



Board Members

Tian Feng, President
Nilza Serrano, Secretary
Malcolm "Brett" Gladstone
Pasqual V. Gutierrez
Ronald A. Jones
Sylvia Kwan
Ebony Lewis
Robert C. Pearman, Jr.
Charles "Sonny" Ward, III

NOTICE OF TELECONFERENCE MEETING

September 18, 2020

The California Architects Board (Board) will meet by teleconference at

10:00 a.m., on Friday, September 18, 2020

NOTE: Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Board will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=e01bc34005c1a26ce2bcdd96e576088b0>

Event/Meeting Number: 145 497 0073

Password: CAB091820

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by September 13, 2020, to cab@dca.ca.gov for consideration.

AGENDA

10:00 a.m. to 2:00 p.m.
(or until completion of business)

Action may be taken on any item listed below.

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. President's Procedural Remarks and Board Member Introductory Comments
- C. Update on the Department of Consumer Affairs (DCA)

(Continued)

D. Public Comment on Items Not on the Agenda

The Board may not discuss or act on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

E. Presentation by American Institute of Architects California on a Proposed Continuing Education Requirement on Climate Action/Decarbonization - Bill Leddy, FAIA

F. Review and Possible Action on June 5, 2020 Board Meeting Minutes

G. Update on July 29, 2020 Executive Committee Meeting

H. Update and Possible Action on Legislation Regarding:

1. Assembly Bill 2028 (Aguiar-Curry) State Agencies: Meetings
2. Senate Bill 1474 (Business, Professions and Economic Development Committee) Business and Professions

I. Update and Discussion of National Council of Architectural Registration Boards (NCARB) Committee Meetings

J. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs

K. Landscape Architects Technical Committee (LATC) Report

1. Update on September 4, 2020 LATC Meeting
2. Discuss and Possible Action on LATC's Proposed Changes to the 2019 California Architects Board Building Official Information Guide

L. Review of Future Board Meeting Dates

M. Closed Session - Pursuant to Government Code Sections 11126(c)(3) and (f)(4) and 11126.1, the Board Will Meet in Closed Session to:

1. Review and Take Action on June 5, 2020 Closed Session Minutes
2. Deliberate and Vote on Disciplinary Matters
3. Adjourn Closed Session

N. Reconvene Open Session

O. Adjournment – Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

The Board plans to webcast the meeting on its website at www.cab.ca.gov. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. Meeting adjournment may not be webcast if it is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to it taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

This meeting is being held via WebEx Events. The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Gabe Nessar

Telephone: (916) 575-7202

Email: gabriel.nessar@dca.ca.gov

Telecommunications Relay Service: Dial 711

Mailing Address:

California Architects Board

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5510.15).

HOW TO – Join – DCA WebEx Event

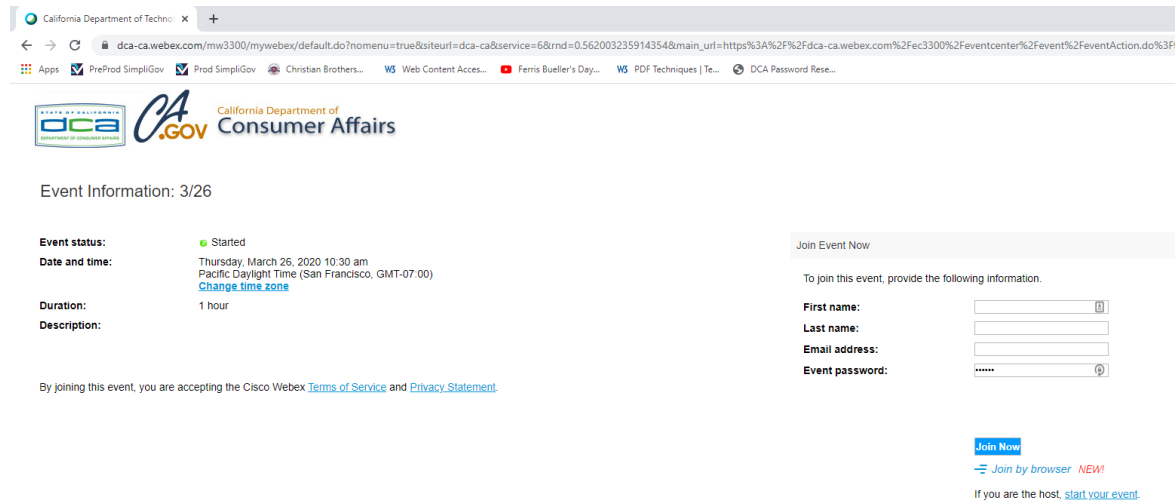
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

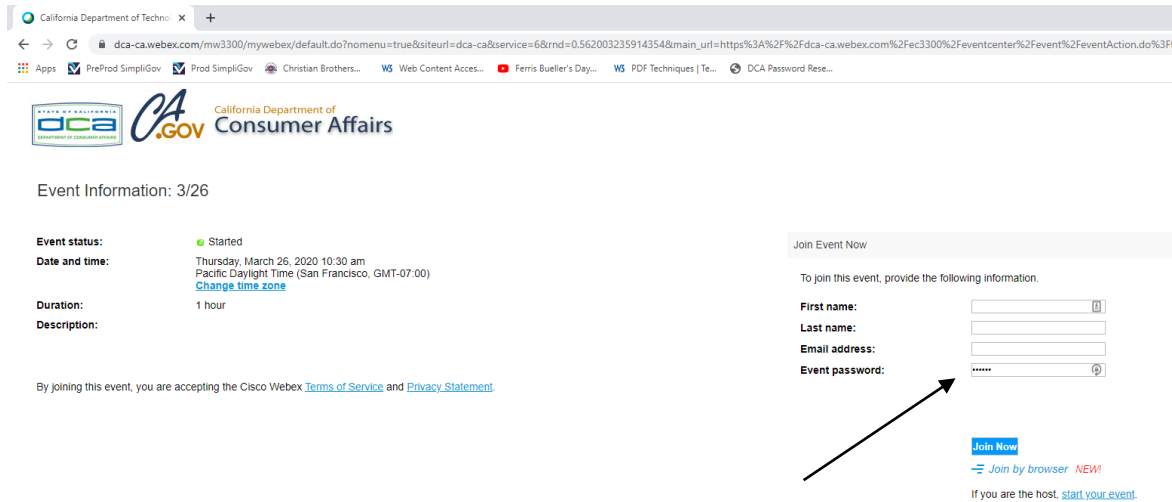
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

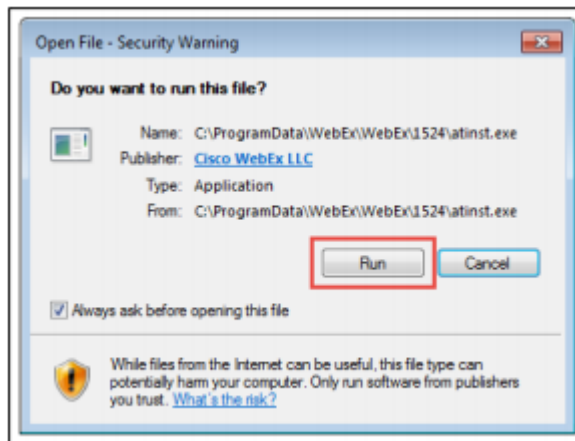
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



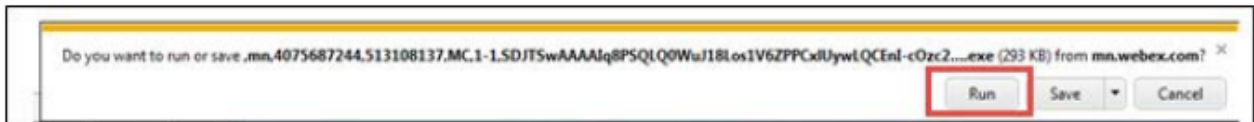
Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

Starting Webex...



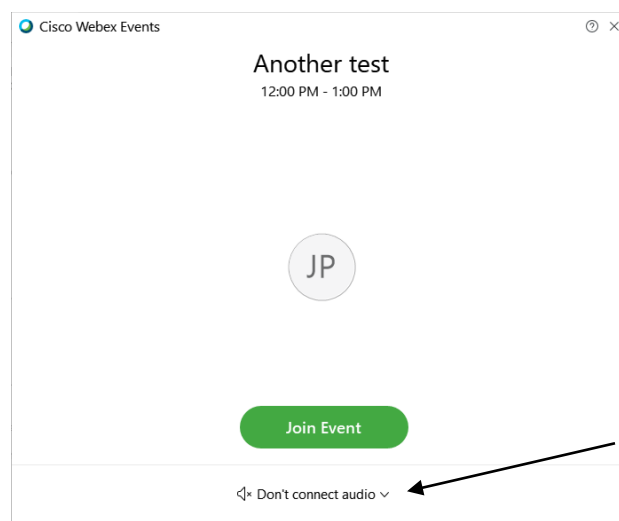
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



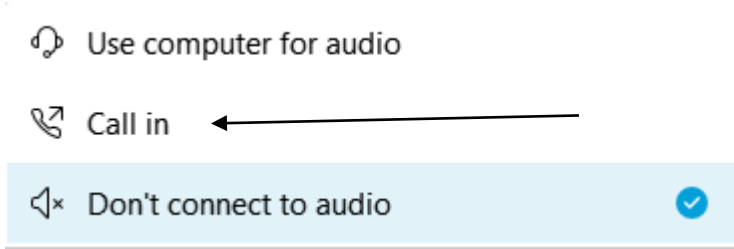
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

