



**MEETING MINUTES
CALIFORNIA ARCHITECTS BOARD
REGULATORY AND ENFORCEMENT COMMITTEE**

May 8, 2025
Teleconference Meeting
Physical Location:
2420 Del Paso Road, Suite 105
Sacramento, California 95834

Committee Members Present

Robert C. Pearman, Jr., Chair
Leonard Manoukian, Vice Chair
Robert Chase
Nilza Serrano
Steven Winkel

Board Staff Present

Laura Zuniga, Executive Officer
Timothy Rodda, Regulations Manager
Kourtney Fontes, Program Manager, Administration
Alicia Kroeger, Program Manager, Enforcement
Michael Sganga, Lead Enforcement Analyst
Jasmine Steinwert, Enforcement Analyst
Katie Wiley, Enforcement Analyst
Natalia Diaz, Enforcement Technician
Ryan Riddell, Enforcement Technician
Bethany Butori, Office Technician

Guests Present

Brian Clifford
Glenn Gall
GV Ayers
Pamela Brief
So Young Lee

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

Regulatory and Enforcement Committee (REC) Chair Robert C. Pearman, Jr., called the meeting to order at 10:01 a.m.

Katie Wiley called the roll. There being five members present at the time of roll, a quorum was established.

B. Chair's Procedural Remarks and Committee Member Introductory Comments

Chair Pearman announce the meeting is being held by teleconference and physical location at 2420 Del Paso Road, Suite 105, Sacramento, California, 95834.

Chair Pearman advised the Committee of the voting requirements: 1) all motions and seconds will be repeated for the record; and 2) votes on all motions will be taken by roll call.

C. Public Comment on Items Not on the Agenda

Chair Pearman opened the floor for public comment regarding items not specified on the meeting agenda. Pamela Brief, Chair with the Landscape Architects Technical Committee (LATC) commented that it was good to see everyone. No other comments were received.

D. Review and Possible Action on October 26, 2023 REC Meeting Minutes

Chair Pearman asked if there were any changes proposed to the October 26, 2023, Committee Meeting minutes. No changes were suggested.

Robert Pearman moved to approve the October 26, 2023 REC Meeting Minutes. Robert Chase seconded the motion. Members Pearman, Chase, Serrano and Winkel voted in favor the motion. Member Manoukian abstained. The motion passed 4-0-1.

E. Enforcement Program Update

Alicia Kroeger delivered an Enforcement Program Update, highlighting staffing levels and the ongoing efforts to recruit architects for the Subject Matter Expert (SME) program due to the technical nature of their cases.

She presented Enforcement Program Data, showing a significant increase in cases for fiscal year 2023-24, primarily driven by Continuing Education (CE) Audits that followed the lifting of the CE Waiver. This influx of quicker-closing CE cases led to a decrease in average case closure time, though overall pending cases increased due to staff vacancies. Disciplinary cases are projected to rise in the upcoming fiscal year, with a return to lower numbers expected by 2025-26 as staffing stabilizes.

Michael Sganga provided an overview of citations issued, detailing both unlicensed practice examples and various egregious violations by licensees of the Architects Practice Act (Act).

An update on pending legislation that impacts the Board was provided, including proposed "Architects-in-Training" legislation (AB 759), the status of the Commercial

Interior Designer Title Act (SB 816), and new bills related to expedited restaurant tenant improvements (AB 671) and the CSLB's ability to discipline their licensees for Architects Practice Act violations (AB 1341). The Board staff also addressed questions regarding the AIA's stance on legislation, the designation of Commercial Interior Designers, and the Board's role in disciplining architects for violations handled by other professional practices.

F. Update on the 2025-2028 Strategic Plan Objectives

1. Evaluate the Board's fine structure and update regulations as necessary to increase fines to discourage practice violations.

