spoken to are not aware of this revision to the law

that affects us, just as they are not aware of the proposed revised Learning Unit requirements in disabled access as proposed in Section 165.

Janis Kent FAIA, CASp, Architect

Certified Access Specialist  
Stepping Thru Accessibility  
phone - 562-426-9363

web site - [mailto:janisk@SteppingThruAccessibility.com](https://urldefense.proofpoint.com/v2/url?u=https-3A__nam12.safelinks.protection.outlook.com_-3Furl-3Dhttp-253A-252F-252Fwww.steppingthruaccessibility.com-252F-26data-3D04-257C01-257Cjerome.scott-2540acmartin.com-257C5e4b6fd1b71d4c5b9aa808d9dd1d762f-257Ccbf9b6b1cfc44b97858e8f7570c4c25e-257C0-257C0-257C637783940879787480-257CUnknown-257CTWFpbGZsb3d8eyJWljoic4wLjAwMDAiLCJQIjoiV2luMzhlLCJBTiI6k1haWwiLCjXVCI6Mn0-253D-257C3000-26sdata-3DXET2M4f5E50aUjKM-252B6WP7f4Fx696-252Bcrqo0fY9X-252BxTlw-253D-26reserved-3D0&d=DwIFAw&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmnmA2Y0nlWzEjg&m=ao3g9DP_zp3AkHkjaqhKSrhlyAajRap02KglcfoEWgquzy0MsWvLPxiBCPHAYpla&s=peVcbfuMQfPKReE_Yg7y1TnW5GVor582mubJqT0rJo&e=email - <a href=)

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On Jan 3, 2022, at 2:22 PM, California Architects Board <<mailto:00000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV>> wrote:

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**Public Hearing**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

**Comment Period**

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**Contact Person**

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
<mailto:Kimberly.mcdaniel@dca.ca.gov>

Website: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_news\\_laws\\_proposed-5Fregulation.shtml&d=DwIFAw&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmnmA2Y0nlWzEjg&m=ao3g9DP\\_zp3AkHkjaqhKSrhlyAajRap02KglcfoEWgquzy0MsWvLPxiBCPHAYpla&s=SC0clzk1QCJkYaurUqZ7TEliYRwMbgRcd5e4gdYvgoo&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIFAw&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmnmA2Y0nlWzEjg&m=ao3g9DP_zp3AkHkjaqhKSrhlyAajRap02KglcfoEWgquzy0MsWvLPxiBCPHAYpla&s=SC0clzk1QCJkYaurUqZ7TEliYRwMbgRcd5e4gdYvgoo&e=)

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**From:** [Jim Rappoport](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** The proposed advertising rule  
**Date:** Wednesday, January 5, 2022 7:35:19 AM

---

[EXTERNAL]: [jamesr@daroffdesign.com](mailto:jamesr@daroffdesign.com)

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What is being proposed is what is in force in other states where I am licensed and is in my opinion fair, reasonable and appropriate in the public interest and in the best interests of the profession  
James Rappoport, AIA - NCARB

**James Rappoport**, AIA, NCARB  
Vice President

**DAROFFDESIGN**

DAROFFDESIGN INC.+DDI ARCHITECTS, PC

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**From:** [John Helm](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** legislation  
**Date:** Wednesday, January 5, 2022 3:19:22 AM

---

[EXTERNAL]: [jhelm@hm-architects.com](mailto:jhelm@hm-architects.com)

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Re: the proposed legislation

I agree that the requirement for listing the architects license might be beneficial to the consumer if they actually knew the law, but we must assume that they don't. So if someone is advertising architectural services without a license listed the consumer doesn't know the difference. I don't see a benefit to the architect. It is already illegal to advertise or even use the word architect by unlicensed persons so how does this stop them from doing it. It is just another burden on the architect.

I have seen architectural services being advertised on the internet by people I know are not licensed and this legislation according to what I have read on your notices is unable to do anything to stop that.

Why not make a greater effort to enforce the rules already in existence instead of making new ones that don't change anything.

Regards, *John*  
John Helm Architect  
C7574

**HELM & MELACINI ARCHITECTS**  
California Tel 760 436 2402  
Italy Tel 0437 930 642  
Email [jhelm@hm-architects.com](mailto:jhelm@hm-architects.com)



**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**To:** [jose\\_adrianzen@yahoo.com](mailto:jose_adrianzen@yahoo.com)  
**Cc:** [Jose Adrianzen](mailto:Jose_Adrianzen)  
**Subject:** RE: Proposed Board Action email response  
**Date:** Monday, February 7, 2022 8:51:00 AM  
**Attachments:** [Notice of Hearing CCR 135 FINAL.pdf](#)

---

The Board is in receipt of your email. The Notice of Hearing is attached.

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**From:** jose\_adrianzen@yahoo.com <jose\_adrianzen@yahoo.com>  
**Sent:** Monday, February 7, 2022 8:04 AM  
**To:** McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>  
**Cc:** Jose Adrianzen <jose\_adrianzen01@hotmail.com>  
**Subject:** Proposed Board Action email response

[EXTERNAL]: [jose\\_adrianzen@yahoo.com](mailto:jose_adrianzen@yahoo.com)

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Dear K. McDaniel:

In response to an email from 1-3-22 Hereby I am responding requesting additional information regarding such notice.

Please respond to my new email:

Thank You,  
Jose A Adrianzen-Vasquez  
C25674

**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**To:** [Katherine Austin](mailto:Katherine.Austin)  
**Subject:** RE: Cab rules change email  
**Date:** Monday, February 7, 2022 6:17:00 PM

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[https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml#proposed](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml#proposed)

**From:** Katherine Austin <kaustin@pacbell.net>  
**Sent:** Tuesday, January 4, 2022 11:36 PM  
**To:** McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>  
**Subject:** Cab rules change email

[EXTERNAL]: [kaustin@pacbell.net](mailto:kaustin@pacbell.net)

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Hello Ms McDaniel I received an email today that referenced an earlier email from yesterday which I never received.. Can you provide a link to the rules change that's been referenced and once I read it I'll see if I have any comments. Or can you direct me to a website where I can review this proposed change, I would appreciate it thank you very much.

Katherine Austin  
C22389

[Sent from AT&T Yahoo Mail on Android](#)

**From:** [Lila Cohen](#)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Re: Proposed Regulatory Action  
**Date:** Sunday, January 9, 2022 9:06:18 PM

---

[EXTERNAL]: lilacohen@rocketmail.com

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Hi Kimberly,

I received the email below and I'm not sure I understand what it's announcing. Can you please help clarify?

best,

Lila

On Monday, January 3, 2022, 02:24:38 PM PST, California Architects Board <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov> wrote:

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

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#### Comment Period

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#### Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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**From:** [Martin Roy Mervel](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Presentment and regulations  
**Date:** Friday, January 7, 2022 7:10:14 AM

---

[EXTERNAL]: [mervel@studioslab.com](mailto:mervel@studioslab.com)

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Good morning Ms. McDaniel,

Kindly give me a call regarding the February extension of time to brief me succinctly on the issues of your committee.

My partner usually briefs me on these types of administrative issues but he is in India supervising our Costa Rica team, and I do not want to interrupt his workload.

I can be reached during most business hours directly at 310 279 3393.

Thank you, kindly,

Martin Roy Mervel AIA

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**[1431 Ewing Street, Los Angeles, CA 90026](#)**

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**From:** [PC Wong](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** New E-mail address  
**Date:** Thursday, January 20, 2022 2:17:31 PM

---

[EXTERNAL]: [pcwongarchitect@gmail.com](mailto:pcwongarchitect@gmail.com)

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Hello, Kimberly,

Please note my new E-mail address as follows:

[PuiCheungWong1967@gmail.com](mailto:PuiCheungWong1967@gmail.com)

Thank you for your attention.

Sincerely,  
Pui Cheung Wong  
**P.C.Wong**

**From:** [PC Wong](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations  
**Date:** Monday, February 7, 2022 11:34:14 AM

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[EXTERNAL]: [pcwongarchitect@gmail.com](mailto:pcwongarchitect@gmail.com)

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To: Kimberly McDaniel

Followings are information/comments concerning rulemaking action for the Public Hearing on Feb. 18, 2022. ( Notice of Proposed Regulatory Action concerning: #135 Architectural Advertising and Public Presentiments )

1) I am 80 years old and have retired from architectural practice for many years. The Firm I worked for over 30 years, Bocook Architect in Palo Alto, is no longer in business. It was a small office consisted of one principal, his wife and three core long term staffs. Bill Bocook and two staffs have passed away few years ago and the Firm closed.

2) Last August before my license (#C-15374 ) expired, I tried to apply for Retired Architect License. I was advised that " The Board is not accepting retired license at this time .....During the period, we are advising licensees who wished to retired that they should allow their licenses to expire, and then apply for the retired license once it is again available....." ( From E-mail by Brain, [Eisley@dca.ca.gov](mailto:Eisley@dca.ca.gov) on Jul 22, 2021 ) I am still waiting for Architectural Board direction/recommendation.

3) AIA has granted me the Emeritus status and waived the Annual Fee. So, I am still am a member and receive news and journal regularly.

4) I have changed to a new E-mail address as follows -  
[PuiCheungWong1967@gmail.com](mailto:PuiCheungWong1967@gmail.com)

I hope this is helpful. Please let me know if you need any more information.

Thank you for your attention to this matter.

Sincerely,  
Pui Cheung Wong



**From:** [Robert Sawyer](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Response to Proposals  
**Date:** Saturday, January 15, 2022 3:16:52 PM

---

[EXTERNAL]: [rsarch@gmail.com](mailto:rsarch@gmail.com)

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---

Dear Kimberly,

I'd like to add comments about the proposed regulation regarding advertising for architects, if I may, and continuing education. Of course, these are just my opinions.

### CCR Section 135

First, let me say that architects are far fewer than General Contractors. We are a diverse group of professionals who I believe are held to a higher standard of care. The fiduciary responsibility we share with clients is a privilege which I feel that we are bound to by the practice itself.

I believe that as a result, architects do not necessarily have the fraudulent tendencies, or accusations thereof, on the scale that may occur in the building trades. In the trades, public display of licensure tends to identify and minimize a larger group of people who are more likely to be capable of falling under the need for disciplinary action, as opposed to architects who have a deeper interest and connection to the work.

In following the disciplinary actions of the board over the years, I believe that the number of incidents of fraud is far fewer in architecture than other fields, and certainly scaled down drastically by the limited number of licensees compared to construction, for example. I believe that advertising license numbers of professionals may actually increase fraud by allowing unlicensed persons that might not otherwise know a license number to copy it and use it on a greater basis. My hope is to minimize the exposure of licensees to the broader public and potential misdeeds.

### CCR Section 165

While I have your ear, I would like to throw my two cents in regarding ADA and the requirement to hold licensees accountable to it year after year. I believe that the ADA code is well established now, well enforced, and practically everyone professes to be an expert at it. There are numerous handbooks on the subject, and the internet is one google away from the "ADA restroom" standard, as well as many other ADA and related standards.

While I believe that ADA is very important, and part of it should be continued, I think it minimizes our vision to make it the sole preoccupation of the profession. I believe that we should ask licensees to study a variety of subjects to renew their licenses. ADA should be one I agree, however we should be asking for Energy Compliance, Title 24, Code best practices, etc. That list goes on and on! Please revise the continuing education requirement to be more than one entirely singular focus.

Hope I didn't bore you to terribly and thank you for the opportunity to provide feedback.

Sincerely,

**Robert B. Sawyer, Architect AIA**  
**Owner**

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Robert Sawyer Architect

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Editor-In-Chief

[www.arcbiz.org](http://www.arcbiz.org)

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**From:** [Steve Martinez](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Request for information  
**Date:** Tuesday, January 4, 2022 3:52:00 PM

---

[EXTERNAL]: sm@martinezdzn.com

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.....

Ms. McDaniel:

I left a message on your voicemail, could please call my mobile number (714) 393.7363 at your earliest convenience to discuss the information you are looking to address.

Thank you,

Steve Martinez, AIA, Principal  
Martinez Design Group, Inc

**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**To:** [Susan Moe](mailto:Susan Moe)  
**Cc:** [Janis Kent](mailto:Janis Kent)  
**Subject:** RE: Proposed Rulemaking CCR Section 165  
**Date:** Monday, February 7, 2022 8:31:00 AM  
**Attachments:** [Notice of Hearing CCR 135 FINAL.pdf](#)

---

The Board is in receipt of your comments. The Notice of Hearing is attached.

---

**From:** Susan Moe <[susan@smoearchitect.com](mailto:susan@smoearchitect.com)>  
**Sent:** Friday, February 4, 2022 2:56 PM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Cc:** Janis Kent <[janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)>  
**Subject:** Proposed Rulemaking CCR Section 165

[EXTERNAL]: [susan@smoearchitect.com](mailto:susan@smoearchitect.com)

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Good afternoon Kimberly,

I submitted comments before the closing date of Monday, December 27, 2021.

My concerns are as follows.

1. The US Access Board, the federal agency that promulgates the Architectural Barriers Act, also provides training on the ABA and the 2010 ADA Standards for Accessible Design. These sessions are offered free of charge. The live webinars do not require that participants complete a quiz to receive a certificate of attendance. The sessions are interactive, and participants can submit questions via the chat room during the session. Typically attendees can submit questions before the webinars as well. When renewing an architect's license, viewing these sessions and receiving a certificate met the requirement for accessibility CEUs. If these regulations are adopted, I understand that participating in these webinars could not be used for license renewal since a quiz is not required to receive a certificate of attendance.
2. The webinars are recorded for later viewing. However, a certificate is not available for those who view the session later. A few of the recorded sessions do include quizzes to receive a certificate of attendance; however, they are limited in number. How does CAB intend to confirm that the quiz provided by the Access Board requires an 80% pass rate?

3. In the Statement of Reasons for this rulemaking change, there is a link under Section 165, subdivision (j) to the American Institute of Architects website for the CES Programs Provider Manual Policies and Resources. In my discussion with AIA staff at the continuing education provider resource unit, they said that the referenced document was replaced in 2018 and is no longer valid. In the "Standards for Continuing Education Programs," there is no requirement for a quiz with an 80% pass rate for in-person training or live webinars. There is a requirement for engaging during the session with participants; however, that could be by polling or allowing attendees to ask questions during the session. The adoption of these regulations would not allow a certificate of attendance in an AIA-approved course that is a webinar unless a quiz is offered with an 80% pass rate. Am I correct in that understanding of the regulation?

I can understand the requirement for completing a quiz to receive a certificate for an on-demand session but not in-person training or webinars. Persons attending the US Access Boards' monthly webinars could no longer use a certificate of attendance for license renewal which is unfortunate and doesn't make good use of such a valuable resource.

I sent an email to Jesse Bruinsma but have not received a response. I know it's well past the date to submit public comments but I ask for a public hearing on this rulemaking proposal.

Best regards,

Susan R. Moe, AIA - CASp

Access Compliance Consulting

2700 D Street

Sacramento, CA 95816

email: [susan@smoearchitect.com](mailto:susan@smoearchitect.com)

website: [www.consultforaccess.com](http://www.consultforaccess.com)

cell: 916-833-6479

**From:** [TC](#)  
**To:** [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV); [McDaniel.Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Tuesday, January 4, 2022 1:06:08 AM

---

[EXTERNAL]: tc@anet.net

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From Tim Clark: Architect Licensee C30889.

Please note three things:

- 1) Please send the briefest of notes our to all Licensees summarising exactly what you are trying to do, namely, "without prejudice to the actual wording of the proposed new legislation, it aims to ensure that Architects who are licensed in this state should always include their license number when referring to themselves as an architect. Details of the actual proposed regulatory actions and wording can be viewed here: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)." The reason I am mentioning this is that people need to know in shorthand what you have in mind otherwise it looks as if you are trying to hide something, even though you are obviously not trying to hide anything. The web link is very important because it give full details of the actual legislation but your short message should at least introduce what it is about or, I suggest, you will receive requests for a Public Hearing from people who cannot immediately understand what this is about.
- 2) The legislation should refer to any situation in which the licensed architect is referring to themselves as an architect either directly or by implication. It is not enough just to make this apply to advertising or self-presentation. Some self-promotions are deliberately subliminal and these can be at least as successful in winning work for unlicensed individuals who imply they are qualified.
- 3) I support the intention of this change and will recommend that our board in the UK should follow a similar path.

Good luck with the process, I hope the above saves you a lot of needless enquiries or requests and wish you all the very best for 2022.

Kindest regards, TC.

**TIM CLARK**, [RIBA Councillor for Europe](#).

Chartered Architect; President Emeritus RIBA-USA, M.ASCE (Transportation and Development); MCI Arb; FRAS; Hon.FICWCI;

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Farnham [Recrafting Farnham](#)

-----Original Message-----

From: California Architects Board Licensee Related Bulletins [mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV] On Behalf Of California Architects Board

Sent: Monday, January 3, 2022 23:23

To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV

Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135  
OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this Notice.

Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed under “Contact Person” in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834



Kimberly.mcdaniel@dca.ca.gov

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

-----  
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**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**To:** [Teresa Quincey](mailto:Teresa.Quincey)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Tuesday, January 4, 2022 10:54:00 AM

---

Good morning Teresa Quincey,

This email is notification that the Board is proposing a regulation and provides an opportunity for your input.

Thank you,

Kim McDaniel, Administration Analyst  
California Architects Board  
2420 Del Paso Rd. Ste. 105  
Sacramento, CA 95834-9673  
(916) 575-7221  
[Kimberly.Mcdaniel@dca.ca.gov](mailto:Kimberly.Mcdaniel@dca.ca.gov)

**From:** Teresa Quincey <t.quincey@cdeinc.org>  
**Sent:** Tuesday, January 4, 2022 8:02 AM  
**To:** McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>  
**Subject:** Proposed Regulatory Action

[EXTERNAL]: [t.quincey@cdeinc.org](mailto:t.quincey@cdeinc.org)

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Hello Ms. McDaniel,  
I received an email from your office on Monday Jan 3 entitled:

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF  
DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:§135 ARCHITECTURAL  
ADVERTISING AND PUBLIC PRESENTMENTS

Is this in regards to myself? I do not understand what is being proposed and if I have some sort of charge against myself. My California license number is C22344, it is up-to-date and all my fees have been paid as far as I am aware. Please advise. I am best reached by this email address or the mobile phone number listed below.

Thank you for your assistance,

Teresa P. Quincey, NCARB  
Senior Architect



- 618 E. Route 66, Flagstaff, AZ 86001
- 📞M: 901-359-3525; 📞W: 928-522-9287

**From:** [CAB@DCA](mailto:CAB@DCA)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** FW: Proposed Regulatory Action  
**Date:** Tuesday, January 4, 2022 7:31:06 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Tried to help this gentlemen, but not understanding his question.

**Coleen Galvan**  
Communications Analyst  
Administration



2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 575-7205 (916) 575-7283 Fax [cab.ca.gov](http://cab.ca.gov)



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---

**From:** Tony Garcia, AIA <[tony@asquaredstudios.com](mailto:tony@asquaredstudios.com)>  
**Sent:** Monday, January 3, 2022 4:33 PM  
**To:** CAB@DCA <[CAB@dca.ca.gov](mailto:CAB@dca.ca.gov)>  
**Subject:** Re: Proposed Regulatory Action

[EXTERNAL]: [tony@asquaredstudios.com](mailto:tony@asquaredstudios.com)

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---

Hi Coleen,

I understand the legislation but I don't understand what the allegation is in the email. Can you please clarify?

Thank you

Tony Garcia, AIA

**Asquared Studios**

7851 University Ave #207  
La Mesa, CA 91942



[asquaredstudios.com](http://asquaredstudios.com)

On Jan 3, 2022, at 4:29 PM, CAB@DCA <[CAB@dca.ca.gov](mailto:CAB@dca.ca.gov)> wrote:

Thank you for your concern. This is valid board correspondence and you can read more about this [proposed legislation](#) on our website.

Please let me know if have any additional questions or need clarification.

Respectfully,

**Coleen Galvan**

Communications Analyst  
Administration

<image001.png>

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

(916) 575-7205 (916) 575-7283 Fax [cab.ca.gov](http://cab.ca.gov)

<image002.png> <image003.png> <image004.png>

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---

**From:** Tony Garcia, AIA <[tony@asquaredstudios.com](mailto:tony@asquaredstudios.com)>

**Sent:** Monday, January 3, 2022 3:26 PM

**To:** CAB@DCA <[CAB@dca.ca.gov](mailto:CAB@dca.ca.gov)>

**Subject:** Fwd: Proposed Regulatory Action

[EXTERNAL]: [tony@asquaredstudios.com](mailto:tony@asquaredstudios.com)

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Hello,

I received what I believe to be a suspicious email which I have forwarded below. Can you please verify if this is a real email and if so offer more detail. Otherwise, I wanted to make you aware of a possible phishing threat that is using your department information.

I highly suggest you avoid any of the links below as I have.

Thank you  
Tony Garcia, AIA

**Asquared Studios**  
7851 University Ave #207  
La Mesa, CA 91942

<image005.jpg>

[asquaredstudios.com](http://asquaredstudios.com)

Begin forwarded message:

**From:** California Architects Board <[000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)>

**Subject:** Proposed Regulatory Action

**Date:** January 3, 2022 at 2:22:49 PM PST

**To:** [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)

**Reply-To:** [noreply@DCA.CA.GOV](mailto:noreply@DCA.CA.GOV)

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:

§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

-----  
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**From:** [Tony Pings](#)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Section 135 Architectural Advertising  
**Date:** Thursday, January 6, 2022 3:27:33 PM

---

[EXTERNAL]: bev@pings.com

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I am writing in regard to the pending changes required for architectural advertising. As currently stated, the implementation of this change will not serve the interests of the public in fostering architectural practice accountability, and will in fact mislead the public.

As written, this section mimics the contractors requirements. In the case of a contractor, a firm or corporation is the licensed entity, with responsible parties being a part of the firm or corporation. In this case providing the firm's contracting number is helpful for the public to know and to verify a firm is qualified to engage in work.

As currently defined, an architectural firm or corporation regardless of size, cannot engage in the practice of architecture, only an individually licensed architect can. In this, within a firm, multiple architects will be engaging in the practice of architecture without regard to the firm or corporation name or structure.

The current proposed language attempts to provide public accountability for an architectural firm when the firm is not licensed to practice architecture. The current language gives parameters in who's individual license will be used in the firm's advertising.

This is very misleading to the public. It implies the firm has a greater level responsibility than the individual architect. It would imply, as it is in a construction contractor, that the firm has met some standard to practice architecture above and outside of the individual's license number listed. This would lead to a serious public misunderstanding on the quality and qualifications of the firm. It would also deflect accountability from other architects who are the responsible parties on projects. Using one architect's license to represent the larger spectrum of architects practices as the architect of record, serves to mask and confuse the public's understanding of our practice accountability system.

If architectural firms are not separately licensed to practice architecture, a 'license' number associated with the firm will mislead and confuse the public. To adopt this change is counterproductive to improving the understanding and accountability of the practice of architecture.

Yet our current system is not effective in helping the public understand the accountability system inherent in the practice of architecture. As it stands today, the only place the project's responsible



person is identified is by which licensed person signs individual documents sheets/sets. Additionally, a licensed architect can sign on a project's individual documents which leads to multiple architects having a portion of responsibility, which can also be confusing.

To aid the public in understanding the responsibility and accountability of any given project or solicitation, it is reasonable for correspondence with an architectural firm, include by name and license number the person who is representing the practice of architecture in proposals, contracts, design documents, construction documents, etc. Requiring a firm to identify a reasonable party, such as an architect of record (AOR) on a project by project basis is appropriate. It is understood this person may change over time and as the project is developed. In this, the public and client would have a more clear understanding of the responsible party in a specific project. This is similar to the systems in place with HCAI and DSA, which is effective in identifying the lead responsible party, requiring this person to include their license number as part of the title is appropriate.

The current proposed change will not provide accountability, will confuse and mislead the public, and it will also confuse the legal responsibilities. Currently, the AOR is primarily responsible, then the firm they work in has a different responsibility. In this system it would confuse the listed license holder with the actual AOR, confusing the level of responsibilities each actually holds. It would also imply a higher standard for the formation and operation of an architectural firm than actually exists.

I ask the board to not proceed with this change as presented. While I do support a higher level of disclosure on the responsible license holder, conflating a firm that is not licensed to practice architecture with a person who is, will lead to confusion and a misled public.

Thank you.

**Anthony C. Pings, AIA, NCARB, ACHA**  
**License #C10930**

**Anthony C. Pings and Associates**  
**6121 N. Thesta Street, Suite 301**  
**Fresno, CA 93710**  
**559-439-0700**  
**[www.pings.com](http://www.pings.com)**



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**From:** [Jerome Scott](#)  
**To:** [Janis Kent](#); [McDaniel, Kimberly@DCA](#)  
**Cc:** [Mark Christian](#); [Clair, Ida@DGS](#)  
**Subject:** RE: Proposed Regulatory Action for CCR Section 165  
**Date:** Monday, February 7, 2022 1:03:03 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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[EXTERNAL]: [Jerome.Scott@acmartin.com](mailto:Jerome.Scott@acmartin.com)

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Ms McDaniel,

I have been cc'd Janis's emails (in the string below) and your responses and I am now quite troubled by the apparent callous attitude of the CAB toward their audience (registered Architects in CA) regarding these significant rule changes. I only learned about them via Janis who forwarded me the info (at that time already past the cut-off date for the CCR 165 comment period). Since that time I have shared the contacts and links widely. Expect to have a lot more input at this 'hearing'.

I agree 100% with Janis that this 'well, we let our mailing list know and we didn't get any comments back in time' response does not sit well. I was not on your list and I want to comment. I feel the comment period for CCR 165 should be re-visited in light of your complete failure to notify every licensed Architect affected by this rule change.

As I have previously stated – the unilateral top-down nature of these (frankly un-informed) decisions is really starting to rankle. I remember my initial response many years ago when the first 5hr ADA requirement came down – 'really? Don't they know there are other people than Architects dropping the ball on the ADA?' It seems you don't.

Like Janis, I pay E&O and they will not cover a frivolous penalty for not having my license on all my 'media'. I don't know what you think we make but I don't have \$5k to lose on something this ridiculous.

Whoever is driving these changes does not know what an Architect does and if we knew you would hear some righteous indignation. I just want to aim it at the right people. I have signed up to the mailing list and will be 'at' the Feb web-meeting to speak.

Sincerely,

---

JEROME SCOTT AIA, CSI, ICC, LEED AP, NCARB  
SR ASSOCIATE | DIRECTOR OF CONSTRUCTION ADMINISTRATION  
D 213 614 6088

**ACMARTIN**

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**From:** Janis Kent [mailto:[janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)]

**Sent:** Monday, February 07, 2022 12:29 PM

**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>

**Cc:** Mark Christian <mchristian@aiacalifornia.org>; Ida Clair <ida.clair@dgs.ca.gov>

**Subject:** Re: Proposed Regulatory Action for CCR Section 165

Ms McDaniel-

I did personally send comments on both proposed changes within the time frame. And I know a number of other architects did as well.

This pushing thru of regulations for architects is quite troublesome. The issue seems to be with non-licensed individuals acting as architects, not the architects themselves, yet we are making it more cumbersome for legitimate architects and with much higher penalties which are even greater than my professional insurance. I already know of one architect who said if these go thru, he will retire, which is a shame since he is a resource of valuable knowledge to our profession. I would imagine others will also follow suit.

If a confirmation response were sent out that comments were received, one would know if they were received or not, but this was not the process.

My emails were sent out on the following dates:

CCR 165 I emailed out on January 5 (continuing education requirements)

CCR 135 I emailed on January 21 (license number on everything)

Both of these had an extension to the end of January, no?

Also, the majority of architects I talked with were not aware of these proposed changes to requirements of maintaining our licenses. I would highly suggest that ALL licensed architects be placed on the newsletter list with the option to opt out since we have a vested interest in what we are regulated by. If this is a communication from our licensing board, then it is the best communication to let all licensees know and be informed and I would think it is also our right. This should not be burdensome since it is all computerized and you already have all licensed architects' contact information.

So please confirm the cut-off date for comments. Thank you for your time and consideration of this

**Janis Kent** FAIA, CAsp, Architect

Certified Access Specialist

**Stepping Thru Accessibility**

phone — 562-426-9363

web site — [www.SteppingThruAccessibility.com](http://www.SteppingThruAccessibility.com)

email — [janisk@SteppingThruAccessibility.com](mailto:janisk@SteppingThruAccessibility.com)

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On Feb 7, 2022, at 12:03 PM, McDaniel, Kimberly@DCA  
<[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)> wrote:

Thank you for your email. Please see responses in blue below.

---

**From:** Janis Kent <[janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)>  
**Sent:** Monday, February 7, 2022 10:16 AM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Subject:** Fwd: Proposed Regulatory Action for CCR Section 165  
**Importance:** High

[EXTERNAL]: [janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)

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Ms McDaniel-

I sent comments on CCR 165 and have not seen anything on a hearing for it. Did you receive my comments?

**Yes.**

I also sent comments on CCR 135 where I did receive a response.

Did you get the attached email and is there a hearing for 165?

**Government Code (Gov Code) section 11346.45(a)(17) states that a request for a public hearing, if one is not scheduled, must be made no later than 15 prior to the close of the written comment period. As no timely request for a hearing was received, the Board will not be holding a public hearing on the proposed rulemaking. Thank you for your inquiry.**

**Janis Kent** FAIA, CASp, Architect

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Certified Access Specialist

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Begin forwarded message:

**From:** Janis Kent <[janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)>  
**Subject: Re: Proposed Regulatory Action for CCR Section 165**  
**Date:** January 5, 2022 at 2:34:57 PM PST  
**To:** [Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)  
**Cc:** AIA-LB/SB <[kristine@aialb-sb.org](mailto:kristine@aialb-sb.org)>, Ida Clair <[ida.clair@dgs.ca.gov](mailto:ida.clair@dgs.ca.gov)>

Ms McDaniel-

I am having trouble with some of these new regulatory requirements the state is proposing for architects.