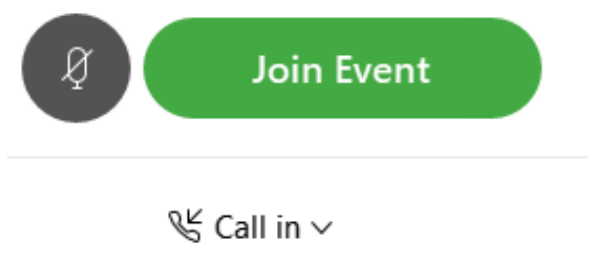


8. When the audio menu appears click 'Call in'.

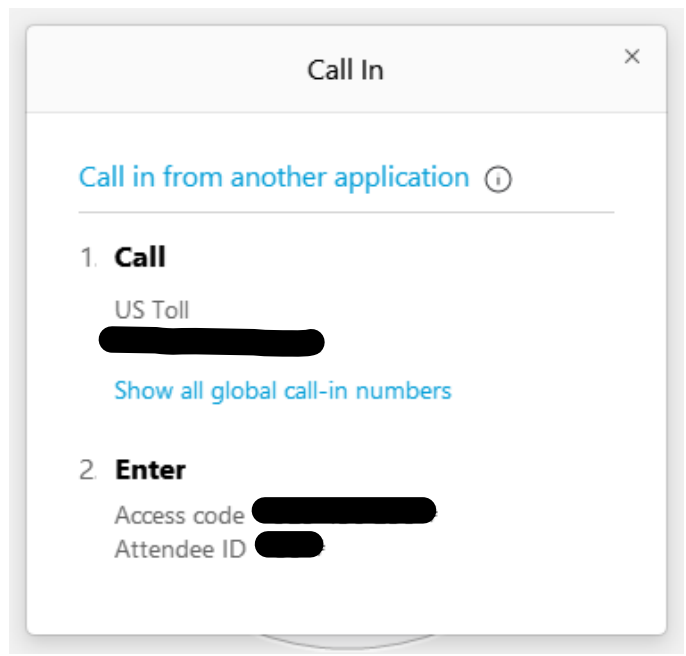
HOW TO – Join – DCA WebEx Event



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

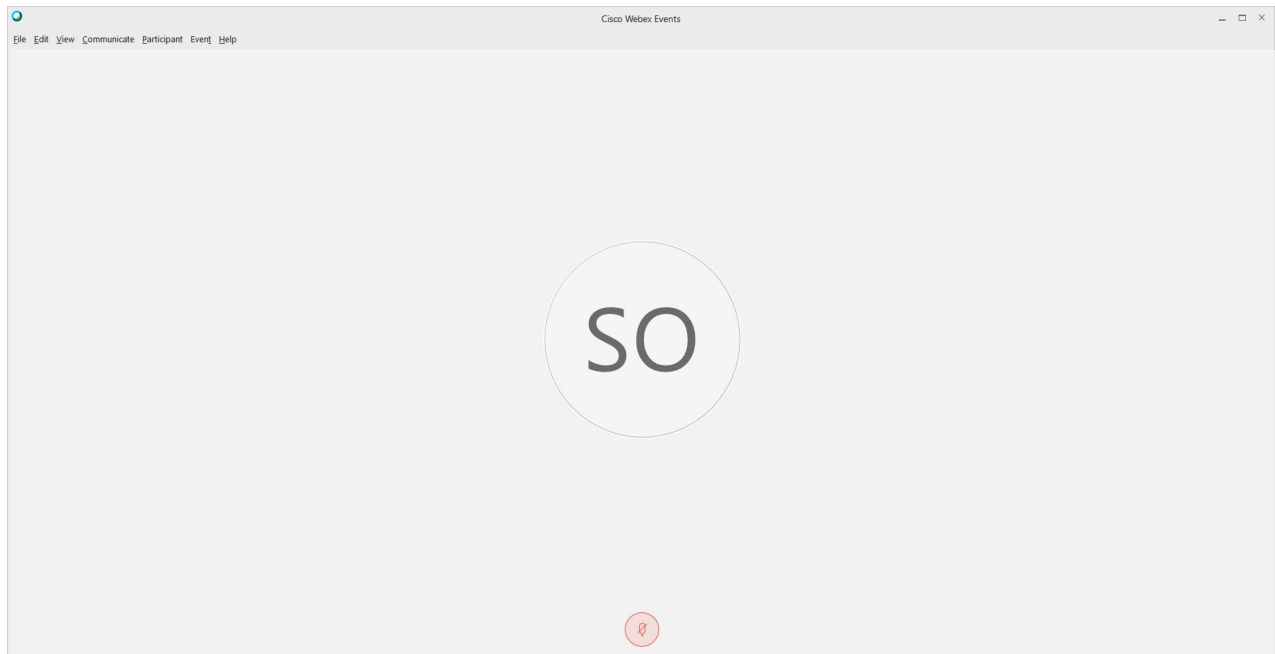


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

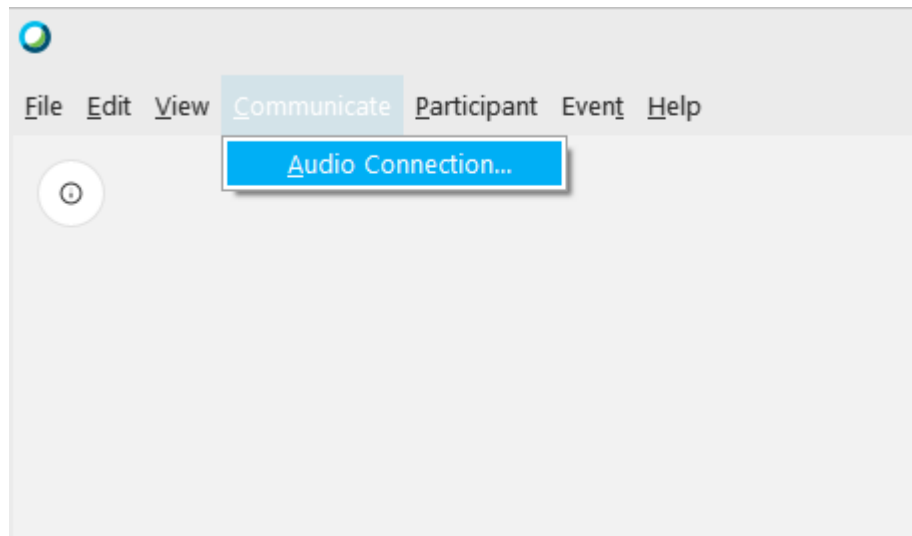


NOTE: Your audio line is muted and can only be unmuted by the event host.

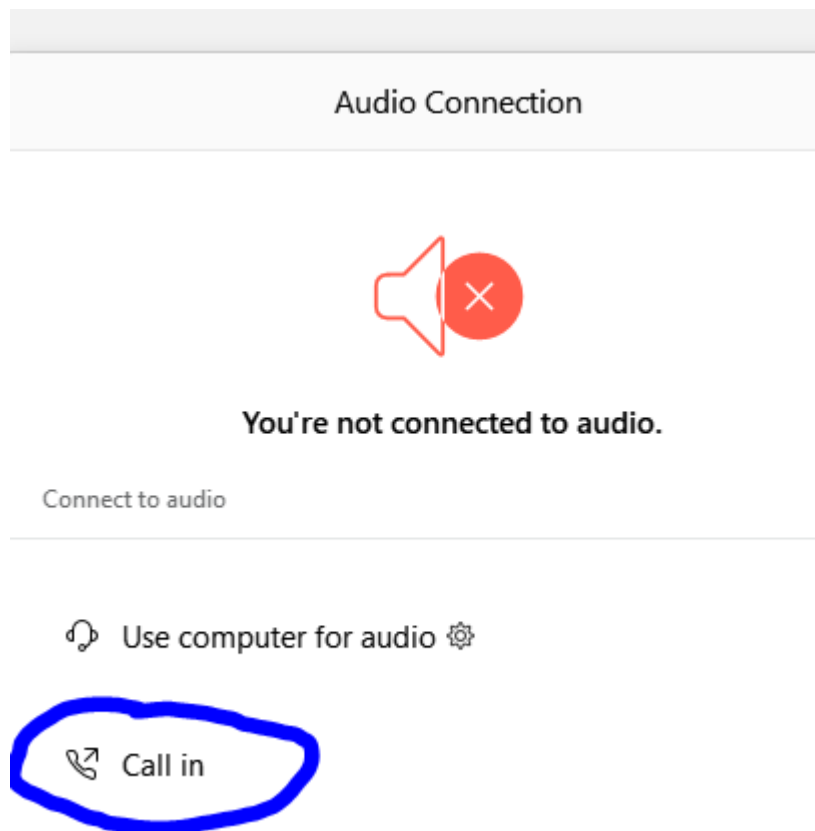
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



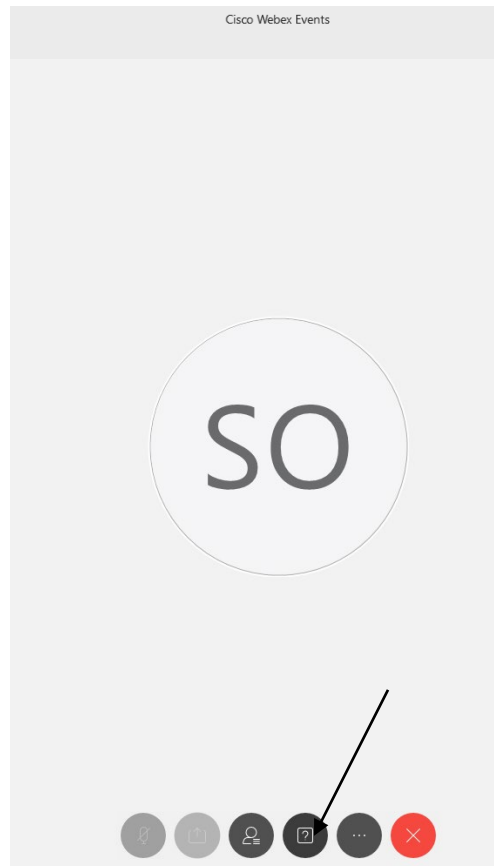
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

Participating During a Public Comment Period

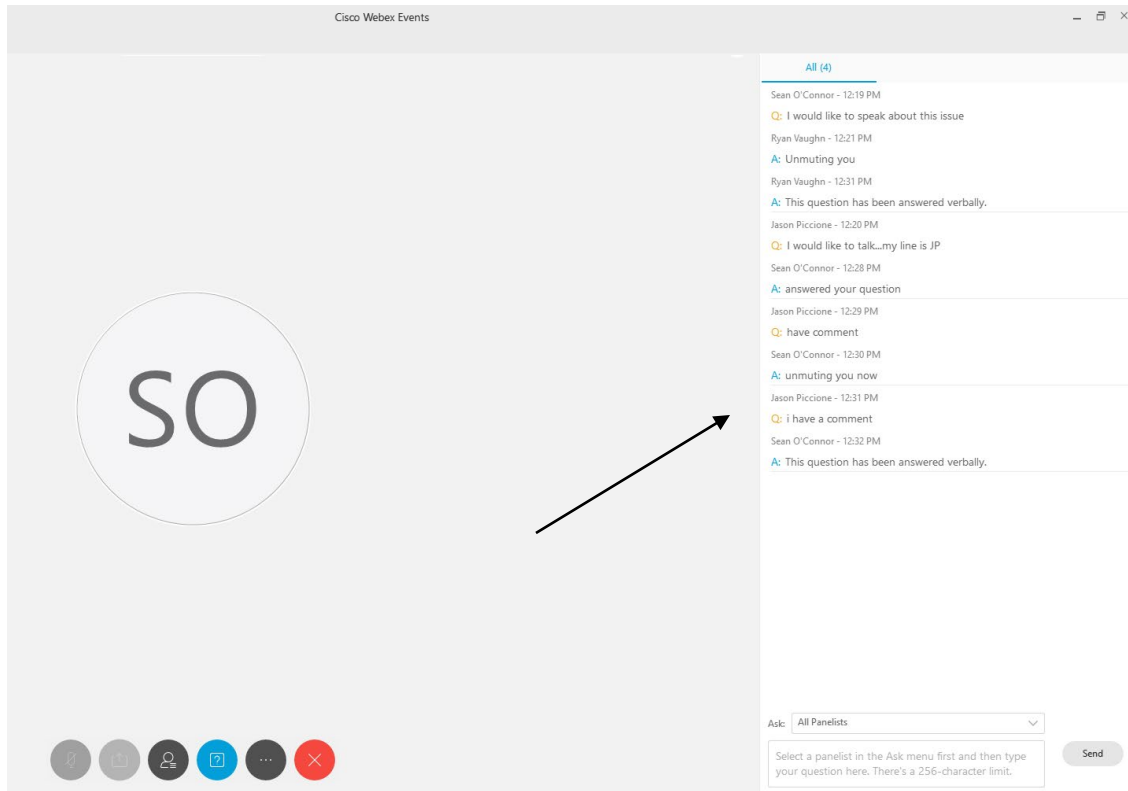
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

AGENDA ITEM A: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Roll is called by the Board Secretary or, in his/her absence, by the Board Vice President or, in his/her absence, by a Board member designated by the Board President.

