

AGENDA ITEM M: Consideration of and Possible Action on Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 2, Article 1, section 103 Delegation of Certain Functions

Summary

This item was previously brought before the Board during the August 21, 2025 meeting. At that time the Board asked for additional clarification related to the need for this proposal.

As currently written, California Code of Regulations (CCR) 103 Delegation of Certain Functions states that in addition to the Board the executive officer has the authorized delegated power to issue and proceed with disciplinary matters. The executive officer has the authority to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; to approve settlement agreements for the revocation or surrender of license; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code.

This proposal clarifies that in the absence of the executive officer, the delegated authority will extend to the assistant executive officer. Additionally, the language clarifies that the delegated authority will be conferred to an interim or acting executive officer when the Board selects one. Having these provisions in place will ensure the Board does not experience unnecessary delays in processing enforcement related items should the Board not have an executive officer available to address them in a timely manner. This will allow the Board to function as normal and avoid incurring delays due to a vacant position or extended absence.

Action Requested

Approve the proposed regulatory text for Section 103, 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 if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested.

If the Board does not receive any comments providing objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the board in proposing or adopting the action, during the 45-day comment period, and no hearing is requested then the Board authorizes the Executive Officer to take all steps necessary to initiate the rulemaking process, make any technical or non-substantive changes to the package, and adopt the proposed regulations at Section 103 as noticed.

Attachments

1. 16 CCR section 103 (Proposed Text)

Department of Consumer Affairs
Title 16. California Architects Board

PROPOSED REGULATORY LANGUAGE
Delegation of Certain Functions

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend Section 103 of Article 1 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 103. Delegation of Certain Functions.

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

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 5561.5, Business and Professions Code.