- I am an AIA CES provider. The latest standards for continuing education under AIA is dated October 15, 2018. On pre-recorded on-demand webinars there is a requirement for a self-assessment quiz with a pass rate of **70%**, not 80% - so somewhere, someone has gotten their information incorrect. This makes it very difficult for architects having 2 standards for continuing education.

- Also, another important point is that a self-assessment quiz is not required for live seminars, whether in-person or live zoom seminars. **It is only required for recorded or self-reading type.** I have no idea how I would give a quiz to a live audience, let alone take the time for grading it.

- Also, under AIA, the provider is allowed 10 days to issue certificates, not 5 days as this law is suggesting - it places an undue burden on the provider.

Another issue that this new proposed law is not addressing, is that the self-assessment quiz takes up time and AIA has a complex formula to determine how much time one gets credit for taking it. The AIA also provides credit for someone who creates these seminars since they take quite a bit of time to create as well as maintain the knowledge - this is not so relevant to me personally since I accrue many hours of learning on the topic. But many places I learn do NOT have quizzes such as - live online webinars that the Federal Access Board hosts, or the ADA Symposium, or a multitude of other learning venues I glean my information from.

I have attached 2 pages from the CES provider Handbook for your review. If you wish the full handbook, I would be happy to share and forward on my copy. It shows the 70% pass rate for recorded on-demand webinars only.

Below are some other issues that in my opinion, should be considered

A. Another aspect is that there are Accessibility laws and regulations, but there are concepts above and beyond this which is important for architects and designers to know/understand/be familiar with. This includes - Aging In Place, Universal Design, Deaf Space Design, and other design considerations for the diverse community of people with disabilities that go over and beyond just regulations

B. I would say that the list of provider types should be expanded to include Attorneys who specialize in Access as well as others who specialize in specific types of support for the disabled community which

can include IT people who specialize in accessible websites, or those who understand the needs of the deaf or HOH community, or those who specialize in the autistic/on-the-spectrum community, or those that specialize in people who are blind or low vision. I could go on with this, but these are people I learn from and are not on your list. Quite frankly, someone who works at a building department or is a CASp or has an ICC certification does not necessarily have the knowledge to teach architects on these subjects and I would be leery of someone who does not have a professional license or a speciality as I listed above teaching this.

And on another note entirely, having architects take a test on this does not make them more or less qualified - it is just another burdensome step. In my work I would find it much more helpful if contractors, interior designers, landscape architects, signage companies, facility people, and project managers also have an awareness of Access and what it entails. Architects are no longer the 'ring-leaders' of a project - it is a whole family of players and to place the burden on architects is not realistic or appropriate. Expanding the knowledge requirements to the other groups implementing buildings and construction would protect the public more than having architects do another layer of requirements.

I would be happy to discuss any of the above with you. But I would say that if the above-mentioned points are not seriously addressed, then we do need a hearing on this. It should not go forward as a revision to the law as currently written.

**Janis Kent** FAIA, CASp, Architect

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Certified Access Specialist

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email — [janisk@SteppingThruAccessibility.com](mailto:janisk@SteppingThruAccessibility.com)

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<image001.jpg>

<image002.jpg>

On Jan 3, 2022, at 2:22 PM, California Architects Board

<[000000069fb8b025-dmarc-](mailto:000000069fb8b025-dmarc-)

[request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:request@SUBSCRIBE.DCALISTS.CA.GOV)> wrote:

DEPARTMENT OF CONSUMER AFFAIRS

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC  
PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website:

[https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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**From:** [Sheryl Drinkwater](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Proposed Regulatory Action - privacy concern by licensee in good standing  
**Date:** Tuesday, January 4, 2022 3:26:53 PM

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[EXTERNAL]: [ssdarch@sonic.net](mailto:ssdarch@sonic.net)

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Hi Kimberly,

I received the email yesterday on the proposed regulatory action regarding the addition of license numbers on all public signage.

As a sole practitioner working from my home, I specifically avoid including my address in any location except my office (state certificate) until I contract with a client.

I include my license number in my agreement/contract proposal. I provide my license number if asked by a potential client via a thorough interview.

Isn't this the responsibility of anyone wishing to hire any skilled professional?

It is quite easy to look up, using the state licensing board's website, the status of a professional license.

My major concern:

Including my license number on a project site sign, located on a public street, is a violation of my privacy and safety.

I hope you will reconsider this proposed requirement, or provide an exception for professionals working from home offices.

Thank you,

Sheryl Drinkwater  
#C28777

Sheryl Drinkwater, Architect, LEED AP  
[www.ssdarch.com](http://www.ssdarch.com)

**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**To:** [Jackie Whitelam](mailto:Jackie.Whitelam); [Ahmed, Idris@DCA](mailto:Ahmed.Idris@DCA)  
**Cc:** [Mark Christian](mailto:Mark.Christian); [AIA Central Valley](mailto:AIA.Central.Valley)  
**Bcc:** [Zuniga, Laura@DCA](mailto:Zuniga.Laura@DCA)  
**Subject:** RE: CCR Section 135 hearing and comment deadline  
**Date:** Monday, February 7, 2022 11:57:00 AM

---

Thank you for your email. Responses are in blue.

1. When and how will the Agenda for the February 18th meeting of the Board be posted? [Board Meeting Agendas and the meeting packet are posted to the Board's website 10 days before the meeting. Those materials for the 2.18.22 Board meeting should be available on the website by COB on 2.8.22.](#)
2. Since the notice states that any interested person may present statements or written arguments to you via email from 300 PM to 400 PM, am I correct in assuming this means this item won't be heard before 400 PM and does this mean the Board will review these materials during the meeting? [The purpose of the hearing is to take in additional written public comment and testimony on the proposed rulemaking. As stated in the Notice, the hearing will begin at 3 pm. \(Please see also answer to Item 5 below\).](#) At meetings of the City Preservation Commission, e-comments so received are posted for viewing online by the Commissioners and the public attending the meeting - is this what will be done at the February 18th meeting of the Board? [No. The Board will not take any action on the proposed rulemaking during the public hearing on February 18, 2022. See answer to Item 1 above as to the purpose of the hearing. All written materials received during the public comment period and at the hearing, along with a transcription of public comments made at the hearing, will be reviewed by staff. Staff will share all of that material with the Board in connection with a future Board meeting., Staff may also provide the Board with one or more versions of proposed modifications to the Text that respond to the written public comments and hearing testimony, and will provide proposed responses to the written public comments and testimony for the Board's consideration and possible adoption.](#) when it is expected the Board and responses When and how will the staff report on the Agenda Item regarding the proposed regulatory action to adopt Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR) be made available to the Board and to the public? [See answer to Item 1 above as to the purpose of the hearing. The "Staff report" on this rulemaking will be included in the meeting packet for a future Board meeting.](#)
3. As is the standard practice of the City of Sacramento, will written comments received prior to the release of the staff report be appended to it and provided to the Board for their review in advance of the meeting? [All written comments received within the public comment period, extended to close on 2.18.22, and all testimony received during the public hearing, will be provided to the Board in the meeting packet for the meeting at which the Board will vote on the rulemaking. .](#)
4. Will there be a time limit set for each speaker during the public hearing? The City of Sacramento generally allows 3 minutes per speaker, but dependent upon the number of people who wish to speak and the number of items on an Agenda, the person chairing the item may reduce the time a person may speak to 2 minutes. Is this the practice of public hearings held by the Board? [Public commentary at the hearing will be restricted to 2 minutes per speaker.](#)

5. The Notice of Extension of the Written Comment Period to February 18, 2022 states that all written comments received by the new end date of February 18th will be responded to by the Board's staff as part of the Final Statement of Reasons. Since the new end date/time now seems to be February 18th at 4:00 PM, will the staff respond to written comments received during the meeting orally as to how they may impact the Final Statement of Reasons before the Board acts? [Yes, see answer to Item 2, above.](#) Also, [the Notice of Extension of the Public Comment period extended the public comment period to end on 2.18.22. As a matter of law, 2.18.22 ends at midnight \(see Government Code Section 6806\).](#)

Kim McDaniel

**From:** Jackie Whitelam <jackiewhitelam@gmail.com>

**Sent:** Thursday, February 3, 2022 1:30 PM

**To:** Ahmed, Idris@DCA <Idris.Ahmed@dca.ca.gov>

**Cc:** McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>; Mark Christian <mchristian@aiacalifornia.org>; AIA Central Valley <kanderson@aiacv.org>

**Subject:** Re: CCR Section 135 hearing and comment deadline

[EXTERNAL]: [jackiewhitelam@gmail.com](mailto:jackiewhitelam@gmail.com)

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Thank you Idris. The AIA Central Valley Chapter will submit a written comment letter and will also speak at the meeting. We also anticipate that individual members of the chapter will submit written comment letters and will wish to speak at the meeting. From my experience at the Capitol Area Development Authority and on the City of Sacramento Preservation Commission, I'm familiar with the Ralph M. Brown Act that governs local government public meetings, but am not familiar with the Bagley-Keene Act that governs public meetings held by state agencies and have several questions. Specifically:

1. When and how will the Agenda for the February 18th meeting of the Board be posted?
2. Since the notice states that any interested person may present statements or written arguments to you via email from 300 PM to 400 PM, am I correct in assuming this means this item won't be heard before 400 PM and does this mean the Board will review these materials during the meeting? At meetings of the City Preservation Commission, e-comments so received are posted for viewing online by the Commissioners and the public attending the meeting - is this what will be done at the February 18th meeting of the Board?
3. When and how will the staff report on the Agenda Item regarding the proposed regulatory action to adopt Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR) be made available to the Board and to the public?
4. As is the standard practice of the City of Sacramento, will written comments received prior to the release of the staff report be appended to it and provided to the Board for their review in advance of the meeting?
5. Will there be a time limit set for each speaker during the public hearing? The City of Sacramento generally allows 3 minutes per speaker, but dependent upon the number of

people who wish to speak and the number of items on an Agenda, the person chairing the item may reduce the time a person may speak to 2 minutes. Is this the practice of public hearings held by the Board?

6. The Notice of Extension of the Written Comment Period to February 18, 2022 states that all written comments received by the new end date of February 18th will be responded to by the Board's staff as part of the Final Statement of Reasons. Since the new end date/time now seems to be February 18th at 4:00 PM, will the staff respond to written comments received during the meeting orally as to how they may impact the Final Statement of Reasons before the Board acts?
7. On Page 2 of the Initial Statement of Reasons, it is stated that "In November 2019 Board staff conducted an on-line survey of licensees and found that they were overwhelmingly in favor of the proposal" - however, the specifics of this survey are not provided as a part of the Underlying Data. The only additional information in the record that I have been able to locate is a paragraph in the February 28, 2020 CAB minutes where Lead Enforcement Analyst Michael Sganga advised the Board that staff sent a survey to all licensees by email and collected responses for two weeks last November, that the staff received input from more than 1,500 architects, and that the response was overwhelmingly positive with 66% reacting positively or very positively to the proposed regulation. Because none of our chapter members to whom I've spoken to can recall receiving or responding to this survey, I sent you an email on January 7th requesting a copy of the survey, the date it was emailed out and the source of the email addresses used to distribute it. Since I have not received this information, I am again requesting it. Additionally, I am requesting clarification of what data regarding the survey was provided the Board.

A timely response to my questions would be appreciated.

On Thu, Feb 3, 2022 at 10:00 AM Ahmed, Idris@DCA <[Idris.Ahmed@dca.ca.gov](mailto:Idris.Ahmed@dca.ca.gov)> wrote:

Hi Jackie,

I am attaching the notice of for the hearing for CCR 135 that will be scheduled for February 18, 2022 at 3pm. Please let me know if you have any questions.

Best,  
Idris

---

**From:** Jackie Whitlam <[jackiewhitlam@gmail.com](mailto:jackiewhitlam@gmail.com)>

**Sent:** Thursday, January 27, 2022 11:19 AM

**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>; Ahmed, Idris@DCA <[Idris.Ahmed@dca.ca.gov](mailto:Idris.Ahmed@dca.ca.gov)>

**Cc:** Mark Christian <[mchristian@aiacalifornia.org](mailto:mchristian@aiacalifornia.org)>; AIA Central Valley <[kanderson@aiacv.org](mailto:kanderson@aiacv.org)>

**Subject:** CCR Section 135 hearing and comment deadline

[EXTERNAL]: [jackiewhitlam@gmail.com](mailto:jackiewhitlam@gmail.com)

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Good morning. I am writing on the behalf of the AIA Central Valley Chapter to confirm that the Board has received a written request for a public hearing on this matter and how that affects the February 18th deadline for the submittal of written comments on this proposed regulation. A timely response to this email is requested. Thank you. Jackie Whitlam

**From:** [Janis Kent](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Cc:** [Mark Christian](#); [Clair, Ida@DGS](mailto:Clair_Ida@DGS); [Susan Moe](#); [Jerome Scott](#)  
**Subject:** Re: Proposed Regulatory Action for CCR Section 165  
**Date:** Monday, February 7, 2022 5:18:12 PM  
**Importance:** High

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[EXTERNAL]: [janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)

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Ms McDaniel-

Maybe the issue on the education CCR 165, is that **NO ONE** knew about it. I mean no one! As soon as I found out I wrote a comment and sent it to you on January 5th.

I think we have a major issue that architects are not informed on legislature that affects them. This is a **huge** issue and basically the education one will be next to impossible to implement since it does not coincide with AIA educational requirements, which I have heard it stated that it was based upon. It was not at all. How do you correlate time for test taking? The AIA does it, but it is not in the legislation. What about organizations that provide live webinars nationally who do not provide tests - this is fine with AIA to get HSW, but not with this proposed new regulation. What about when I train 50 architects in person - how do I test them? Do you have a calculation for the number of questions on the test? AIA does, but this is only for on-demand webinars, not live.

Needless to say, this is extremely upsetting and less than professional in how the State chooses to communicate. On top of this. It is really not a question of the architects but rather on unlicensed people stating they are architects. This in no way helps the public in terms of health and life safety, but instead makes it more onerous for those who are licensed. Please go after legislation that is about un-licensed people doing the work of architects and calling themselves as such. That would be much more beneficial to everyone.

And my apologies, I do not mean this as personal, but I find this very upsetting.

**Janis Kent** FAIA, CASp, Architect

Certified Access Specialist

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On Feb 7, 2022, at 4:57 PM, McDaniel, Kimberly@DCA  
<[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)> wrote:

Janis Kent,

The cutoff date for written comments for the proposed regulation regarding Public Presentments and Advertising, 16 CCR section 135, is February 18, 2022 (see Notice of Extension of Written Comment Period on the Board website [here](#)). A timely public hearing request pursuant to Government Code section 11346.5(a)(17) was received, and a hearing will be held to gather additional public input on February 18, 2022, starting at 3 pm (see Notice on the Board website [here](#)). The Public Presentments and Advertising proposed rulemaking is not on the Agenda for discussion at the California Architects Board meeting on February 18, 2022.

The 45-day public comment period for the proposed regulation regarding Disability Access Continuing Education, 16 CCR section 165, ran from November 12, 2021 to December 27, 2021. No timely public hearing request pursuant to Government Code section 11346.5(a)(17) was received. The Disability Access Continuing Education proposed rulemaking is on the Agenda for discussion as Item J at the California Architects Board meeting on February 18, 2022, and public comment will be taken on the Item (see Board Agenda for 2.18.22 meeting [here](#)).“

Thank you,

Kim McDaniel  
California Architects Board  
2420 Del Paso Rd. Ste. 105  
Sacramento, CA 95834-9673  
[Kimberly.Mcdaniel@dca.ca.gov](mailto:Kimberly.Mcdaniel@dca.ca.gov)

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**From:** Janis Kent <[janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)>  
**Sent:** Monday, February 7, 2022 12:29 PM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Cc:** Mark Christian <[mchristian@aiacalifornia.org](mailto:mchristian@aiacalifornia.org)>; Clair, Ida@DGS <[Ida.Clair@dgs.ca.gov](mailto:Ida.Clair@dgs.ca.gov)>  
**Subject:** Re: Proposed Regulatory Action for CCR Section 165

[EXTERNAL]: [janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)

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CCR 135 I emailed on January 21 (license number on everything)

Both of these had an extension to the end of January, no?

Also, the majority of architects I talked with were not aware of these proposed changes to requirements of maintaining our licenses. I would highly suggest that ALL licensed architects be placed on the newsletter list with the option to opt out since we have a vested interest in what we are regulated by. If this is a communication from our licensing board, then it is the best communication to let all licensees know and be informed and I would think it is also our right. This should not be burdensome since it is all computerized and you already have all licensed architects' contact information.

So please confirm the cut-off date for comments. Thank you for your time and consideration of this

**Janis Kent** FAIA, CASp, Architect

---

Certified Access Specialist

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<[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)> wrote:

Thank you for your email. Please see responses in blue below.

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**From:** Janis Kent <[janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)>  
**Sent:** Monday, February 7, 2022 10:16 AM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Subject:** Fwd: Proposed Regulatory Action for CCR Section 165  
**Importance:** High

[EXTERNAL]: [janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)

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Ms McDaniel-

I sent comments on CCR 165 and have not seen anything on a hearing for it. Did you receive my comments?

**Yes.**

I also sent comments on CCR 135 where I did receive a response.

Did you get the attached email and is there a hearing for 165?

**Government Code (Gov Code) section 11346.45(a)(17) states that a request for a public hearing, if one is not scheduled, must be made no later than 15 prior to the close of the written comment period. As no timely request for a hearing was received, the Board will not be holding a public hearing on the proposed rulemaking. Thank you for your inquiry.**

**Janis Kent** FAIA, CAsp, Architect

---

Certified Access Specialist

**Stepping Thru Accessibility**

phone — 562-426-9363

web site — [www.SteppingThruAccessibility.com](http://www.SteppingThruAccessibility.com)

email — [janisk@SteppingThruAccessibility.com](mailto:janisk@SteppingThruAccessibility.com)

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Begin forwarded message:

**From:** Janis Kent  
<[janisk@steppingthruaccessibility.com](mailto:janisk@steppingthruaccessibility.com)>  
**Subject: Re: Proposed Regulatory Action for CCR Section 165**  
**Date:** January 5, 2022 at 2:34:57 PM PST  
**To:** [Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)  
**Cc:** AIA-LB/SB <[kristine@aialb-sb.org](mailto:kristine@aialb-sb.org)>, Ida Clair  
<[ida.clair@dgs.ca.gov](mailto:ida.clair@dgs.ca.gov)>

Ms McDaniel-

I am having trouble with some of these new regulatory requirements the state is proposing for architects.

- I am an AIA CES provider. The latest standards for continuing education under AIA is dated October 15, 2018. On pre-recorded on-demand webinars there is a requirement for a self-assessment quiz with a pass rate of **70%**, not 80% - so somewhere, someone has gotten their information incorrect. This makes it very difficult for architects having 2 standards for continuing education.
- Also, another important point is that a self-assessment quiz is not required for live seminars, whether in-person or live zoom seminars. **It is only required for recorded or self-reading type.** I have no idea how I would give a quiz to a live audience, let alone take the time for grading it.
- Also, under AIA, the provider is allowed 10 days to issue certificates, not 5 days as this law is suggesting - it places an undue burden on the provider.

Another issue that this new proposed law is not addressing, is that the self-assessment quiz takes up time and AIA has a complex formula to determine how much time one gets credit for taking it. The AIA also provides credit for someone who creates these seminars since they take quite a bit of time to create as well as maintain the knowledge - this is not so relevant to me personally since I accrue many hours of learning on the topic. But many places I learn do NOT have quizzes such as - live online webinars that the Federal Access Board hosts, or the ADA Symposium, or a multitude of other learning venues I glean my information from.

I have attached 2 pages from the CES provider Handbook for your review. If you wish the full handbook, I would be happy to share and forward on my copy. It shows the 70% pass rate

for recorded on-demand webinars only.

Below are some other issues that in my opinion, should be considered

A. Another aspect is that there are Accessibility laws and regulations, but there are concepts above and beyond this which is important for architects and designers to know/understand/be familiar with. This includes - Aging In Place, Universal Design, Deaf Space Design, and other design considerations for the diverse community of people with disabilities that go over and beyond just regulations

B. I would say that the list of provider types should be expanded to include Attorneys who specialize in Access as well as others who specialize in specific types of support for the disabled community which can include IT people who specialize in accessible websites, or those who understand the needs of the deaf or HOH community, or those who specialize in the autistic/on-the-spectrum community, or those that specialize in people who are blind or low vision. I could go on with this, but these are people I learn from and are not on your list. Quite frankly, someone who works at a building department or is a CASp or has an ICC certification does not necessarily have the knowledge to teach architects on these subjects and I would be leery of someone who does not have a professional license or a speciality as I listed above teaching this.

And on another note entirely, having architects take a test on this does not make them more or less qualified - it is just another burdensome step. In my work I would find it much more helpful if contractors, interior designers, landscape architects, signage companies, facility people, and project managers also have an awareness of Access and what it entails. Architects are no longer the 'ring-leaders' of a project - it is a whole family of players and to place the burden on architects is not realistic or appropriate. Expanding the knowledge requirements to the other groups implementing buildings and construction would protect the public more than having architects do another layer of requirements.

I would be happy to discuss any of the above with you. But I would say that if the above-mentioned points are not seriously addressed, then we do need a hearing on this. It should not go forward as a revision to the law as currently written.

**Janis Kent** FAIA, CASp, Architect

Certified Access Specialist

**Stepping Thru Accessibility**

phone — 562-426-9363

web site — [www.SteppingThruAccessibility.com](http://www.SteppingThruAccessibility.com)

email — [janisk@SteppingThruAccessibility.com](mailto:janisk@SteppingThruAccessibility.com)

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<image001.jpg>

<image002.jpg>

On Jan 3, 2022, at 2:22 PM, California  
Architects Board <[000000069fb8b025-dmarc-  
request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)> wrote:

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL  
REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION  
CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND  
PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California  
Architects Board (Board) is proposing to take  
the action described in the Informative Digest  
below, after considering all comments,  
objections, and recommendations regarding  
the proposed action.

Public Hearing

The Board has not scheduled a public hearing  
on this proposed action. However, the Board  
will hold a hearing if it receives a written  
request for a public hearing from any

interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

#### Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

#### Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

#### Website:

[https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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**From:** [Sam Aslanian](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** New regulations.  
**Date:** Tuesday, January 4, 2022 3:50:01 PM

---

[EXTERNAL]: [sam@aslanianarchitects.com](mailto:sam@aslanianarchitects.com)

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Good afternoon. I appreciate the email regarding new regulations in regards to including our license number in advertisements. However there's a bigger area of concern is in regards to other fields of work using the word architect in their job descriptions. Web designers NFT designers etc Are using the word architect to describe themselves as someone who develops the infrastructure of whatever sector of work they are working in. In my opinion the California architect board should take a stronger position to protect the use of the word Architect rather than making additional rules for us architects in our day-to-day conduct of our business. Best regards. Sam Aslanian Architect. --

Sam Aslanian Architect

818-383-3237

[www.aslanianarchitects.com](http://www.aslanianarchitects.com)

**From:** [Katy Taylor Ford](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** CAB regulation feedback  
**Date:** Tuesday, January 4, 2022 5:02:57 PM

---

[EXTERNAL]: [KFord@ratcliffarch.com](mailto:KFord@ratcliffarch.com)

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Hi Kimberly,

I am writing to object to the new regulation requiring posting our license number on advertisements, solicitations or presentments to the public. As an architecture firm, we have several Principals that sign/stamp drawings for regulatory review, so it would be very onerous to assign a different license numbers for our many projects, some where the Principal in charge has left the firm even. We operate as one firm, not as single proprietary firm, so the regulation is really confusing. We sign our drawings for permit attesting that the drawings confirm to code thus protecting the public's Health and Welfare. I don't see the value of putting a license number on all of our project images.

I do suggest that if one is licensed, they could put "Registered Architect" or "RA" after their name to distinguish from a non-licensed practicing individual. Similar to the term Esq for attorneys or Dr. for doctors. Those professionals don't have to publish their license numbers! I agree the term Architect is very difficult to control as pertaining to only licensed architectural practitioners. Right now, our only designation we have that shows we are licensed is AIA, which doesn't really even mean we are licensed except for the fact that if we weren't, we have to say Assoc. AIA. But the general public does not understand that designation, and I agree therein lies the confusion.

The general public and our clients do not know if we are licensed or not until we sign their drawings. We prefer to keep our license number discreet to prevent the general public from using it illegally. Please don't make us put it on every image that is published, it just seems overkill.

I would propose the term "Registered Architect" or "RA" to be used after our name to distinguish our licensing status.

Best regards,

**Katy Taylor Ford AIA**  
Principal

**RATCLIFF** / [Discover Imagine Design](#)

5856 Doyle Street  
Emeryville, CA 94608  
O 510.899.6400  
D 510.899.6482  
M 510.541.9635

**From:** [Fisley\\_Brian@DCA](mailto:Fisley_Brian@DCA)  
**To:** [kurt@worthingtondesign.com](mailto:kurt@worthingtondesign.com)  
**Cc:** [Reinhardt\\_Marccus@DCA](mailto:Reinhardt_Marccus@DCA); [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** FW: Proposed Regulatory Action  
**Date:** Monday, January 10, 2022 8:17:30 AM

---

Hello Mr. Worthington,

Thank you for your email. The notice you received was a required public notice of a proposed regulation. It was not specific to you or to any other licensee, and had nothing to do with continuing education.

The deadline for your continuing education is the same as that for renewing your license. You are required to have completed the CE within the two years before your renewal, and to certify on the form that you have done so (past tense). There is no "grace period" as you suggest.

I hope this information is helpful. Please let me know if I can assist you further.

Regards,

Brian Eisley  
Licensing Technician

California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 575-7220 (916) 575-7283 Fax [cab.ca.gov](http://cab.ca.gov)

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-----Original Message-----

From: Kurt Worthington <[kurt@worthingtondesign.com](mailto:kurt@worthingtondesign.com)>  
Sent: Monday, January 3, 2022 3:41 PM  
To: McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
Subject: RE: Proposed Regulatory Action

[EXTERNAL]: [kurt@worthingtondesign.com](mailto:kurt@worthingtondesign.com)

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Hello,

I don't quite understand this email. I forgot that my ADA test was supposed to be done by 12-31-21 but I also thought that I technically had until 1-31-22 to complete it. Is that what this is about and do I actually have until 1-31-22 to complete it?  
Thanks and let me know if this is the case or if this email represents something else.  
Thank you

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <[CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)> On Behalf Of California Architects Board  
Sent: Monday, January 3, 2022 2:23 PM  
To: [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)  
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD



NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

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Comment Period

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Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
Kimberly.mcdaniel@dca.ca.gov

Website: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_news\\_laws\\_proposed-5Fregulation.shtml&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=XbDso9ufnC4Hs\\_gS5LrqM4WhAN5egGDGsHc\\_zcbE65HxVsjQT9ZmlgYgK0KACJq9&s=i0h-K75fENUjnlGMWB4IIzyGwQlttyr\\_oPxa\\_kfuMM&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=XbDso9ufnC4Hs_gS5LrqM4WhAN5egGDGsHc_zcbE65HxVsjQT9ZmlgYgK0KACJq9&s=i0h-K75fENUjnlGMWB4IIzyGwQlttyr_oPxa_kfuMM&e=)

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**From:** [bryan@bgiarchitect.com](mailto:bryan@bgiarchitect.com)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Re: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 3:27:59 PM  
**Attachments:** [BGI - EMAIL SIGNATURE BRYAN BEERY.png](#)

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[EXTERNAL]: [bryan@bgiarchitect.com](mailto:bryan@bgiarchitect.com)

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Hi Kimberly,

This is in regards to the proposed regulatory action below.

I just wanted to send a quick email and say THANK YOU, THANK YOU, THANK YOU for the DCA and CAB for finally doing something and taking some action against unlicensed individuals advertising as Architects. Our firm frequently competes against unlicensed individuals (designers) that come in 1/3 the price of licensed Architects. The potential clients have no idea, end up asking why our proposal is more expensive and we have to explain the difference. I have reported numerous unlicensed individuals advertising as Architects to the CAB over the past few years, including one guy on BuzzFeed's YouTube channel saying he was an Architect in CA (he wasn't) with over 300,000 views! In the age of the internet and social media, it has become a huge problem. Glad to see it has become noticed and actions being taken.

We will gladly advertise our name and license # for the public. Hope that the regulation passes! Once again, thank you! Great way to start off the new year



**Bryan Beery** | Architect | Project Manager

**BGI Architecture | Beery Group Inc.**  
2292 Faraday Avenue, Suite 100  
Carlsbad, CA 92008

[bryan@bgiarchitect.com](mailto:bryan@bgiarchitect.com)  
P. 760-438-2963, Ext 123

---

**From:** California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> on behalf of California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV>

**Sent:** Monday, January 3, 2022 2:22 PM

**To:** CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV>

**Subject:** Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

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Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
Kimberly.mcdaniel@dca.ca.gov

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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**From:** [Bruce Prescott](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** comment opposed to §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENT  
**Date:** Monday, January 3, 2022 3:00:51 PM

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[EXTERNAL]: bruce@santosprescott.com

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Kimberly McDaniel,

Thank you for the notice of proposed regulation. I would like to register my disagreement with this proposal.

