

**State of California
Office of Administrative Law**

In re:
California Architects Board

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:
Amend sections: 160
Repeal sections:

NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,
Section 100

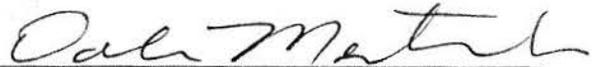
OAL Matter Number: 2021-1008-03

OAL Matter Type: Nonsubstantive (N)

These changes without regulatory effect replace gender-specific pronouns with gender-neutral terms and make other nonsubstantive organizational and grammatical changes as well as amend the title of Division 2 to reflect the current name of the Board.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: November 4, 2021



Dale Mentink
Assistant Chief Counsel

For: Kenneth J. Pogue
Director

Original: Laura Zuniga , Executive Officer
Copy: Katie Wiley

NONSUBSTANTIVE

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS Z-	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 2021-1008-03	EMERGENCY NUMBER
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NOTICE	REGULATIONS
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OFFICE OF ADMIN. LAW
 2021 OCT 8 PM 1:55

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

NOV 04 2021

1:16 PM

AGENCY WITH RULEMAKING AUTHORITY

California Architects Board-- Department of Consumer Affairs

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Division Heading and Rules of Professional Conduct	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 160
	REPEAL
TITLE(S) 16	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))

Effective on filing with Secretary of State

\$100 Changes Without Regulatory Effect

Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)

Fair Political Practices Commission

State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Katie Wiley	TELEPHONE NUMBER (916) 575-7208	FAX NUMBER (Optional) (916) 575-7283	E-MAIL ADDRESS (Optional) katie.wiley@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Laura Zuniga</i>	DATE 10/8/2021
TYPED NAME AND TITLE OF SIGNATORY Laura Zuniga, Executive Officer	

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ENDORSED APPROVED

NOV 04 2021

Office of Administrative Law

Department of Consumer Affairs
California Architects Board

Title 16, California Code of Regulations
Division 2, California Board of Architectural Examiners
Article 9, Professional Conduct
Section 160

SECTION 100. CHANGE WITHOUT REGULATORY EFFECT

Amend the heading of Division 2 of Title 16 of the California Code of Regulations as follows:

Division 2. California Architects Board of ~~Architectural Examiners~~

Amend Section 160 of Article 9 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 160. Rules of Professional Conduct.

A violation of any rule of professional conduct in the practice of architecture constitutes a ground for disciplinary action. Every person who holds a license issued by the Board shall comply with the following:

(a) Competence:

(1) An architect shall undertake to perform professional services only when ~~he or she~~ the architect, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(2) In designing a project, an architect shall have knowledge of all applicable building laws, codes, and regulations. An architect may obtain the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations and shall not knowingly design a project in violation of such laws, codes and regulations.

(b) Standard of Care:

~~(2) In addition to subsection (a)(1) above, w~~(1) When practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in this state under similar circumstances and conditions.

(b) Willful Misconduct (c) Timely Response to Board:

~~(1) In designing a project, an architect shall have knowledge of all applicable building laws, codes, and regulations. An architect may obtain the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations and shall not knowingly design a project in violation of such laws, codes and regulations.~~

~~(1)~~ (2) Whenever the Board is conducting an investigation, an architect or a candidate for licensure shall respond to the Board's requests for information and/or evidence within 30 days of the date mailed to or personally delivered on the architect or a candidate for licensure.

(d) (e) Conflict of Interest:

(1) An architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all such parties.

(2) If an architect has any business association or financial interest which is substantial enough to influence ~~his or her~~ the architect's judgment in connection with the performance of professional services, the architect shall fully disclose in writing to ~~his or her~~ their client(s) or employer(s) the nature of the business association or financial interest. If the client(s) or employer(s) object(s) to such association or financial interest, the architect shall either terminate such association or interest or offer to give up the project or employment.

(3) An architect shall not solicit or accept payments, rebates, refunds, or commissions whether in the form of money or otherwise from material or equipment suppliers in return for specifying their products to a client of the architect.

(4) An architect shall not engage in a business or activity outside ~~his or her~~ the architect's capacity as an officer, employee, appointee, or agent of a governmental agency knowing that the business or activity may later be subject, directly or indirectly to the control, inspection, review, audit, or enforcement by the architect.

(5) When acting as the interpreter of construction contract documents and the judge of construction contract performance, an architect shall endeavor to secure faithful performance of all parties to the construction contract and shall not show partiality to any party.

(e) ~~(d)~~ Full Disclosure:

(1) An architect shall accurately represent to a prospective or existing client or employer ~~his or her~~ the architect's qualifications and the scope of ~~his or her~~ the architect's responsibility in connection with projects or services for which ~~he or she~~ the architect is claiming credit.

(2) An architect shall respond in writing within 30 days to any request from the Board for information solicited in connection with a candidate's application for a license to practice architecture. When providing information in connection with a candidate's application for a license to practice architecture, an architect shall accurately report the candidate's training or experience for the period of time that the architect had direct supervision of the candidate.

(f) ~~(e)~~ Copyright Infringement:

(1) An architect shall not have been found by a court to have infringed upon the copyrighted works of other architects or design professionals.

(g) ~~(f)~~ Informed Consent:

(1) An architect shall not materially alter the scope or objective of a project without first fully informing the client and obtaining the consent of the client in writing.

Note: Authority cited: Section 5526, Business and Professions Code.
Reference: Sections 5526 and 5578, Business and Professions Code.