The Board is concerned that current fines are insufficient to deter practice violations and aims to research increasing the fine structure. While Class "A" violations currently range from \$2,500 to \$20,000, the Board seeks to update these amounts, which have not been adjusted in years, and potentially recover rising operating costs and staff salaries. To achieve this, Board staff will contact other boards under the Department of Consumer Affairs (DCA) to gauge collective interest in increasing fines, as this would necessitate a change to the Business and Professions Code (BPC). Public comments were not received on this objective.

2. Determine whether statutory changes are necessary to clarify licensed architects are required to submit plans for local approval and what architects can do to eliminate confusion and protect consumers.

The Board is concerned that planning departments are not verifying licensure for designers submitting non-exempt projects, leading to consumer protection issues. While BPC section 5500.1 defines "practice of architecture" to include planning, BPC section 5536.2, which mandates licensure verification, is currently interpreted as applying only to building departments. Enforcement staff are asking the Committee to confirm our interpretation that this should apply to planning departments who are reviewing non-exempt projects, then Board staff can address it appropriately. One way it could be addressed would be sending out bulletins to planning departments. Enforcement staff have been sending bulletins to specific planning departments where they have found unlicensed practice, and when they are citing the designers. The Committee seeks to clarify this inconsistency and has recommended outreach to the American Planning Association to explore potential solutions. While statutory changes have not been proposed at this time, staff are evaluating whether such changes may be necessary. The Committee also suggests updating Board guidebooks to improve clarity around licensure verification for non-exempt projects.

3. Research and amend regulations as necessary to ensure relevancy with current technologies and practices.

Given the rise of artificial intelligence (AI) in building design, the Board is considering developing a policy statement on the ethical use and disclosure of AI by architects. Concerns include the lack of formal AI education in architecture schools and potential consumer apprehension. Committee members discussed the liability implications and the role of licensed architects in stamping AI-generated designs. They also touched upon Governor Newsom's initiative to use AI for expediting building permit approvals, viewing it as a pre-screening tool that could significantly impact the traditional plan-checking process and potentially reduce the need for human plan checkers. The Committee aims to bring this issue to the full Board, suggesting a cross-committee effort to address the complexities of AI integration in architecture.

Mr. Sganga proposed regulatory changes for enforcement that aimed to address consumer harm that could result from the use of AI. Key proposals include defining "client" in BPC section 5536.22 to ensure consumers are protected when architects are hired by developers or third parties, as current loopholes allow clients to be unaware of their architect and lack recourse for design flaws. The Committee also discussed clarifying the BPC section 5536.22(b)(2) exemption from written contracts to prevent its misuse and to ensure prior compliant contracts existed. Additionally, with Mr. Sganga's comments and direction, the Committee discussed the need to clarify California Code of Regulations (CCR) section 151(a)(2) regarding "immediate and responsible direction" for plans prepared by independent or offshore drafters, given concerns about architects maintaining responsible control. Chair Pearman says he understands the concerns about the language, but the term "immediate" might have been a compromise years ago that everyone said they could agree on. Pearman noted that he thinks "immediate" doesn't apply to terms of time or distance. The dictionary definition of immediate is "of a relationship without intervening medium or agent", and Chair Pearman believes this what the language implies in CCR 151(a)(2). But with the tertiary definitions of "immediate", it might be appropriate to change that actual word with something different. Steven Winkel agreed with Chair Pearman that the word "immediate" may need to be changed. Lastly, the discussion included clarifying CCR section 136 to include more secure electronic stamps, suggesting the use of digital signatures with security protocols to prevent fraudulent use of PDF/JPEG images of stamps. The Enforcement Unit is working with our counsel to determine the possibilities of adding cost recovery provisions to citations. Enforcement will give an update of the findings at the next committee meeting.

4. Pursue legislation to update the Business Entity Report Form (BERF) to include more information about the management control of businesses.

The Board is seeking to update the BERF to better inform architects of their responsibilities when allowing an unlicensed company to use "architect" in their business name or advertise architectural services. Under CCR, Title 16, Section 134, an architect designated in such a capacity is in responsible control of all the

company's professional services and in management control of the company. Enforcement has observed architects backing out when they realize this broad responsibility, as current informational bulletins are often overlooked. The proposal is to add a clear notification on the BERF itself, detailing these obligations by referencing the relevant code section, which is believed to be achievable without significant legislative or regulatory changes.