Business and Professions Code section 5524 defines a quorum for the Board:

Six of the members of the Board constitute a quorum of the Board for the transaction of business. The concurrence of five members of the Board present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board, except that when all ten members of the Board are present at a meeting duly held, the concurrence of six members shall be necessary to constitute an act or decision of the Board.

Board Member Roster

Tian Feng

Malcolm Gladstone

Pasqual V. Gutierrez

Ronald A. Jones

Sylvia Kwan

Ebony Lewis

Robert C. Pearman, Jr.

Nilza Serrano

Charles Ward, III

AGENDA ITEM E: PRESENTATION BY AMERICAN INSTITUTE OF ARCHITECTS CALIFORNIA ON A PROPOSED CONTINUING EDUCATION REQUIREMENT ON CLIMATE ACTION/DECARBONIZATION – BILL LEDDY, FAIA

Summary

The American Institute of Architects (AIA) California, a professional association of over 10,000 architects in California, will pursue legislation in 2021 requiring architects to obtain five hours of continuing education in Zero Carbon Design every two years as a condition of license renewal, beginning with the 2023 renewal cycle. The AIA California Board of Directors, which comprises representatives from each of its 22 local chapters, overwhelmingly supported this effort at its July Board of Directors meeting.

The AIA California Board of Directors is seeking this change to state law for a variety of reasons, including the clear need to:

- Educate all architects in California about the urgency of rapid carbon reduction in the build environment and provide simple, cost-effective Zero Net Carbon design strategies and tools to get there;
- Prepare all architects for rapidly changing building codes and a marketplace shifting toward advanced energy efficiency, carbon neutrality, and long-term resilience; and
- Mobilize the profession to take leadership in accelerating statewide decarbonization to protect the health, safety, and welfare of all Californians in the face of the mounting climate crisis.

Bill Leddy, FAIA, Vice President of Climate Action, will give the presentation.

Action Requested

None

Attachment(s)

None

**AGENDA ITEM F: REVIEW AND POSSIBLE ACTION ON JUNE 5, 2020
BOARD MEETING MINUTES**

Summary

The Board is asked to review and take possible action on the minutes of the June 5, 2020 Board meeting.

Action Requested

Approval of the June 5, 2020 Board Meeting Minutes.

Attachment(s)

June 5, 2020 Board Meeting Minutes (Draft)



DRAFT MEETING MINUTES CALIFORNIA ARCHITECTS BOARD

June 5, 2020
Teleconference Meeting

A. CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

On June 5, 2020, Board President, Tian Feng, called the meeting to order at 10:45 a.m. and Secretary, Nilza Serrano, called roll.

Board Members Present

Tian Feng, President
Denise Campos, Vice President
Nilza Serrano, Secretary
Malcolm "Brett" Gladstone
Pasqual Gutierrez (connected to WebEx at 11:06 a.m. after experiencing technical difficulties)
Sylvia Kwan
Ebony Lewis
Robert C. Pearman, Jr.
Charles "Sonny" Ward, III

Six members of the Board present constitute a quorum. There being eight members present at the time of roll, a quorum was established.

Guests Present

Andrew C. N. Bowden, Landscape Architects Technical Committee (LATC) Member
Mark Christian, Director of Government Relations, American Institute of Architects, California (AIA California)
Glenn Gall, Professional Qualifications Committee (PQC) Member

Staff Present

Laura Zuniga, Executive Officer (EO)
Vickie Mayer, Assistant Executive Officer
Alicia Hegje, Program Manager Enforcement
Marccus Reinhardt, Program Manager Examination/Licensing
Kim McDaniel, Administration Analyst
Gabrial Nessar, Administration Analyst

Michael Sganga, Enforcement Analyst
Karen Halbo, Attorney III, Department of Consumer Affairs (DCA)
Tara Welch, Attorney III, DCA

B. PRESIDENT’S PROCEDURAL REMARKS AND BOARD MEMBER INTRODUCTORY COMMENTS

Mr. Feng announced that 1) the meeting is being webcast and pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, a physical meeting location is not being provided, and 2) Andrew Bowden, LATC member, is in attendance.

C. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA)

Laura Zuniga shared the Board did not receive the regular update from DCA as they have been working on Novel Coronavirus (COVID-19) responses as well as office closures this week. Ms. Zuniga will provide additional updates to members as received from DCA.

D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no comments from the public.

E. REVIEW AND POSSIBLE ACTION ON FEBRUARY 28, 2020 BOARD MEETING MINUTES

- **Sylvia Kwan moved to approve the February 28, 2020 Board Meeting Minutes.**

Nilza Serrano seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 8-0. Pasqual Gutierrez was absent for vote due to technical difficulties.

The Board took additional action on this item after Agenda Item J.

F. DISCUSS AND POSSIBLE ACTION ON ADOPTION OF PROPOSED CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 2, ARTICLE 10, SECTION 165 (CONTINUING EDUCATION)

Marccus Reinhardt provided members with a brief historical background on the proposed continuing education (CE) regulations specific to the existing required five hours of disability access coursework. Mr. Reinhardt reminded members that

Senate Bill (SB) 608 amended Business and Professions Code (BPC) section 5600.05 and among other things requires the Board to promulgate regulations establishing minimum qualifications for both CE courses and providers by January 1, 2023. He also reminded members the PQC had previously discussed CE, which is assigned as a Strategic Plan objective.

Mr. Reinhardt summarized for members the effects of the proposed language:

- defines new terms in the regulation;
- clarifies the timeline for CE completion;
- establishes minimum qualifications for courses and minimum knowledge and expertise for trainers/educators;
- sets restrictions on self-teaching, self-directed learning, and credit earned for course presentations;
- prescribes requirements for course record documentation; and
- authorizes disciplinary or administrative actions related to noncompliance.

Members inquired whether the CE requirement could be expanded to include other types of coursework. Members were advised that the current regulations relate only to disability access and that expansion would require statutory authority. Members also inquired whether there would be any budgetary impact because of the proposed regulation. Mr. Reinhardt explained there was no expected fiscal impact.

Mr. Feng acknowledged member Pasqual Gutierrez, at 11:06 a.m. joined the meeting after experiencing technical difficulties.

- **Denise Campos moved to approve the proposed regulatory language to adopt CCR section 165, direct the EO to take all steps necessary to initiate the rulemaking process, authorize the EO to make any technical or nonsubstantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes.**

Ebony Lewis seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

G. UPDATE ON INTRA-DEPARTMENTAL CONTRACTS WITH THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) FOR OCCUPATIONAL ANALYSIS (OA) AND EXAMINATION DEVELOPMENT

Mr. Reinhardt advised the Board that because of COVID-19, examination development workshops, which are conducted in person, were suspended. He stated that OPES recommended the Board advance its timetable for commencement of the OA. Subsequently, an Intra-Departmental Contract (IDC) was executed with OPES and work on the OA commenced in April.

Mr. Reinhardt also advised members that the current examination development IDC with OPES is set to expire at the end of the month; he said staff are coordinating with OPES to execute a new IDC for fiscal year 20/21 examination development.

Mr. Feng inquired whether the anticipated increase of test takers at testing sites, after having been closed due to COVID-19, would have any budgetary impact. Mr. Reinhardt explained the IDCs for the OA and examination development are separate from the agreement for test administration. He subsequently proceeded to explain the forecasting methodology used to determine the anticipated number of test takers during the length of the contract term and advised members that the methodology allows for reasonable growth rate and is able to address short-term testing surges. At the request of the Board members, Mr. Reinhardt advised members that PSI test centers were open at a reduced capacity and mentioned he could work with OPES to see if there are any changes and then provide an update to the EO for members.

H. UPDATE AND POSSIBLE ACTION ON LEGISLATION REGARDING:

1. Assembly Bill (AB) 1263 (Low) Contracts: Consumer Services: Consumer Complaints

Ms. Zuniga presented that AB 1263, currently in the Senate Rules Committee, provides that a contract or proposed contract between a consumer and a licensee shall not include a provision limiting a consumer's ability to file a complaint with a licensing board. This bill applies to all of DCA. She shared current law is that settlement agreements between a consumer and a licensed individual cannot prevent the consumer from filing a complaint with a board and this bill extends that provision to proposed contracts for services.

2. AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

Ms. Zuniga provided an update on the status of AB 1616. Currently in the Senate Rules Committee, AB 1616 requires a board within DCA, for licenses that were revoked due to an individual's conviction of a crime to either post a copy of the expungement order if the individual reapplies or has been relicensed, or if the individual is not licensed and does not reapply, the Board would need to remove the initial posting of the revocation from its website. Members inquired about the provision to remove the initial revocation posting from the website and requested clarification in this area. Consequently, Board staff will work with the DCA Office of Legal Affairs on clarification.

3. AB 2028 (Aguiar-Curry) State Agencies: Meetings

Ms. Zuniga presented that AB 2028, amending the Bagley-Keene Open Meetings Act, was amended yesterday and had required that all meeting materials, except those for Closed Session, be made publicly available at least 10 days prior to the meeting date (this is the information reflected in today's Board meeting packet). Yesterday's amendments instead require all meeting materials be posted as soon as available to Board members and at least 48 hours in advance of the meeting.

4. AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses

Ms. Zuniga presented the status of AB 3045 that requires boards under DCA to issue a temporary license to an applicant that is married to or in a domestic partnership with an active duty member of the Armed Forces, if certain conditions are met. She reminded the members that the Board already has a pathway to mobility and that other DCA boards may be more impacted by this bill.

Members sought clarification on how the bill changes the process for partners/spouses of active duty members of the Armed Forces since the bill still requires them to meet all requirements for the license. Ms. Zuniga indicated the legislature may still be working on further amendments to refine the process.

