

Department of Consumer Affairs
Title 16. California Architects Board

PROPOSED REGULATORY LANGUAGE
Application Extension

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 109 of Article 2 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 109. Requirements for Licensure and Filing of Applications.

(a) Definitions:

- (1) A “new candidate” shall mean a candidate who is submitting their first application to the Board for eligibility evaluation for the Architect Registration Examination (ARE) or one who had previously submitted an application but had been determined by the Board to be ineligible.
- (2) An “inactive candidate” shall mean a candidate who:
 - (A) has not taken an examination as a candidate of the Board for five or more years, or
 - (B) has been determined by the Board to be eligible but who has not taken any examination since the Board's determination and five or more years have passed, or,
 - (C) does not have a current eligibility extension by the Board in accordance with subsection (f).
- (3) “Active in the examination process” shall mean any of the following:
 - (A) that there has not been a period of five or more years since:
 - (A*i*) the candidate last took an examination as a candidate of the Board, or
 - (B*ii*) the candidate has been determined by the Board to be eligible- or,
 - (B) the candidate has a current eligibility extension issued by the Board in accordance with subsection (f).
- (4) “State of Emergency” means an emergency as defined in Section 8558 of the Government Code.

(b) Examination Application Process:

- (1) A new or inactive candidate applying to the Board for eligibility for the ARE shall, prior to eligibility, establish a National Council of Architectural Registration Boards (NCARB) Record with the National Council of Architectural Registration Boards (NCARB). Candidates shall pay all required fees and comply with all NCARB procedures required to establish a NCARB Record.
- (2) A new or inactive candidate applying to the Board shall, prior to licensure, complete the NCARB-administered Architectural Experience Program (AXP), or the Internship in Architecture Program (IAP) of Canada.
- (3) A new or inactive candidate shall submit:
 - (A) the non-refundable fee specified in subsection (a) or (b) of Section 144, as applicable unless waived per paragraph (6),
 - (B) an application for eligibility evaluation as provided by the Board and certified under penalty of perjury, which shall be accepted on a continuous basis and contain:
 - (i) the candidate's NCARB record number,
 - (ii) the legal name of the candidate and any other known names,
 - (iii) the candidate's address and email address,
 - (iv) the candidate's home and work telephone numbers, and
 - (v) the candidate's date of birth and social security number or individual taxpayer identification number.
 - (C) supporting documents which shall include, if applicable:
 - (i) proof of completion of the AXP, which shall include the candidate's NCARB Record transmitted from NCARB, or verification of completion of the requirements of Canada's IAP,
 - (ii) certified original transcripts sent directly to the Board by the college or university, or included as part of an NCARB Record,
 - (iii) Employment Verification Form(s), 19C-12 (NEW 6/2024), which is hereby incorporated by reference, and,
 - (iv) proper foreign education evaluations and self-employment documentation.
- (4) A candidate who has served as an active-duty member of the Armed Forces of the United States, was honorably discharged, and who provides a copy of their

DD-214 (Certificate of Release or Discharge from Active Duty), shall have the review of their application expedited pursuant to Section 115.4 of the Code.

- (5) A candidate shall receive expedited review of their application for a candidate qualifying pursuant to Section 115.4, subdivision (b) of the Code, if the candidate is an active-duty member of a regular component of the United States Armed Forces enrolled in the United States Department of Defense's SkillBridge program as authorized under Section 1143(e) of Title 10 of the United States Code, and who provides the following documentation with the application: written authorization documenting the candidate's current enrollment in the SkillBridge program including an official approval document or letter from their respective United States Armed Forces Service branch (Army, Navy, Air Force, Marine Corps, Space Force or Coast Guard) signed by the candidate's first field grade commanding officer that specifies the candidate's name, the approved SkillBridge opportunity, and the specified duration of participation (i.e., start and end dates).
- (6) Candidates who meet the requirements of Section 115.5 of the Code shall have the review of their application expedited and applicable fee waived if they submit the following satisfactory evidence with their application:
 - (A) Certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,
 - (B) A copy of the military orders establishing their spouse's or partner's duty station in California and,
 - (C) Written verification from the candidate's issuing agency/licensing jurisdiction that the candidate's license in another state, district or territory of the United States is current in that jurisdiction. The verification shall include all of the following: (1) the full legal name of the candidate and any other name(s) the candidate has used or has been known by, (2) the license type and number issued to the candidate by the original licensing agency/entity, (3) the name and location of the licensing agency/entity, and, (4) the issuance and expiration dates of the license.
- (7) A candidate who was admitted to the United States as a refugee pursuant to Section 1157 of Title 8 of the United States Code, or was granted asylum by the Secretary of Homeland Security or the United States Attorney General pursuant to Section 1158 of Title 8 of the United States Code, or has a special immigrant visa and was granted a status pursuant to Section 1244 of Public Law 110-181, Public Law 109-163, or Section 602(b) of Title VI of Division F of Public Law 111-8, relating to Iraqi and Afghan translators/interpreters or those who worked for or on behalf of the United States government, and provides evidence of that status shall have the review of their application expedited pursuant to Section 135.4 of