5. Provide additional training to subject matter experts (SMEs), board members, and staff to strengthen enforcement decisions and recommendations.

To enhance enforcement decisions, the Board aims to provide additional training to SMEs, Board members, and staff on critical interpretations of the Act and enforcement actions. While SMEs currently receive guidance on standard of care issues, the goal is to equip them with deeper knowledge of contract requirements and exemptions. A primary focus is to inform Board members, who review administrative law judge rulings. It was suggested that Mr. Sganga could introduce new topics or legal provisions during Board meetings to facilitate ongoing education.

Chair Pearman asks for public comment on all of the Strategic Plan Objectives. No public comment was given.

Chair Pearman called for a ten-minute break with the meeting resuming at 12:20PM.

Committee Members Robert Pearman, Nilza Serrano, Robert Chase and Steven Winkel are present after the break.

G. Discussion of complaints received, complaint processing, and related enforcement matters

Mr. Sganga presented an overview of the Enforcement's complaint process, detailing the scope of complaints handled. He emphasized the challenge of determining negligence, where SMEs play a crucial role in assessing whether a licensee's conduct meets the standard of care. Mr. Sganga also clarified the definition of "Willful Misconduct" as defined by the Act (CCR section 150, BPC section 5584). As an example of their work, he referenced a currently pending accusation against a licensee facing charges of negligence, willful misconduct, contract violations, incompetence, and recklessness.

Chair Pearman asks for public comment on public item G. No comments were given.

H. Discussion of unlicensed practice issues and related enforcement authority

Mr. Sganga and Ryan Riddell discussed ongoing investigations into unlicensed practice issues, specifically addressing rampant email spamming where fraudulent use of license numbers and stamps from out-of-state architects is occurring. They also highlighted the challenge of unlicensed advertising on internet platforms like Yelp. Mr. Riddell's inquiry to Yelp regarding their general category listings, which can mislead consumers about a business's licensed status, revealed that Yelp's moderators assign these categories, and Yelp claims no liability for third-party content. The investigation into Yelp's practices is ongoing, and Chair Pearman suggested collaborating with other DCA Boards to collectively address this issue with large internet companies, acknowledging that a higher authority might be needed to effect change.

Chair Pearman then asked if anyone had any questions about this agenda item. There were none.

Chair Pearman then asked if anyone wished to make public comments on agenda item H. There were no comments.

I. Fire Victim Support (Southern California)

Enforcement is actively supporting 2025 Pacific Palisades fire victims by addressing unlawful advertising by unlicensed designers. Mr. Riddell reported that two companies advertising to fire victims without a licensed architect are now compliant. Robert Chase stressed the need for building departments in affected areas to be vigilant against unlicensed fraud, especially for non-wood frame construction and commercial rebuilds, which require licensed architects. The committee discussed creating a public service announcement (PSA) to educate consumers on when an architect is required and to help them identify licensed professionals, with landscape architects also expressing interest in participating. The Board plans to coordinate efforts with AIA chapters in fire-affected areas and will follow up with the DCA regarding previously proposed communications.

Chair Pearman asked for any other information on the topic. There were no other comments.

Chair Pearman then asked for public comment on agenda item I. Raymond Marentette raised his hand and commented about individuals calling themselves an "architect" in the Silicon Valley in the Information Technology Industry. Bob Chase replied that this has come up many times before and is there any intent that the use of the word is related to the build environment. Timothy Rodda mentioned this was a common issue in the early to mid-2000s. They can use titles related to the software industries where such titles as "Software Architect" or "Systems Architect" where it was clear the title was not part of the design-build model.

Chair Pearman asked for any further public comment. There were no other requests.

Chair Pearman saw no more agenda items for the meeting.

J. Adjournment

Meeting adjourned at 3:07 PM.