6.*SB 1474 (Business, Professions and Economic Development Committee) Business and Professions

Ms. Zuniga presented SB 1474, an omnibus bill that contains provisions for different boards within DCA. This bill contains provisions for both the Board and LATC that the Board approved at its December 2019 meeting. This bill allows the holder of a retired license who last renewed into active status less than five years ago to reinstate that license to active status without applying for a new license. For LATC, the bill contains language to implement the

fingerprint requirements contained in SB 608. Mr. Feng inquired about the status of the Board's implementation of fingerprinting and Ms. Zuniga shared staff are currently working on processes and will provide an update at the next Board meeting.

Denise Campos moved for the Board to support SB 1474.

Nilza Serrano seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

5. Senate Bill (SB) 1168 (Morrell) State Agencies: Licensing Services

Ms. Zuniga provided an update on SB 1168, currently in the Senate Appropriations Committee. This bill requires agencies issuing any business license to establish a process for an individual experiencing economic hardship because of an emergency caused by a virus to submit an application so that an agency may grant a deferral of fees. The bill also requires establishing a process to expedite licensing services for individuals displaced by an emergency.

Legal counsel shared the definition of a license in the bill requires clarification as the Board provides a professional license to engage in a profession, not necessarily a business license. Ms. Zuniga will get clarification around this point.

I. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

1. Review of 2020 NCARB Annual Business Meeting Agenda

Ms. Zuniga shared that the NCARB Annual Business meeting this year will be held online for a half-day on June 19, 2020 and members should have already received an invitation from NCARB. All Board members were encouraged to register for this no-cost meeting and consequently the presenter offered to resend the meeting invitation. Unlike other NCARB Regions, Region 6, which California is a member, will not be meeting. Ms. Kwan, a member of the Region 6 Executive Committee shared there were no urgent issues for the region to take up other than electing the National Board of Directors.

2. Discuss and Take Action on Letter of Credentials for Annual Business Meeting

Ms. Zuniga presented the Letter of Credentials that authorized the Board to appoint Board President Feng to serve as the Board's official delegate for the 2020 NCARB Annual Business Meeting.

Ms. Campos moved to authorize the Board to appoint Mr. Feng to serve as the Board's official delegate for the 2020 NCARB Annual Business Meeting.

Ms. Kwan seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

Mr. Feng shared there are two NCARB Board of Directors positions that have multiple candidates and sought input from Board members.

Sonny Ward requested confirmation that California's Board is 1 of 55 NCARB jurisdictions with only one vote and Ms. Zuniga confirmed. Mr. Ward inquired that as one of the more diverse of the 55 jurisdictions, if there is something else the Board, as a large and diverse contingency can do to impact NCARB. In addition, he commented on NCARB's election process suggesting its possible impact on the organization's diversity. Mr. Gutierrez shared his opinion that the electoral process for NCARB jurisdictions is balanced and fair because each gets one vote, and this prevents larger boards from dominating.

Board members engaged in discussion and topics included:

1. Apply to membership on NCARB committees.

Ms. Kwan advised that she is a member of NCARB's new Diversity Committee and expressed concern with the pace of the work. She shared an experience where a Board member was excluded from their meeting to observe. Ms. Kwan indicated that she planned to reach out to NCARB's Chief Executive Officer about the incident. A member inquired about the protocol for the Board to communicate with NCARB and Ms. Kwan shared three options for communication 1) Board EO, 2) Board President, and 3) Region 6 Director.

Mr. Gutierrez affirmed that joining NCARB committees presents an opportunity to bring California's voice to that committee and provided an example. He shared with the Board that NCARB committee members are appointed by the NCARB president and that there has been a line of succession among the Board of Directors, and that Board members interested in joining NCARB committees can reach out to the First Vice President, Second Vice President, Treasurer and Secretary to share their interests in serving on a committee.

Mr. Ward encouraged the Board to explore opportunities outside of the committee structure to impact NCARB.

2. Agendize NCARB committee work updates during Board meetings.
3. Conduct research on NCARB succession and bylaws.
4. Develop a resolution from the Board to NCARB.
5. Compile a list of Board members serving on NCARB committees.
6. Determine which NCARB committees still have openings, how to access those opportunities, and who is eligible to apply.
7. Support candidates for NCARB elected offices.

Members expressed their opinions about current candidates based on their experiences. There were two candidates for Agenda Item I.3 that would support diversity and potentially bring a different perspective should the Board vote for them.

8. Develop a plan with well-defined objectives.

It was established that the Board's Executive Committee would begin the process of defining the NCARB message(s) for the Board and to discuss strategies.

3. Consider and Take Action on Candidates for 2020 NCARB Board of Directors

Mr. Feng solicited additional input on NCARB Board of Directors candidates from the Board. There were no additional comments. Tara Welch, legal counsel, indicated the Board had deliberative conversation and Mr. Feng now had direction on how to vote.

Public Comment

Glenn Gall shared that the NCARB website refers those interested in participating on committees to check with their state board. He asked for clarification if non-board members can serve on NCARB committees. The Board will conduct research on this topic.

J. EXECUTIVE OFFICER'S REPORT – UPDATE ON BOARD'S ADMINISTRATION / MANGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS

Ms. Zuniga thanked Board staff, most of whom are teleworking and have experienced a lot of changes in a short amount of time, because of COVID-19. She summarized the EO report and shared highlights including:

- PQC's next meeting is scheduled for October 30, 2020;
- Business Modernization process has been put on hold because of changes to the state budget; and
- LATC canceled their meeting that would have taken place last month and as a result there is no new information other than their next meeting is scheduled later in the year.

K. REVIEW OF FUTURE BOARD MEETING DATES

Board members reviewed remaining meeting dates for the year. Ms. Zuniga shared that if the Governor's order is in place, meetings will be conducted in the same online format as today's meeting. Mr. Feng checked to determine if any Board members objected to meeting in this format and there were no objections. Mr. Ward inquired if accessibility is the same online, specifically for public comment. Ms. Welch indicated that through her work with another DCA board, she has seen an increase in public participation.

Mr. Gutierrez requested to return to Agenda Item E for a correction to the February 28, 2020 Board Meeting Minutes, as he was not able to participate for that item discussion and vote due to technical difficulties. Ms. Welch provided direction that the Board must vote to reopen Agenda Item E, and then vote to approve the amended meeting minutes.

Nilza Serrano moved for the Board to reopen Agenda Item E.

Pasqual Gutierrez seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

Mr. Gutierrez described the edit for his motion to amend the February 28, 2020 Board Minutes which was clarified by Ms. Welch. After discussion, Mr. Gutierrez withdrew the requested amendment. Ms. Welch recommended the Board revote on approving the minutes with no amendment.

Tian Feng moved to approve the February 28, 2020 Board Meeting Minutes with no amendments.

Pasqual Gutierrez seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

The meeting recessed and went into Closed Session. Meeting adjournment (Agenda Item O) immediately followed Closed Session, and there were no other items of business discussed.

Recessed the Open Session at 1:11 p.m.

L. CLOSED SESSION - PURSUANT TO GOVERNMENT CODE SECTIONS 11126(c)(3) AND (f)(4) AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:

- 1. Review and Take Action on February 28, 2020 Closed Session Minutes**
- 2. Deliberate and Vote on Disciplinary Matters**
- 3. Adjourn Closed Session**

M. ADJOURN CLOSED SESSION

N. RECONVENE OPEN SESSION

The Board reconvened in Open Session with the following members present:

Tian Feng, President
Denise Campos, Vice President
Malcolm "Brett" Gladstone
Pasqual Gutierrez
Ebony Lewis
Robert C. Pearman, Jr
Charles "Sonny" Ward, III

O. ADJOURNMENT

The meeting adjourned at 2:01 p.m.

AGENDA ITEM G: UPDATE ON JULY 29, 2020 EXECUTIVE COMMITTEE MEETING

The Board's Executive Committee met on July 29, 2020 via teleconference (see the attached Notice of Meeting). Tian Feng, Chair of the Committee will provide an update to the Board on the meeting.

Action Requested

None

Attachment(s)

Executive Committee July 29, 2020 Notice of Meeting



Committee Members

Tian Feng, Chair
Denise Campos, Vice Chair
Nilza Serrano
Sylvia Kwan

**NOTICE OF
TELECONFERENCE
MEETING**

**The California Architects Board Executive Committee will meet by
teleconference at**

10:00 a.m., on Wednesday, July 29, 2020

NOTE: Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The California Architects Board (Board) Executive Committee (Committee) will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

<https://dca-ca.webex.com/dca-ca/j.php?MTID=m18f7856ff977adccef31cac8c59d598a>

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by July 24, 2020, to cab@dca.ca.gov for consideration.

AGENDA

10:00 a.m. to 11:30 a.m.
(or until completion of business)

Action may be taken on any item listed below on the agenda.

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda

The Committee may not discuss or act on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

D. Review and Possible Action on January 31, 2019 Meeting Minutes

E. Review, Discussion and Possible Action Regarding the National Council of Architectural Registration Boards (NCARB) Commitment to Diversity

F. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public. This meeting will not be webcast.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to it taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

This meeting is being held via WebEx Events. The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Gabe Nessar

Telephone: (916) 575-7202

Email: gabrial.nessar@dca.ca.gov

Telecommunications Relay Service: Dial 711

Mailing Address:

California Architects Board

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5510.15).

AGENDA ITEM H.1: ASSEMBLY BILL 2028 (AGUIAR-CURRY) STATE AGENCIES: MEETINGS

Status: Senate Floor

Summary

Existing law, the Bagley-Keene Open Meetings Act (Act) requires all meetings of a state body to be open to the public and for the notice of the meeting to be made publicly available at least 10 days prior to the meeting date.

This bill deletes an existing exemption in the Act, thereby requiring public comment to be available for each agenda item.

Background:

According to the author, “this bill ensures the public has access to all relevant background documents prior to the meeting of a state agency, board or commission. Public access to information is a critical component of our democratic process and encourages informed public engagement with our state leaders. This bill provides the diverse public of our state with a platform to share their opinions and make their voices heard.”

Comments:

This bill, when previously reviewed by the Board, required all meeting materials to be made available online at least 10 days prior to the meeting. That language has been removed from the bill.