The proposed regulation would require adding ones license number to all Internet Web Sites that list a licensee as an architect. The problem is that a licensee is not in control of all of the locations upon which they might be listed as an architect on the Internet. Many pages aggregate information from a variety fo sources, such that a licensee might show up on a site without their knowledge or control. Tracking down all of the locations on the internet on which one is listed as an architect does represent a significant burden to a small practice. Though I am sure the board will not be “fishing” for listings in violation of the ruling, there is a real possibility that such listings could be used against a licensee who comes before the board for some other reason, and given the proliferation of Web links, the fines could add up significantly.

I believe the regulation should be limited to those communications sent directly to a prospective client offering architectural services. The problem we face is less individuals holding themselves out to be licensed that the fact that so much of the built environment in the state is legitimately designed by professionals without architectural training.

Thank you,  
Bruce Prescott, AIA  
C23687

**From:** [James Heimler](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Cc:** [CAB@DCA](mailto:CAB@DCA)  
**Subject:** NOTICE OF PROPOSED REGULATORY ACTION CONCERNING: Architects  
**Date:** Tuesday, January 4, 2022 8:53:59 AM

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[EXTERNAL]: [jheimler@jhai-architect.com](mailto:jheimler@jhai-architect.com)

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NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

My thoughts as an Architect who has owned his own company since 1985.

- This would cost my company, as small business, tremendously. All web site, letter head, business cards, all internet and hard copy documents would have to be changed. We are in so many places in this new computer age world the job to add the required information would take a full time person 1 month or more to accomplish.
- Please review this chart of problems we see.

ITEMS	CYNTHIA'S COMMENTS	RYAN'S COMMENTS
advertisement	Does this include applicant postings?	
card	Business cards	
letterhead	AO RTF documents (50), AO invoice, Admin drive, S drive, Does this apply to ANY document we have with a letterhead?	
telephone listing	We don't advertise, so does this apply?	
Internet Web site	? All blogs, web sites, each page, social media?	
written solicitation	? job postings, insurance policies, AIA and other postings?	
contract proposal	We do this now and add license #s to signature line. But does Jim's license # need to be on contract doc even if another architect sign's it? I own the company and other architects might be signing the plans they worked on. How does that work?	

Please keep me posted on our questions and issues.

Thank you.

Regards,

***Jim Heimler***

[jheimler@jhai-architect.com](mailto:jheimler@jhai-architect.com)

**James Heimler, Architect, Inc.**

19510 Ventura Blvd., Suite 210

Tarzana, CA 91356

t (818) 343-5393

f (818) 343-5815

[www.jhai-architect.com](http://www.jhai-architect.com)

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**From:** [Bart Smith](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Proposed Advertising Regulation  
**Date:** Monday, January 3, 2022 2:56:10 PM

---

[EXTERNAL]: [b.smith@dznpartners.com](mailto:b.smith@dznpartners.com)

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Hi Kimberly,

Do you think this new regulation would require a project site sign to have our name and license number on the sign?

If so, is the board considering a minimum font size for these elements?

If we use a dba for our firm name does this mean all advertising products need to also have our personal name and license number on it as well?

Does every page of our firm website need to have my personal name and license number placed on it? That would make it look very ego driven...

It appears business cards would need the license number on them as well.

I would say to update all my physical and web materials it would be closer to \$1,000 not \$100.

This feels like a slippery slope that hasn't been fully vetted for the impacts it will have on Architects.

It also feels like Architects are being punished for the actions of a few bad apples pretending to be Architects. Shouldn't it be the other way around?

I added my license number to my email signature just for this CAB email...

Regards,

*Bart*

**Bart M Smith**

**C22557**

Principal Architect

AIA•LEED bd+c



partners  
ARCHITECTURE

760•753•2464x200

**Providing trustworthy service during this time of adversity**

**From:** [Bill Perkins](#)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Fwd: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 3:00:52 PM

---

[EXTERNAL]: [bill.perkins.100@gmail.com](mailto:bill.perkins.100@gmail.com)

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---

Hi Kimberly,

I just paid for my Architects License (12/31/2021) and received the below email today. I'm not sure if the two are tied together. Please let me know if there are issues with my License renewal and payment processing.

Thank you, Bill Perkins 858.775.7326

Begin forwarded message:

**From:** California Architects Board <[000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)>

**Subject: Proposed Regulatory Action**

**Date:** January 3, 2022 at 2:22:49 PM PST

**To:** [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)

**Reply-To:** [noreply@DCA.CA.GOV](mailto:noreply@DCA.CA.GOV)

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

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Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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<https://www.cab.ca.gov/webapps/subscribe.php>

**From:** [Brion Jeannette](#)  
**To:** [McDaniel, Kimberly@DCA](#)  
**Cc:** [Lynelle Smith](#); [Bonnie Jeannette](#); [Amy Creager](#)  
**Subject:** FW: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 3:40:41 PM

---

[EXTERNAL]: 50e4.82.186c30003fc4b83.f14728303228ec8cda8c352a44f7ce9b@email-od.com

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.....

Kimberly, I fully subscribe to the proposed rule change and support the need to make this change. I don't feel you realize the extent of this change and would like your comments on the impact to my fellow professionals of only \$100, please consider the changes, of adding my license number, to these items and comment. I have a team of 3 architects and 6 professionals and approximately 25 residential projects in construction.

- The art work to meet these goals
- My and my staff business cards
- My job signs at our construction sites, vehicles etc.
- All of our social media changes
- Stationary paperwork , letterhead documents
- My office logo revisions

Please address the urgency of having all of these media revisions incorporated. Perhaps having the most important items, like social media and job signs, and principal's business cards done first.  
I look forward to hearing from you, thank you

Brion

Brion Jeannette Architecture  
Custom Architecture | Energy Efficient Design

470 Old Newport Blvd.  
Newport Beach, CA 92663  
T: 949.645.5854 ext. 212 F: 949.645.5983  
[brionj@bj-inc.com](mailto:brionj@bj-inc.com)  
[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.customarchitecture.com&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmmnA2YOnlWzEjg&m=bQHjegIxHV-PEDYgqpPwzSlmcRtkrCXF8hCznViPDCqt6F1a6\\_3ONhxqTikiD3O2&s=79KIMAvZqnuUnK3gaKFYF7ZGPVkl8zdotGo0yc3vb-Y&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.customarchitecture.com&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmmnA2YOnlWzEjg&m=bQHjegIxHV-PEDYgqpPwzSlmcRtkrCXF8hCznViPDCqt6F1a6_3ONhxqTikiD3O2&s=79KIMAvZqnuUnK3gaKFYF7ZGPVkl8zdotGo0yc3vb-Y&e=)

-----Original Message-----

From: Lynelle Smith <[LynelleS@bj-inc.com](mailto:LynelleS@bj-inc.com)>  
Sent: Monday, January 3, 2022 2:41 PM  
To: Brion Jeannette <[BrionJ@bj-inc.com](mailto:BrionJ@bj-inc.com)>; Amy Creager <[amyC@bj-inc.com](mailto:amyC@bj-inc.com)>  
Subject: FW: Proposed Regulatory Action

-----Original Message-----

From: California Architects Board Licensee Related Bulletins [<mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV>] On Behalf Of California Architects Board  
Sent: Monday, January 3, 2022 2:23 PM  
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV  
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
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Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
Kimberly.mcdaniel@dca.ca.gov

Website: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_news\\_laws\\_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=bQHjegIxHV-PEDYgqpPwzSlmcRtkrCXF8hCznViPDCqt6F1a6\\_3ONhxqTikiD3O2&s=tzBm5Z2BUGr6FTIWzKm2JDsh3PO3RMxHp\\_IK6hGPtA0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=bQHjegIxHV-PEDYgqpPwzSlmcRtkrCXF8hCznViPDCqt6F1a6_3ONhxqTikiD3O2&s=tzBm5Z2BUGr6FTIWzKm2JDsh3PO3RMxHp_IK6hGPtA0&e=)

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**From:** [Chris](#)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Title 16 - Public Presentments and Advertising Requirements proposed regulations  
**Date:** Monday, January 3, 2022 2:46:06 PM

---

[EXTERNAL]: [cmcfadden@mmarc.com](mailto:cmcfadden@mmarc.com)

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Dear Kimberly,

I received and reviewed the above proposed regulatory action and I am fervently OPPOSED to such a new regulation. First and foremost the last couple of years have been difficult to say the least, having to add license numbers to all my "Presentments" does NOT make me (or anyone else) a better architect. The proof is in the pudding, NOT an ancillary number which will only provide an additional income stream to the DCA come citation time. I am tired of seeing architects fined for such minutia. I wish our board was more concerned with illegal practice than imposing overbearing regulations on an already fine pool of individuals.

Regards,

Chris McFadden

McFadden Architects  
75-145 St. Charles Place, Suite 4  
Palm Desert, California 92211  
Tel: (760) 346-8014



**From:** [Chris Davis](mailto:Chris.Davis@the Grove Architects and Designers inc.)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Re: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 2:52:05 PM

---

[EXTERNAL]: [chris@the Grove Architects and Designers inc.](mailto:chris@the Grove Architects and Designers inc.)

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---

What is the interpretation of a business being listed in a yellow pages list but not a formal ad? Or a similar website that gathers information but is not something controlled by or contracted by the architect firm and not having a license number included?

Thanks,

Chris Davis  
The Grove Architects and Designers inc. -and-  
The Grove Construction  
P.O. Box 995  
Walnut Grove, CA 95690  
O: 916-685-8800  
M: 916-730-0166  
F: 916-685-8995  
[chris@the Grove Architects and Designers inc.](mailto:chris@the Grove Architects and Designers inc.)

---

**From:** California Architects Board Licensee Related Bulletins <[CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)> on behalf of California Architects Board <[000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)>  
**Sent:** Monday, January 3, 2022 2:22:49 PM  
**To:** [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV) <[CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)>  
**Subject:** Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

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#### Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834

Kimberly.mcdaniel@dca.ca.gov

Website: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_news\\_laws\\_proposed-5Fregulation.shtml&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=hsTtOWz\\_uQEA-3Z8ddwPscXPuZyiGBnU4FzyL92fOuw&m=IBk-ijlTMesayP2H4VgUfe8e1KoFqLLyOYFNNZtlLotsA&s=wEEhEhCv0yIzIb8WObVrtMAcO-14YhUJ\\_h6DYGuAmZ8&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=hsTtOWz_uQEA-3Z8ddwPscXPuZyiGBnU4FzyL92fOuw&m=IBk-ijlTMesayP2H4VgUfe8e1KoFqLLyOYFNNZtlLotsA&s=wEEhEhCv0yIzIb8WObVrtMAcO-14YhUJ_h6DYGuAmZ8&e=)

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**From:** [Chris Kummerer](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Proposed Regulatory action  
**Date:** Monday, January 3, 2022 2:37:55 PM

---

[EXTERNAL]: [chris@cka-architects.com](mailto:chris@cka-architects.com)

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.....

Kimberly - please log my concern that I don't think its necessary to require a license number to be added too all advertising.

However well intentioned - It will serve as a way for people to more easily look up license numbers and either log false complaints or make frivolous complaints against individuals.

Many neighbors of the projects that we build are frustrated by construction noise or just development in general and they want to 'take down' any of the involved parties.

Having the license number on my job sign will provide another convenient target for this type of frivolous complaint.

The status quo is fine -

Chris Kummerer  
C29207

**From:** [D. Mason](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Fwd: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 2:29:47 PM

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[EXTERNAL]: dmason50@gmail.com

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Hi Kimberly -

Is this email meant to be directed to myself, and Architect in CA? In other words...am I supposed to take this email as meaning the CAB is going after myself for something or for some reason?

Thanks,  
Daniel Mason - Architect  
415-385-9683 mobile  
CA Architect Lic. # 32278

----- Forwarded message -----

**From:** California Architects Board <[000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov](mailto:000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov)>  
**Date:** Mon, Jan 3, 2022 at 2:24 PM  
**Subject:** Proposed Regulatory Action  
**To:** <[CAB-LICENSEE@subscribe.dcalists.ca.gov](mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov)>

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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<https://www.cab.ca.gov/webapps/subscribe.php>

**From:** [Dan Allen](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Proposed Reg 135 Architectural Advertising  
**Date:** Monday, January 3, 2022 3:17:21 PM

---

[EXTERNAL]: [dan@sakahara-allen.com](mailto:dan@sakahara-allen.com)

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I am a licensed architect and support the proposed CCR section 135 change to require an architectural license be included with advertising except that I request it not be required on business cards if the website listed on such cards provides the license number. We barely hand out business cards these days and I do not to waste the cards we have already printed. Also I'm not sure how the requirement would work for non-licensed employees who have business cards. Alternately a delay of three years for requirement on business cards would be acceptable.

Thank you,

Dan Allen  
Sakahara Allen Architects  
1010 Nordica Drive  
Los Angeles, CA 90065  
323.739.6570  
CA Arch License #C 26736

**From:** [dan smith](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel, Kimberly@DCA)  
**Subject:** contact information  
**Date:** Monday, January 3, 2022 3:12:24 PM

---

[EXTERNAL]: [VINO8@rocketmail.com](mailto:VINO8@rocketmail.com)

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Can I contact you regarding the email I received?

-Dan

**From:** [Daniel Heifetz](mailto:Daniel.Heifetz@heifarch.com)  
**To:** [noreply@DCA.CA.GOV](mailto:noreply@DCA.CA.GOV); [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)  
**Cc:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 2:42:06 PM

---

[EXTERNAL]: [daniel@heifarch.com](mailto:daniel@heifarch.com)

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If you need/want my authorization – I fully endorse these measures. Is there anything I can do to help / so my support?

It's about time! I just hope the language is strong enough to make change – I am so tie

Regards,

Daniel Heifetz, A.I.A.



22701 West Martha Street  
Woodland Hills, California 91367  
Office 818.914.5891  
Cell 213.709.4055  
Efax 818.301.2026  
[daniel@heifarch.com](mailto:daniel@heifarch.com)

Please think, before you print.

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <[CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)> On Behalf Of California Architects Board

Sent: Monday, January 3, 2022 2:23 PM

To: [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)

Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF  
ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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**From:** [David Morgan](#)  
**To:** [McDaniel, Kimberly@DCA](#)  
**Subject:** FW: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 3:04:05 PM

---

[EXTERNAL]: dmorgan@r-t-e.net

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-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board  
Sent: Monday, January 3, 2022 2:23 PM  
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV  
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

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**Contact Person**

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_news\\_laws\\_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=vboxyojWpVODX6T9NsdIuK0v1XH102wEQIK0B7B1azdMur59WzDj-pYyLaZZAf1k&s=fgrSRrcypbYHcafDdWr29naD-063uxNzYEV4wkmUJl8&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=vboxyojWpVODX6T9NsdIuK0v1XH102wEQIK0B7B1azdMur59WzDj-pYyLaZZAf1k&s=fgrSRrcypbYHcafDdWr29naD-063uxNzYEV4wkmUJl8&e=)

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**From:** [DGA](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS  
**Date:** Monday, January 3, 2022 3:05:25 PM

---

[EXTERNAL]: dgregoryaia@verizon.net

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Good afternoon Kimberly,

Happy New Year!

I've been licensed since 1987, or so, and I agree with this proposal. Thanks for asking for comments.

Regards,

Dwight Gregory  
805-569-5380  
License C 18,250

**From:** [Don Blair](#)  
**To:** [McDaniel, Kimberly@DCA](#)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 3:07:41 PM

---

[EXTERNAL]: dblair@kma-ae.com

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.....  
Ms. McDaniel,

I would like to protest the implementation of the proposed rule to TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD as noted in the email below.

The following items are in support of this objection:

- 1) Small businesses are overburdened with regulatory statutes such as the proposed that do not protect any significant portions of the public. Currently the public can request the information from an architect to do any verification of applicable licenses.
- 2) There is a cost to implementation of this rule as it would require a firm to purchase all new business cards, stationary, brochures as well as pay to have websites and other listings updated with the changes. These are not insignificant cost for small business entities that are still trying to recover from the ongoing effects of COVID-19.

DON BLAIR LEED AP BD&C  
Architect - President  
E: dblair@kma-ae.com  
Direct:619 275 7438 Office: 619 276 7710  
Cell: 619 701 1432

[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.kma-2Dae.com&d=DwIFAw&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=fXVmjNsUlha\\_hrwL-vYEAsY6W\\_iFo3gg7vTwfS7oOC5yVXC6gQqvJOZoj\\_8FX6B&s=b3J65GXZIFnWJoOkBNnPhb8gmafUh6h5T1rxrUgB1Zw&e=DESIGN IS OUR PASSION](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.kma-2Dae.com&d=DwIFAw&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=fXVmjNsUlha_hrwL-vYEAsY6W_iFo3gg7vTwfS7oOC5yVXC6gQqvJOZoj_8FX6B&s=b3J65GXZIFnWJoOkBNnPhb8gmafUh6h5T1rxrUgB1Zw&e=DESIGN IS OUR PASSION)  
VALUE IS OUR GOAL

2710 HISTORIC DECATUR ROAD, SUITE 201 SAN DIEGO CA 92106  
T 619 276 7710 F 619 276 7715

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board  
Sent: Monday, January 3, 2022 2:23 PM  
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV  
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
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Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
Kimberly.mcdaniel@dca.ca.gov

Website: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_nam10.safelinks.protection.outlook.com\\_-3Furl-3Dhttps-253A-252F-252Fwww.cab.ca.gov-252Fnews-252Fflaws-252Fproposed-5Fregulation.shtml-26amp-3Bdata-3D04-257C01-257CDBLAIR-2540KMA-2DAE.COM-257C13cf788f76c045e4513808d9cf07cf8e-257Ccd862ccdcfd843e4be4b742eb4a35e37-257C0-257C0-257C637768454757505914-257CUnknown-257CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0-253D-257C3000-26amp-3Bsdata-3Dwww.OvxpPK6qwNokWgPTJNj1IRi-252B59oFg-252F08Fa6PnoHqw-253D-26amp-3Breserved-3D0&d=DwIFAw&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmmnA2Y0nlWzEjg&m=fXVmjNsUlha\\_hrwl-vYEAsY6W\\_iFo3gg7vTwtfS7oOC5yVXC6gQqvJOZoj\\_8FX6B&s=5sMd9bPk9f-HQxDxCwnmjH5A7H3HZcxxhe64VS\\_RnT0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__nam10.safelinks.protection.outlook.com_-3Furl-3Dhttps-253A-252F-252Fwww.cab.ca.gov-252Fnews-252Fflaws-252Fproposed-5Fregulation.shtml-26amp-3Bdata-3D04-257C01-257CDBLAIR-2540KMA-2DAE.COM-257C13cf788f76c045e4513808d9cf07cf8e-257Ccd862ccdcfd843e4be4b742eb4a35e37-257C0-257C0-257C637768454757505914-257CUnknown-257CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0-253D-257C3000-26amp-3Bsdata-3Dwww.OvxpPK6qwNokWgPTJNj1IRi-252B59oFg-252F08Fa6PnoHqw-253D-26amp-3Breserved-3D0&d=DwIFAw&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmmnA2Y0nlWzEjg&m=fXVmjNsUlha_hrwl-vYEAsY6W_iFo3gg7vTwtfS7oOC5yVXC6gQqvJOZoj_8FX6B&s=5sMd9bPk9f-HQxDxCwnmjH5A7H3HZcxxhe64VS_RnT0&e=)

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**From:** [dougf@desbld.com](mailto:dougf@desbld.com)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 3:21:27 PM

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[EXTERNAL]: dougf@desbld.com

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Ms. McDaniel:

I am writing to express my objection to the proposed changes to Sect 135 requiring the publication of architect's license numbers on advertising and public presentments.

It is apparent that these changes would in no way provide additional protection to the public, as the public has no way of expecting that the license numbers be there in the first place. In addition, any persons providing advertising or public presentments for architectural services without actually being licensed architects would already be guilty of the code as it already exists, without modification.

It is apparent that the only persons potentially in jeopardy should these ridiculous amendments be instituted, are duly licensed architects who inadvertently forget to include their license number on something that is later determined to be advertising or a public presentment. And in this case, there is no further protection to the public because the "guilty" party would actually be a licensed architect.

The text of the regulatory action states that costs to licensed architects to adhere to these proposed revisions would be less than \$100. This is completely untrue, and such an ignorant statement should not be made without accompanying evidence or guarantee by the State to cover any costs over and above \$100.

I hope the CAB will reconsider this misguided and damaging proposal, and spend their time in more constructive pursuits.

Douglas W. Fong  
C-19649  
(415) 753-5567

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <[CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)> On Behalf Of California Architects Board  
Sent: Monday, January 3, 2022 2:23 PM  
To: [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)  
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

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Contact Person  
Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834

Kimberly.mcdaniel@dca.ca.gov

Website: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_news\\_laws\\_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=GRxTngoQZ7SnHiCP5J-Ux2\\_XHIHuCbzQi5dpkPLSbXA2LZLqObn6prXEV6MeAwbP&s=mNzgKukVSRGno8d8AExYdPf-p2HTcw8wxiECdc7UOnU&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=GRxTngoQZ7SnHiCP5J-Ux2_XHIHuCbzQi5dpkPLSbXA2LZLqObn6prXEV6MeAwbP&s=mNzgKukVSRGno8d8AExYdPf-p2HTcw8wxiECdc7UOnU&e=)

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**From:** [eileen.gueringer](mailto:eileen.gueringer@gmail.com)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Opposed to Proposed Regulation - Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations  
**Date:** Monday, January 3, 2022 3:18:48 PM

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[EXTERNAL]: [egueringer@gmail.com](mailto:egueringer@gmail.com)

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Hi Kimberly,

Thanks so much for the notification. I am **strongly opposed** to adding our license number to all advertisements. It cheapens the designations and is an immediate association with contractors. I see our profession as more akin to attorneys who are not required to post their bar number on advertisements.

I think a more appropriate response would be to standardize a professional designation after our name. Most people associate AIA with licensed architects, but there is no similar designation that corresponds to state licensure. I would prefer to see something like **RA or LA** (registered or licensed architect) after our name in order to designate our professional status.

Best,  
Eileen Gueringer

**From:** [francis](#)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Comment on Proposed Regulatory Action - §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS  
**Date:** Monday, January 3, 2022 3:28:19 PM

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[EXTERNAL]: [francisczerner@gmail.com](mailto:francisczerner@gmail.com)

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Hello Kimberly,

I'd like to submit my comment on this matter -

Due to personal interest, I don't think it should be made mandatory to include the architect's name and/or license number on advertising. Case in point: it would disrupt the artistic and design integrity of our firm's very minimal and sparse design on jobsite banners to include the architect name and license number. Currently our jobsite banners only have the name of our company and the website listed. If the public wishes to seek further information they can go to the company website to find the name and license number of the architect(s) of the firm(s).

Demanding mandatory information be present destroys the personal artistic freedoms that architect's hold dear to all aspects of design that represent themselves, their brand, and their artistic licenses.

Thank you and Happy New Year,

Francis

**Francis Czerner, Architect**

San Diego, CA  
619-920-8965  
[website](#)

**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**To:** [Huy Nguyen](mailto:Huy.Nguyen)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Tuesday, January 4, 2022 9:50:00 AM

---

Good morning,

My apologies if this email is unclear.

No action has been filed against you.

This email is notification that the Board is proposing a regulation and provides an opportunity for your input.

Thank you,

Kim McDaniel, Administration Analyst  
California Architects Board  
2420 Del Paso Rd. Ste. 105  
Sacramento, CA 95834-9673  
(916) 575-7221  
[Kimberly.Mcdaniel@dca.ca.gov](mailto:Kimberly.Mcdaniel@dca.ca.gov)

**From:** Huy Nguyen <[huynguyen1@gmail.com](mailto:huynguyen1@gmail.com)>  
**Sent:** Monday, January 3, 2022 9:30 PM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Subject:** Re: Proposed Regulatory Action

[EXTERNAL]: [huynguyen1@gmail.com](mailto:huynguyen1@gmail.com)

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---

Kimberly, what does this email mean? Am I being cited for violating some CAB rule(s)? This email is very unclear to me. Thanks!

On Mon, Jan 3, 2022 at 2:24 PM California Architects Board <[000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov](mailto:000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov)> wrote:

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2

CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

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Comment Period

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Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

-----  
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<https://www.cab.ca.gov/webapps/subscribe.php>

**From:** [CAB@DCA](mailto:CAB@DCA)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** FW: Proposed Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations  
**Date:** Tuesday, January 4, 2022 10:18:04 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

**Coleen Galvan**  
Communications Analyst  
Administration



2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 575-7205 (916) 575-7283 Fax [cab.ca.gov](http://cab.ca.gov)



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---

**From:** Jack Diehl <[jdiehl@diehlgroup.com](mailto:jdiehl@diehlgroup.com)>  
**Sent:** Tuesday, January 4, 2022 10:07 AM  
**To:** CAB@DCA <[CAB@dca.ca.gov](mailto:CAB@dca.ca.gov)>  
**Subject:** Re: Proposed Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations

[EXTERNAL]: [jdiehl@diehlgroup.com](mailto:jdiehl@diehlgroup.com)

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California Architectural Board:

This proposal is narrowly focused and assumes that the "...forms of advertisement, solicitation, or other presentments..." are limited to California. This is simply unrealistic. For an Architect registered, practicing and offering services through multi-state presentments, this is at best



burdensome if not plainly impossible. Case in point: I am registered in 14 states, presently practice in 6. I list my firm in local, state, regional, and national publications as well as third party websites viewed by prospective clients. It is impossible to know exactly which area a particular publication is distributed or to list all of the state licenses and respective numbers. (Note: No services (Forensic Architecture Consultation) in any state are provided prior to being properly Registered.)

Obviously, the more predominate presentiment, a firm's letterhead is a special problem to a multi-state registrant. The firm will now be required to include their California Registration number on letterhead sent to non-California clients or be forced to utilize different letterheads or, if other states follow California's lead, will be required to list all States and respective registration numbers? The stated estimated cost to a firm of \$100 to update materials is unrealistic and does not account for potential on-going daily administration tasks. Re the statement in the "Initial Statement for Reasons": "...a licensee could also opt to hand write in the specified information at no additional costs."...not exactly the professional image one might want to present.

In the interest of Public Safety, the law is strict and clear regarding non-registered individuals using any form the word Architect...as it should be. However, the proposed Section 135 of Article 5, Division 2 of Title 16 is an unnecessary regulation that promises to punish otherwise law-abiding Licensed Architects...not at all as it should be!

I hope the Board can see the lack of need and the impracticability of this proposed change and discards this move.

Kind regards,

John P. Diehl AIA NCARB LEED AP

Sent from [Mail](#) for Windows

**From:** [James Haney](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Proposed regulation change  
**Date:** Monday, January 3, 2022 6:00:41 PM  
**Attachments:** [CAB-l1-220103.pdf](#)

---

[EXTERNAL]: [jhaney@hanestation.com](mailto:jhaney@hanestation.com)

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Good Evening Kimberly,

I have included in PDF my letter in response to the proposed changes. Needless to say I am not in favor of any additional regulations that impacts the architects more that those practicing without a license. It is not that I am insensitive to the problem as it has existed as long as I have been in the profession, but I think further burdening those licensed is not a solution. What I suggest is educating the intake staff, requiring planning and building department to both have a physical document at the counter and a link to a CAB page to verify licensure. Further I would even suggest if not education for the intake staff a bounty to make it worth their time to help in the cause.

Of course if you have any questions or need additional information please do not hesitate to reach out either via email or phone.

Thank You,  
James

HANEYSTATION, INC.  
9411 Silverthorn Drive  
Waco, TX 76708

Cell 916.204.6611  
Email [JHaney@hanestation.com](mailto:JHaney@hanestation.com)  
Website <http://www.hanestation.com>

**From:** [Jeff C Burns](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 4:36:06 PM  
**Attachments:** [CCR changes.pdf](#)

---

[EXTERNAL]: jeff@organicmodern.com

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.....

Kimberly,  
Attached are my comments for the board regarding the proposed ccr changes.  
Thank you,

jeff c burns . architect  
[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.organicmodern.com&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=AWpXaopQ-M\\_70vPy67R1YL1MnROEvuk4ZeT-ps52texGa-9YN20GogGfcZpZsXKs&s=iqxKfm9Wceg2JQID0JYm3omXBBYBrPqUrJJEfh3GaS0&e=503.351.6553](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.organicmodern.com&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=AWpXaopQ-M_70vPy67R1YL1MnROEvuk4ZeT-ps52texGa-9YN20GogGfcZpZsXKs&s=iqxKfm9Wceg2JQID0JYm3omXBBYBrPqUrJJEfh3GaS0&e=503.351.6553)

-----Original Message-----

From: California Architects Board Licensee Related Bulletins [<mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV>] On Behalf Of California Architects Board  
Sent: Monday, January 3, 2022 2:23 PM  
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV  
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
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**Contact Person**

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_news\\_laws\\_proposed-5Fregulation.shtml&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=AWpXaopQ-M\\_70vPy67R1YL1MnROEvuk4ZeT-ps52texGa-9YN20GogGfcZpZsXKs&s=HXXtoCEDOJtsnyJgdHxClei9gQ-9Gy4hM9bF6PLkm2A&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=AWpXaopQ-M_70vPy67R1YL1MnROEvuk4ZeT-ps52texGa-9YN20GogGfcZpZsXKs&s=HXXtoCEDOJtsnyJgdHxClei9gQ-9Gy4hM9bF6PLkm2A&e=)

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Regarding Proposed Changes to CCR

California Architects Board

Via email [Kimberly.miel@cab.ca.gov](mailto:Kimberly.miel@cab.ca.gov)

January 3, 2022

Dear CAB Board,

I writing in regards to changes to the CCR

Section 135. There are quite a few architect practicing in multiple states that use generic advertising. Having to start to list all of the licensing numbers would be quite laborious, or customize advertising per each state. Also seems that those that went thru the hoops to get licensed seem to be getting extra requirements because of those that didn't.