the Code. For the purposes of this paragraph, "evidence" shall include the following:

- (A) Form I-94, arrival/departure record, with an admission class code such as "re" (refugee) or "ay" (asylee) or other information designating the person as a refugee or asylee.
 - (B) Special Immigrant Visa that includes the "si" or "sq".
 - (C) Permanent resident card (Form I-551), commonly known as a "green card", with a category designation indicating that the person was admitted as a refugee or asylee.
 - (D) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Board that the candidate qualifies for expedited licensure per Business and Professions Code section 135.4.
- (8) A new or inactive candidate receiving notification that they are ineligible for examination for failure to meet the requirements in Section 116 shall submit supporting documentation as identified in subsection (b)(3) to meet eligibility requirements.
- (9) Upon the Board's determination of a candidate's eligibility for the ARE based upon the requirements set forth in Section 116, the Board shall authorize the candidate to test through NCARB's database. Eligibility shall be retained while the candidate is active in the examination process.
- (10) As a candidate acquires additional work experience, it is the candidate's responsibility to ensure that the employer(s) complete Employment Verification Forms covering the work experience gained with that employer and that the forms are submitted to the Board.
- (11) A new or inactive candidate who is a licensed architect in a qualifying foreign country, as defined in Section 117(c)(2), shall prior to licensure:
- (A) complete the requirements as referenced in subdivision (b)(2) or follow the requirements set forth in Section 121; or
 - (B) submit to the Board:
 - (i) proof of licensure in the qualifying foreign country,
 - (ii) an Employment Verification Form on their own behalf documenting five years of practice of architecture as a licensed architect in the qualifying foreign country,
 - (iii) an Employment Verification Form documenting at least one year of experience under the direct supervision of an architect(s) licensed in a

United States jurisdiction or at least two years of experience under the direct supervision of an architect(s) registered in a Canadian province, and

(iv) documentation of five years of education equivalents as defined in Section 117.

(12) A new or inactive candidate who is a licensed architect in a non-qualifying foreign country and one who is a licensed architect in a qualifying foreign country but who does not submit all of the items prescribed in subdivision (b)(11) shall apply as a new candidate and meet the requirements prescribed in subdivisions (b)(1) and (b)(2) of this section, or follow the requirements set forth in Section 121.

(c) The Board shall retain the file of a candidate who is active in the examination process as a candidate of the Board. The Board may purge the candidate file of an inactive candidate. An inactive candidate who wishes to reapply to the Board shall be required to follow the requirements set forth in subsection (b)(3).

(d) The Board shall retain for a seven-year period, transcripts, Employment Verification Forms, and other supporting documents received from individuals who have not submitted an application for eligibility evaluation. Thereafter, the Board may purge these documents.

(e) Candidates who are licensed as an architect in another United States jurisdiction shall submit an application for eligibility evaluation as set forth in subsection (b)(3) and follow the requirements set forth in Section 121.