Action Requested

None

Attachment(s)

Assembly Bill 2028 (Aguiar-Curry) Amended 8/24/2020

AMENDED IN SENATE AUGUST 20, 2020

AMENDED IN SENATE JULY 28, 2020

AMENDED IN SENATE JULY 8, 2020

AMENDED IN ASSEMBLY JUNE 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2028

**Introduced by Assembly Member Aguiar-Curry
(Coauthor: Assembly Member Gonzalez)**

January 30, 2020

An act to amend ~~Sections 11125 and~~ *Section* 11125.7 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, as amended, Aguiar-Curry. State agencies: meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The

~~bill would prescribe requirements to be satisfied in order for these writings or materials to be distributed or discussed. The bill would generally require that these writings and materials be made available on the body's internet website no later than the first business day after they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is earlier, and to be provided immediately upon written request. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill would require that they be posted on the body's internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body, and made available immediately upon written request. The bill would except writings or materials relating to matters to be discussed in a closed session and state financial materials, as defined, that put the Treasurer, or specified entities for which the Treasurer serves as chairperson, at a competitive disadvantage in financial transactions from its requirements. The bill would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, and changing financial market conditions as they become available, as specified. Upon receipt of a written request, the bill would require that these writings or materials be provided immediately.~~

Existing law *law, the Bagley-Keene Open Meeting Act*, requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

1 (a) The Bagley-Keene Open Meeting Act (Article 9
2 (commencing with Section 11120) of Chapter 1 of Part 1 of
3 Division 3 of Title 2 of the Government Code) (hereafter
4 “Bagley-Keene”) was intended to implement Section 3 of Article
5 I of the California Constitution, which states in part, “The people
6 have the right of access to information concerning the conduct of
7 the people’s business, and, therefore, the meetings of public bodies
8 and the writings of public officials and agencies shall be open to
9 public scrutiny.”

10 (b) Bagley-Keene was written to protect public meetings and
11 public notice and to ensure the transparency of actions taken by
12 state agencies, boards, and commissions.

13 (c) Californians have the right to participate in state body
14 deliberations. This includes the public’s ability to comment on all
15 agenda items discussed at a meeting of the state body, regardless
16 of whether an item has been discussed previously in a committee
17 of the state body.

18 (d) The purpose of public notice is so that state bodies give the
19 public adequate time for review of the substance of a state body
20 meeting and for comment.

21 (e) Public notice must also include any writings or materials
22 provided by a state body’s staff or by a member of the state body
23 to other members of the state body for a noticed meeting of the
24 body.

25 (f) Bagley-Keene affirms these rights by stating in Section 11120
26 of the Government Code, “The people of this state do not yield
27 their sovereignty to the agencies which serve them. The people,
28 in delegating authority, do not give their public servants the right
29 to decide what is good for the people to know and what is not good
30 for them to know. The people insist on remaining informed so that
31 they may retain control over the instruments they have created.”

32 ~~SEC. 2. Section 11125 of the Government Code is amended~~
33 ~~to read:~~

34 ~~11125. (a) The state body shall provide notice of its meeting~~
35 ~~to any person who requests that notice in writing. Notice shall be~~
36 ~~given and also made available on the internet website at least 10~~
37 ~~days in advance of the meeting, and shall include the name,~~
38 ~~address, and telephone number of any person who can provide~~
39 ~~further information prior to the meeting, but need not include a~~
40 ~~list of witnesses expected to appear at the meeting. The written~~

1 notice shall additionally include the address of the internet website
2 where notices required by this article are made available.

3 ~~(b) The notice of a meeting of a body that is a state body shall~~
4 ~~include a specific agenda for the meeting, containing a brief~~
5 ~~description of the items of business to be transacted or discussed~~
6 ~~in either open or closed session. A brief general description of an~~
7 ~~item generally need not exceed 20 words. A description of an item~~
8 ~~to be transacted or discussed in closed session shall include a~~
9 ~~citation of the specific statutory authority under which a closed~~
10 ~~session is being held. No item shall be added to the agenda~~
11 ~~subsequent to the provision of this notice, unless otherwise~~
12 ~~permitted by this article.~~

13 ~~(e) (1) Any notice provided pursuant to subdivision (a) shall~~
14 ~~include all writings or materials provided for the noticed meeting~~
15 ~~to a member of the state body by the staff of that state agency,~~
16 ~~board, or commission, or another member of the state body, that~~
17 ~~are in connection with a matter subject to discussion or~~
18 ~~consideration at the meeting. A state body may distribute or discuss~~
19 ~~writings or materials only to the extent that it has complied with~~
20 ~~the applicable requirements of this subdivision.~~

21 ~~(2) (A) The writings or materials to be considered at a noticed~~
22 ~~meeting and provided to members of the state body in advance of~~
23 ~~the meeting shall be made available on the body's internet website~~
24 ~~no later than the first business day following the dissemination of~~
25 ~~the writings and materials to members of the state body or at least~~
26 ~~48 hours in advance of the meeting, whichever is earlier. Upon~~
27 ~~receipt of a written request for writings or materials provided to~~
28 ~~members of the state body in advance of the meeting, a state body~~
29 ~~shall provide them immediately.~~

30 ~~(B) Any writings or materials provided to the members of the~~
31 ~~state body by another state body after the time periods described~~
32 ~~in subparagraph (A) have passed shall be posted on the body's~~
33 ~~internet website no later than the first business day, but prior to~~
34 ~~the meeting of the state body, following the dissemination of the~~
35 ~~writings and materials to the members of the state body. Upon~~
36 ~~receipt of a written request, these writings or materials shall be~~
37 ~~provided immediately. A state body that satisfies the requirements~~
38 ~~of this subparagraph may discuss these writings and materials at~~
39 ~~an otherwise properly noticed meeting.~~

1 ~~(3) (A) This subdivision does not apply to writings or materials~~
2 ~~prepared for a matter to be discussed in a closed session of the~~
3 ~~state body or to state financial materials that put the Treasurer, or~~
4 ~~any of the boards, authorities, commissions, committees, and~~
5 ~~councils for which the Treasurer serves as chairperson, at a~~
6 ~~competitive disadvantage in financial transactions.~~

7 ~~(B) For purposes of this paragraph, “financial materials” mean~~
8 ~~documents related to bonds, loans, and grants.~~

9 ~~(4) If the writings or materials described in paragraph (1) on an~~
10 ~~agenda for discussion at a meeting of the state body are related to~~
11 ~~legislation that is before the Legislature in a current legislative~~
12 ~~session or are related to changing financial market conditions, a~~
13 ~~state body shall satisfy the requirements of this subdivision by~~
14 ~~posting on its internet website the writings and materials related~~
15 ~~to the legislation or the changing market conditions as they become~~
16 ~~available after the time periods described in paragraph (2). Upon~~
17 ~~receipt of a written request, these writings or materials shall be~~
18 ~~provided immediately. The state body shall make clear what date~~
19 ~~the new or changed writings or materials are posted and, when~~
20 ~~applicable, what changes have been made in the writings or~~
21 ~~materials.~~

22 ~~(d) Notice of a meeting of a state body that complies with this~~
23 ~~section shall also constitute notice of a meeting of an advisory~~
24 ~~body of that state body, provided that the business to be discussed~~
25 ~~by the advisory body is covered by the notice of the meeting of~~
26 ~~the state body, provided that the specific time and place of the~~
27 ~~advisory body’s meeting is announced during the open and public~~
28 ~~state body’s meeting, and provided that the advisory body’s~~
29 ~~meeting is conducted within a reasonable time of, and nearby, the~~
30 ~~meeting of the state body.~~

31 ~~(e) A person may request, and shall be provided, notice pursuant~~
32 ~~to subdivision (a) for all meetings of a state body or for a specific~~
33 ~~meeting or meetings. In addition, at the state body’s discretion, a~~
34 ~~person may request, and may be provided, notice of only those~~
35 ~~meetings of a state body at which a particular subject or subjects~~
36 ~~specified in the request will be discussed.~~

37 ~~(f) A request for notice of more than one meeting of a state body~~
38 ~~shall be subject to the provisions of Section 14911.~~

39 ~~(g) The notice shall be made available in appropriate alternative~~
40 ~~formats, as required by Section 202 of the Americans with~~

1 ~~Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal~~
2 ~~rules and regulations adopted in implementation thereof, upon~~
3 ~~request by any person with a disability. The notice shall include~~
4 ~~information regarding how, to whom, and by when a request for~~
5 ~~any disability-related modification or accommodation, including~~
6 ~~auxiliary aids or services may be made by a person with a disability~~
7 ~~who requires these aids or services in order to participate in the~~
8 ~~public meeting.~~

9 ~~SEC. 3.~~

10 *SEC. 2.* Section 11125.7 of the Government Code is amended
11 to read:

12 11125.7. (a) Except as otherwise provided in this section, the
13 state body shall provide an opportunity for members of the public
14 to directly address the state body on each agenda item before or
15 during the state body's discussion or consideration of the item.
16 Every notice for a special meeting at which action is proposed to
17 be taken on an item shall provide an opportunity for members of
18 the public to directly address the state body concerning that item
19 prior to action on the item. In addition, the notice requirement of
20 Section 11125 shall not preclude the acceptance of testimony at
21 meetings, other than emergency meetings, from members of the
22 public if no action is taken by the state body at the same meeting
23 on matters brought before the body by members of the public.

24 (b) The state body may adopt reasonable regulations to ensure
25 that the intent of subdivision (a) is carried out, including, but not
26 limited to, regulations limiting the total amount of time allocated
27 for public comment on particular issues and for each individual
28 speaker.

29 (c) (1) Notwithstanding subdivision (b), when a state body
30 limits time for public comment the state body shall provide at least
31 twice the allotted time to a member of the public who utilizes a
32 translator to ensure that non-English speakers receive the same
33 opportunity to directly address the state body.

34 (2) Paragraph (1) shall not apply if the state body utilizes
35 simultaneous translation equipment in a manner that allows the
36 state body to hear the translated public testimony simultaneously.

37 (d) The state body shall not prohibit public criticism of the
38 policies, programs, or services of the state body, or of the acts or
39 omissions of the state body. Nothing in this subdivision shall confer

1 any privilege or protection for expression beyond that otherwise
2 provided by law.

3 (e) This section is not applicable to any of the following:

4 (1) Closed sessions held pursuant to Section 11126.

5 (2) Decisions regarding proceedings held pursuant to Chapter
6 5 (commencing with Section 11500), relating to administrative
7 adjudication, or to the conduct of those proceedings.

8 (3) Hearings conducted by the California Victim Compensation
9 Board pursuant to Sections 13963 and 13963.1.

10 (4) Agenda items that involve decisions of the Public Utilities
11 Commission regarding adjudicatory hearings held pursuant to
12 Chapter 9 (commencing with Section 1701) of Part 1 of Division
13 1 of the Public Utilities Code. For all other agenda items, the
14 commission shall provide members of the public, other than those
15 who have already participated in the proceedings underlying the
16 agenda item, an opportunity to directly address the commission
17 before or during the commission's consideration of the item.

AGENDA ITEM H.2: SENATE BILL 1474 (BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT COMMITTEE) BUSINESS AND PROFESSIONS

Status: Assembly Floor

Summary

This bill, as it pertains to the California Architects Board (Board) and Landscape Architects Technical Committee (LATC):

1. Further defines the procedure for the holder of a retired license to reinstate that license to active status.
2. Delays, until January 1, 2022, the fingerprint requirement for LATC.