Further, I believe my license number is holy, and ONLY gets put on official documents where I'd be held accountable in a court. Seems silly to put my license number on an advertisement that would be sponsoring a school fundraiser, or in a glossy magazine where I happen to be mentioned as the architect.

Section 165. Certified profession teacher credentials for ADA training are not going to make the trainings any better. I've yet to find a training since all this has started that's been interesting, and useable for California CE. It proposed before, and will again, that the board make mandatory CE specific to the code sections that architects should be brushing up on year to year, be self-certified, and give free of charge, licensed individuals the material. If it's really important, in should be part of the licensing and not a third parties' profitable industry.

My experience is the true wealth in education for professionals comes from univerisity and professional group white papers and research grants. Making the rules for CE open and allowing for individual study would be a lot better than the canned code reads and marketing hype I see in CE.

Section 110 and 110.1. Good to see individuals get a second change. Glad this has been revised.

Thank you for all the work you do as a board.



Sincerely

Jeff C Burns

Burns Organic Modern  
Oregon and California Licensed Architect  
1336 SE 20<sup>th</sup> Avenue, Portland Oregon 97214  
[jeff@organicmodern.com](mailto:jeff@organicmodern.com) – 503.351.6553 cell

**From:** [John Diffenderfer](mailto:John.Diffenderfer@aedisarchitects.com)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** re: NOTICE OF PROPOSED REGULATORY ACTION CONCERNING: §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS  
**Date:** Monday, January 3, 2022 4:20:15 PM

---

[EXTERNAL]: [jdifenderfer@aedisarchitects.com](mailto:jdifenderfer@aedisarchitects.com)

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Dear Ms McDaniel,

I would like to hereby submit my written comment on the proposed language revising the subject section.

I strongly disagree with the proposed language and the intent of the change. It presumes the “business entity” doing the advertisement, employing the architect(s) is strictly speaking, an architectural practice, nothing more-nothing less. What about the development companies, or organizations that employ architects? What about the large complex planning and engineering firms that provide a whole host of services? Design-builder contractors? It is absurd that in their lovely print ads, or social media promotions, that they would have to publish a singular NAME and license number somewhere, presumably in small type at the bottom. Will you require a particular font size or location, so the uninformed customer isn’t duped, accidentally?

Secondly, many firms, of all types above employ more than one architect. Per the language, if more than one is employed, only one name is required. This creates an even more easily mis-understood situation than no name at all. To the consumer who is trying to check the credential of their professional, there is a mis-representation in the advertisement that the NAMED individual is in fact the professional providing the service, even if in good standing. In the case that there are several architects, it is highly unlikely that the individual being named and consequently verified is the one providing the service. This is more misleading than nothing at all. should the consumer still be verifying the credential of the person serving them, specifically?

Third, with so much print and digital media crossing state and national borders... the CAB ruling is unrealistic for entities operating across regions. A firm like CannonDesign, for instance posting a digital ad in an int’l digital publication should not be required to put the name of a singular professional with a California license in the ad.

Finally, I think it gives the consumer very little credit for their ability to comprehend the services they are contracting for, and those they contract with. Should the simple lack of a name and license number on an *advertisement* be the sole reason they failed to complete the simplest due diligence to verify the credential of their architect, then shame on them.

I would like to alternatively suggest altering the proposed language that an advertisement, rather than listing a name and license, should simply INFORM the consumer of what they should know--in a note much like a cigarette notification, or food label--that they SHOULD verify the credentials of professionals they work with.

*“Some of the services being advertised require the practitioner to be duly licensed by the State in which the services are being performed. Consumer should verify with their professionals that their licenses are valid and in good standing”*

**John Diffenderfer, AIA LEED AP**

President  
408/221-9011 cell

**aedis**  
architects

387 S. 1<sup>st</sup> St, Ste 300  
San Jose, CA 95113  
(408) 300-5160 office

808 R St, Ste 201  
Sacramento, CA 95811  
(916) 970-0230 office

[www.aedisarchitects.com](http://www.aedisarchitects.com)

**From:** [Jonathan James](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Proposed regulatory language, Section 135 Article 5 Division 2  
**Date:** Tuesday, January 4, 2022 10:16:48 AM  
**Attachments:** [image001.png](#)

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[EXTERNAL]: jon@archjj.com

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Ms. McDaniel,

I believe the proposed language should be modified to exclude the words "...card, letterhead..." from subsection (a). Business cards and letterhead are not advertisements or solicitations, they are simply identification to provide contact information. To require that cards and letterheads include the name of an architect who is in management control of the business entity, would be confusing. When an employee of my firm gives a business card to someone (who is in most cases not a current or prospective client but rather a contractor or a consultant or some other person who might need to contact that employee), I don't want my name on the card, because I don't want them to contact me, and they don't want to be confused about whom they are supposed to contact.

It also isn't clear how this regulation applies to non-architects who work for a licensed architect, since the language only says "An architect shall..." Does an unlicensed designer or marketing specialist who is not an architect have to include the name and license number of the owner or principal on a business card that identifies the firm?

How does the regulation apply to other logos, email signatures, etc. that might identify an architecture firm (such as the logo in my email signature below, which is also used by unlicensed employees)?

The law currently prohibits unlicensed individuals from identifying themselves as Architects. It seems to me that is sufficient and this new regulation is burdening architects without providing us any benefit. If a prospective client doesn't know the difference between a licensed architect and a non-licensed designer, then the *lack* of the license information and principal's name on the non-licensed person's advertisements and solicitations won't mean anything to them. If they do know the difference, it should be enough to include the word "architect" with the individual's name.

If adopted, this requirement should only apply to contracts and to advertisements and solicitations that specifically offer the services of a licensed architect, not to routine communication.

Thank you for considering these comments.

Jonathan James





650.779.4436

609 Price Ave., Ste. 108  
Redwood City, CA 94063

**From:** [Kathleen Hallahan](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Fwd: Proposed Regulatory Action, C-23777  
**Date:** Monday, January 3, 2022 2:42:33 PM

---

[EXTERNAL]: khallahan@mac.com

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Kimberly,

This is a follow-up note to clarify the issue noted the email that I just sent to you

Best Regards,

Kathleen

Begin forwarded message:

**From:** California Architects Board <[000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)>

**Subject:** Proposed Regulatory Action

**Date:** January 3, 2022 at 2:22:49 PM PST

**To:** [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)

**Reply-To:** [noreply@DCA.CA.GOV](mailto:noreply@DCA.CA.GOV)

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
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### Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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<https://www.cab.ca.gov/webapps/subscribe.php>

**From:** [Kurt Worthington](mailto:Kurt.Worthington@dca.ca.gov)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel, Kimberly@DCA)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 3:40:56 PM

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[EXTERNAL]: kurt@worthingtondesign.com

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Hello,

I don't quite understand this email. I forgot that my ADA test was supposed to be done by 12-31-21 but I also thought that I technically had until 1-31-22 to complete it. Is that what this is about and do I actually have until 1-31-22 to complete it?

Thanks and let me know if this is the case or if this email represents something else.

Thank you

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <[CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)> On Behalf Of California Architects Board  
Sent: Monday, January 3, 2022 2:23 PM  
To: [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)  
Subject: Proposed Regulatory Action

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Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_news\\_laws\\_proposed-5Fregulation.shtml&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmmnA2Y0nlWzEjg&m=XbDso9ufnC4Hs\\_gS5LrqM4WhAN5egGDGsHc\\_zcbE65HxVsjQT9ZmlgYgK0KACJq9&s=i0h-K75fENUjnlGMWB4IIZyGwQlttyr\\_oPxa\\_kfuMM&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmmnA2Y0nlWzEjg&m=XbDso9ufnC4Hs_gS5LrqM4WhAN5egGDGsHc_zcbE65HxVsjQT9ZmlgYgK0KACJq9&s=i0h-K75fENUjnlGMWB4IIZyGwQlttyr_oPxa_kfuMM&e=)

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[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cab.ca.gov\\_webapps\\_subscribe.php&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_webapps_subscribe.php&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-)

ckmmnA2Y0nlWzEjg&m=XbDso9ufnC4Hs\_gS5LrqM4WhAN5egGDGsHc\_zcbE65HxVsjQT9ZmlgYgK0KACJq9&s=2ya9b4Xu-7VOEhk9PGVHk4I-J4QMcAYnYEbvvyO1Kzw&e=

**From:** [Loren](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** email notification  
**Date:** Monday, January 3, 2022 2:34:45 PM

---

[EXTERNAL]: ldellamarna@cox.net

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Hi-

Can you please advise regarding the email message below that was just received?

I am not sure if it directed to me personally and if there is any response required.

Thank you.

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

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Comment Period

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Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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<https://www.cab.ca.gov/webapps/subscribe.php>

**From:** [Markitect](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 2:56:28 PM

---

[EXTERNAL]: [markitect@markasilva.com](mailto:markitect@markasilva.com)

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Hi Kimberly,

I just received the Notice of Proposed Regulatory Action. Do you have any idea what an effective date would be? I couldn't find any language about that.

I have a couple magazine ads with artwork already confirmed to come out in the spring March thru July. I'm all for the proposed regulation, however magazine publications require artwork/photos months in advance of publication. Its already "in the can" as they say...

Please advise.

Mark A Silva Architect

[markasilva.com](http://markasilva.com)

858-735-2375

[Shenanigans](#)



**From:** [Mike Fuller](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Re: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 2:45:46 PM

---

[EXTERNAL]: [mfuller@woodleyarch.com](mailto:mfuller@woodleyarch.com)

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I received this email.

What action is required, or is this just a notice to inform me of the new policy?

---

**Michael J. Fuller, AIA**  
*Project Architect*

**woodleyarchitecturalgroup, inc.**

2943 Pullman St, Ste A  
Santa Ana, CA 92705

949.553.9831 (direct dial)

949.553.8919 (office)

949.553.8909 (fax)

[mfuller@woodleyarch.com](mailto:mfuller@woodleyarch.com)

On Mon, Jan 3, 2022 at 2:25 PM California Architects Board <[000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov](mailto:000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov)> wrote:

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
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2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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**Woodley Architectural Group, Inc./ Colorado: 303.683.7231 / California: 949.553.8919**

**From:** [Modern House](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Cc:** [Modern House](#)  
**Subject:** Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 2:35:58 PM  
**Attachments:** [PastedGraphic-2.tiff](#)

---

[EXTERNAL]: modernhouse@me.com

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---

Hi Kimberly,  
What is this in regards to  
Best regards  
Curt Cline

On Jan 3, 2022, at 12:22 PM, California Architects Board <[000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)> wrote:

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Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)



Modern House  
[www.modernhousearchitects.com](http://www.modernhousearchitects.com)  
San Francisco | Honolulu  
[modernhouse@me.com](mailto:modernhouse@me.com)  
415-596-7281

**From:** [omaione@optonline.net](mailto:omaione@optonline.net)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Proposed Rule Making Architectural Advertising  
**Date:** Monday, January 3, 2022 8:42:04 PM

---

[EXTERNAL]: omaione@optonline.net

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I personally think this is a bad idea. By providing an architect's number in print provides an easy step for someone attempting to create a fake professional stamp. Would the publications have to now police advertisers? How would they know if the submitted license number is valid?

As a suggestion, perhaps the advertisement should have the link to the Licensing Board instead so the interested reader can contact the state board to verify current licensing.

Thank you for your consideration,

Orlando T. Maione, FAIA

(C-8755)

**From:** [Paul Anderson](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** SECTION 135 OF ARTICLE 5 OF DIVISION 2 - my professional concerns and opinion.  
**Date:** Monday, January 3, 2022 6:03:15 PM

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[EXTERNAL]: archtctpsa@gmail.com

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### Proposed Regulatory Language

(a) An architect shall include their name and license number in all forms of advertisement, solicitation, or other presentments made to the public in connection with the rendition of architectural services for which a license is required by the Architects Practice Act, including any advertisement, card, letterhead, telephone listing, Internet Web site, written solicitation to a prospective client or clients, or contract proposal. (b) For purposes of a business entity that contains or employs two or more architects, the requirements of subsection (a) shall be deemed satisfied as to such business entity's architects if the business entity's advertisements, solicitations, or presentments to the public include the name and license number of at least one architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, **or an employee of the business entity**. (c) For the purposes of this section, "management control" shall have the meaning set forth in section 134. Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 137 and 5500.1, Business and Professions Code.

Dear Ms. McDaniel,

Thank you for being the point of contact for the board on this important issue. I generally do not take issue with the proposed requirement for an Architect to list their license number as noted in the proposed language.

Please inform the Board that I do, however, take issue with the **highlighted text** of the Regulatory Language as proposed.

Unlicensed, unlawful practice continues to significantly erode opportunity for licensed Architectural professionals, and reduces the value or worth of that license to the general public in my experience - and professional opinion.

Under this "employee" designation, a non-licensed person or firm could merely employ a licensed individual and therefore operate as a legitimate licensed entity - "buying the stamp" - as I've heard the phrase used in the "rougher edges and corners" of the construction industry.

In my belief, that licensed individual **MUST** be a Controlling Member of the firm either through direct full or partial Ownership.

Not doing so disparages the Architectural License into a commodity for sale and puts undue pressure on recently-licensed young individuals to operate under the control of those who write his/her/their paycheck, not as a wholly-responsible

individual professional - which they would surely be set-up to be considered as - when something they are involved in "goes south" through no actions of their own and ends up in litigation.

Removing the "employee" designation does not eliminate the opportunity for an Architect or Architects to partner, collaborate, or joint-venture with a non-licensed individual or others in accordance with **BPC Chapter 5535.2**.

I thank you and the Board for your notification and allowing me to voice my opinion on this significant and serious matter.

Please be safe and thank you all for continuing to support all of us who are licensed Architects in California!

--



**Paul S. Anderson, NCARB, Leed AP**

*Architect, Consultant*

*State of California License No. C-18792*

[archtctpsa@gmail.com](mailto:archtctpsa@gmail.com)

Mobile 949.616.6611



**From:** [Paul Collins](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Fwd: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 4:27:50 PM

---

[EXTERNAL]: [pacdesign88@gmail.com](mailto:pacdesign88@gmail.com)

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---

Please read forwarded messages and respond!

Thank you!

----- Forwarded message -----

**From:** Paul Collins <[pacdesign88@gmail.com](mailto:pacdesign88@gmail.com)>  
**Date:** Mon, Jan 3, 2022 at 2:46 PM  
**Subject:** Re: Proposed Regulatory Action  
**To:** <[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)>

Kimberly,

I just received this email, and after reading it twice, I'm totally confused about what this notice is about. I am a CA Licensed Architect and have been since October 1, 1991, a little over 30 years. There is nowhere in the email that states who this action is being filled by or against. Please clarify.

Sincerely,

Paul Collins, Architect C-22,733  
PAC Design  
(562) 712-0224  
[pacdesign88@gmail.com](mailto:pacdesign88@gmail.com)

On Mon, Jan 3, 2022 at 2:23 PM California Architects Board <[000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov](mailto:000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov)> wrote:

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

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Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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<https://www.cab.ca.gov/webapps/subscribe.php>

--

Paul Collins, Architect

#### PAC Design

1415 Cota Ave.  
Long Beach, CA 90813

phone: 562-437-6311  
cell: 562-712-0224  
email: [pacdesign88@gmail.com](mailto:pacdesign88@gmail.com)

--

Paul Collins, Architect

#### PAC Design

1415 Cota Ave.

Long Beach, CA 90813

phone: 562-437-6311

cell: 562-712-0224

email: [pacdesign88@gmail.com](mailto:pacdesign88@gmail.com)

**From:** [PC Wong](#)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Retired Architect License  
**Date:** Monday, January 3, 2022 3:59:41 PM

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[EXTERNAL]: pcwongarchitect@gmail.com

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Hello, Kimberly,

1/3/2022E

Since I have retired for years, what does this information mean to me?

Please advise how to apply for a Retired Architect License.

Last year, I contacted your office regarding the same issue. And I was advised to wait for further information since the Department is no longer granting Retired Architect License at this time.

My license was expired on 08/31/21. I was advised that "During this period, we are advising licensees who wish to retire that they should allow their licenses to expire, and then apply for the retired license once it is again available." ( E-mail from Eisley, Brian @ [dca.ca.gov](http://dca.ca.gov) on Jul 22,2021.)

Kindly, advise what is the situation at this moment.

Thank you very much for your attention / clarification to this matter.

Sincerely,  
Pui Cheung Wong AIA  
License # C-15374  
**P.C.Wong**

**From:** [Rich Perlstein](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Cc:** [Jared Polsky](#)  
**Subject:** Requesting clarification on the proposed changes to CCR Section 135  
**Date:** Monday, January 3, 2022 3:49:05 PM

---

[EXTERNAL]: [rich@polskyarchitects.com](mailto:rich@polskyarchitects.com)

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Hello Kimberly. I would like to receive confirmation on whether the proposed language changes to CCR Sec.135 would allow that our existing office's letterhead, envelopes and business cards may be used until depleted when re-printing is required, at which time our license number(s) would be included on the newly printed materials. If the requirement is otherwise, it should be clearly stated that all such older materials must no longer be used and recycled/ destroyed and new compliant cards and letterhead materials be printed. This I fear will be much more than the trivial \$100 mentioned in the Notice:

*Cost Impact on Representative Private Person or Business: While the exact costs are unknown, the Board is aware there may be minor costs of no more than \$100 a representative private person or business would incur in reasonable compliance with the proposed action to reprint or edit some presentments and advertising materials with their name and architect license number.*

The Board should be sensitive to the fact that many firms may have business cards and letterhead that were printed with premium methods. Our ten person firm would likely incur a re-printing bill of a few to several thousand dollars, this is by no means a minor cost. The Board should be VERY clear about this to the 22,000 affected offices. Thank you.

**Richard H. Perlstein AIA**

Polsky Perlstein Architects  
469B Magnolia Ave.  
Larkspur, CA 94939  
415-927-1156 x302  
[rich@polskyarchitects.com](mailto:rich@polskyarchitects.com)

**From:** [rkerr@rkad.com](mailto:rkerr@rkad.com)  
**To:** [noreply@DCA.CA.GOV](mailto:noreply@DCA.CA.GOV)  
**Cc:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 2:35:41 PM

---

[EXTERNAL]: rkerr@rkad.com

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Kimberly

This is a bit confusing.

Does this mean you're proposing some action against me?

I have no idea why this would be proposed against me, but please provide any info.

Robert Kerr, AIA

**ROBERT KERR architecture design**

2404 W Jefferson Boulevard  
Los Angeles, CA 90018

T 323 746 5020

[www.rkad.com](http://www.rkad.com)

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board  
Sent: Monday, January 3, 2022 2:23 PM  
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV  
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2  
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2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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**From:** [Selena Linkous](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Fwd: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 5:31:50 PM

---

[EXTERNAL]: [selena@selenalinkous.com](mailto:selena@selenalinkous.com)

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---

Hi Kimberly,

Could you tell me what this is regarding? Is this general changes to the regulations or an action specifically for me? I'm not sure what it would be concerning.

Thank you

----- Forwarded message -----

**From:** **California Architects Board** <[000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov](mailto:000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov)>

**Date:** Mon, Jan 3, 2022 at 2:25 PM

**Subject:** Proposed Regulatory Action

**To:** <[CAB-LICENSEE@subscribe.dcalists.ca.gov](mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov)>

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Sacramento, CA 95834

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Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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--

selena linkous architecture  
323.252.7565



**From:** [Shannon](#)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Fwd: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 2:40:08 PM

---

[EXTERNAL]: slwferguson@yahoo.com

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---

Hi Kimberly,

I received the below email and am not sure if this was meant for me as I do not see any details or attachments specifically addressed to me. Can you please let me know?

Thank you,

Shannon Ferguson  
License #C 38637  
336-416-6081

Begin forwarded message:

**From:** California Architects Board <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov>  
**Date:** January 3, 2022 at 2:25:13 PM PST  
**To:** CAB-LICENSEE@subscribe.dcalists.ca.gov  
**Subject: Proposed Regulatory Action**  
**Reply-To:** noreply@dca.ca.gov

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing

from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

#### Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

#### Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
Kimberly.mcdaniel@dca.ca.gov

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

-----  
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<https://www.cab.ca.gov/webapps/subscribe.php>

**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**To:** [Steve](#)  
**Subject:** RE: SECTION 135 OF ARTICLE 5 OF DIVISION 2  
**Date:** Tuesday, January 4, 2022 10:05:00 AM

---

Good morning,

This email is notification that the Board is proposing a regulation and provides an opportunity for your input.

Thank you,

Kim McDaniel, Administration Analyst  
California Architects Board  
2420 Del Paso Rd. Ste. 105  
Sacramento, CA 95834-9673  
(916) 575-7221  
[Kimberly.Mcdaniel@dca.ca.gov](mailto:Kimberly.Mcdaniel@dca.ca.gov)

**From:** Steve <[seshover57@gmail.com](mailto:seshover57@gmail.com)>  
**Sent:** Tuesday, January 4, 2022 10:04 AM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Subject:** SECTION 135 OF ARTICLE 5 OF DIVISION 2

[EXTERNAL]: [seshover57@gmail.com](mailto:seshover57@gmail.com)

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---

Kimberly

REG and Email NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

I have received an email that I am unsure if there is a problem. Who can I talk to about getting some clarification?

Steve Shover  
909-648-5089  
C25220

**From:** [Warren Hamrick](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Re: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 2:34:10 PM

---

[EXTERNAL]: warren@hamrickassociates.com

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---

Kimberly,

I can support this action. I would also like to propose another action that would be helpful to architects.

Just as the law requires geotechnical engineers to review plans and write a letter of conformance, I would like the law to require that architects look at the final building and write a letter to the permit agency that it conforms to the plans. This provide for prompt payment of architectural fees in a timely manner.

I have been taken advantage of several times in my long career and the industry needs more teeth. The public does not really understand the hours it takes for us to do a good job.

Make sense?

Thanks

Warren Hamrick, Principal  
Hamrick Associates, Inc (HAI)  
Architecture + Planning  
o: 805.773.9377  
c: 805.441.4141  
f: 888.805.8590  
[www.hamrickassociates.com](http://www.hamrickassociates.com)

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On Jan 3, 2022, at 2:22 PM, California Architects Board <[000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)> wrote:

DEPARTMENT OF CONSUMER AFFAIRS

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

-----  
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<https://www.cab.ca.gov/webapps/subscribe.php>



**From:** [Joseph Spierer](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Opposed to Proposed Regulation - Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations  
**Date:** Monday, January 3, 2022 3:05:59 PM

---

[EXTERNAL]: [joe@calarchitect.com](mailto:joe@calarchitect.com)

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Hi Kimberly,

Thank you for the email. I strongly oppose this legislation. Adding our license number everywhere will cheapen our look and make us look like contractors. Minimalist design is elegant, and adding our license number is not. This will also **not** solve the problem of unlicensed designers advertising themselves as architects.

If the CAB is trying to solve this problem, I would suggest limiting what they can do to small remodels (or nothing would be better). The fact that an unlicensed teenager with no school or training can design a brand new home (let alone a 4-plex) is shocking. It puts the public at huge risk. The average person does not know the danger they are in when they hire an unlicensed person, and they should therefore not have the choice.

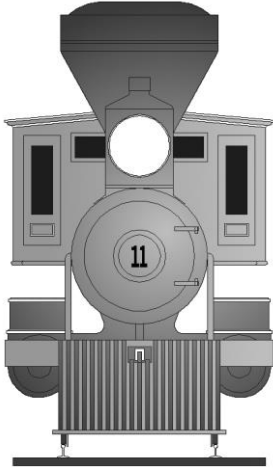
Thank you for your time.

Best,  
Joe

--

**Joseph R. Spierer, AIA**  
**Joseph Spierer Architects, Inc.**

[www.calarchitect.com](http://www.calarchitect.com)  
[www.instagram.com/joseph.spierer.architects](https://www.instagram.com/joseph.spierer.architects)  
w: (310) 876-8761 x1008 | c: (310) 200-1290  
707 Torrance Blvd, Ste. 100, Redondo Beach, CA 90277



**January 3, 2022**

Kimberly McDaniel, Regulation Manager  
c/o California Architectural Board  
2420 Del Paso Rd, #105  
Sacramento, CA 94526

**Re:** Proposed Regulation Changes.

Dear Kimberly,

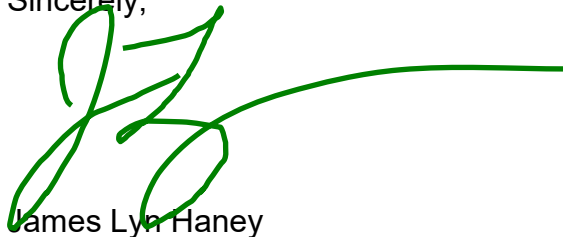
I am writing to you in response to the proposed regulation changes to section 135 of article 5 of the division 2 California Architects Board, letter dated December 20, 2021. On the surface it may appear to be a reasonable request to stipulate that an Architects License should appear on all advertisements included but not limited to business cards, letterhead, solicitation, website, or proposal, which the latter I believe is already a requirement. Now this can get tricky when you say website do you mean the home page or every page as the language as written is just states website. Then there is the question of written solicitation which could mean every email, as I have received responses on email for a previous job regarding a possible new project. This of course is taking the regulatory language to the extreme, but facing potential financial impacts for not complying I think many would seek to error on the side of caution. So then what is the solution to a problem that has existed even before I myself was licensed?

I would propose instead of creating additional regulations that would impact those licensed individuals whom will comply anyway would be to educate the building departments intake staff on what they should be looking for and when licensure is required by state law. Further give these building officials the tools and possibly a reward in an effort to confirm that the license that appears on the plans are current and linked to the individual or the firm found on the title block. Further posters and/or brochures could be made available at planning and building departments counters clarifying when a licensed architect is required much like hourly wage posters required to be made available to the staff. CAB could create a specific web page to check a license in addition to clarifying when legally you are required to retain an architect. This web page would be required to be linked in all city and county planning and building websites with notation clarifying its use. The page itself could also boldly state the fines for putting oneself out as an architect who is not or providing documents for work that a draftsman is not legally able to provide. Lastly a possible bounty to make it worth the effort for the intake staff to take the initiative.

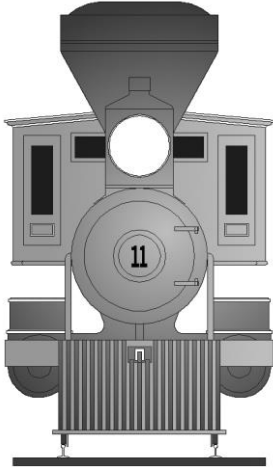


I think this is a much more positive approach rather than another punitive regulation that impacts the licensee more than the intended perpetrator. It also moves the penalty away from the licensed architect moving the burden to those practicing without. More importantly it does not impact licensed architects at all, which with covid still impacting billing we would all appreciate. Further it would educate both building officials and the public in regard to the legal requirements for a licensed architect to be retained. CAB could even require intake personnel to take education hours in when and when an architect is not required. Without sounding redundant this feels like a more positive approach to a problem that has existed since I started in this profession over thirty years ago as a lowly draftsman.

Sincerely,

A handwritten signature in green ink, consisting of stylized loops and a long horizontal stroke extending to the right.

James Lyn Haney  
C29333



**January 3, 2022**

Kimberly McDaniel, Regulation Manager  
c/o California Architectural Board  
2420 Del Paso Rd, #105  
Sacramento, CA 94526

**Re:** Proposed Regulation Changes.

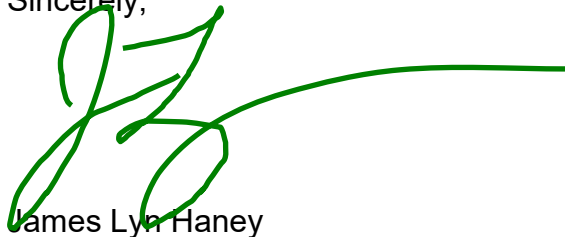
Dear Kimberly,

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Sincerely,

A handwritten signature in green ink, consisting of stylized loops and a long horizontal stroke extending to the right.

James Lyn Haney  
C29333

**From:** [Annie Ledbury](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** NOTICE OF PROPOSED REGULATORY ACTION CONCERNING: §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS  
**Date:** Monday, January 3, 2022 2:34:17 PM

---

[EXTERNAL]: [aledbury@gmail.com](mailto:aledbury@gmail.com)

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Hi Kimberly,

My comment in response to the proposed regulatory action:

This proposal seems unnecessary and not practical. The general public will not be aware enough of the need for a license, and adding this requirement will put a burden on small businesses to redesign graphics with extra information that will muddy up the graphic look of their branding/ message. It will also be difficult to enforce.

Signed respectfully,

Andrea (Annie) Ledbury  
CA Architect Lic. # C36554

**From:** [L. Eberhart](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Fwd: Proposed Regulatory Action  
**Date:** Monday, January 3, 2022 2:35:59 PM

---

[EXTERNAL]: [califdesigner@gmail.com](mailto:califdesigner@gmail.com)

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---

What is this email in reference to?

Leane

----- Forwarded message -----

**From:** **California Architects Board** <[000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov](mailto:000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov)>

**Date:** Mon, Jan 3, 2022 at 2:21 PM

**Subject:** Proposed Regulatory Action

**To:** <[CAB-LEGISLATION@subscribe.dcalists.ca.gov](mailto:CAB-LEGISLATION@subscribe.dcalists.ca.gov)>

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

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#### Contact Person

Kimberly McDaniel, Regulations Manager  
2420 Del Paso Road, #105  
Sacramento, CA 95834  
[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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**From:** [Carole Bookless](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** New Architecture regulations  
**Date:** Monday, January 3, 2022 6:07:00 PM

---

[EXTERNAL]: [carobo@rocketmail.com](mailto:carobo@rocketmail.com)

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Dear Ms. McDaniel,

Can you please send me the wording of all the new regulations? When I click on the link to any of the regulations except CCR Section 135, the text sends me to another link, that sends me to another link, etc and the text of the regulation can't be found.