(f) (1) Candidates shall be issued an extension of their eligibility and deemed “active in the examination process” for the purposes of this section if all of the following criteria are met:

(A) The candidate has been displaced or suffered hardship affecting their ability to take an examination due to a state of emergency proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(B) The candidate requests an extension by submitting a written request for extension of examination eligibility to the Board no more than 30 days prior to the expiration date of their eligibility period by mail, email or fax to the addresses or fax numbers listed on the Board’s website. For the purposes of this paragraph, “eligibility period” shall mean either within five years from (i) the date the candidate last took an examination as a candidate of the Board, or, (ii) from the date the candidate received written notice from the Board that they were eligible for examination. For the purposes of this paragraph, a completed request for extension of examination eligibility shall contain all of the following:

(i) Full Legal Name (First, middle, last name and suffix (if applicable));

(ii) Current address of record, including number, street, city, state, zip or postal code (ZIP code);

(iii) Date of birth;

(iv) Telephone number;

(v) Email address;

(vi) Candidate Number;

(vii) A written statement containing all of the following:

(aa) A request for extension of their examination eligibility and specifying the time period requested to be covered by the extension that the candidate deems sufficient to supplement the time lost due to the state of emergency.

(bb) A statement that the candidate's physical address is associated with an area where and when a state of emergency has been declared.

(cc) An explanation of how the state of emergency has caused the candidate to be displaced or has caused a hardship for the candidate, including the date the displacement or hardship began; and,

(dd) An explanation of how the circumstances involving the hardship or displacement have adversely affected the candidate's ability to timely take an examination.

(viii) A statement signed under penalty of perjury by the candidate that all statements made in the application are true and correct.

(2) Upon completion of the review of the written request for extension and the supporting information and documents (if any), if the requirements of this subsection are satisfied, the Board or its designee shall issue a written notice to the candidate approving the candidate's extension request for the time period requested, within thirty (30) days of receipt of the written application. If the requirements of this subsection are not satisfied, the Board or its designee shall issue a written notice denying the applicant's request within thirty (30) days of receipt of the written application.

(3) Any relief granted pursuant to this subsection may not exceed a total of 1 year per emergency per candidate.

(fg) Candidates must complete the California Supplemental Examination (CSE) prior to licensure and follow the requirements as set forth in Section 124.

(gh) Upon completion of the CSE, each person desiring licensure as an architect shall furnish a full set of fingerprints as prescribed by Section 5552.1 of the Code and file a completed application for licensure with the Board which shall contain the following:

- (1) Fee specified in Section 144 for an original license unless waived per subsection (b), paragraph (6);
- (2) Candidates who had applications expedited pursuant to subsection (b) paragraph (4), (5), (6) or (7) shall have the application for licensure expedited;
- (3) Social Security Number or Individual Tax Identification Number;
- (4) First, middle, last name and suffix (if applicable) as they want it printed on their license. Only the candidate's legal name or initials are permitted and nicknames are not permitted;
- (5) Contact information including candidate's address of record, daytime and evening telephone numbers, and email address (if any);
- (6) A disclosure regarding whether the candidate has, within the preceding seven years from the date of the application, had a license, permit, registration, or certification ("license") that was formally disciplined by a licensing board in or outside of California;
 - (A) For the purposes of paragraph (6), "disciplined" shall mean suspended, revoked, placed on probation, public reproof, reprimand or any other form of restriction placed upon any other license, registration, certification or permit that the candidate held or currently holds. A candidate shall not be required to disclose any discipline that was based upon a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a comparable dismissal or expungement.
 - (B) If the candidate answers in the affirmative to the disclosure question in paragraph (6), the candidate shall provide all of the following as part of the application:
 - (i) the type of disciplinary action taken (e.g., revocation, suspension, probation),
 - (ii) the effective date of the disciplinary action,
 - (iii) the license type,
 - (iv) the license number,
 - (v) the name and location of the licensing board,
 - (vi) an explanation of the violations found by the licensing board; and,

(vii) any statement or documents showing the candidate's rehabilitation efforts or any mitigating information that the candidate would like the Board to consider; and,

(7) A statement signed under penalty of perjury of the laws of the State of California that the information provided on the application or any accompanying attachments provided with the application is true and correct.

Note: Authority cited: Sections 115.4, 5526, ~~and 5552.5 and 5552.6~~, Business and Professions Code. Reference: Sections 30, 115.4, 115.5, 115.6, 135.4, 144, 144.5, 480, 5550, 5550.5, 5551, 5552, 5552.1, ~~and 5552.5 and 5552.6~~, Business and Professions Code and Sections 8550 and 8558, Government Code.