

CALIFORNIA ARCHITECTS BOARD
PROPOSED REGULATORY LANGUAGE

Article 2. Applications

Changes to the original language are shown in single underline for new text and single ~~striketrough~~ for deleted text.

Amend Section 110 of Article 2 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 110. Substantial Relationship Criteria.

(a) For the purposes of denial, suspension, or revocation of the license of an architect pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the ~~Business and Professions Code~~, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions and duties of an architect if to a substantial degree it evidences present or potential unfitness of an architect to perform the functions authorized by ~~his/her~~ the license in a manner consistent with the public health, safety, or welfare. ~~Such crimes or acts shall include, but not be limited to, those involving the following:~~

(b) In making the substantial relationship determination required under subsection (a) for a crime, the board shall consider the following criteria:

- (1) The nature and gravity of the offense;
- (2) The number of years elapsed since the date of the offense; and
- (3) The nature and duties of an architect.

(c) For purposes of subsection (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

- (a)(1) Any violation of the provisions of Chapter 3, Division 3 of the ~~Business and Professions Code~~ or other state or federal laws governing the practice of architecture.

Note: ~~Additional~~ Authority cited: Sections 481, 493, and 5526, Business and Professions Code.
Reference: Sections ~~475-492~~ 141, 475, 480, 481, 490, 493, 5577, and 5586, Business and Professions Code.

Amend Section 110.1 of Article 2 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 110.1. Criteria for Rehabilitation.

(a) When considering the denial of an architect's license under Section 480 of the ~~Business and Professions Code~~code, on the ground that the applicant was convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subsection (a) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a), the board shall apply the following criteria in evaluating the applicant's rehabilitation. The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:

- (1) The nature and ~~severity~~gravity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) or crime(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~~code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in ~~paragraph~~subdivision (1) or (2).
- (4) ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) The criteria in subsection (a)(1)-(5), as applicable.
- (~~5~~6) Evidence, if any, of rehabilitation submitted by the applicant.

(b~~c~~) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the board shall consider whether the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(d) If subsection (c) is inapplicable, or the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (c), the board shall apply the following criteria in evaluating a licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:

- (1) The ~~N~~nature and ~~severity~~ gravity of the act(s) or ~~offense~~ crime(s).
- (2) The ~~T~~total criminal record.
- (3) The time that has elapsed since commission of the act(s) or ~~offense~~ crime(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) The criteria in subsection (c)(1)-(5), as applicable.
- (6) If applicable, evidence of ~~expungement~~ dismissal proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

(e)(e) When considering the petition for reinstatement of the license of an architect, the ~~B~~board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection ~~(b)~~(c) or (d), as applicable.

Note: Authority cited: Sections 482 and 5526, Business and Professions Code. Reference: Sections 475-492475, 480, 481, 482, 488, 490, and 493, Business and Professions Code.