I would also like to draw your attention to the fact that the reasoning behind CCR Section 135 is stated as making it easier to find out if an architect is licensed. This is simply not true. Adding a person's license number to their name is not necessary to find licensing. The search engine provides licensure verification with just a name. My concern is that adding the number might give a false sense of security because a disreputable person might still use a valid number under a false name that might be similar to a valid name. For instance, misspelling my name in the search engine still gives my credentials with or without the number listed. I would posit that requiring exact spelling in the search engine would do more than this regulation.

I don't have the answer to making things safer. Being out of state I really worry about the chance of someone using my license illegally. However, I don't think this requirement helps in any way and simply adds to chances of accidentally missing a regulation, adding to your workload and ours.

If it is necessary to have a hearing in order to provide feedback on this regulation, then I request a hearing, otherwise please accept this as my feedback on CCR Section 135. I can't provide feedback on the other sections because I can't find the text.

Thank you for your work on this,  
Carole Bookless

**From:** [McKenzie, Arleen@DCA](mailto:McKenzie.Arleen@DCA)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** FW: Kathleen Hallahan C-23777  
**Date:** Tuesday, January 4, 2022 10:17:59 AM

---

Hi Kim,

I responded to the below licensee's email and forgot to cc you.

Arleen McKenzie  
Cashier

California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 575-7204 (916) 575-7283 Fax [cab.ca.gov](http://cab.ca.gov)

---

**From:** McKenzie, Arleen@DCA  
**Sent:** Tuesday, January 4, 2022 10:14 AM  
**To:** khallahan@mac.com  
**Cc:** Eisley, Brian@DCA <Brian.Eisley@dca.ca.gov>; Reinhardt, Marccus@DCA <Marccus.Reinhardt@dca.ca.gov>; Kreidler, Jane@DCA <Jane.Kreidler@dca.ca.gov>; Lindsey, Janine@DCA <Janine.Lindsey@dca.ca.gov>  
**Subject:** Kathleen Hallahan C-23777

Hi Kathleen,

Your original renewal application was incomplete due to the continued education box was not checked. A letter of incomplete renewal was mailed to you for you to answer the question and return to our office. I see you renewed your license via our online license renewal portal on 1/2/2022. No further action is due on your part. Your license has been renewed with an expiration date of 12/31/2023.

I will print your continued education documents for your file.

Please call me at the below number should you have any further questions.

Arleen McKenzie  
Cashier

California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 575-7204 (916) 575-7283 Fax [cab.ca.gov](http://cab.ca.gov)



**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**To:** [Paul Collins](mailto:Paul.Collins)  
**Subject:** RE: Proposed Regulatory Action  
**Date:** Tuesday, January 4, 2022 7:24:00 AM

---

Good morning Paul,

No action has been filed against you.

This email is notification that the Board is proposing a regulation and provides an opportunity for your input.

Thank you,

Kim

**From:** Paul Collins <[pacdesign88@gmail.com](mailto:pacdesign88@gmail.com)>  
**Sent:** Monday, January 3, 2022 4:27 PM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Subject:** Fwd: Proposed Regulatory Action

[EXTERNAL]: [pacdesign88@gmail.com](mailto:pacdesign88@gmail.com)

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---

Please read forwarded messages and respond!

Thank you!

----- Forwarded message -----

From: **Paul Collins** <[pacdesign88@gmail.com](mailto:pacdesign88@gmail.com)>  
Date: Mon, Jan 3, 2022 at 2:46 PM  
Subject: Re: Proposed Regulatory Action  
To: <[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)>

Kimberly,

I just received this email, and after reading it twice, I'm totally confused about what this notice is about. I am a CA Licensed Architect and have been since October 1, 1991, a little over 30 years. There is nowhere in the email that states who this action is being filled by or against. Please clarify.

Sincerely,

Paul Collins, Architect C-22,733

PAC Design

(562) 712-0224

[pacdesign88@gmail.com](mailto:pacdesign88@gmail.com)

On Mon, Jan 3, 2022 at 2:23 PM California Architects Board <[000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov](mailto:000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov)> wrote:

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
SECTION 135 OF ARTICLE 5 OF DIVISION 2  
CALIFORNIA ARCHITECTS BOARD

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#### Contact Person

Kimberly McDaniel, Regulations Manager

2420 Del Paso Road, #105

Sacramento, CA 95834

[Kimberly.mcdaniel@dca.ca.gov](mailto:Kimberly.mcdaniel@dca.ca.gov)

Website: [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml)

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<https://www.cab.ca.gov/webapps/subscribe.php>

--

Paul Collins, Architect

**PAC Design**  
1415 Cota Ave.  
Long Beach, CA 90813

phone: 562-437-6311  
cell: 562-712-0224  
email: [pacdesign88@gmail.com](mailto:pacdesign88@gmail.com)

--

Paul Collins, Architect

**PAC Design**  
1415 Cota Ave.  
Long Beach, CA 90813

phone: 562-437-6311  
cell: 562-712-0224  
email: [pacdesign88@gmail.com](mailto:pacdesign88@gmail.com)

## Ahmed, Idris@DCA

---

**From:** McDaniel, Kimberly@DCA  
**Sent:** Wednesday, February 9, 2022 12:36 PM  
**To:** Ahmed, Idris@DCA  
**Subject:** FW: architects license numbers

Per your request since this file was corrupt.

**From:** chuck desler <chuckdesler@gmail.com>  
**Sent:** Tuesday, January 4, 2022 4:16 PM  
**To:** McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>  
**Subject:** architects license numbers

[EXTERNAL]: [chuckdesler@gmail.com](mailto:chuckdesler@gmail.com)

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4 January 2022

Include architectural license numbers on your advertisement?

good idea

have most always done it....with the few advertisements I have ever done....face it, marketing was considered beneath the stature of architects until recently unless one was a gadfly like FLW or Skidmore/Ownings....was dont with taste

always seemed to smooth the waters and I have included it for quite some time

<http://charlesdeslerarchitect.blogspot.com>

but what bothers me....

I am getting to be "rather" old....and what bothers me, it might have in the past interfered with some truly GREAT architects, such as Rowan Maiden, Warren Callister, Jack Hillmer, Mark Mills.....

appears those guys never got licensed at all....until recently...well after me....and they were of my father's generation....

my friend Henrik Bull had a license number of 1972 and believe Esherick had a number in the 600s....BUT one must give some leeway to those other "types"....if they still exist....like Callister....

BUT I still protest the carbon dating system or enviromental stuff....but of course the glaciers on Mt Hood are melting and the planet is warming but without an understanding of the Milankovitch cycles and out traverse thru the Milky Way we are lost and perhaps an elementary discussion of physics would be more in order?

and that's it....

thank you

Chuck Desler  
now an Old Guy  
Charles Desler Architect California C10218  
but still an excellent fly fisherman

## Ahmed, Idris@DCA

---

**From:** brian.s.pearson <brian@studiopear.us>  
**Sent:** Tuesday, February 8, 2022 1:01 PM  
**To:** Ahmed, Idris@DCA  
**Subject:** Comments proposed regulatory change

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Purple Category

[EXTERNAL]: brian@studiopear.us

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Hello,

I am writing to express my opposition to the proposed adoption of section 135 of article 5. My understanding of the main impetus of this regulation is to make it easier for CAB to regulate unlicensed individuals. However, the proposal shifts the burden to the "good actors" - us, the licensed architects, making practice more difficult. Many licensed individuals advertise or promote their business through many platforms. Sometimes not even referring to the term "architect", but this regulation would make every action fall under a high level of scrutiny with potential hefty fines and sullied records. It would be very burdensome to be required to always reference one's architecture license number even in "informal" promotions or communications. Additionally, there are high levels of costs to revise all print media - business cards, letterhead, etc.... Lastly, the proposed regulation is vague regarding firms with multiple architect partners. Do all their numbers go on all communication? What does it imply for communication from a partnership if it requires an individual to back it up - that seems to lead to potential confusion on the part of the consumer.

I know that the unregulated use of architecture and its implications for the industry are serious issues. I think there are probably many other ways to go about rectifying the problem that do not include undue burdens on those doing their best to comply with state laws.

Regards  
-Brian Pearson

**From:** [Justin Martinkovic](#)  
**To:** [McDaniel, Kimberly@DCA](#)  
**Cc:** [Cherie Arnold](#); [Brian Milford](#)  
**Subject:** Regulations Affecting Architect Advertising  
**Date:** Wednesday, February 9, 2022 2:12:01 PM

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[EXTERNAL]: [justin@martinkovicmilford.com](mailto:justin@martinkovicmilford.com)

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Hello Kimberly,

Per the AIA California email regarding Proposed Regulation section 135, I am **NOT** in favor of CAB proposed changes for architects to include name and license number on all forms of advertisement for the reasons cited in the email (and pasted in below). Further, this seems like needless regulation that isn't materially addressing a problem.

The reasons cited that I agree with:

- The assumption that updating marketing materials (business cards, letterhead, website updates) may cost up to \$100 is not accurate. These costs will be higher.
- This will make it easier to steal and illegally use an architect's license number.
- Focusing on the non-licensed individuals who illegally call themselves architects would protect consumers
- The proposed regulation has a lack of clarity on what it covers; the real world implications are not yet known or understood. For example, how do architects comply when making social media posts about projects?
- This proposed regulation, intended to protect consumers from unlicensed practice, puts all responsibility of compliance on licensed architects.
- Only one other state has this requirement, as it does not increase consumer protection.

<https://aiacalifornia.org/california-architects-board-considering-regulations-affecting-architect-advertising/>

Thank you,

**Justin Martinkovic** AIA, NCARB  
Architect | Principal  
M 415 225 3300

MARTINKOVIC MILFORD ARCHITECTS  
San Francisco | New York | San Diego  
[martinkovicmilford.com](http://martinkovicmilford.com)

**From:** [Katherine Austin](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Re: Cab rules change email  
**Date:** Wednesday, February 9, 2022 11:55:25 AM

---

[EXTERNAL]: [kaaustin@pacbell.net](mailto:kaaustin@pacbell.net)

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Thank you. I have read all sections proposed to be changed and have no objections or concerns. Thank you for getting back to me.

Katherine Austin, AIA, Architect  
179 SE Rice Way  
Bend, OR 97702  
P 707-529-5565  
[kaaustin@pacbell.net](mailto:kaaustin@pacbell.net)  
[www.austinaia.com](http://www.austinaia.com)

On Monday, February 7, 2022, 06:17:42 PM PST, [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA) <[kimberly.mcdaniel@dca.ca.gov](mailto:kimberly.mcdaniel@dca.ca.gov)> wrote:

[https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml#proposed](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml#proposed)

**From:** Katherine Austin <[kaaustin@pacbell.net](mailto:kaaustin@pacbell.net)>  
**Sent:** Tuesday, January 4, 2022 11:36 PM  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA) <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Subject:** Cab rules change email

[EXTERNAL]: [kaaustin@pacbell.net](mailto:kaaustin@pacbell.net)

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Hello Ms McDaniel I received an email today that referenced an earlier email from yesterday which I never received.. Can you provide a link to the rules change that's been referenced and once I read it I'll see if I have any comments. Or can you direct me to a



website where I can review this proposed change, I would appreciate it thank you very much.

Katherine Austin

C22389

[Sent from AT&T Yahoo Mail on Android](#)

**From:** [Laura Knauss](#)  
**To:** [McDaniel, Kimberly@DCA](#); [Ahmed, Idris@DCA](#)  
**Cc:** [Don McAllister](#); [Andy Deeble](#)  
**Subject:** RE: Regulation Section 135 Written Comments  
**Date:** Thursday, February 10, 2022 11:42:23 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[Lionakis\\_CAB letter Don\\_.pdf](#)

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[EXTERNAL]: [laura.knauss@lionakis.com](mailto:laura.knauss@lionakis.com)

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Please see an additional written response. Thank you.

Laura Knauss | AIA | LEED AP | ALEP | Principal  
She/Her/Hers

**LIONAKIS** | [www.lionakis.com](http://www.lionakis.com) | P: 916.558.1900 | M: 916.425.7854



---

**From:** Laura Knauss  
**Sent:** Wednesday, February 9, 2022 3:09 PM  
**To:** 'kimberly.mcdaniel@dca.ca.gov' <kimberly.mcdaniel@dca.ca.gov>; 'idris.ahmed@dca.ca.gov' <idris.ahmed@dca.ca.gov>  
**Cc:** Don McAllister <Don.McAllister@lionakis.com>; Andy Deeble <Andy.Deeble@Lionakis.com>  
**Subject:** Regulation Section 135 Written Comments

On behalf of the fourteen licensed California architects, Principals of Lionakis, please accept our written comments in response to CAB's Regulation Section 135 in advance of the February 18<sup>th</sup> hearing. In addition to these 14 Principals, our firm has an additional 26 architects licensed in California that could be impacted by the proposal.

Thank you.

Laura Knauss | AIA | LEED AP | ALEP | Principal  
She/Her/Hers

# LIONAKIS

1919 Nineteenth Street | Sacramento, CA 95811  
P: 916.558.1900 | M: 916.425.7854 | F: 916.558.1919

[www.lionakis.com](http://www.lionakis.com)



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## **Working Remote Notice -**

While we are working remotely to ensure the health and safety of our employees, clients, and communities, the Lionakis team remains fully connected and hard at work fulfilling client needs. With thoughts of health and wellness to you and your families, we encourage you to please be safe. And as always, don't hesitate to reach out if you need anything.

February 7, 2022

California Architects Board  
Via email: idris.ahmed@dca.ca.gov

**Re: CAB Regulatory Changes – Public Presentments and Advertising Requirements**

To Whom it May Concern:

We are writing to oppose the proposed regulatory action to adopt section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR), regarding public presentments and advertising requirements for licensed architects. While we support the intention of the CAB – to ensure the public is informed as to the licensure status and therefore qualifications of those they employ to provide architectural services – we find the implementation consequences unwieldy and not fully vetted.

Lionakis is a medium/large firm with over 170 total staff and 40 licensed architects in our employ in California. We understand and appreciate that the CAB reviewed their initial proposal and modified it to clarify implementation for larger firms, but believe that clarification may lead to additional confusion for the public. Namely:

- On the business card of a licensed architect in our employ – will we display their license number or that of the “architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, or an employee of the business entity.”? Is it perhaps a misrepresentation to place another’s license number on a licensed architect’s business card? Or worse yet, an unlicensed person’s business card?
- Our firm has many licensed architects that “sign drawings” on behalf of the firm. Again, it would seem a misrepresentation to provide a license number in “presentments” that differs from the license numbers of those that are signing drawings. We could see a path forward where an individual, licensed architect includes their license number on business cards or in e-mail signatures. The association of one individual’s license with the firm name, wherever and however it is presented, is concerning.

Additionally, we do not agree with the assertion that a license number allows the public to search the database to verify licensure. A simple search, using an individual’s name, produces a record. When the firm name is added to the search, the results are all but guaranteed. The license number is not mandatory to the search.

And finally, understanding and managing this regulation is not inconsequential. All printed materials at our firm must be re-designed (new set-up) and re-printed, along with updates to all electronic/digital media.. And how is it to be implemented in social media posts? For example, how and where is the license to be displayed and with what prominence? Firm branding, redesigned with the inclusion of license numbers, is a potentially significant cost. This cost will occur every time the firm’s “architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, or an

Name  
Regarding  
Date  
Page 2 of 2

employee of the business entity.” changes. We anticipate the cost to far exceed the \$100 stated in the proposed regulation.

Again, we appreciate the intention of the proposed regulations, but do not believe they provide any improved guarantee of the qualifications of our architects to the clients we serve—beyond what they as informed consumers already possess. Thank you for your consideration.

Sincerely,

Donald McAllister, AIA  
President



California Architectural License Number: C20216

**From:** [Laura Knauss](#)  
**To:** [McDaniel, Kimberly@DCA](#); [Ahmed, Idris@DCA](#)  
**Cc:** [Don McAllister](#); [Andy Deeble](#)  
**Subject:** Regulation Section 135 Written Comments  
**Date:** Wednesday, February 9, 2022 3:10:05 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[Lionakis\\_CAB letter Jonathan .pdf](#)  
[Lionakis\\_CAB letter Laura .pdf](#)  
[Lionakis\\_CAB letter Laurie .pdf](#)  
[Lionakis\\_CAB letter Mary .pdf](#)  
[Lionakis\\_CAB letter Maynard .pdf](#)  
[Lionakis\\_CAB letter Michael .pdf](#)  
[Lionakis\\_CAB letter Mike .pdf](#)  
[Lionakis\\_CAB letter Nick .pdf](#)  
[Lionakis\\_CAB letter Reg .pdf](#)  
[Lionakis\\_CAB letter Steve .pdf](#)  
[Lionakis\\_CAB letter Brian .pdf](#)  
[Lionakis\\_CAB letter Carol .pdf](#)  
[Lionakis\\_CAB letter Dennis .pdf](#)  
[Lionakis\\_CAB letter Jon .pdf](#)

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[EXTERNAL]: [laura.knauss@lionakis.com](mailto:laura.knauss@lionakis.com)

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Thank you.

Laura Knauss | AIA | LEED AP | ALEP | Principal  
She/Her/Hers

**LIONAKIS**

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P: 916.558.1900 | M: 916.425.7854 | F: 916.558.1919

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F: 916.558.1919  
www.lionakis.com

February 7, 2022

California Architects Board  
Via email: idris.ahmed@dca.ca.gov

**Re: CAB Regulatory Changes – Public Presentments and Advertising Requirements**

To Whom it May Concern:

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Additionally, we do not agree with the assertion that a license number allows the public to search the database to verify licensure. A simple search, using an individual’s name, produces a record. When the firm name is added to the search, the results are all but guaranteed. The license number is not mandatory to the search.

And finally, understanding and managing this regulation is not inconsequential. All printed materials at our firm must be re-designed (new set-up) and re-printed, along with updates to all electronic/digital media. And how is it to be implemented in social media posts? For example, how and where is the license to be displayed and with what prominence? Firm branding, redesigned with the inclusion of license numbers, is a potentially significant cost. This cost will occur every time the firm’s “architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, or an



Name  
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Date

Page 2 of 2

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Sincerely,

Maynard Feist, AIA  
Principal



California Architectural License Number: C23115

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Sacramento CA 95811  
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February 7, 2022

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Via email: idris.ahmed@dca.ca.gov

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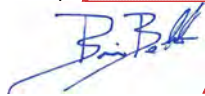
Name  
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Sincerely,

Brian Bell, AIA  
Principal



California Architectural License Number: C28712

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Sacramento CA 95811  
P: 916.558.1900  
F: 916.558.1919  
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February 7, 2022

California Architects Board  
Via email: idris.ahmed@dca.ca.gov

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Sincerely,

Carol Lanham, AIA  
Principal



California Architectural License Number: C37100

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Sacramento CA 95811  
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February 7, 2022

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Page 2 of 2  
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Sincerely,

Dennis Guerra, AIA  
Principal



California Architectural License Number: 30075639

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Sacramento CA 95811  
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F: 916.558.1919  
www.lionakis.com

February 7, 2022

California Architects Board  
Via email: idris.ahmed@dca.ca.gov

**Re: CAB Regulatory Changes – Public Presentments and Advertising Requirements**

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Name  
Regarding  
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Page 2 of 2

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Sincerely,

Jon Lundstrom, AIA  
Principal



California Architectural License Number: C11976

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1919 Nineteenth Street  
Sacramento CA 95811  
P: 916.558.1900  
F: 916.558.1919  
www.lionakis.com

February 7, 2022

California Architects Board  
Via email: idris.ahmed@dca.ca.gov

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Sincerely,

Jonathan McMurtry, AIA  
Associate Principal



California Architectural License Number: C23603

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Sincerely,

Laura Knauss-Docous, AIA  
Principal



California Architectural License Number: C20149

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February 7, 2022

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Sincerely,

Laurie McCoy, AIA  
Principal



California Architectural License Number: C21749

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Sincerely,

Mary Morris, AIA  
Associate Principal



California Architectural License Number: C23271

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Sincerely,

Michael Orr, AIA  
Principal



California Architectural License Number: C32325

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Sincerely,

Mike Davey, AIA  
Principal



California Architectural License Number: C27266

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Sincerely,

Nick Docous, AIA  
Principal



California Architectural License Number: C18997

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Sincerely,

Steve Kendrick, AIA  
Principal



California Architectural License Number: C14099

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**From:** [Cherie Arnold](#)  
**To:** [Justin Martinkovic](#); [McDaniel, Kimberly@DCA](#)  
**Cc:** [Brian Milford](#)  
**Subject:** RE: Regulations Affecting Architect Advertising  
**Date:** Wednesday, February 9, 2022 4:31:07 PM

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[EXTERNAL]: [cherie@martinkovicmilford.com](mailto:cherie@martinkovicmilford.com)

**CAUTION: THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CONSUMER AFFAIRS!**

**DO NOT: click links or open attachments** unless you know the content is safe.

**NEVER: provide credentials on websites** via a clicked link in an Email.

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Hi Kimberly—

I concur with Justin's assessment. As the Marketing Director at Martinkovic Milford Architects, I can tell you that the \$100 estimated cost for making these changes is off by orders of magnitude. For even a small firm like ours, editing, reprinting and reproducing all of our sales and marketing pieces could easily cost in the tens of thousands of dollars. Additionally, there appears to be no exemption for digital advertising, implying that every single Google Ad that a company has (which can easily be in the hundreds) would need to be modified. Not only would this be a costly endeavor; given the structure of Google Ads and the way the system functions, this requirement would negatively impact the effectiveness of our google ad campaigns. Consequently, our ability to advertise and compete for work nationally and ultimately our bottom line will also be negatively impacted.

I understand the desire to protect our customers. While it seems that every legitimate architecture firm has a website and adding this information to the footer of the site might "only cost a few hundred dollars"; in reality, the majority of consumers will not verify this information. Without validation, this effort and expense will not prevent bad actors from using false numbers and unduly exposes our license numbers to possible identity theft. Ultimately, this proposal will be all cost and no benefits.

Thanks in advance for your time and consideration.

Sincerely,

**Cherie Arnold**  
Marketing Director  
M 415-735-0996

MARTINKOVIC MILFORD ARCHITECTS  
San Francisco | New York | San Diego  
[martinkovicmilford.com](http://martinkovicmilford.com)

---

**From:** Justin Martinkovic <[justin@martinkovicmilford.com](mailto:justin@martinkovicmilford.com)>

**Sent:** Wednesday, February 9, 2022 2:12 PM

**To:** [kimberly.mcdaniel@dca.ca.gov](mailto:kimberly.mcdaniel@dca.ca.gov)

**Cc:** Cherie Arnold <[cherie@martinkovicmilford.com](mailto:cherie@martinkovicmilford.com)>; Brian Milford

<brian@martinkovicmilford.com>

**Subject:** Regulations Affecting Architect Advertising

Hello Kimberly,

Per the AIA California email regarding Proposed Regulation section 135, I am **NOT** in favor of CAB proposed changes for architects to include name and license number on all forms of advertisement for the reasons cited in the email (and pasted in below). Further, this seems like needless regulation that isn't materially addressing a problem.

The reasons cited that I agree with:

- The assumption that updating marketing materials (business cards, letterhead, website updates) may cost up to \$100 is not accurate. These costs will be higher.
- This will make it easier to steal and illegally use an architect's license number.
- Focusing on the non-licensed individuals who illegally call themselves architects would protect consumers
- The proposed regulation has a lack of clarity on what it covers; the real world implications are not yet known or understood. For example, how do architects comply when making social media posts about projects?
- This proposed regulation, intended to protect consumers from unlicensed practice, puts all responsibility of compliance on licensed architects.
- Only one other state has this requirement, as it does not increase consumer protection.

<https://aiacalifornia.org/california-architects-board-considering-regulations-affecting-architect-advertising/>

Thank you,

**Justin Martinkovic** AIA, NCARB  
Architect | Principal  
M 415 225 3300

MARTINKOVIC MILFORD ARCHITECTS  
San Francisco | New York | San Diego  
[martinkovicmilford.com](http://martinkovicmilford.com)

**From:** [David Arkin, AIA](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Comments re: Changes in Regulations Affecting Advertising by Architects  
**Date:** Wednesday, February 9, 2022 3:07:45 PM

---

[EXTERNAL]: david@arkintilt.com

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Hello CAB:

I am writing to concur with the input of the AIACC and other chapters, regarding the requirement to include our license numbers in advertising:

- The assumption that updating marketing materials (business cards, letterhead, website updates) may cost up to \$100 is not accurate. These costs will be higher.
- This will make it easier to steal and illegally use an architect's license number.
- Focusing on the non-licensed individuals who illegally call themselves architects would protect consumers
- The proposed regulation has a lack of clarity on what it covers; the real world implications are not yet known or understood. For example, how do architects comply when making social media posts about projects?
- This proposed regulation, intended to protect consumers from unlicensed practice, puts all responsibility of compliance on licensed architects.
- Only one other state has this requirement, as it does not increase consumer protection.

Coincidentally (and perhaps Ironically), I already provide my license numbers in the 'signature' of my email, below. Aside from my profile on our firm's website it is the only place I do so, other than when completing forms that require it, or of course with my stamp.

Our firm sponsors a number of events, from local education foundation fundraisers to the climate leadership forum and others; typically these run our firm name and logo and that's it, often quite small. To include my or my partner's license number in these and related spots - where the majority of other sponsoring businesses are not - will be cumbersome, if even legible.

Thanks for considering these points,

David Arkin

\* \* \* \* \*

Arkin Tilt Architects  
Ecological Planning & Design  
1101 8th St. #180, Berkeley, CA 94710

510/528-9830 ext. 202

[www.arkintilt.com](http://www.arkintilt.com)

David Arkin, AIA, Architect

LEED Accredited Professional

CA #C22459 / NV #5030 / OR #6738

Co-Director, California Straw Building Association

[www.strawbuilding.org](http://www.strawbuilding.org)

CASBA is a project of the Tides Center

"There is no way to peace. Peace is the way."

— A. J. Muste

**From:** [Eric Elerath](mailto:Eric.Elerath@verizon.net)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Re: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations  
**Date:** Monday, February 7, 2022 8:54:12 PM

---

[EXTERNAL]: [eelerath@verizon.net](mailto:eelerath@verizon.net)

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How much time will each speaker get?

Or is that a question I should direct to the Board?

On Feb 7, 2022, at 8:38 AM, McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)> wrote:

The Board is in receipt of your comments. The Notice of Hearing is attached.

---

**From:** Eric Elerath <[eelerath@verizon.net](mailto:eelerath@verizon.net)>  
**Sent:** Friday, February 4, 2022 1:44 PM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Subject:** Fwd: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations

[EXTERNAL]: [eelerath@verizon.net](mailto:eelerath@verizon.net)

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Ms. McDaniel

I am interested in addressing the CAB with a statement and argument at this meeting. The attached email states,

To participate in the WebEx Events public hearing, please see the attachment for log on instructions.

This email had no attachments. My questions are:

- 1.) What is the procedure for attending the meeting and what hardware / software is required?
- 2.) How much time will each speaker be allotted?
- 3.) What criteria will be applied, and which person will assume responsibility for removing people from the meeting for making statements that are politically incorrect?

Thank you.

Eric Elerath

Begin forwarded message:

**From:** California Architects Board <[000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CAGOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CAGOV)>  
**Subject:** Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations  
**Date:** February 3, 2022 at 10:01:26 AM PST  
**To:** [CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV](mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV)  
**Reply-To:** [noreply@DCA.CA.GOV](mailto:noreply@DCA.CA.GOV)

The California Architects Board (Board) will hold a public hearing on the proposed regulatory action to adopt section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR) on February 18, 2022, starting at 3:00 p.m. Any interested person may present statements or arguments orally during the public hearing to be held by teleconference with no physical public locations. The Board will hold this public hearing via WebEx Events To participate in the WebEx Events public hearing, please see the attachment for log on instructions.

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To unsubscribe from this email list please click on the link below and follow the instructions on the web page.

<https://www.cab.ca.gov/webapps/subscribe.php>

<Notice of Hearing CCR 135 FINAL.pdf>

**From:** [Frank Weeks](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Comments on Proposed Regulation Section 135  
**Date:** Wednesday, February 9, 2022 3:03:25 PM

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[EXTERNAL]: FWeeks@nbbj.com

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Dear CAB,

I am writing to respectfully express my opposition to the proposed regulation Section 135, requiring Architects to include their name and number in advertising material. In addition to supporting all the points made by the AIA California as to why this is an unnecessary piece of legislation, I would also like to express the following additional points:

- Most importantly to me, this regulation **reduces the dignity** of a noble profession. For fear of sounding elitist, there are no similar requirements for lawyers, doctors, and other professionals. Those who successfully complete years of education, training, and licensure requirements should not be required to advertise their legitimacy.
- It is understandable that consumers may need protection from crooked contractors because large sums of money (in building materials) are changing hands. **Architects only collect design fees** (when clients feel like paying them).
- One of the supporting reasons given for the legislation is that consumers can more easily distinguish who is a legitimate (licensed) architect. Let me remind you that most people can find that information in minutes by reaching in their pockets and going to the DCA web site on their smart phone. I do it all the time when I need to **find my registration number**.

Thank you for considering my voice in this matter.