Background:

The Architects Practice Act (Act) authorizes the issuance of a retired license. Business and Professions Code (BPC) section 5600.4 establishes the retired license and specifies how the holder of a retired license can reinstate their license to active status. However, it specifies that to reinstate, the individuals should comply with BPC section 5600.3. That section only applies to licenses that have not been renewed for more than five years and requires individuals in those circumstances to reapply for a new license. BPC section 5600.2 defines the renewal process for a license that is expired but for not more than five years. Individuals meeting these circumstances are able to renew their license and are not required to apply for a new one. Senate Bill 1474 amends BPC section 5600.4 to add a reference to BPC section 5600.2, so that the holder of a retired license, who last renewed it to active status less than five years ago, can reinstate their license to active status without applying for a new license.

Senate Bill (SB) 608 (Glazer, Chapter 376, Statutes of 2019) requires the Board and LATC to begin fingerprinting new applicants for licensure, beginning January 1, 2021. SB 608 contained language to further define the implementation for the Board, but did not add similar language to LATC's statute. SB 1474 did previously add this language to the Landscape Architects Practice Act, modeled on the language SB 608 added to the Architects Practice Act. However, it was removed from the bill late in the legislative session, due to the need for technical changes raised by the Department of Justice. Board and LATC staff will work with legislative committee staff in the Fall to revise the language and introduce it again next year.

Action Requested

None. Board previously voted to support this bill.

Attachment(s)

SB 1474 (Business, Professions and Economic Development Committee) Amended 8/24/2020

AMENDED IN ASSEMBLY AUGUST 24, 2020

AMENDED IN ASSEMBLY AUGUST 10, 2020

AMENDED IN ASSEMBLY JULY 27, 2020

AMENDED IN SENATE JUNE 18, 2020

AMENDED IN SENATE MAY 14, 2020

SENATE BILL

No. 1474

**Introduced by Committee on Business, Professions and Economic
Development (Senators Glazer (Chair), Archuleta, Chang, Dodd,
Galgiani, Hill, Leyva, Pan, and Wilk)**

(Principal coauthor: Assembly Member Low)

(Coauthor: Senator Morrell)

March 16, 2020

An act to amend Sections 27, 101, 125.9, 130, 144, 200.1, 205, 494.5, 1000, 1913, 1917, 1917.1, 1922, 2065, 2113, 2135.5, 2460, 2531, 2531.75, 2570.19, 2602, 2607.5, 2841, 2847.1, 2847.3, 2920, 2933, 3504, 3512, 3686, 3710, 3716, 4001, 4003, 4501, 4503, 4604, 4621, 4800, 4804.5, 4990, 4990.04, 5600.4, 5810, 7000, 7000.5, 7000.6, 7011.4, 7011.5, 7011.8, 7015, 7017.3, 7028.7, 7030, 7031, 7058.7, 7071.4, 7080.5, 7085.5, 7099.2, 7123.5, 7135, 7136, 7137, 7137.5, 7138, 7139.1, 7139.2, 7141.5, 7145.5, 7159, 7170, 7303, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 8516, 10050, 11301, 16100, and 19164 of, ~~to amend, repeal, and add Section 1632 of, and to add Section 7099.9 to, and to add and repeal Section 1632.56 of,~~ the Business and Professions Code, to add Section 1670.8.5 to the Civil Code, and to amend Section 94950 of the Education Code, relating to business and professions, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, as amended, Committee on Business, Professions and Economic Development. Business and professions.

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board in the Department of Consumer Affairs. Existing law requires fees and penalties received pursuant to the law to be deposited in the Contractors' License Fund, a continuously appropriated fund, except that certain service fees for the deposit of money in lieu of paying a bond are required to be deposited in the Contractors' Deposit Fund.

This bill would rename the Contractors' State license Law as the Contractors State License Law, would rename the Contractors' State License Board as the Contractors State License Board, and would rename the Contractors' License Fund as the Contractors License Fund. The bill would delete the provision establishing the Contractors' Deposit Fund, and would therefore require those service fees to be deposited in the Contractors License Fund. By authorizing a new source of revenue to be deposited into a continuously appropriated fund, the bill would make an appropriation.

Existing law authorizes a licensee who is subject to a bonding provision under the law, in lieu of giving a bond, to deposit money or a cashier's check with the registrar of contractors.

This bill would prohibit the deposit from being released if the board is notified of a civil action against the deposit and, if the amount of the deposit is insufficient to pay all claims, would require the deposit to be distributed to claimants in proportion to the amount of the claims.

Existing law authorizes the registrar of contractors to grant the retroactive renewal of a license if, within 90 days from the due date, the licensee requests the retroactive renewal in a petition to the registrar, shows that the failure to renew was due to circumstances beyond their control, files an application for renewal on a form prescribed by the registrar, and pays the appropriate renewal and delinquency fees.

This bill, instead, would require the registrar to grant the retroactive renewal of a license if, within 90 days of the expiration of the license, the otherwise eligible licensee submits a completed application for renewal and pays the renewal and delinquency fees. The bill would delete the requirement that the licensee demonstrate that the delay was due to circumstances beyond the licensee's control, and would deem an application for renewal submitted for purposes of these provisions

if it is delivered to the board's headquarters or postmarked within 90 days of the expiration of the license.

(2) *Existing law establishes the Landscape Architects Technical Committee to assist the California Architects Board in examining candidates for a landscape architect's license. Existing law, on and after January 1, 2021, requires an applicant to furnish to the committee a full set of fingerprints for purposes of conducting criminal history record checks.*

This bill would revise the date on which this requirement becomes effective to January 1, 2022.

(2)

(3) Existing law, the Chiropractic Act, enacted by an initiative measure, provides for the licensure and regulation of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law requires that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2022.

This bill would require that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2023.

(3)

(4) Existing law authorizes the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California and any board within the Department of Consumer Affairs to issue a citation that may contain an order of abatement or an order to pay an administrative fine, and provides that a failure to pay a fine within 30 days of the date of assessment may result in disciplinary action.

This bill would also make a failure to comply with the order of abatement within 30 days of the date of the order subject to disciplinary action.

~~(4) Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California in the Department of Consumer Affairs. Existing law requires an applicant for licensure to have taken and received a passing score on either a clinical and written examination administered by the Western Regional Examining Board or a clinical and written examination developed by the American Board of Dental Examiners, Inc., as specified.~~

~~This bill, until January 1, 2025, would specify that an applicant who received a passing score on an examination administered by the Western Regional Examining Board between January 1, 2015, to December 31, 2019, inclusive, shall be deemed to satisfy the examination requirement, as specified.~~

(5) Existing law provides for the licensure and regulation of registered dental hygienists by the Dental Hygiene Board of California. Existing law authorizes a registered dental hygienist to perform a procedure or provide a service within the scope of their practice under the appropriate level of supervision, as specified.

This bill would also require a registered dental hygienist to have completed the appropriate education and training required to perform the procedure or provide the service.

Existing law requires a person to have satisfactorily completed a specified examination within the preceding 2 years as a condition of licensure as a registered dental hygienist.

This bill would instead require completion of the dental hygiene examination within the preceding 3 years.

Existing law requires a person, as a condition for licensure as a registered dental hygienist in alternative practice, to successfully complete a bachelor's degree or its equivalent from an accredited college or institution of higher education, among other requirements.

This bill would specify that the equivalent of a bachelor's degree is recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education.

(6) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California, and requires an applicant for a physician's and surgeon's license who has completed 36 months of approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training program in California to obtain their physician's and surgeon's license within 90 days after beginning the postgraduate training program.

This bill would delete the requirement that the person be accepted into an approved postgraduate training in another state or Canada.

Existing law authorizes the Medical Board of California, in its discretion, to waive certain examination and certification requirements for licensure for a graduate of a foreign medical school who holds a

certificate of registration issued by the board to practice medicine as a full-time faculty member at a medical school.

This bill would also authorize the board to accept clinical practice in an appointment as qualifying time to meet specified postgraduate training requirements for licensure for those registrants.

Existing law authorizes the Medical Board of California, upon and review and recommendation, to determine that an applicant for a physician and surgeon's certificate has satisfied the medical education and examination requirements for an applicant who holds an unlimited and unrestricted license as a physician and surgeon in another state and has held the license continuously for a minimum of 4 years, subject to satisfaction of specified requirements.

This bill would also require the applicant to meet specified postgraduate training requirements.

(7) Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board. Existing law requires the board to issue a retired license to an architect who meets specified requirements, and also provides for the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are not renewed within 5 years of its expiration.

This bill would also authorize the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are renewed within 5 years of its expiration.

(8) Existing law provides for the January 1, 2021, repeal of provisions creating the Podiatric Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Board of Psychology, the Physician Assistant Board, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Behavioral Sciences, and the State Board of Barbering and Cosmetology.

This bill would extend the operation of those provisions to January 1, 2022, and make conforming changes relating to the appointment of an executive officer, as applicable.

(9) Existing law provides for the January 1, 2022, repeal of provisions regulating naturopathic medicine and interior design and provisions creating the California Board of Occupational Therapy, the Physical Therapy Board of California, the Respiratory Care Board of California, and the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

This bill would extend the operation of those provisions to January 1, 2023, and make conforming changes relating to the appointment of an executive officer, as applicable.

(10) Existing law, the Massage Therapy Act, until January 1, 2021, provides for the certification and regulation of massage therapists by the California Massage Therapy Council.

This bill would extend the operation of the Massage Therapy Act to January 1, 2022, and make conforming changes relating to massage therapist certification requirements.

(11) Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services. Existing law, until January 1, 2021, authorizes the bureau to issue a private investigator license to a limited liability company. A violation of the act is a crime.

This bill would extend that date to January 1, 2024. By extending the operation of these provisions, the bill would impose a state-mandated local program.

(12) Existing law, the Real Estate Law, provides for the licensure and regulation of real estate brokers by the Real Estate Commissioner, the chief officer of the Department of Real Estate within the Business, Consumer Services, and Housing Agency. The Real Estate Law subjects the powers and duties of the department, under specified provisions of law, to review by the appropriate policy committees of the Legislature, performed as if those provisions were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(13) Existing law, the Real Estate Appraisers' Licensing and Certification Law, creates a Bureau of Real Estate Appraisers within the Department of Consumer Affairs to administer and enforce that law. The Real Estate Appraisers' Licensing and Certification Law subjects the powers and duties of the bureau to review by the appropriate policy committees of the Legislature, performed as if that law were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(14) Existing law regulates the formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals.

Existing law regulates licensees who are subject to the jurisdiction of a state licensing entity, including the State Bar of California, the Department of Real Estate, the Department of Consumer Affairs, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

This bill would prohibit a contract or proposed contract for the provision of a consumer service by a licensee regulated by a licensing board from including a provision limiting the consumer’s ability to file a complaint with that board or to participate in the board’s investigation into the licensee. The bill would specify that a waiver of these provisions is contrary to public policy and is void and unenforceable. The bill would provide that a violation of these provisions by a licensee constitutes unprofessional conduct subject to discipline by the licensee’s regulatory board.