Kindly,

**Frank Weeks, AIA, LEEP AP Associate | Senior Technical Architect**

**NBBJ** [523 West 6th Street, Suite 300 LOS ANGELES CA 90014](#)

Direct: 213.243.3399

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**From:** [James Heilbronner](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Proposed Regulation Section 135  
**Date:** Wednesday, February 9, 2022 4:06:46 PM

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[EXTERNAL]: jamesh@archdim.com

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It's easy today to gather information on anyone via Google. It's even easier to verify an architect's license status via the Board's verification portal.

I don't understand the need for pronouncement of my license number on every document I produce. Clearly something is going on to prompt more regulations so perhaps you could fill me in. I've had my license number on company letterhead for 20 years that is used for many purposes. Again, I don't understand the need unless the Board needs more violations to chase.

Look forward to hearing from you.

**ARCHITECTURAL DIMENSIONS**  
James Heilbronner, NCARB, AIA  
President

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**SAN JOSE**  
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San Jose, CA 95126  
TEL. 800.452.3477

**SAN DIEGO**  
3958 First Avenue  
San Diego, CA 92103  
TEL. 800.452.3477

**From:** [Justin Helm](#)  
**To:** [McDaniel.Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** RE: Proposed Regulation Section 135  
**Date:** Friday, February 11, 2022 9:04:50 AM

---

[EXTERNAL]: helm.justin@gmail.com

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Hello Kim,

I am writing regarding the latest proposed change in regulations and today's public comment. I thank you for receiving these comments and I am sure it has been an interesting process.

I typically do not chime in on these types of issues (and this may be a rough around the edges statement since I am hurrying to get it to you in time), but I am feeling more and more personal conviction to make a statement given on issues like these based on where I am in my career and the fact that I am a licensed Architect. (both in California and Washington state).

I am also a licensed real estate agent in California and I can see that there is perhaps an idea from CAB and other regulatory agencies in this space to require Architects to provide their license number as is customary in the Real Estate profession.

I also know that given that there is some movement to provide a framework for Interior Architects to have the ability to stamp sets and that perhaps this may be a further way to differentiate the roles, responsibilities and legal requirements between the groups. As an aside I have worked along many Interior Architects and I support their effort, I think there is a world where they can and should be able to provide legal drawing sets, stamp them and get them built.

My perspective on this issue is that this step to require license number on all publications and collateral going forward is a burden that is neither necessary at this time, and further is a heavy weight on this profession when things are hanging in the balance.

I do not have the data in front of me but I would imagine the misrepresentation of individuals as licensed (in lieu of unlicensed) is not very high and that any issues related to this can be handled in the court system. I think it would be a farce to expect that a system of published license numbers will be checked by potential "customers" against some directory that CAB would maintain online. You only have to look to the Real Estate industry to see that no one does this, even though they have a similar requirement.

There is nothing stopping a person right now from asking their Architect what their license number is and calling CAB to see if they are legitimately licensed. The truth is that most people that avoid getting an individual license know that they are doing so, perhaps to save money, and only have problems if things go awry in the process.

Also, My impression is that the "imposters" are actually architecturally trained (through legitimate university settings). however they may not be licensed since they are small businesses or single person shops and find the process either time intensive or financially a burden. Its the truth that many people dont dare to discuss very openly, a license does not specifically make you a good Architect, designer, or business partner. I believe the licensing process is necessary but it stands in the way of many entrepreneurial and good Architects from starting their own firm or trying something new. The alternative is "paying your dues" at larger firms.

The reality is that this step will not or at least only minisculely provide any degree of protection over the current state of things. However, it will result in many, many busy hours for the profession and wasted time and money. If I were CAB I would spend further time on the following:

- Establishing a Strongly suggested regional base pay for Architects, (which includes interns, entry level designers, etc).
- Having a stance on Overtime work in the workplace.
- Addressing the projected anemic projected 3% growth in the profession over the next ten years.
- Addressing the actual loss of the protection of the title "Architect" in the larger workforce. (For example Tech sectors use of the titles Solution Architects, Software Architect, Enterprise Architect, Application Architect, there is a new one every week) Did we lose this one? Or is there a way to collectively and legally protect that name?

Thank you for hearing my thoughts. Obviously my understanding is that this is an attempt to protect the profession and its members and I think that should be applauded but I think that for now this effort would be a burden for many and the result may not likely bring any greater degree of protection for consumers or the licensed individuals.

thank you

Justin Helm

**From:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**To:** [Kimberly Anderson](mailto:Kimberly_Anderson)  
**Subject:** RE: Comment Submission: Public Presentment and Advertising: California Regulatory Notice Register 2021, No. 53-Z  
**Date:** Friday, February 11, 2022 12:25:00 PM

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Message received.

Thank you.

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**From:** Kimberly Anderson <[bkss@sbcglobal.net](mailto:bkss@sbcglobal.net)>  
**Sent:** Friday, February 11, 2022 12:21 PM  
**To:** McDaniel, Kimberly@DCA <[Kimberly.McDaniel@dca.ca.gov](mailto:Kimberly.McDaniel@dca.ca.gov)>  
**Cc:** [laura.knauss@lionakis.com](mailto:laura.knauss@lionakis.com); Jackie Whitelam <[jackiewhitelam@gmail.com](mailto:jackiewhitelam@gmail.com)>  
**Subject:** Comment Submission: Public Presentment and Advertising: California Regulatory Notice Register 2021, No. 53-Z

[EXTERNAL]: [bkss@sbcglobal.net](mailto:bkss@sbcglobal.net)

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Dear Kimberly,

Please see the attached letter outlining written comments from the American Institute of Architects, Central Valley Chapter, in opposition of the proposed regulation regarding Public Presentment and Advertising. A hard copy will also be mailed to your office.

Please confirm receipt.

Thank you,  
Kim

Kimberly S. Anderson, Hon AIA CA  
*Executive Director*

**AIA Central Valley**  
1400 S Street, Sacramento, CA 95811  
T (916)444-3658  
M (916) 847-7929  
F (916) 444-3005  
[kanderson@aiacv.org](mailto:kanderson@aiacv.org)

[aiacv.org](http://aiacv.org)

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**From:** [Kimberly Anderson](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Cc:** [laura.knauss@lionakis.com](mailto:laura.knauss@lionakis.com); [Jackie Whitelam](#)  
**Subject:** Comment Submission: Public Presentation and Advertising: California Regulatory Notice Register 2021, No. 53-Z  
**Date:** Friday, February 11, 2022 12:20:54 PM  
**Attachments:** [CAB AIACV CCRsec135 Ltr 020922 signed FINAL 1.pdf](#)

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[EXTERNAL]: [bkss@sbcglobal.net](mailto:bkss@sbcglobal.net)

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Dear Kimberly,

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Please confirm receipt.

Thank you,  
Kim

Kimberly S. Anderson, Hon AIA CA  
*Executive Director*

**AIA Central Valley**  
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February 11, 2022

Kim McDaniel, Regulations Manager  
California Architects Board  
2420 Del Paso Rd. #105  
Sacramento, California 95834  
Email: kimberly.mcdaniel@dca.ca.gov

**RE: Opposition to Proposed Regulation CCR Section 135**

Dear Members of the California Architects Board (CAB):

This letter transmits the written comments of the AIA Central Valley (AIACV) Chapter Board of Directors for the rulemaking record regarding opposition to the proposed regulation that would establish Section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations.

This proposed regulation would require architects to include their license numbers on all forms of advertising, soliciting, or other presentments to the public. The AIACV supports the CAB's efforts to protect the health, safety and welfare of the public. However, it opposes the adoption of this regulation for the following reasons:

1. The Initial Statement of Reasons (ISOR) is inadequate. To facilitate the CAB responding to our written comments prior to your acting on the regulation, we have provided a notated copy of the ISOR as an attachment to this letter.

Perhaps the most serious deficiency in the ISOR is its lack of a clear problem statement (ISOR Comment #2) leading some of our members to conclude that the impetus for this regulation is that the CAB must take an action to address a 2019-21 Strategic Plan Objective.

Another serious deficiency in the ISOR is its lack of underlying data. (ISOR Comment #12).

2. It is repeatedly stated in the ISOR that architects are not currently required to provide their name and license number on advertisements, solicitations, or presentments made to the public. This is not correct. Architects are already required to provide their license numbers in written proposals (i.e., solicitations) and contracts.
3. It is repeatedly stated in the ISOR that consumers are unable to check the license number of an architect to determine if the license is in good standing before consulting or contracting with that architect. This is not correct. Consumers can already use the CAB website to confirm whether an individual has a license in good standing. An architect's license number is not required to access the site. Adoption of the regulation will not better protect the health, safety and welfare of the public precisely because it will more widely and publicly circulate license numbers. Architects are already required to include their license on written proposals and contracts and the CAB already has an easy-to-use interface that allows

consumers to check the license number of an architect and determine if they are in good standing. Indiscriminate circulation of architects' license numbers in both the real and virtual world will lead to the mis-appropriation and mis-use of license numbers.

4. It is stated several times in the ISOR that architects will benefit from the regulation because it will help distinguish licensed architects from unlicensed individuals on the internet. This statement appears to be based on an assumption stated in the CAB meeting minutes that architects will be better able to get platforms to correctly include their license numbers. This is not only an unreasonable assumption but is also an unreasonable transfer of a CAB responsibility to individual licensed architects. Architects protect the health and safety of the public by using their training and experience to provide architectural services. It is the responsibility of the CAB to regulate and discipline individuals and entities that market, or facilitate the marketing of, architectural services to consumers by unlicensed individuals.
5. In the CAB meeting minutes, it is frequently stated that the intent of the proposed regulation is not to negatively impact licensed architects but that its intent is to ensure unlicensed individuals are not advertising themselves as architects. However, in Notice of the Proposed Rulemaking issued on December 20, 2021, it is stated that the Board is authorized to issue a citation and a fine up to \$5,000 to licensed architects who fail to comply with the regulation.

While it is stated that the issuance of such a citation would only occur after multiple warnings, there is nothing in the regulation that assures this. Additionally given the internet's tendency to keep outdated information online forever, the potential damage/stain to an architect's 'permanent' record must be considered.

AIA CV takes issue with the CAB's outreach on the proposed regulatory action being sent only to CAB's voluntarily subscribed listserv for CAB legislation announcements, instead of the CAB licensee listserv. If CCR Section 135 is approved for adoption, we request that the CAB, in accordance with Government Code Section 11346.4 (a) (4), email the requirements and effective date of the regulation to licensees at the email addresses provided when they most recently renewed their license.

Thank you for your consideration of our comments and our request.



Jacqueline Whitlam, AIA  
AIA Central Valley Civic Engagement Team Chair



Laura Knauss-Docous, AIA, Principal | Lionakis  
AIA Central Valley Vice President

Attachment: AIA Central Valley Chapter ISOR Written Comments



**COMMENTS RE: CALIFORNIA ARCHITECTS BOARD INITIAL STATEMENT OF REASONS**

Hearing Date: February 18, 2022.

Subject Matter of Proposed Regulations: Public Presentments and Advertising Requirements

Sections Affected: 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR)

**Introduction and Problem Statement**

<p>The California Architects Board (Board) licenses architects, of which there are approximately 22,000 in California. Business and Professions Code (BPC) section 5526 authorizes the Board to adopt rules and regulations as may be necessary and proper and that are not inconsistent with the Architects Practice Act (Chapter 3 of Division 3 of the BPC commencing with Section 5500). BPC section 137 authorizes the Board to promulgate regulations requiring licensees to include their license numbers in any advertising, soliciting, or presentments to the public. The Board seeks to adopt new CCR section 135 to set forth the requirements to be followed by licensees when advertising and making presentments to the public.</p>	
<p>Architects are not currently required to provide their name and license number on advertisements, solicitations, or presentments made to the public. This omission makes it more difficult for consumers to ascertain if an individual is licensed and qualified to perform architectural services. In addition, consumers are unable to check the license number of an architect to determine if the license is in good standing before consulting or contracting with that architect. Architects also do not receive the full benefit of their license when their advertisements are not easily discernible from unlicensed individuals, such as is common on internet advertising platforms.</p>	<p><b>Comment 1:</b> <i>This statement should be changed because it is not correct. There is already a requirement for architects to provide their license numbers in written proposals (i.e. solicitations) and contracts; and the Board already has an easy-to-use interface that allows consumers to check the license number of an architect and determine if the license is in good standing before consulting or contracting with an architect.</i></p>

The Board's 2019-2021 Strategic Plan contains an objective to "Collaborate with websites to restrict advertisements from unlicensed entities" (2019-2021 Board's Strategic Plan, page 10.) At the Board's August 1, 2019, Regulatory and Enforcement Committee (REC) meeting, the REC met to discuss the recommendations to address the strategic plan objective. After Board counsel advised that the Board does not have jurisdiction to require internet advertising platforms to correctly categorize unlicensed designers, the REC discussed the recommendation to require architects to post their license numbers on advertisements as a way to distinguish themselves from unlicensed individuals. The REC approved the proposal and recommended that the Board consider adopting the regulation. (August 1, 2019 REC Meeting Minutes.)

At the Board's September 11, 2019 meeting, the Board discussed the recommendations of the REC including the recommendation of requiring an architect to post his or her license number on advertisements and determined that more research was needed on the matter, as well as input from licensees and professional organizations. (September 11, 2019 Board Meeting Minutes.)

In November 2019 Board staff conducted an on-line survey of licensees and found that they were overwhelmingly in favor of the proposal.

**Comment 2;** While this first section of the ISOR is entitled *Introduction and Problem Statement*, it provides background information but does not provide a problem statement.

*Is the problem that platforms are unlawfully advertising architectural services and are not making the distinction between architects and unlicensed individuals?*

OR

*Is the problem that the Board must take an action to address a 2019-21 Strategic Plan objective?*

**Comment 3:** This is an overly broad statement. It should be replaced with the following statement that more accurately reports the survey scope and its results.

*The survey was sent to licensees who had expressed interest in receiving Board notifications. It was emailed out on November 14<sup>th</sup> with responses due December 1<sup>st</sup>. Of the 22,000 architects licensed by the California Architects Board, 1,547 licensees (less than 1%) responded to this survey. 66% of the survey respondents stated they had a positive or very positive first reaction to the idea of requiring California architects to include their license number in any advertising, soliciting or other presentments to the public. However, 58% of the survey respondents stated they had concerns regarding the proposal.*

<p>At the Board’s February 28, 2020 meeting, the Board discussed the regulation to require an architect to post his or her license number on advertisements. The Board raised some concerns regarding whether the regulation would be unduly burdensome to architects and large firms. The Board voted to send the matter back to the REC to find more data to support the regulation. (February 28, 2020 Board Meeting Minutes.)</p> <p>Board staff updated the regulation to remove office signs from the list of advertisements that would have to be modified, and added subsection (b), which addresses the responsibility of medium-sized and large firms. At the November 5, 2020 REC Meeting, the REC voted to approve the regulation and send it back to the Board to consider with the updated language of the regulation. (Draft November 5, 2020 REC Meeting Minutes.)</p>	<p><b>Comment 4:</b> <i>The minutes of the February 28, 2020 meeting state that “the issue was sent back to the REC and the Communications Committee to find data to answer the question of how such a regulation would increase consumer protection”. Board members also requested more data concerning the experience of the LATC that is having landscape architects provide their licenses on advertisements.</i></p> <p><i>Reports of this data being presented to the Board are not reflected in the subsequent December 11, 2020 and September 10, 2021 Board meeting minutes at which the regulation was agendized.</i></p>
<p>At the Board’s December 11, 2020 meeting, a representative of the American Institute of Architects California Chapter lent their support, and the Board voted unanimously to approve the currently proposed language. (December 11, 2020 Board Meeting Minutes.)</p> <p>While staff worked on the initial rulemaking package documents with the Legal Affairs Division (LAD), LAD raised concerns about portions of the text that may be questioned during OAL’s final review. To resolve LAD’s concerns, at the Board’s September 10, 2021 meeting, the board modified the CCR section 135 text to remove superfluous language in subdivision (a), to clarify language in subdivision (b), and to add subdivision (c) to include the definition of “management control” as defined in CCR section 134. (September 10, 2021 Draft Board Meeting Minutes).</p>	<p><b>Comment 5:</b> <i>The statement that a representative of AIA California lent their support to the regulation should be removed because according to the December 11, 2020 minutes, the AIA California representative stated he was in support of CCR 160, not CCR 135.</i></p>

**Specific Purpose, Anticipated Benefit, and Rationale: Adopt CCR Section 135 – Architectural Advertising**

<p><b>Section 135, subdivision (a)</b></p>	
<p><b>Purpose:</b> The purpose of adopting CCR section 135, subdivision (a), is to require architects to include their name and license number in all forms of advertisements, solicitations, or presentments made to the public in connection with the rendition of architectural services.</p>	
<p><b>Anticipated Benefit:</b> The Board anticipates that consumers will benefit from the proposal and be better informed of who is and who is not a licensed architect by requiring all advertisements, solicitations, and presentments to include the architect’s name and license number.</p> <p>Consumers will be able to use the license number to search the Consumer Affairs Systems (CAS) database through the Board’s website to confirm whether the advertising individual is the individual associated with the license number. By providing consumers with an architect name and license number on advertisements, solicitations, or presentments made to the public, the proposal will provide better consumer welfare and safety protection. The Board also anticipates that licensed architects in California will benefit from the proposal by distinguishing licensed architects from unlicensed individuals.</p>	<p><b>Comment 6:</b> <i>Adoption of the proposal will not provide better consumer welfare and safety protection than what is presently available.</i></p> <ul style="list-style-type: none"> <li>• <i>Consumers can already use the Board’s website to confirm whether an individual is a licensed architect. (An architect’s license number is not needed to access the site) and Architects are already required to provide their license numbers on written contract proposals (i.e. solicitations)</i></li> <li>• <i>The regulation would result in architect’s licenses being more widely and publicly circulated and may facilitate the mis-appropriation and misuse of license numbers.</i></li> </ul>
<p><b>Rationale:</b> The proposal is necessary to increase licensure transparency in the rendition of architectural services by providing consumers with notice in all forms of advertising of the architect’s name and license number information. BPC section 137 authorizes all agencies within the Department of Consumer Affairs to adopt regulations requiring licensees to include their license numbers on all forms of advertising, soliciting, or presentments to the public. Such notice provides consumers with information they</p>	<p><b>Comment 7:</b> <i>While BPC section 137 authorizes all agencies within the Department of Consumer Affairs to adopt regulations requiring licensees to include their license numbers on all forms of advertising, soliciting, or presentments to the public – it delegates the determination as to what is effective to each individual regulatory agency. The California Architects’ Board already has an easy-to-use interface for consumers to confirm if an architect is licensed. Architects are also already required to</i></p>

can use to identify licensed individuals before consulting with or contracting for professional services.

There is no current regulation requiring architects to provide their names and license numbers on all forms of advertising, soliciting, or presentments to the public, which include, but are not limited to, cards, letterhead, telephone listings, Internet Web sites, and contract proposals. This leaves consumers at risk of contracting with an unlicensed individual performing architectural services or not knowing the license status of the person performing architectural services on their behalf. Licensure by the Board helps ensure minimum standards in the profession are continuously met and enforced. This proposal would help consumers make informed decisions about licensed architectural services and implement the public policy protections established under BPC section 137 to require licensed architects to include their name and license number on all forms of advertisements, solicitations, or presentments to the public.

*provide their license numbers on any written proposals (i.e. solicitations) or contracts.*

<p><b>Section 135, subdivision (b)</b></p> <p><b>Purpose:</b> This purpose of adopting CCR section 135, subdivision (b), is to set advertising compliance standards for architects who work at a business entity that contains or employs two or more architects. Such compliance shall be deemed satisfied if the advertisements, solicitations, or presentments to the public by the business entity at which the architects are employed include the name and license number of at least one architect who is (1) in management control of the business entity, and (2) the owner, a part-owner, an officer, or an employee of the business entity. This subsection responds to the concern of larger firms worried about having to list dozens of names and license numbers in their advertisements, solicitations, or presentments.</p>	<p><b>Comment 8:</b> <i>Implementation of this requirement has not been fully clarified or developed. This will require an architectural firm to have the license number of one owner of the firm on business cards of the architects it employs, in addition to the license number of the licensed architect employee; or on the card of unlicensed persons who it employs. This will require explanatory footnotes on the business cards and presentments for architectural firms, creating confusion for the public and creating an unnecessary burden for architects. If they're licensed in multiple states, this will require further footnotes of explanation.</i></p>
<p><b>Anticipated Benefit:</b> The Board anticipates that consumers will benefit from the proposal and be better informed of who is and who is not a licensed architect by requiring all presentments, solicitations, and advertisements for business entities with two or more architects to include the name and license number of the architect which is in management control of the entity as defined in CCR 134 and the business entity's owner, part-owner, officer, or employee. Consumers will be able to use the license number to search the CAS database through the Board's website to confirm whether the advertising individual is licensed and qualified to provide architectural services. By providing consumers with an architect's name and license number on advertising, soliciting, or presentments made to the public, the proposal will better protect consumer health, safety and welfare. The Board also anticipates that licensed architects in California will benefit from the proposal by distinguishing licensed architects from unlicensed individuals.</p>	<p><b>Comment 9:</b> <i>Adoption of the proposal may not provide better consumer welfare and safety protection than what is presently available.</i></p> <ul style="list-style-type: none"> <li>• <i>Consumers can already use the Board's website to confirm whether an individual is a licensed architect. (An architect's license number is not needed to access the site) and Architects are already required to provide their license numbers on written contract proposals (i.e. solicitations)</i></li> <li>• <i>The regulation would result in architect's licenses being more widely and publicly circulated and may facilitate the mis-appropriation and misuse of license numbers.</i></li> </ul>

**Rationale:** The proposal is necessary to increase licensure transparency in the rendition of architectural services at a business entity that contains or employs two or more architects while permitting compliance with the advertising requirements of this proposal in a more efficient and less burdensome manner. BPC section 137 authorizes all agencies within the Department of Consumer Affairs to adopt regulations requiring licensees to include license numbers in all forms of advertisements, solicitations, or presentments to the public. There is no current regulation requiring architects who are in management control of a business entity that contains or employs two or more architects to provide their names and license numbers on all forms of advertisements, solicitations, or presentments to the public. This proposal would set such a requirement.

**Comment 10:** *Many consumers of architectural services are developers, real estate agents, public agencies, and public entities whose contracts and project permitting process require an architect's license. They are informed consumers. This new regulation is unnecessary for their protection. For less informed consumers, such as homeowners, their projects don't require a licensed architect's services, so this regulation does nothing to protect or inform them. Finally, the proposed regulation does nothing to prevent or discourage unlicensed individuals from presenting themselves as licensed architects.*

During the development of this proposal, concerns were raised regarding how large firms with multiple licensees would be able to comply with the requirement of placing each architect's name and license number on the business entity's advertising without undue burden. To address the foregoing concerns, this proposal would allow the advertising requirements of this section to be deemed satisfied as to a business entity that contains or employs two or more architects by listing at least one architect who is in management control of the business entity and an owner, part-owner, an officer or an employee of the business entity. This proposal would implement the protections established under BPC section 137 by requiring at least one licensee's name and number to be listed on the advertising for the larger business (two or more architects) and focusing the consumer's notice on the individual with general oversight of the professional services offered and provided by the business entity (i.e., in "management control") and who is substantially involved in the business either through ownership, employment or acting as an officer. These requirements provide a more efficient approach that does not overwhelm the consumer with information, which might occur if all architect's names and license numbers were listed. Nevertheless, using this focused approach will assist the consumer in making a more informed decision about the businesses they may select in the rendition of architectural services, consistent with the public policy objectives of BPC section 137.

**Comment 11:** *This creates confusion for the consumer as to which persons in a firm are licensed, does not add clarity, and requires extensive explanation for the public to understand in presentments.*

**Section 135, subdivision (c)**

**Purpose:** The purpose of adopting CCR section 135, subdivision (c), is to establish that the term “management control” has the same meaning it has in CCR section 134.

**Anticipated Benefit:** The Board anticipates that business entities seeking to comply with this regulation will benefit by having a clear definition of the term “management control.”

**Rationale:** Existing section 134 makes it unlawful for a person to use the term “architect” in a business name 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. Section 134 defines “management control” as “general oversight of the professional services offered and provided by the business entity.”

Since section 134 indicates that the definition applies only to that section, this proposal is necessary to adopt that definition by reference for section 135 to ensure adequate notice to the public that this same definition applies with respect to advertising, to avoid confusion regarding the meaning of “management control” as used in subdivision (b), and to ensure consistency in the Board’s regulations related to public presentments, advertising and business names. In the Board’s experience this definition is generally accepted and easily implemented by the regulated community and since both sections 134 and 135 relate to representations made to the public, they should be applied uniformly to ensure fairness and a well-balanced approach to enforcement of these provisions.



## Underlying Data

1. California Architects Board Strategic Plan 2019-21
2. August 1, 2019, Regulatory and Enforcement Committee Meeting, Agenda, relevant Meeting Materials and relevant Meeting Minutes.
3. September 11, 2019 California Architects Board Meeting Agenda, relevant Meeting Materials, and relevant Meeting Minutes
4. February 28, 2020 California Architects Board Meeting Agenda; relevant Meeting Materials; and relevant Meeting Minutes
5. November 5, 2020, Regulatory and Enforcement Committee Meeting Agenda, relevant Meeting Materials, and relevant Draft Meeting Minutes
6. December 11, 2020, California Architects Board Meeting Agenda; relevant Meeting Materials; and relevant Meeting Minutes
7. September 10, 2021 California Architects Board Meeting Agenda, relevant Meeting Materials, and relevant Draft Meeting Minutes

**Comment 12:** *The following information is missing from the Underlying Data;*

1. *The November 2019 licensee survey form and the tabulated results of the survey.*
2. *The data requested by several Board members at the February 28, 2020 Board Meeting pertaining to the experience of the LATC.*
3. *Meeting materials and minutes of meetings relevant to the Board's direction for the Communication Committee and the REC to find data to answer the question of how the regulation would increase consumer protection.*
4. *Data substantiating most licensees are already close to full compliance and that the cost to licensed architects to update advertising would be no more than \$100.*

*Additionally, in the Final Statement of Reasons, the written comments received, Agenda, relevant materials and relevant minutes of the public hearing on this item need to be included as part of the underlying data.*

## Business Impact

The Board has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

The Board currently provides licensure to approximately 22,000 architects in the state. Those businesses impacted by this regulation would be limited to architecture businesses with licensed architects. The narrow scope of who this regulation impacts also minimizes the impact on business and competition in the state generally.

The regulations require licensees to include their name and license number on all forms of advertisements, solicitations or presentments to the public. However many licensees are already in full or near full-compliance and would likely not incur additional costs.

Licensees will have sufficient lead time to update printed materials and digital information technology (IT) platforms as part of regular cyclical updates which would result in no additional costs.

Those licensees needing to update existing marketing materials (i.e. business cards, letterhead, contracts, forms etc.) may incur one-time set-up printing costs up to \$100. The Board notes a licensee could also opt to hand write in the specified information at no additional costs.

Any ongoing printed marketing costs would be incurred regardless of the proposed regulations so any economic impact would be one-time. In the unlikely event all 22,000 licensees incurred the maximum costs of \$100 each, the total economic impact would be approximately \$2.2 million in one-time costs.

The Board further notes most licensees will likely be able to comply with the regulations using a combination of “no costs” or “minimal costs” solutions. As a result while the actual economic impact is unknown at this time, it is likely to range from \$0 to \$2.2 million.

**Comment 13:** *The following language should be removed as data has not been provided to substantiate these statements;*

- *Many licensees are already in full or near full compliance and would likely not incur additional costs.*
- *Those licensees needed to update existing marketing materials may incur one-time set-up printing costs up to \$100.*
- *Most licensees will likely be able to comply with the regulations using a combination of ‘no costs’ or ‘minimal costs’ solutions.*

*The language noting that licensees will have sufficient lead time to update printed materials and digital information technology (IT) platforms as part of regular cyclical updates which would result in no additional costs should be removed because no statement setting forth what this sufficient lead time will be is provided for in the regulation.*

*NOTE: As an alternative to removing this statement, language could be added to the regulation that sets forth deferring the effective date of the regulation until there is a time for licensed architects to make these changes and for the public to be educated.*

## Economic Impact Assessment

This regulatory proposal will have the following effects:

### Creation or Elimination of Jobs Within the State of California

The Board has determined that this regulatory proposal will not create new jobs or eliminate existing jobs within the State of California because the proposed regulations will not be a burden to jobs nor have any impact in creating jobs. This regulatory proposal only requires architects to include their name and license number on advertisements, solicitations, or presentments to the public and thereby notify consumers that they are licensed. Since there are only approximately 22,000 licensed architects in the State of California, this requirement will only impact a small fraction of the jobs in California.

### Creation of New or Elimination of Existing Businesses Within the State of California

The Board has determined that this regulatory proposal will not create new businesses or eliminate existing businesses within the State of California because the proposed regulations will not be a burden to businesses, nor will it have any impact in creating businesses. This regulatory proposal only requires a minor edit for architects to include their name and license number on advertisements, solicitations, or presentments to the public. Since there are only 22,000 licensed architects in the State of California, this requirement will only impact a small fraction of the business community in California.

### Expansion of Businesses or Elimination of Existing Businesses Within the State of California

This regulatory proposal will not affect the expansion of businesses currently doing business within the State of California because the proposed regulations should not impact advertising budgets enough to affect the expansion of business. Licensees needing to update their marketing materials would need to make minor changes or edits to current materials in order to comply with the regulations with estimated one-time costs of \$100.

**Comment 14:** *The following language should be removed as data has not been provided that substantiates these statements:*

- *Licensees needing to update their marketing materials would need to make minor changes or edits to current materials in order to comply with the regulations with estimated one-time costs of \$100.*
- *The regulations require licensees to include their name and license number on all forms of advertisements, solicitations, or presentments to the public which would likely include “no cost” compliance or very little one-time re-printing of marketing costs of up to \$100 for each affected licensee.*

Proposed Benefits to the Health and Welfare of California Residents

This regulatory proposal will benefit the health and welfare of California residents because consumers will be better informed of who is and who is not a licensed architect by requiring all advertisements, solicitations, and presentments to include the architect’s name and license number. Consumers will be able to use the license number to search the Consumer Affairs Systems (CAS) database through the Board’s website to confirm whether the advertising individual is the individual associated with the license number. By providing consumers with an architect name and license number on advertisements, solicitations, or presentments made to the public, the proposal will provide better consumer welfare and safety protection. The Board also anticipates that licensed architects in California will benefit from the proposal by distinguishing licensed architects from unlicensed individuals.

Determination of Effects on Worker Safety

This regulatory proposal would not affect worker safety because this proposal does not involve worker safety. The regulations require licensees to include their name and license number on all forms of advertisements, solicitations, or presentments to the public.

Determination of Effects on State Environment

This regulatory proposal will not affect the State’s environment because this proposed regulation does not involve the environment. The regulations require licensees to include their name and license number on all forms of advertisements, solicitations, or presentments to the public which would likely include “no cost” compliance or very little one-time re-printing of marketing materials costs of up to \$100 for each affected licensee.

**Comment 15:** *Data has not been provided evidencing that consumers will be better informed of who is and who is not a licensed architect because:*

- *The regulation requires that architects include their license numbers in advertisements, solicitations and presentments to the public they produce, but does not require that architect’s license numbers are listed on platform sites.*
- *Consumers can already use the Board’s website to confirm whether an individual is a licensed architect. (An architect’s license number is not needed to access the site) and Architects are already required to provide their license numbers on written contract proposals. (i.e. solicitation)*

*Data has also not been provided to support the statement that adoption of the proposed regulation will provide better consumer welfare and safety protection. Our members have expressed concerns that once their license numbers are more widely and publicly circulated that, there may be an increased likelihood that their license numbers will be misappropriated and that the time and attention needed to defend against liability claims will impede the time they spend on protecting the public by doing their work.*

## Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.	
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## Consideration of Alternatives

<p>No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.</p>	<p><b>Comment 16:</b> <i>This overly broad statement should be removed because there has been no data provided to support it.</i></p>
<p>Set forth below are the alternatives which were considered and the reasons each alternative was rejected:</p> <ol style="list-style-type: none"><li>1. Not adopt the regulation: This alternative was rejected because if the Board does not adopt the proposed amendments, consumers will continue to be confused by advertising platforms that classify unlicensed designers in the same category as architects. It is not within the Board's jurisdiction to mandate that advertising platforms distinguish between licensed and unlicensed design professionals.</li><li>2. Adopt the regulation. This alternative was accepted. Providing consumers with an architect name and license number on advertisements, solicitations, or presentments made to the public would help consumers make informed decisions about licensed architectural services. This proposal is also an important way for the Board to help the public distinguish between licensed architects and unlicensed individuals.</li></ol>	<p><b>Comment 17:</b> <i>There are other alternatives noted in the Board meeting minutes that could be used to address the problem of platforms unlawfully advertising architectural services and not making the distinction between architects and unlicensed designers. These alternatives, including the ones cited below, should be listed and the reasons for their being rejected provided.</i></p> <ul style="list-style-type: none"><li>• <i>Platform sites that are controlled by the user can be ordered by the Board to cease and desist.</i></li><li>• <i>The Board could increase its efforts to cite and fine people who are mis-categorized on these platforms.</i></li><li>• <i>The Board could educate consumers as to how to distinguish between licensed and unlicensed architects.</i></li><li>• <i>The Board could join with other regulatory boards in urging the Department of Consumer Affairs to pursue legislation to control and discipline platforms.</i></li></ul>

From: [Kjirsten Harpain](mailto:Kjirsten.Harpain)  
To: [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
Subject: Response to proposed regulation section 135  
Date: Wednesday, February 9, 2022 3:01:04 PM  
Attachments: [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

[EXTERNAL]: [kjirstenh@dardenarchitects.com](mailto:kjirstenh@dardenarchitects.com)

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Dear Ms. McDaniel, thank you for receiving discussion regarding regulation section 135. I would like to submit comments as follows:

Regarding proposed regulation Section 135:

Please reject proposed regulation section 135. Instead of the intention of protecting architects, this proposed regulation exposes architects to litigation. Whereas today, architects' license status can be found on California Architect's Board, the architect is not liable to decipher whether, for example, a letterhead or stationary, is defined as marketing or general correspondence. Should a correspondence piece of stationary be misinterpreted as a marketing piece, the architect is exposed to suffer litigation. Thus, the architect would need to put their license on every piece of correspondence or risk legal exposure.

If the legislation is designed to promote the sense of superiority of architects and otherwise expand the gulf between architects and non-architects (draftsmen, designers, construction administrators, etc.) this is one of many options. Requiring licensed professionals to wear bold glasses is another option. Most of the industry wears black-on-black, and is another option that would distinguish architects from imposters. As a collector of appellations, I recognize that these appellations demonstrate minimum competency in these areas, but if I have to add my license number, my title will get 6 digits longer. I hope the regulation doesn't have minimum font size, another potential flank of exposure.

That being said, if it is required to add my license number, I could more freely reject AIA as the definer of my licensure. Although rejecting AIA has some appeal, in our atomized society, it is something to be associated with an organization even if the organization in question is obnoxious.

If there is a problem with non-architects performing architectural work, execute the existing laws.

As far as requiring architects post their license numbers on "any advertisement, card, letterhead, telephone listing, internet website, written solicitation to a prospective client or clients or contract proposal," please lay off.

Personally, I am an architect with more personal life than professional one since my children are young. I am licensed and work for a firm which works under the partner's licenses, not my own. My license gets very little, but some, action to assist my friends and family. My friends and family are private people. My relationships with them are not marketing. If they ask me to design a remodel of their home because they know I'm an architect, I don't want my personal correspondence with them to become a liability. I do not want to be exposed legally in my non-professional relationships because the state is unwilling to execute the existing laws designed to protect the public from non-architects. A pat answer of "that won't happen" doesn't satisfy, because based on the code, all of my relationships become an open target.

Insurance rates will definitely increase because of the additional legal requirements for architects' compliance, thus additional exposure.

To conclude, please do not continue with this proposed regulation that is rife with unintended consequences. As per usual, it hurts the small entities more than the large ones.

Thank you,  
Kjirsten Harpain

#### Proposed Regulation Section 135

- (a) An architect shall include their name and license number in all forms of advertisement, solicitation, or other presentments made to the public in connection with the rendition of architectural services for which a license is required by the Architects Practice Act, including any advertisement, card, letterhead, telephone listing, Internet Web site, written solicitation to a prospective client or clients, or contract proposal.
- (b) For purposes of a business entity that contains or employs two or more architects, the requirements of subsection (a) shall be deemed satisfied as to such business entity's architects if the business entity's advertisements, solicitations, or presentments to the public include the name and license number of at least one architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, or an employee of the business entity.
- (c) For the purposes of this section, "management control" shall have the meaning set forth in section 134.

Kjirsten Harpain | Architect/ Architectural Specifier  
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ARCHITECTS		CALIFORNIA ARCHITECTS BOARD		ISSUANCE DATE
ARCHITECTS		ARCHITECTS		APRIL 1, 2016
ARCHITECTS		ARCHITECTS		EXPIRATION DATE
ARCHITECTS		ARCHITECTS		MARCH 31, 2023
ARCHITECTS		ARCHITECTS		CURRENT DATE / TIME
ARCHITECTS		ARCHITECTS		FEBRUARY 9, 2022 3:02:22 PM

LICENSING DETAILS FOR: C 35014	
NAME: HARPAIN, KJIRSTEN LEED+C	ADDRESS
LICENSE TYPE: ARCHITECT	1087 W 34th AVENUE
LICENSE STATUS: CURRENT	FRESNO CA 93711
PREVIOUS NAMES: BROSCH, KJIRSTEN LEED+C	FRESNO COUNTY
	MAP

**From:** [Matthew Boomhower](mailto:Matthew.Boomhower@boomhowerlaw.com)  
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**Cc:** [mchristian@aiacalifornia.org](mailto:mchristian@aiacalifornia.org)  
**Subject:** Public Comment - proposed regulation section 135  
**Date:** Wednesday, February 9, 2022 2:19:50 PM

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Ms. McDaniel and members of the California Architects Board,

Please accept this as a comment in opposition to proposed regulation section 135.

As a licensed architect (and attorney), I know how hard I worked to obtain my license and I appreciate that the California Architects Board (CAB) ensures the health, safety, and welfare of the public through the regulation of the practice of architecture within the state. I share CAB's desire to make sure the public is protected from unlicensed persons holding themselves out as having an architect's license when they do not; in fact, I report instances of this when I observe them. And that is the main issue I have with this proposed regulation; CAB already has the mandate to investigate and fine individuals who violate the practice act, and this proposed regulation puts the burden on those of us who have followed the rules and obtained our licenses instead of on the actual people the regulation is designed to protect the public from.

This regulation will force me to spend hundreds of dollars to update all of my print material, my website, and my social media profiles. If find it laughable that the estimated cost is \$100, I run a small firm and my costs will exceed that so I can only imagine the costs a larger firm will incur. Further, the proposed regulation does nothing to prevent an unscrupulous individual from claiming to have a license they don't possess. I would strongly support increased, proactive investigation and prosecution of unlicensed individuals; but I cannot support, and I hope the CAB does not institute a regulation that burdens license holders and does not actually make the public safer.

Sincerely,

**Matthew C. Boomhower, AIA, Esq.**

Boomhower Law, APC

858-395-8657

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**From:** [Scott Bartley](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Cc:** [Andy Hall](#); [Carissa Green](#); [Mark Christian](#)  
**Subject:** Proposed Regulation Section 135  
**Date:** Wednesday, February 9, 2022 2:49:03 PM  
**Attachments:** [PastedGraphic-5.tiff](#)

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[EXTERNAL]: [scott@hallandbartley.com](mailto:scott@hallandbartley.com)

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Dear Ms. McDaniel,

While I fully support the concept of protecting consumers from people using the title architect unlawfully I believe there are several issues with the rule as proposed. Those issues include the following:

1. The assumption that the cost of compliance with the new regulations will be up to \$100 is far from accurate. Even for my small firm the cost to update all business cards, stationary, websites etc. will far exceed that amount. We have looked at the cost in detail and they actual number will be closer to \$10,000 which is a huge financial impact to our firm.
2. There needs to be more clarity in the proposal to help us understand the what is involved and what is not. Does social media posts mean that every work related item I post to Facebook, for example, have to include my license number or my partners? I am concerned that a simple Facebook post which did not include my license number could raise the potential for an enforcement procedure against myself and my firm. And beyond that, the idea of broadcasting my license number out on social media gives me pause.
3. We are already required to include our license number on all proposals and contracts, so the public has that protection.
4. it would seem that rather than dealing with the real issue of enforcement the CAB is pushing the responsibility of enforcement back on those who are already performing their services in full conformance of the Practice Act.
5. I note that only 1 other state has this requirement, I think before it is adopted study needs to be done on the effectiveness of that regulation in that state.

Thank you for listening to my concerns.

Very truly yours,

Scott P. Bartley, AIA





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February 14, 2022

Kimberly McDaniel, Regulations Manager  
California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Email: kimberly.mcdaniel@dca.ca.gov

Dear Ms. McDaniel:

The Department of General Services (DGS), Division of State Architect (DSA) hereby submits comments to the California Architects Board (CAB) regarding the proposal to adopt Section 135 of Article 5, Division 2, Title 16 of the California Code of Regulations (CCR). DSA is an enforcement entity, within DGS, that performs architectural services as defined in the Architects Practice Act. (Bus. & Prof Code, § 5500.1, subds. (b)(1), (3) and (4)). DSA reviews construction plans and requires each plan reviewer to have a valid license issued by the CAB. DSA employs the State Architect and Associate, Senior, Supervising, and Principal Architects. DSA will be greatly affected by the proposed regulation. DSA respectfully recommends that the proposed regulation be amended to specifically exclude architects that work for state or local government, as is addressed in the comments below.

I. [Proposed] California Code of Regulation, section 135, subdivision (a)

The proposed regulation would require every architect, including those employed by DSA to include their name and license number in all forms of advertisement, solicitation, or other presentments made to the public in connection with rendition of architectural services, which requires a license under the Architects Practice Act.

Comment:

DSA architects supervise and review construction plans and specifications. These services are not provided through a contract or private agreements or any form of solicitation between DSA on one end and school boards or any member of the public on the other. These services are provided because DSA is charged by law to perform such services to make sure that construction plans comply with the California Building Standards Code. For example, DSA supervises, and reviews plans and specifications for public school construction pursuant to Education Code section 17280 *et seq.* and 81130 *et seq.*

In the Initial Statement of Reasons (ISOR), the CAB states that “By providing consumers with an architect name and license number on advertisements... the proposal will provide better consumer welfare and safety protection.” DSA as an enforcement entity maintains a high and stringent hiring standards and protocols to ensure not only consumer protection but the general public’s safety, health, and welfare. DSA hires and employs license and qualified architects to supervise and review construction plans. Such hiring standards and protocols make the proposed regulation an unnecessary and onerous expense and undertaking for DSA.

Furthermore, the ISOR also states, “...provides consumers with information they can use to identify licensed individuals *before consulting with or contracting for professional services.*” As abovementioned, DSA’s code compliance review of other design professional’s instruments of service is pursuant to its statutory authority to protect the health, safety, and welfare of those who visit, work, or attend California public schools. Such reviews are not through contracts or private agreements between DSA and the school district. Thus, DSA strongly believes that the CAB should revise the language of the proposed regulation to exclude DSA or jurisdictional entities performing architectural services as required by law.

## II. [Proposed] California Code of Regulation, section 135, subdivision (b)

The proposed regulation provides that a business entity that employs two or more architects, would satisfy the requirements of subdivision (a), if the business entity’s advertisement, solicitations, or presentments to the public include the name and license number of at least one architect who is in management control of the business and either owner, part-owner or officer or an employee of the business.

### Comment:

The proposed regulation is confusing on whether it applies to jurisdictional entities such as DSA. The proposed regulation’s use of the word “business entity” seems to indicate an entity that offers, solicits, or contracts architectural services with members of the general public. As explained above, this is not the case with DSA. DSA was created under the Field Act of 1933 and charged with establishing and enforcing safety standards for facilities constructed on public school campuses. DSA is not a “business entity” that solicits or contracts architectural services from the public or from school districts. It is an enforcement entity charged by law to enforce California Building Standards Code for projects under its jurisdiction. Proposed section 135(b) eases the

requirements of proposed section 135(a) for businesses that employ many architects. DSA believes that proposed section 135(b) may not apply to DSA; therefore, the requirements of proposed section 135(a) would apply to every architect employed by DSA and would be onerous to DSA. DSA strongly believes that the CAB should revise the language of the proposed regulations to exclude State and local jurisdictional entities performing architectural services as required by law.

V. Conclusion

DSA respectfully recommends that the proposed regulation be revised to address the above comments and proposals.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ida Antoniulli Clair', with a stylized, cursive script.

Ida Antoniulli Clair, AIA  
LEED®AP BD+C, CASp  
State Architect  
Division of State Architect.

**From:** [doug@jhwarch.com](mailto:doug@jhwarch.com)  
**To:** [McDaniel\\_Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** proposed rule to require listing architect's license number on advertising  
**Date:** Wednesday, February 16, 2022 7:46:43 PM

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[EXTERNAL]: [doug@jhwarch.com](mailto:doug@jhwarch.com)

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February 16, 2022

Kim McDaniel, Regulations Manager  
California Architects Board  
2420 Del Paso Rd. #105  
Sacramento, California 95834

**Subject:** February 18, 2022 Public Comments regarding proposed rule to require listing architect's license number on advertising, etc.

Ms. McDaniel,

Please include my comments below in the record for the meeting this Friday.

Being licensed for almost 35 years, I have run across numerous advertisements, websites, and so forth, with references to an "architectural designer" or similar description. It is easy enough to bring those to the Board's attention, as I have, or to notify the person who is often simply unaware of the illegality. Most people intend to maintain good business practices to build a reputation in a given location, and have no intent to break the law. The few that don't spoil it for everyone else. This proposed rule is example of very few bad actors potentially making life more difficult for the many.

It's important to contrast the two main types of unlicensed individuals working in our field. The first type are honest, albeit ignorant of the rules, often because they have never read the Architects' Practice Act, because they are not architects nor intend to pursue licensing, and are happy to comply to with the law once it's pointed out. The second type are cheats and liars who will continue to try to subvert the law, regardless of the rules, even to their own detriment. There is a third category who are licensed to practice architecture elsewhere, and identify themselves verbally as small -"a" architects. They are usually aware of typical state license rules, and generally careful to make sure their clients are aware of their unlicensed status in California. The place you can fix most of the problems is in education through local jurisdictions, such as "signs" on building department websites or physical counters.

Regarding the proposal, it is said that, statistically, only about 3% of the population will ever hire an architect, either for themselves, or on behalf of an organization they are a part of. The converse is that 97% of the population doesn't need to be protected any more than they already are. And I would argue that by far and away, most of the 3% are not affected by the bad actors, the liars and cheats. The "consumer" needing protection in this case is likely a very small fraction of a percent of the population. CA CAB is tasked with enforcing the code

against those bad actors, so it may seem like a big deal from inside, but from out here, it's not.

1. It is easy to see that the proposed rule will not increase consumer protection in any measurable way. The current requirements to identify the architect on contracts is sufficient to protect the people who are directly affected by the architect's work, and assure them that the person is actually licensed. Further, it would be a rare case that someone hiring an architect does not have access to the CA CAB website to check a person's license, and many clients and potential clients will do just that, even if only through Google and a few clicks.
2. I agree with the CCAIA that publishing my license number in globally accessible websites will only make it easier for a cheater to find and try to use my number. Of course, my number is already out in the public domain on the CA CAB website, but it doesn't have to show on Yelp.
3. There are many web listings by companies like Yelp that do not have to ask for permission; they just repeat publicly available information on a search page where they can get advertising revenue. It is absolutely impossible for a person or firm to monitor where they may be "advertising" without their knowledge or consent, and whether that advertisement has all the required information on it, so any such rule will be unenforceable.
4. Adding information to printed materials will require a lot of new printing, and a lot of waste, too. Printing quotes for my firm from last year were about \$0.42 per page for letterhead, in a volume of 1000 pages, and \$0.56 per card for business cards in a quantity of 500. For a very small firm like ours, with only one architect, those two things represent a \$700 expense, to say nothing of the cost to modify the rest of the printing/advertising most firms have, including jobsite signs, and so forth. All told, it could be well into thousands of dollars for a lot of companies. This not a reasonable burden to place on firms to address an issue that will provide no benefit to the firm or the licensed person, and no tangible consumer protection beyond current law.

If this rule is adopted anyway, it must be extremely focused, exclude all web listings and social media, and include only key items that a given firm has complete and direct control over. Even then, it would not prevent the liars and cheats from making up a number and using that to fool a potential client, just as they do now.

Thanks,

Douglas Roberts

Principal Architect

**JHW Architects, Inc.**

2400 Garden Rd, Suite C

Monterey, Ca 93940

831-649-1701

doug@jhwarch.com

**From:** [Allison Shawn Conley](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Comment on Proposed Regulation Section 135  
**Date:** Thursday, February 17, 2022 12:08:39 PM

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[EXTERNAL]: [alli.conley@gmail.com](mailto:alli.conley@gmail.com)

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Ms. Kim McDaniel,

I'm writing to share comments on proposed regulation to require architects to include their name and license number on "all forms of advertisement, solicitation, or other presentations made to the public in connection with the rendition of architectural services ... including any advertisement, card, letterhead, telephone listing, Internet Web site, written solicitation to a prospective client or clients, or contract proposal."

Please do not move forward with this added regulation on licensed architects. The assumptions included in this regulation are highly inaccurate and place additional burden on an already overburdened profession. The AIA intends to present a list of points in opposition to this regulation -- I concur and support all of their comments and will not repeat them here. I'd simply like to add: legally practiced architecture is among the least profitable, most highly regulated professions in existence. Adding further unthoughtful regulation on law-abiding practitioners hurts the profession while having little effect on bad actors. Please focus your efforts directly on unlicensed practice in ways that do not directly create further hardship on all of the licensed practitioners the Board should be supporting.

Sincerely,

Allison

**From:** [Brandan Podesta](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Regulations effecting adverstising  
**Date:** Thursday, February 10, 2022 8:07:28 AM

---

[EXTERNAL]: [bpodesta@podestaconstruction.com](mailto:bpodesta@podestaconstruction.com)

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Hi Kimberly

My name is Brandan Podesta, and I am a second-generation contractor in the Bay Area. I grew up in construction and I've seen firsthand how professionals and non-professionals can make (professional) or literally break (non-professional) a project.

I have been on projects where a homeowner is stuck correcting work designed by non-licensed individuals. Its heartbreaking. The number one comment I always get is; "how is this legal?"

I made a slight change to my career 10 years ago at the age of 32 and decided to get my master's degree in architecture in pursuit of becoming a licensed architect, which I did almost 3 years ago. I did this for the credibility of the industry, and to give my clients the confidence they hired someone professional.

When a homeowner (client) first enlists a design professional, the burden of proof of professionalism falls on the company hired. There are too many firms stating and advertising as 'architectural designers', or 'interior architects,' when the truth of the matter is that they aren't architects, and do not have a licensed individual on staff.

We see disclaimers in advertising every day on TV, print, and the web. When a company is selling a product there is usually a disclaimer saying "we are not licensed (accountants, attorneys, etc.) so please seek professional advice. I don't see why this regulation is putting the burden on licensed individuals opposed to unlicensed individuals. The reality is that unlicensed individuals selling their services as "architectural" anything should also put disclaimers saying they aren't architects. Not the other way around.

There will always be the argument between doctors, attorneys, and architects about who studied their craft longer. Attorney and doctors aren't required to put their license # on every piece of communication. So why is this regulation requiring architects to do so?

I am opposed to this.



Thanks!

**Brandan Podesta, | Architect, AIA**

Podesta Construction Inc.

344 Connecticut St.

San Francisco, CA 94107

(415) 642 1600 Ext. 150

[bpodesta@podestaconstruction.com](mailto:bpodesta@podestaconstruction.com)

[www.PodestaConstruction.com](http://www.PodestaConstruction.com)

**From:** [Cameron Hempstead](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Regulations Affecting Architect Advertising  
**Date:** Thursday, February 10, 2022 8:30:19 AM

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[EXTERNAL]: [CHempstead@hga.com](mailto:CHempstead@hga.com)

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Hi Kim,

I am a licensed architect in the State of California and I strongly disagree proposed regulation section 135. I have included reasons below on why I disagree.

- The assumption that updating marketing materials (business cards, letterhead, website updates) may cost up to \$100 is not accurate. These costs will be higher.
- This will make it easier to steal and illegally use an architect's license number.
- Focusing on the non-licensed individuals who illegally call themselves architects would protect consumers
- The proposed regulation has a lack of clarity on what it covers; the real world implications are not yet known or understood. For example, how do architects comply when making social media posts about projects?
- This proposed regulation, intended to protect consumers from unlicensed practice, puts all responsibility of compliance on licensed architects.
- Only one other state has this requirement, as it does not increase consumer protection.

Sincerely,

Cameron Hempstead  
(she/her/hers)  
Project Architect | Senior Associate

HGA  
222 Sutter Street, Suite 500  
San Francisco, CA 94108  
D 415.814.6929 | M 408.398.1195  
[hga.com](http://hga.com)

Chandra Baerg AIA, LEED AP  
California Lic #C-38263  
1770 Massachusetts Ave #169  
Cambridge, MA 02140

Friday, February 4, 2022

FEB - 8 2022

Attn. Kimberly McDaniel  
Attn. Idris Ahmed  
California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834

Dear California Architects Board,

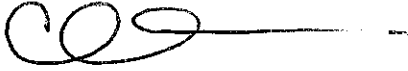
I am writing to oppose the adoption of section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR). Having personally witnessed an unethical company with owners that to this day purposefully misrepresent themselves as architects practicing architecture, being published and giving interviews, in which they are represented as architects, I am very concerned that the public and the profession be protected from this type of grift. I do not believe however that forcing registered architects to bear the burden is the appropriate course of action. Any company, group or individual providing services that resemble the practice of architecture but are not licensed to do so ought to be required to provide a disclaimer, indicating on their marketing materials, to the public and to the press, that they are not architects and that they are not qualified to act in the capacity of architects, that they are not practicing architecture. The State ought to go after offenders rather than put the burden on those of us that are qualified to practice. Further reasons are outlined below:

1. The legislation affects all architects working in all scales and types of practice. The legislation is particularly complicated to implement with large firms, national firms and international firms. A NY firm advertising in CA for work would have to post the CA license number of their staff person/principal. Whose license number goes on the "advertising media"? If every state used this rule and you're licensed in multiple states, you would need a very large business card/letterhead to include all the license numbers from all the states multiplied x the various licensed individuals. Licenses are given to individuals not to firms, but if firms advertise, they'll have to put an individual's license number on the advertisement.
2. CAB has completely underestimated the costs to firms for reprinting cards, website and social media pages, etc.
3. CAB itself doesn't know how they're going to "regulate" social media posts. Does every Instagram post have to have "#C-license number" on it? As you might imagine, a lot of self-promotion happens through social media. Similarly, CAB has no way to manage a third party's promotion of your work so bad actors can get others to do the promotion as a workaround.
4. CAB is putting the burden on compliant individuals rather than on non-compliant individuals. There are potentially hefty fines awaiting architects who make a misstep. If you receive a citation it stays on your permanent record. This can have negative implications for obtaining work.
5. CAB's basis for pursuing the legislation is a shaky survey they did several years ago which resulted in a small sample of responding architects (appx. 1,000 out of 22,000 licensed in the state). Of the respondents, 64% supported - this means that the basis for their pursuit is appx. 640 architects. This does not pass scientific muster. AIACA has asked to see the survey, review the questions, etc.

6. CAB's notice is incorrect regarding finding out if someone is licensed - it's very easy to do and takes less than a minute.

7. I think there are many, many other things that CAB can do instead which will help rectify the problems of unlicensed individuals before putting a huge burden - and professional risk - on architects.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'C' followed by a horizontal line that ends in a small flourish.

Chandra Baerg AIA, LEED AP

**From:** [Chris Texter](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Section 135  
**Date:** Thursday, February 17, 2022 8:53:52 AM

---

[EXTERNAL]: [ctexter@ktgy.com](mailto:ctexter@ktgy.com)

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To: Kim McDaniel, Regulations Manager,  
California Architects Board

I am writing this letter stating my opposition to the proposed CAB rule Section 135 requiring licensed architects to include their name and license number in all forms of advertisement.

I understand the rule is to protect the general public from UN-licensed individuals providing architectural services. This rule does nothing to achieve that goal. It places all the burden on licensed architects practicing legally instead of focusing on the unlicensed.

The proposed regulation does not even consider the complexities of advertising in this digital world. Facebook, LinkedIn, Instagram, Twitter all forms of digital social media platforms that are borderless, global and that can be reposted by others, are not even contemplated with this regulation.

The proposed regulation does not consider larger firms that have multiple licensed architects, multiple offices in different states.

It does not consider the privacy of the licensed architect, making it convenient and easy for anyone to steal and use a person's personal information, name and license number.

This proposed regulations puts more unnecessary regulation and burden on licensed, legally practicing architects. Now they can be fined for an advertisement while some unlicensed individual continues to provide architectural services unpunished?

This rule misplaces the regulation and penalty. This proposed regulation is ill conceived, and does nothing to stop unlicensed individuals from illegally practicing architecture.

Licensed architect, opposed to this Section 135 rule,

**Chris S. Texter AIA, LEED AP**  
Principal

**KTGY**  
Architecture | Branding | Interiors | Planning

17911 Von Karman Avenue, Suite 200  
Irvine, CA 92614

949.221.6260 Direct  
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949.246.3300 Cell

Received

FEB - 7 2022

CHR DAUER

ChrDAUER | ARCHITECTS

California Architects Board

1 ARKANSAS STREET D2  
SAN FRANCISCO CA 94107

TEL: 415 431 5518  
FAX: 415 861 5095

CHR@CHRDAUER.COM  
WWW.CHRDAUER.COM

2/4/22

California Architects Board 2420 Del Paso Road Suite 105 Sacramento, CA 95834

Re: **LETTER OF OPPOSITION** regarding Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations ("CCR 135")

Dear Sir/Madam

I am writing you to communicate my **opposition** to the adoption of CCR 135. My reasons are listed below.

1. Even though the problem of unlicensed individuals occurs at the small office/residential design scale, the legislation affects all architects working at all scales and types of practice. The legislation is particularly complicated to implement with large, national, and international firms. For example, would a New York firm advertising in CA be required to post the CA license numbers of all licensed staff? Just principal? Who's license number goes on the "advertising media"? If every state used this rule and you're licensed in multiple states, one would need quite a large business card/letterhead to include all the license numbers from all the states multiplied by the various licensed individuals. Additionally, **Licenses are given to individuals not to firms**. If firms advertise, and if CCR 135 is adopted, and an individual's or multiple individuals license number(s) are required to be recorded, this potentially increases the legal liability for the individual (at the very least in the public's eye).

2. It is unclear how CAB would "regulate" advertising such as social media posts. Does every Instagram post have to have "#C-license number" on it? As you might imagine, a lot of self-promotion happens through social media. How would CAB manage/enforce a third party's promotion of your work? This seems like a major loophole in which unlicensed bad actors could easily work-around the rules by engaging another party to promote their work.

3. CAB is putting the burden on compliant individuals rather than on non-compliant individuals. There are potentially hefty fines awaiting architects who make a misstep. If you receive a citation it stays on your permanent record. This can have very large negative implications for obtaining work.