(15) Existing law, the California Private Postsecondary Education Act of 2009, until January 1, 2021, provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state, enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs.

This bill would extend the operation of the California Private Postsecondary Education Act of 2009 to January 1, 2022.

(16) This bill would make other conforming, technical, and nonsubstantive changes.

(17) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27 of the Business and Professions Code
2 is amended to read:
3 27. (a) Each entity specified in subdivisions (c), (d), and (e)
4 shall provide on the internet information regarding the status of
5 every license issued by that entity in accordance with the California
6 Public Records Act (Chapter 3.5 (commencing with Section 6250)
7 of Division 7 of Title 1 of the Government Code) and the

1 Information Practices Act of 1977 (Chapter 1 (commencing with
2 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).
3 The public information to be provided on the internet shall include
4 information on suspensions and revocations of licenses issued by
5 the entity and other related enforcement action, including
6 accusations filed pursuant to the Administrative Procedure Act
7 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
8 Division 3 of Title 2 of the Government Code) taken by the entity
9 relative to persons, businesses, or facilities subject to licensure or
10 regulation by the entity. The information may not include personal
11 information, including home telephone number, date of birth, or
12 social security number. Each entity shall disclose a licensee's
13 address of record. However, each entity shall allow a licensee to
14 provide a post office box number or other alternate address, instead
15 of the licensee's home address, as the address of record. This
16 section shall not preclude an entity from also requiring a licensee,
17 who has provided a post office box number or other alternative
18 mailing address as the licensee's address of record, to provide a
19 physical business address or residence address only for the entity's
20 internal administrative use and not for disclosure as the licensee's
21 address of record or disclosure on the internet.

22 (b) In providing information on the internet, each entity specified
23 in subdivisions (c) and (d) shall comply with the Department of
24 Consumer Affairs' guidelines for access to public records.

25 (c) Each of the following entities within the Department of
26 Consumer Affairs shall comply with the requirements of this
27 section:

28 (1) The Board for Professional Engineers, Land Surveyors, and
29 Geologists shall disclose information on its registrants and
30 licensees.

31 (2) The Bureau of Automotive Repair shall disclose information
32 on its licensees, including auto repair dealers, smog stations, lamp
33 and brake stations, smog check technicians, and smog inspection
34 certification stations.

35 (3) The Bureau of Household Goods and Services shall disclose
36 information on its licensees and registrants, including major
37 appliance repair dealers, combination dealers (electronic and
38 appliance), electronic repair dealers, service contract sellers, service
39 contract administrators, and household movers.

- 1 (4) The Cemetery and Funeral Bureau shall disclose information
2 on its licensees, including cemetery brokers, cemetery salespersons,
3 cemetery managers, crematory managers, cemetery authorities,
4 crematories, cremated remains disposers, embalmers, funeral
5 establishments, and funeral directors.
- 6 (5) The Professional Fiduciaries Bureau shall disclose
7 information on its licensees.
- 8 (6) The Contractors State License Board shall disclose
9 information on its licensees and registrants in accordance with
10 Chapter 9 (commencing with Section 7000) of Division 3. In
11 addition to information related to licenses as specified in
12 subdivision (a), the board shall also disclose information provided
13 to the board by the Labor Commissioner pursuant to Section 98.9
14 of the Labor Code.
- 15 (7) The Bureau for Private Postsecondary Education shall
16 disclose information on private postsecondary institutions under
17 its jurisdiction, including disclosure of notices to comply issued
18 pursuant to Section 94935 of the Education Code.
- 19 (8) The California Board of Accountancy shall disclose
20 information on its licensees and registrants.
- 21 (9) The California Architects Board shall disclose information
22 on its licensees, including architects and landscape architects.
- 23 (10) The State Athletic Commission shall disclose information
24 on its licensees and registrants.
- 25 (11) The State Board of Barbering and Cosmetology shall
26 disclose information on its licensees.
- 27 (12) The Acupuncture Board shall disclose information on its
28 licensees.
- 29 (13) The Board of Behavioral Sciences shall disclose
30 information on its licensees and registrants.
- 31 (14) The Dental Board of California shall disclose information
32 on its licensees.
- 33 (15) The State Board of Optometry shall disclose information
34 on its licensees and registrants.
- 35 (16) The Board of Psychology shall disclose information on its
36 licensees, including psychologists, psychological assistants, and
37 registered psychologists.
- 38 (17) The Veterinary Medical Board shall disclose information
39 on its licensees, registrants, and permit holders.

1 (d) The State Board of Chiropractic Examiners shall disclose
2 information on its licensees.

3 (e) The Structural Pest Control Board shall disclose information
4 on its licensees, including applicators, field representatives, and
5 operators in the areas of fumigation, general pest and wood
6 destroying pests and organisms, and wood roof cleaning and
7 treatment.

8 (f) The Bureau of Cannabis Control shall disclose information
9 on its licensees.

10 (g) “Internet” for the purposes of this section has the meaning
11 set forth in paragraph (6) of subdivision (f) of Section 17538.

12 SEC. 2. Section 101 of the Business and Professions Code is
13 amended to read:

14 101. The department is comprised of the following:

15 (a) The Dental Board of California.

16 (b) The Medical Board of California.

17 (c) The State Board of Optometry.

18 (d) The California State Board of Pharmacy.

19 (e) The Veterinary Medical Board.

20 (f) The California Board of Accountancy.

21 (g) The California Architects Board.

22 (h) The State Board of Barbering and Cosmetology.

23 (i) The Board for Professional Engineers, Land Surveyors, and
24 Geologists.

25 (j) The Contractors State License Board.

26 (k) The Bureau for Private Postsecondary Education.

27 (l) The Bureau of Household Goods and Services.

28 (m) The Board of Registered Nursing.

29 (n) The Board of Behavioral Sciences.

30 (o) The State Athletic Commission.

31 (p) The Cemetery and Funeral Bureau.

32 (q) The Bureau of Security and Investigative Services.

33 (r) The Court Reporters Board of California.

34 (s) The Board of Vocational Nursing and Psychiatric
35 Technicians.

36 (t) The Landscape Architects Technical Committee.

37 (u) The Division of Investigation.

38 (v) The Bureau of Automotive Repair.

39 (w) The Respiratory Care Board of California.

40 (x) The Acupuncture Board.

- 1 (y) The Board of Psychology.
- 2 (z) The Podiatric Medical Board of California.
- 3 (aa) The Physical Therapy Board of California.
- 4 (ab) The Arbitration Review Program.
- 5 (ac) The Physician Assistant Board.
- 6 (ad) The Speech-Language Pathology and Audiology and
- 7 Hearing Aid Dispensers Board.
- 8 (ae) The California Board of Occupational Therapy.
- 9 (af) The Osteopathic Medical Board of California.
- 10 (ag) The Naturopathic Medicine Committee.
- 11 (ah) The Dental Hygiene Board of California.
- 12 (ai) The Professional Fiduciaries Bureau.
- 13 (aj) The State Board of Chiropractic Examiners.
- 14 (ak) The Bureau of Real Estate Appraisers.
- 15 (al) The Structural Pest Control Board.
- 16 (am) The Bureau of Cannabis Control.
- 17 (an) Any other boards, offices, or officers subject to its
- 18 jurisdiction by law.
- 19 (ao) This section shall become operative on July 1, 2018.

20 SEC. 3. Section 125.9 of the Business and Professions Code
21 is amended to read:

22 125.9. (a) Except with respect to persons regulated under
23 Chapter 11 (commencing with Section 7500), any board, bureau,
24 or commission within the department, the State Board of
25 Chiropractic Examiners, and the Osteopathic Medical Board of
26 California, may establish, by regulation, a system for the issuance
27 to a licensee of a citation which may contain an order of abatement
28 or an order to pay an administrative fine assessed by the board,
29 bureau, or commission where the licensee is in violation of the
30 applicable licensing act or any regulation adopted pursuant thereto.

31 (b) The system shall contain the following provisions:

32 (1) Citations shall be in writing and shall describe with
33 particularity the nature of the violation, including specific reference
34 to the provision of law determined to have been violated.

35 (2) Whenever appropriate, the citation shall contain an order of
36 abatement fixing a reasonable time for abatement of the violation.

37 (3) In no event shall the administrative fine assessed by the
38 board, bureau, or commission exceed five thousand dollars (\$5,000)
39 for each inspection or each investigation made with respect to the
40 violation, or five thousand dollars (\$5,000) for each violation or

1 count if the violation involves fraudulent billing submitted to an
2 insurance company, the Medi-Cal program, or Medicare. In
3 assessing a fine, the board, bureau, or commission shall give due
4 consideration to the appropriateness of the amount of the fine with
5 respect to factors such as the gravity of the violation, the good
6 faith of the licensee, and the history of previous violations.

7 (4) A citation or fine assessment issued pursuant to a citation
8 shall inform the licensee that if the licensee desires a hearing to
9 contest the finding of a violation, that hearing shall be requested
10 by written notice to the board, bureau, or commission within 30
11 days of the date of issuance of the citation or assessment. If a
12 hearing is not requested pursuant to this section, payment of any
13 fine shall not constitute an admission of the violation charged.
14 Hearings shall be held pursuant to Chapter 5 (commencing with
15 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
16 Code.

17 (5) Failure of a licensee to pay a fine or comply with an order
18 of abatement, or both, within 30 days of the date of assessment or
19 order, unless the citation is being appealed, may result in
20 disciplinary action being taken by the board, bureau, or
21 commission. Where a citation is not contested and a fine is not
22 paid, the full amount of the assessed fine shall be added to the fee
23 for renewal of the license. A license shall not be renewed without
24 payment of the renewal fee and fine.

25 (c) The system may contain the following provisions:

26 (1) A citation may be issued without the assessment of an
27 administrative fine.

28 (2) Assessment of administrative fines may be limited to only
29 particular violations of the applicable licensing act.

30 (d) Notwithstanding any other provision of law, if a fine is paid
31 to satisfy an assessment based on the finding of a violation,
32 payment of the fine and compliance with the order of abatement,
33 if applicable, shall be represented as satisfactory resolution of the
34 matter for purposes of public disclosure.

35 (e) Administrative fines collected pursuant to this section shall
36 be deposited in the special fund of the particular board, bureau, or
37 commission.

38 SEC. 4. Section 130 of the Business and Professions Code is
39 amended to read:

1 130. (a) Notwithstanding any other law, the term of office of
2 any member of an agency designated in subdivision (b) shall be
3 for a term of four years expiring on June 1.

4 (b) Subdivision (a) applies to the following boards or
5 committees:

6 (1) The Medical Board of California.

7 (2) The Podiatric Medical Board of California.

8 (3) The Physical Therapy Board of California.

9 (4) The Board of Registered Nursing, except as provided in
10 subdivision (c) of Section 2703.