4. CAB's basis for pursuing the legislation is a non-comprehensive survey completed several years ago which resulted in a small sampling of responding architects (approx. 1,000 out of 22,000 licensed in the state). Of the respondents, 64% supported this change of rules (that's only 640 out of 22,000 architects). Sounds like bad science to me.

5. CAB has stated that it is very difficult to verify an individual's license. I do not believe this is true. It took my elderly mother 2 minutes to check mine. If in-fact others do have difficulty, then I suggest rather than create new hurdles for law abiding registered architects to follow, CAB revamp its existing website and telephone representative process to better communicate licensing status to the general public.

6. I firmly believe that there are many, many alternatives that CAB can implement that will help rectify the problems of unlicensed individuals before putting the burden and professional risk on licensed architects.

7. Lastly, as a small office owner I will say that CAB has completely underestimated the costs to firms for reprinting cards, re-fabricating job signs, revising websites, updating social media posts, etc.

I respectfully encourage CAB to reconsider the adoption of CR 135.

Sincerely yours,



Christian Dauer  
Principal, Dauer Architect PC dba ChrDAUER Architects

**From:** [Don Tomasi](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Cc:** [David Delasantos](#); [Jason Brabo](#); [Carl Servais](#)  
**Subject:** Proposed Regulation Section 135  
**Date:** Thursday, February 10, 2022 8:54:58 AM

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**[EXTERNAL]:** [don.tomasi@tlcd.com](mailto:don.tomasi@tlcd.com)

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Kimberly: Please forward my comments on to the CAB:

I strongly oppose the proposed Regulation Section 135 for the following reasons:

- This puts an undue burden on architectural firms.
- It creates confusion in that most employees will have both their name and the name of an architect with “management control” on the same business card, letterhead, etc.
- A consumer who hires an unlicensed architect is highly unlikely to understand that an architect’s license number needs to be included on the various documents referenced in Section 135, effectively rendering this proposed regulation ineffective.

Respectfully Submitted,  
Don Tomasi, AIA

**DON TOMASI**, AIA, LEED AP, NCARB  
Principal

**TLCD** ARCHITECTURE  
[tlcd.com](http://tlcd.com) | [LinkedIn](#) | [Facebook](#) | [Twitter](#)

520 Third St. #250  
Santa Rosa, CA 95401  
d: 707.535.5267  
o: 707.525.5600



**From:** [Mark Christian](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel, Kimberly@DCA)  
**Cc:** [Zuniga, Laura@DCA](mailto:Zuniga, Laura@DCA); [Tian Feng](#)  
**Subject:** Public Comment on Proposed CCR 135  
**Date:** Friday, February 18, 2022 7:43:29 AM  
**Attachments:** [image001.png](#)  
[AIA CA Letter on Proposed CCR 135.pdf](#)

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[EXTERNAL]: [mchristian@aiacalifornia.org](mailto:mchristian@aiacalifornia.org)

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Good Morning Kim.

Attached please find comments from AIA California and several local AIA Chapters on the proposed regulation on Architectural Advertising, CCR 135.

Thank you.

Best,



**Mark Christian, Hon. AIA CA | Director of Government Relations**  
**American Institute of Architects, California**  
1931 H Street Sacramento, CA 95811  
phone: (916) 642-1708 | web: <http://www.aiacalifornia.org>  
follow us on [Twitter](#) and [Facebook](#)

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 **San Francisco**

 **Central Valley**

 **San Fernando Valley**

 **San Diego**

 **California Desert**

 **Orange County**

 **Redwood Empire**

 **East Bay**

 **Santa Barbara**

 **Long Beach/South Bay**

 **Silicon Valley**

 **California Central Coast**

February 18, 2022

Tian Feng, FAIA  
President, California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834

**Regarding: Request for Hearing on Proposed CCR 135**

Dear President Feng:

The above components of the American Institute of Architects (AIA) respectively ask the California Architects Board (CAB) to hold another public hearing on the proposed advertising regulation CCR 135. The growing awareness of CCR 135 among licensed architects has caused significant concern to be expressed about the assumptions made regarding the proposed regulation, the impact it will have on licensed architects, and the presumed benefit to the public.

Concerns raised by our Members include:

**Assumed Marketing Costs of \$100**

The Initial Statement of Reasons assumes “licensees needing to update existing marketing materials (i.e. business cards, letterhead, contracts, forms, etc.) may incur one-time set-up printing costs up to \$100.”

We have been told by our Members that these costs will exceed the assumed \$100. The cost to design and print new business cards and letterhead, and other marketing materials (i.e. monographs, brochures, etc.) will be significantly higher than \$100. Additionally, we assume

[The American Institute of Architects](#)

AIA California  
1931 H Street  
Sacramento, CA 95811  
T (916) 448-9082  
F (916) 442-5346

[www.aiacalifornia.org](http://www.aiacalifornia.org)

the business cards of non-licensed staff of architectural firms would have to be redesigned and reprinted, which further drives up the cost-per-architect assumption.

### **Focus on Unlicensed Individuals**

This proposed regulation was formed during discussions on how to protect consumers from unlicensed individuals. We believe exploring steps to stop the illegal advertising of architectural services by unlicensed individuals should remain the focus of the CAB in protecting consumers from services being offered illegally by unlicensed individuals. CCR 135 attempts to protect consumers from unlicensed individuals by solely placing a new requirement on licensed architects, subject to disciplinary action and fines for failure to follow the proposed advertising regulation.

### **CCR 135 Lacks Clarity**

Licensed architects would be expected to fully comply with the proposed advertising regulation or be subject to disciplinary action and fines. Some forms of advertising clearly fall within the scope of CCR 135, such as business cards and letterhead; each of these would have to include the name of a licensed architect and a license number. However, there is a lack of clarity of how it applies to other forms of “advertisement, solicitation, or other presentments made to the public.” For example, would all emails from an architect’s work email have to include the architect’s license number, or all social media posts about a project have to include a license number? We believe any regulation covering the advertising and marketing of architectural services, and how it will be enforced, should be fully defined and explained before it is adopted.

### **Could Encourage the Illegal Use of a License Number**

As we have seen with general contractors, those who illegally offer and provide contractor services routinely use false contractor license numbers, either a number that is randomly generated or one that is stolen from a licensed contractor. Furthermore, by the widespread advertising of license numbers on electronic and printed material, we are concerned CCR 135 will result in the same with the illegal offering of architectural services.

To be clear, we fully support the primary purpose of the CAB, to protect consumers. However, we question if CCR 135 will accomplish its anticipated benefit to consumers as expressed in the Initial Statement of Reasons. It is for this reason we ask the CAB to hold another public hearing on the proposed CCR 135.

**From:** [Drew Weigl](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Cc:** [Carissa Green \(cgreen@aiare.org\)](mailto:Carissa.Green@aiare.org)  
**Subject:** Comment Letter on CCR 135 from AIA Redwood Empire  
**Date:** Friday, February 18, 2022 8:00:28 AM  
**Attachments:** [CAB CCR 135 Comment Letter AIARE 220218.pdf](#)

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[EXTERNAL]: [dweigl@axiaarchitects.com](mailto:dweigl@axiaarchitects.com)

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Kimberly-

You will find our comment letter regarding CCR 135 from the American Institute of Architects Redwood Empire Chapter attached. Thanks.

Drew Weigl, AIA, LEED AP BD+C  
Director of Sustainability



540 Mendocino Ave  
Santa Rosa, CA 95401  
C: 806.239.5678  
O: 707.542.4652  
[axiaarchitects.com](http://axiaarchitects.com)

*Please note AXIA Architects is working remotely. For urgent matters please contact me on my cell phone directly.*



**February 18, 2022**

**Tian Feng, FAIA, FCSI**  
**President**  
**California Architects Board**  
**2420 Del Paso Road, Suite 105**  
**Sacramento, CA 95834-9673**

**Regarding: Request for Hearing on Proposed CCR 135**

Dear President Feng:

The American Institute of Architects (AIA) Redwood Empire chapter respectfully asks the California Architects Board (CAB) to hold another public hearing on the proposed advertising regulation CCR 135. The growing awareness of CCR 135 among licensed architects has caused significant concern to be expressed about the assumptions made regarding the proposed regulation, the impact it will have on licensed architects, and the presumed benefit to the public.

Concerns that have been raised by our Members include:

**Assumed Marketing Costs of \$100**

The Initial Statement of Reasons assumes “licensees needing to update existing marketing materials (i.e. business cards, letterhead, contracts, forms, etc.) may incur one-time set-up printing costs up to \$100.”

We have been told by our Members that these costs will exceed the assumed \$100. The cost to design and print new business cards and letterhead, and other marketing materials (i.e. monographs, brochures, etc.) will be significantly higher than \$100. Additionally, we assume the business cards of non-licensed staff of architectural firms would have to be redesigned and reprinted, which further drives up the cost-per-architect assumption. We also have concerns that the business cards of unlicensed individuals will then be required to have license numbers, which is at odds with the Architects Practice Act.

**Focus on Unlicensed Individuals**

This proposed regulation was formed during discussions on how to protect consumers from unlicensed individuals. We believe exploring steps to stop the illegal advertising of architectural services by unlicensed individuals should remain the focus of the CAB in protecting consumers from services being offered illegally by unlicensed individuals. CCR 135 attempts to protect consumers from unlicensed individuals by solely placing a new requirement on licensed

[The American Institute of Architects](http://www.aia.org)

AIA Redwood Empire  
P.O. Box 4178  
Santa Rosa, CA 95402-4178

[www.aiare.org](http://www.aiare.org)

architects, subject to disciplinary action and fines for failure to follow the proposed advertising regulation.

#### CCR 135 Lacks Clarity

Licensed architects would be expected to fully comply with the proposed advertising regulation or be subject to disciplinary action and fines. Some forms of advertising clearly fall within the scope of CCR 135, such as business cards and letterhead; each of these would have to include the name of a licensed architect and a license number. However, there is a lack of clarity of how this applies to other forms of “advertisement, solicitation, or other presentments made to the public.” For example, would all emails from an architect’s work email have to include the architect’s license number, or all social media posts about a project have to include a license number? We believe any regulation covering the advertising and marketing of architectural services, and how it will be enforced, should be fully defined and explained before it is adopted.

#### Could Encourage the Illegal Use of a License Number

As we have seen with general contractors, those who illegally offer and provide contractor services routinely use false contractor license numbers, either a number that is randomly made up, or one that is stolen from a licensed contractor. We are concerned CCR 135 will result in the same with the illegal offering of architectural services. Additionally, we are concerned that the real license number of architects will be stolen and used by those illegally offering architectural services.

To be clear, we fully support the primary purpose of the CAB, to protect consumers. However, we question if CCR 135 will accomplish its anticipated benefit to consumers as expressed in the Initial Statement of Reasons. It is for this reason we ask the CAB to hold another public hearing on the proposed CCR 135.

Sincerely,



Drew Weigl, AIA, NCARB, LEED AP BD+C  
AIACA Director  
AIA Redwood Empire

On Behalf of the Board of Directors of AIA Redwood Empire

February 11, 2022

Kim McDaniel, Regulations Manager  
California Architects Board  
2420 Del Paso Rd. #105  
Sacramento, California 95834  
Email: kimberly.mcdaniel@dca.ca.gov

**RE: Opposition to Proposed Regulation CCR Section 135**

Dear Members of the California Architects Board (CAB):

This letter transmits the written comments of the AIA Central Valley (AIACV) Chapter Board of Directors for the rulemaking record regarding opposition to the proposed regulation that would establish Section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations.

This proposed regulation would require architects to include their license numbers on all forms of advertising, soliciting, or other presentments to the public. The AIACV supports the CAB's efforts to protect the health, safety and welfare of the public. However, it opposes the adoption of this regulation for the following reasons:

1. The Initial Statement of Reasons (ISOR) is inadequate. To facilitate the CAB responding to our written comments prior to your acting on the regulation, we have provided a notated copy of the ISOR as an attachment to this letter.

Perhaps the most serious deficiency in the ISOR is its lack of a clear problem statement (ISOR Comment #2) leading some of our members to conclude that the impetus for this regulation is that the CAB must take an action to address a 2019-21 Strategic Plan Objective.

Another serious deficiency in the ISOR is its lack of underlying data. (ISOR Comment #12).

2. It is repeatedly stated in the ISOR that architects are not currently required to provide their name and license number on advertisements, solicitations, or presentments made to the public. This is not correct. Architects are already required to provide their license numbers in written proposals (i.e., solicitations) and contracts.
3. It is repeatedly stated in the ISOR that consumers are unable to check the license number of an architect to determine if the license is in good standing before consulting or contracting with that architect. This is not correct. Consumers can already use the CAB website to confirm whether an individual has a license in good standing. An architect's license number is not required to access the site. Adoption of the regulation will not better protect the health, safety and welfare of the public precisely because it will more widely and publicly circulate license numbers. Architects are already required to include their license on written proposals and contracts and the CAB already has an easy-to-use interface that allows

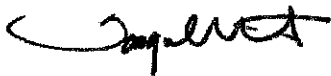
consumers to check the license number of an architect and determine if they are in good standing. Indiscriminate circulation of architects' license numbers in both the real and virtual world will lead to the mis-appropriation and mis-use of license numbers.

4. It is stated several times in the ISOR that architects will benefit from the regulation because it will help distinguish licensed architects from unlicensed individuals on the internet. This statement appears to be based on an assumption stated in the CAB meeting minutes that architects will be better able to get platforms to correctly include their license numbers. This is not only an unreasonable assumption but is also an unreasonable transfer of a CAB responsibility to individual licensed architects. Architects protect the health and safety of the public by using their training and experience to provide architectural services. It is the responsibility of the CAB to regulate and discipline individuals and entities that market, or facilitate the marketing of, architectural services to consumers by unlicensed individuals.
5. In the CAB meeting minutes, it is frequently stated that the intent of the proposed regulation is not to negatively impact licensed architects but that its intent is to ensure unlicensed individuals are not advertising themselves as architects. However, in Notice of the Proposed Rulemaking issued on December 20, 2021, it is stated that the Board is authorized to issue a citation and a fine up to \$5,000 to licensed architects who fail to comply with the regulation.

While it is stated that the issuance of such a citation would only occur after multiple warnings, there is nothing in the regulation that assures this. Additionally given the internet's tendency to keep outdated information online forever, the potential damage/stain to an architect's 'permanent' record must be considered.

AIACV takes issue with the CAB's outreach on the proposed regulatory action being sent only to CAB's voluntarily subscribed listserv for CAB legislation announcements, instead of the CAB licensee listserv. If CCR Section 135 is approved for adoption, we request that the CAB, in accordance with Government Code Section 11346.4 (a) (4), email the requirements and effective date of the regulation to licensees at the email addresses provided when they most recently renewed their license.

Thank you for your consideration of our comments and our request.



Jacqueline Whitelam, AIA  
AIA Central Valley Civic Engagement Team Chair



Laura Knauss-Docous, AIA, Principal | Lionakis  
AIA Central Valley Vice President



**From:** [JoAnn Brookes](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel, Kimberly@DCA)  
**Subject:** Comment regarding Section 135  
**Date:** Sunday, February 13, 2022 8:20:08 PM

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[EXTERNAL]: joannbrookes@gmail.com

CAUTION: THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CONSUMER AFFAIRS!  
DO NOT: click links or open attachments unless you know the content is safe.  
NEVER: provide credentials on websites via a clicked link in an Email.

.....  
I am writing to express my concern for the rule changes to Section 135. While I believe that an architect should provide a license number that easily confirmed, i do not believe that placing this number on advertising or communications will actually prevent fraud. From my understanding, fraud is not very common, and providing this information will not eliminate the problem.

Thank you.

JoAnn Brookes

**From:** [John P. Hamilton, AIA - Hamilton Architects, INC](mailto:John.P.Hamilton.AIA@HamiltonArchitects.INC)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Proposed Regulation Section 135  
**Date:** Tuesday, February 15, 2022 7:34:58 PM

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[EXTERNAL]: [jph@hamiltonarchitects.net](mailto:jph@hamiltonarchitects.net)

**WARNING:** This message originated from the public internet. Do not open attachments unless you recognize the sender.

Mrs. McDaniel,

Please take this email as my vehement displeasure with the proposed regulation, it is onerous and arduous for no reason, as anyone can easily access my licensee information through the State's own website. No one needs or wants this type of over reach.

Best,

John Hamilton, AIA  
Hamilton Architects, Inc.  
12240 Venice Blvd. #25  
Los Angeles, CA 90066  
(310) 398 – 1500 Office  
(310) 383 – 5747 Cell

**From:** [Noam Maitless](mailto:Noam.Maitless)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Please reject CAB Proposed Regulation 135  
**Date:** Tuesday, February 15, 2022 7:02:29 PM

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[EXTERNAL]: maitless@me.com

**WARNING:** This message originated from the public internet. Do not open attachments unless you recognize the sender.

Ms. McDaniel,

I'm writing to express my opinion on CAB Proposed Regulation Section 135. I believe this regulation, as constructed, is problematic for the following reasons:

- The assumption that updating marketing materials (business cards, letterhead, website updates) may cost up to \$100 is not accurate. These costs will be higher;
- This will make it easier to steal and illegally use an architect's license number;
- Focusing on the non-licensed individuals who illegally call themselves architects would protect consumers;
- The proposed regulation has a lack of clarity on what it covers; the real world implications are not yet known or understood. For example, how do architects comply when making social media posts about projects?;
- This proposed regulation, intended to protect consumers from unlicensed practice, puts all responsibility of compliance on licensed architects;
- Only one other state has this requirement, as it does not increase consumer protection.

I would urge the Board to focus on protecting public safety by focusing on regulating the title of 'architect' and helping to ensure the market is clear about what values - and value - licensed architects bring to the community, instead of placing additional burdens on professionals-constraints whose consequences have not been fully vetted. Please reject Proposed Regulation 135. Thank you for your time.

Yours Sincerely,  
Noam Maitless

AIA, RAIA, NCARB, LEED® AP BD+C  
*Registered Architect, CA (C32673) ACT, Australia (2716)*

**From:** [Onju Updegrave](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Opposition to Proposed Regulation Section 135  
**Date:** Wednesday, February 16, 2022 6:39:27 PM

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[EXTERNAL]: [onju@onju.net](mailto:onju@onju.net)

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Kim McDaniel, Regulations Manager  
California Architects Board  
2420 Del Paso Rd. #105  
Sacramento, California 95834

Kim McDaniel,

I am writing to express my opposition to the proposed regulation 135. This is a not a helpful tool for rooting out non-licensed individuals, and seems more like a tool to burden and punish licensed architects.

- The \$100 cost being presented as the cost for updating marketing materials is ludicrously low. This alone should kill this proposal.
- With all the complexity social media these days, there is simply not clarity about how this will applied.
- This proposal will make it easier for our license numbers to be stolen and misused.
- It seems absurd that a firm with multiple principles and architects must choose one person whose license number will be printed on marketing materials. This would be like asking a medical practice to choose one doctor's license to represent the entire practice.

I urge not moving forward with this misguided effort curtail non-licensed individuals. This regulation is more likely to burden and generate fines from licensed architects than prevent misrepresentation by non-licensed individuals.

Sincerely,  
Onju Updegrave

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Onju Updegrave, Architect  
Email: [onju@onju.net](mailto:onju@onju.net)  
Ph : 415-457-7788  
Fax: 415-457-7747  
110 Deer Hollow Road  
San Anselmo, CA 94960  
[Houzz Web Site](#)

[www.onju.net](http://www.onju.net)

**From:** [Clair, Ida@DGS](mailto:Clair_Ida@DGS)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Comment on Section 135  
**Date:** Monday, February 14, 2022 12:32:07 PM  
**Attachments:** [image001.png](#)  
[DGS-DSAcomment.pdf](#)

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[EXTERNAL]: [Ida.Claire@dgs.ca.gov](mailto:Ida.Claire@dgs.ca.gov)

**WARNING:** This message originated from the public internet. Do not open attachments unless you recognize the sender.

Ms. McDaniel-

Please accept the attached as comment on the proposed rule CCR Section 135. Thank you.

**Ida Antonioli Clair, AIA**  
LEED®AP BD+C, CASp  
State Architect

**Division of the State Architect**  
State of California » Department of General Services  
Headquarters  
1102 Q Street, Suite 5100  
Sacramento, CA 95811  
[www.dgs.ca.gov/dsa](http://www.dgs.ca.gov/dsa)  
**Phone** 916.322.2490  
**Mobile** 916.661.0308  
**Email** [ida.clair@dgs.ca.gov](mailto:ida.clair@dgs.ca.gov)



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Via USPS Mail

9 February 2022

**Proposed regulation section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations**

To Whom It May Concern:

I am writing in regard of the proposed regulation section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations. While I agree with the intent of the proposed regulation to help protect the public from "bad actors", I strongly oppose the proposed regulation as it places the burden on already compliant individuals rather than those who are not compliant. If the intent is to expose those who are not licensed and keep them from harming the public, the regulation should be directed and aimed at them and not legally practicing architects.

Those who are not licensed should state on their marketing materials that they are NOT licensed. This would better serve the public. To say that it is difficult to check to see if an individual is licensed couldn't be more false. In fact, it couldn't be easier to check if a person is licensed. A simple google search of "California architect license lookup" quickly reveals the CAB website in 0.63 seconds or less depending on your internet connection where an individual can easily check the status of a licensee. Google even fills in the search keywords while you are typing as it is apparently done often.

To state that it won't cost architecture firms very much to do modify their marketing materials, couldn't be more wrong. Marketing is expensive!!! Requiring that legally practicing architects to acquire all new marketing materials is expensive and could have potentially devastating effects on some small businesses. Why do legally practicing architects need to pay for the bad deeds of others? While it might seem like this would help to protect the public, it doesn't actually do much of anything other than add more financial burdens to Architects already legally licensed. When one calls him/herself an architect it is implied that the he/she has satisfied the state requirements to become licensed. This doesn't stop an individual from simply placing a fake license number on their business card, one who is already acting illegally to begin with. It would better serve the public for those who are not licensed to state it on their marketing materials that they are **NOT LICENSED** (in all caps no doubt!), not dissimilar to those companies which are required to state they are not doctors, or lawyers, etc. Why should architects be held accountable for the illegal acts of those who are not licensed? Certainly the impact to the public in requiring an Architect who is legally licensed to practice, to put a license number on his/her marketing materials doesn't really protect the public in the way that requiring unlicensed individuals who are not licensed to say they are not licensed to perform the services of an architect has.

Regardless of what CAB decides is best, how is CAB going to regulate social media? Many times, third-party individuals share a post or even make a post themselves promoting other individuals work on sites like Instagram or other similar social media outlets. How is CAB going to regulate a third-party's promotion of other individuals work which might be mine or some other architect? Basically, a bad actor can easily work around this regulation by having another individual promote their illegally performed work.

CAB should require that companies promoting themselves as designers attempting to perform architecturally related services or similar register with CAB prior to allowing cities to issue a business license. This way CAB has an ability to regulate them and to know whom these individuals are. This is when CAB can tell them they need to indicate on their marketing materials that they are **NOT LICENSED** cannot legally provide the following services of an Architect,... etc. At some point these individuals need to be accountable to the public and their clients by indicating that they are not licensed to perform the services of an architect.

CAB should also require that any person or company that does not hold an architectural license to practice architecture to indicate in their contracts that they are NOT LICENSED and that they cannot perform the services of an Architect, and to then list those services out as they are spelled out in the Architect's Practice Act. This would speak volumes to the public and would go along way in helping to protect the public. There are a number of Interior Designers in California who are not licensed in California but no less attempt to perform the services of an Architect. Knowing whom these persons are would help CAB in regulating them and would protect the public as well as the profession.

Require that business owners of architectural related design companies, whether it be Interior design or more general building design, have at least one person who is licensed to practice architecture as an Owner. This would greatly go a long way to protect the public. This again would also protect the profession and the livelihood of those who have taken the necessary steps to become licensed.

Thank you for your consideration to my opposition,



Scott Andrew Schneider  
C34143



**From:** [Mark Borkowski](#)  
**To:** [McDaniel.Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)  
**Subject:** Comment to Proposed Regulation Section 135  
**Date:** Wednesday, February 16, 2022 9:39:05 AM

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[EXTERNAL]: [mark.borkowski@rottetstudio.com](mailto:mark.borkowski@rottetstudio.com)

**WARNING:** This message originated from the public internet. Do not open attachments unless you recognize the sender.

I am writing this comment for inclusion in this Friday's hearing to register my opposition to the Proposed Regulation Section 135 as it is too broad and vague in its requirements making it a burden to comply with and opening the door to potential added liability.

Being a luxury interior design services practice, we have marketing collateral that cost close to the overall estimate apiece as well as embossed business cards, and other highly customized marketing materials making the \$100 estimate in the analysis of this proposed regulation grossly undervalued in our particular situation.

To my mind, the regulation language, "*or other presentations made to the public in connection with the rendition of architectural services*" is extremely vague. For example, does it cover a LinkedIn profile and any posts made within that platform associated with one's status as an Architect Licensed in California? What would be required when?? On occasion, we provide books about our company to prospective clients as part of our marketing efforts, do these have to include the license number as well?

We have national offices with one in Houston and another in New York. Depending on an existing client relationship, sometimes those offices market to a California based client with the understanding that an architect from the California office will be in general responsible control when and if we win the project. How are these out of state marketing transactions handled? How is that handled when the situation is reversed when the California office is soliciting work in other states?

I wonder, what is the end goal of this proposed Regulation change? Protecting the consumer or defending the supplier's right to exclusivity based on licensure? Or is it meant to be a combination of both? If the former, the consumer would be better served with increased outreach and education efforts. If the latter, enhanced investigation and enforcement actions would yield an improved result. Consider the following, while we can provide our name and license number on all our marketing material and client outreach, that does not guarantee that the consumer will recognize its significance or know what to do with the information. To my thinking, requiring license name and number on proposals and contracts should be sufficient for this purpose, something that is already required as part of the Practice Act.

For all these reasons and more, I would like to oppose the adoption of this Proposed Regulation.

Sincerely,  
MARK J. BORKOWSKI, AIA, LEED AP, WELL AP  
ASSOCIATE PRINCIPAL

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[www.rottetstudio.com](http://www.rottetstudio.com)

# ROTTET STUDIO

ARCHITECTURE AND DESIGN

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**From:** [Tim Saivar](#)  
**To:** [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)  
**Subject:** Proposed Regulation section 135 Architect shall include License Number on all forms of Advertisement  
**Date:** Thursday, February 17, 2022 10:00:40 PM

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[EXTERNAL]: tmsaia@att.net

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2/17/22

Proposed Regulation section 135 Architect shall include License Number on all forms of Advertisement

## Kimberly McDaniel

Only one state requires this. It should be up to the individual architect or firm to provide this information. Another freedom our government taken away from us. It will make it easier to to steal & illegally use our license number. It puts the responsibility on us to fix the problem of unlicensed practice. Architects will have the burden of paying for updating marketing materials (web sites, letterheads, business cards etc.) Next they will ask us to add our Social Security Number on our web site business card and letterhead.

Vote no when the time comes to vote

Sincerely,

Tim Saivar AIA  
805-501-2828  
tmsaia@att.net

Department of Consumer Affairs  
TITLE 16. CALIFORNIA ARCHITECTS BOARD

**MODIFIED TEXT**  
**Public Presentments and Advertising**

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Adopt Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

**§135. Architectural Advertising.**

(a) As of July 1, 2023, An architect shall include their name and license number in all forms of advertisement, solicitation, or other presentments made presented to the public in connection with the rendition of an offer to provide architectural services for which a license is required by the Architects Practice Act, which shall include including any writing, electronic device, advertisement, card, letterhead, telephone listing, Internet Web site, social media profile, written solicitation to a prospective client or clients, or contract proposal.

(b) (1) For purposes of a business entity that contains or employs two or more architects, the requirements of subsection (a) shall be deemed satisfied as to such business entity's architects if the business entity's advertisements, solicitations, or presentments to the public, include the name and license number of at least one any architect who is in management control of the business entity and either the owner, a part-owner, an officer, or an employee of the business entity.

(A) The requirements of subdivision (b) shall be deemed satisfied as to business cards if the business card of an architect associated or employed by a business entity that contains or employs two or more architects has the architect's own name and license number on it.

(B) Listing additional architect's names and license numbers on the business entity's advertisements or business cards is allowable, but not required.

(c) For the purposes of this section, "management control" shall have the meaning set forth in section 134.

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 137 and 5500.1, Business and Professions Code.

## **AGENDA ITEM N: REVIEW OF FUTURE BOARD MEETING DATES**

### **Summary**

A schedule of planned meetings and events for 2023 are as follows:

<u>Date</u>	<u>Event</u>	<u>Location</u>
January 27	LATC Meeting	TBD
February 24	Board Meeting	TBD
April 14	LATC Meeting	TBD
May 19	Board Meeting	TBD
August 11	LATC Meeting	TBD
September 8	Board Meeting	TBD
November 3	LATC Meeting	TBD
December 1	Board Meeting	TBD

**AGENDA ITEM O: CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(a)(1) AND (c)(3), THE BOARD WILL MEET IN CLOSED SESSION TO:**

1. Perform Annual Evaluation of its Executive Officer
2. Deliberate and Vote on Disciplinary Matters

## **AGENDA ITEM P: PRESENTATION OF STANFORD UNIVERSITY'S ARCHITECTURAL DESIGN PROGRAM**

### **Summary**

John Barton, Director, of Stanford University's Architectural Design Program will provide an educational presentation.

## **AGENDA ITEM Q: DIVISION OF STATE ARCHITECT'S SPECIAL REPORT**

### **Summary**

Ida Clair, State Architect, will provide the report.