11 (5) The Board of Vocational Nursing and Psychiatric
12 Technicians.

13 (6) The State Board of Optometry.

14 (7) The California State Board of Pharmacy.

15 (8) The Veterinary Medical Board.

16 (9) The California Architects Board.

17 (10) The Landscape Architect Technical Committee.

18 (11) The Board for Professional Engineers and Land Surveyors.

19 (12) The Contractors State License Board.

20 (13) The Board of Behavioral Sciences.

21 (14) The Court Reporters Board of California.

22 (15) The State Athletic Commission.

23 (16) The Osteopathic Medical Board of California.

24 (17) The Respiratory Care Board of California.

25 (18) The Acupuncture Board.

26 (19) The Board of Psychology.

27 (20) The Structural Pest Control Board.

28 SEC. 5. Section 144 of the Business and Professions Code is
29 amended to read:

30 144. (a) Notwithstanding any other law, an agency designated
31 in subdivision (b) shall require an applicant to furnish to the agency
32 a full set of fingerprints for purposes of conducting criminal history
33 record checks. Any agency designated in subdivision (b) may
34 obtain and receive, at its discretion, criminal history information
35 from the Department of Justice and the United States Federal
36 Bureau of Investigation.

37 (b) Subdivision (a) applies to the following:

38 (1) California Board of Accountancy.

39 (2) State Athletic Commission.

40 (3) Board of Behavioral Sciences.

- 1 (4) Court Reporters Board of California.
- 2 (5) Dental Board of California.
- 3 (6) California State Board of Pharmacy.
- 4 (7) Board of Registered Nursing.
- 5 (8) Veterinary Medical Board.
- 6 (9) Board of Vocational Nursing and Psychiatric Technicians.
- 7 (10) Respiratory Care Board of California.
- 8 (11) Physical Therapy Board of California.
- 9 (12) Physician Assistant Committee.
- 10 (13) Speech-Language Pathology and Audiology and Hearing
- 11 Aid Dispensers Board.
- 12 (14) Medical Board of California.
- 13 (15) State Board of Optometry.
- 14 (16) Acupuncture Board.
- 15 (17) Cemetery and Funeral Bureau.
- 16 (18) Bureau of Security and Investigative Services.
- 17 (19) Division of Investigation.
- 18 (20) Board of Psychology.
- 19 (21) California Board of Occupational Therapy.
- 20 (22) Structural Pest Control Board.
- 21 (23) Contractors State License Board.
- 22 (24) Naturopathic Medicine Committee.
- 23 (25) Professional Fiduciaries Bureau.
- 24 (26) Board for Professional Engineers, Land Surveyors, and
- 25 Geologists.
- 26 (27) Bureau of Cannabis Control.
- 27 (28) Podiatric Medical Board of California.
- 28 (29) Osteopathic Medical Board of California.
- 29 (30) California Architects Board, beginning January 1, 2021.
- 30 (31) Landscape Architects Technical Committee, beginning
- 31 January 1, ~~2021~~ 2022.

32 (c) For purposes of paragraph (26) of subdivision (b), the term
 33 “applicant” shall be limited to an initial applicant who has never
 34 been registered or licensed by the board or to an applicant for a
 35 new licensure or registration category.

36 SEC. 6. Section 200.1 of the Business and Professions Code
 37 is amended to read:

38 200.1. (a) Any accruals that occur on or after September 11,
 39 1993, to any funds or accounts within the Professions and
 40 Vocations Fund that realize increased revenues to that fund or

1 account as a result of legislation enacted on or after September 11,
2 1993, and that have not been transferred pursuant to Sections 13.50,
3 13.60, and 13.70 of the Budget Act of 1993 on the effective date
4 of the act that enacted this section, shall be exempt from the
5 transfers contained in Sections 13.50, 13.60, and 13.70 of the
6 Budget Act of 1993. These funds shall include, but not be limited
7 to, all of the following:

- 8 (1) Athletic Commission Fund.
- 9 (2) Bureau of Home Furnishings and Thermal Insulation Fund.
- 10 (3) Contractors License Fund.
- 11 (4) Private Investigator Fund.
- 12 (5) Respiratory Care Fund.
- 13 (6) Vocational Nursing and Psychiatric Technicians Fund.

14 (b) Subdivision (a) shall not apply to the Contingent Fund of
15 the Medical Board of California.

16 SEC. 7. Section 205 of the Business and Professions Code, as
17 amended by Section 2 of Chapter 865 of the Statutes of 2019, is
18 amended to read:

19 205. (a) There is in the State Treasury the Professions and
20 Vocations Fund. The fund shall consist of the following special
21 funds:

- 22 (1) Accountancy Fund.
- 23 (2) California Architects Board Fund.
- 24 (3) Athletic Commission Fund.
- 25 (4) Barbering and Cosmetology Contingent Fund.
- 26 (5) Cemetery and Funeral Fund.
- 27 (6) Contractors License Fund.
- 28 (7) State Dentistry Fund.
- 29 (8) Home Furnishings and Thermal Insulation Fund.
- 30 (9) California Architects Board-Landscape Architects Fund.
- 31 (10) Contingent Fund of the Medical Board of California.
- 32 (11) Optometry Fund.
- 33 (12) Pharmacy Board Contingent Fund.
- 34 (13) Physical Therapy Fund.
- 35 (14) Private Investigator Fund.
- 36 (15) Private Security Services Fund.
- 37 (16) Professional Engineer's, Land Surveyor's, and Geologist's
38 Fund.
- 39 (17) Consumer Affairs Fund.
- 40 (18) Behavioral Sciences Fund.

- 1 (19) Licensed Midwifery Fund.
- 2 (20) Court Reporters' Fund.
- 3 (21) Veterinary Medical Board Contingent Fund.
- 4 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 5 (23) Electronic and Appliance Repair Fund.
- 6 (24) Dispensing Opticians Fund.
- 7 (25) Acupuncture Fund.
- 8 (26) Physician Assistant Fund.
- 9 (27) Board of Podiatric Medicine Fund.
- 10 (28) Psychology Fund.
- 11 (29) Respiratory Care Fund.
- 12 (30) Speech-Language Pathology and Audiology and Hearing
- 13 Aid Dispensers Fund.
- 14 (31) Board of Registered Nursing Fund.
- 15 (32) Animal Health Technician Examining Committee Fund.
- 16 (33) State Dental Hygiene Fund.
- 17 (34) State Dental Assistant Fund.
- 18 (35) Structural Pest Control Fund.
- 19 (36) Structural Pest Control Eradication and Enforcement Fund.
- 20 (37) Structural Pest Control Research Fund.
- 21 (38) Household Movers Fund.
- 22 (b) For accounting and recordkeeping purposes, the Professions
- 23 and Vocations Fund shall be deemed to be a single special fund,
- 24 and each of the several special funds therein shall constitute and
- 25 be deemed to be a separate account in the Professions and
- 26 Vocations Fund. Each account or fund shall be available for
- 27 expenditure only for the purposes as are now or may hereafter be
- 28 provided by law.
- 29 (c) This section shall be repealed on July 1, 2022.
- 30 SEC. 8. Section 205 of the Business and Professions Code, as
- 31 added by Section 3 of Chapter 865 of the Statutes of 2019, is
- 32 amended to read:
- 33 205. (a) There is in the State Treasury the Professions and
- 34 Vocations Fund. The fund shall consist of the following special
- 35 funds:
- 36 (1) Accountancy Fund.
- 37 (2) California Architects Board Fund.
- 38 (3) Athletic Commission Fund.
- 39 (4) Barbering and Cosmetology Contingent Fund.
- 40 (5) Cemetery and Funeral Fund.

- 1 (6) Contractors License Fund.
- 2 (7) State Dentistry Fund.
- 3 (8) Home Furnishings and Thermal Insulation Fund.
- 4 (9) California Architects Board-Landscape Architects Fund.
- 5 (10) Contingent Fund of the Medical Board of California.
- 6 (11) Optometry Fund.
- 7 (12) Pharmacy Board Contingent Fund.
- 8 (13) Physical Therapy Fund.
- 9 (14) Private Investigator Fund.
- 10 (15) Private Security Services Fund.
- 11 (16) Professional Engineer's, Land Surveyor's, and Geologist's
- 12 Fund.
- 13 (17) Consumer Affairs Fund.
- 14 (18) Behavioral Sciences Fund.
- 15 (19) Licensed Midwifery Fund.
- 16 (20) Court Reporters' Fund.
- 17 (21) Veterinary Medical Board Contingent Fund.
- 18 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 19 (23) Electronic and Appliance Repair Fund.
- 20 (24) Dispensing Opticians Fund.
- 21 (25) Acupuncture Fund.
- 22 (26) Physician Assistant Fund.
- 23 (27) Board of Podiatric Medicine Fund.
- 24 (28) Psychology Fund.
- 25 (29) Respiratory Care Fund.
- 26 (30) Speech-Language Pathology and Audiology and Hearing
- 27 Aid Dispensers Fund.
- 28 (31) Board of Registered Nursing Fund.
- 29 (32) Animal Health Technician Examining Committee Fund.
- 30 (33) State Dental Hygiene Fund.
- 31 (34) Structural Pest Control Fund.
- 32 (35) Structural Pest Control Eradication and Enforcement Fund.
- 33 (36) Structural Pest Control Research Fund.
- 34 (37) Household Movers Fund.
- 35 (b) For accounting and recordkeeping purposes, the Professions
- 36 and Vocations Fund shall be deemed to be a single special fund,
- 37 and each of the several special funds therein shall constitute and
- 38 be deemed to be a separate account in the Professions and
- 39 Vocations Fund. Each account or fund shall be available for

1 expenditure only for the purposes as are now or may hereafter be
2 provided by law.

3 (c) This section shall become operative on July 1, 2022.

4 SEC. 9. Section 494.5 of the Business and Professions Code
5 is amended to read:

6 494.5. (a) (1) Except as provided in paragraphs (2), (3), and
7 (4), a state governmental licensing entity shall refuse to issue,
8 reactivate, reinstate, or renew a license and shall suspend a license
9 if a licensee's name is included on a certified list.

10 (2) The Department of Motor Vehicles shall suspend a license
11 if a licensee's name is included on a certified list. Any reference
12 in this section to the issuance, reactivation, reinstatement, renewal,
13 or denial of a license shall not apply to the Department of Motor
14 Vehicles.

15 (3) The State Bar of California may recommend to refuse to
16 issue, reactivate, reinstate, or renew a license and may recommend
17 to suspend a license if a licensee's name is included on a certified
18 list. The word "may" shall be substituted for the word "shall"
19 relating to the issuance of a temporary license, refusal to issue,
20 reactivate, reinstate, renew, or suspend a license in this section for
21 licenses under the jurisdiction of the California Supreme Court.

22 (4) The Department of Alcoholic Beverage Control may refuse
23 to issue, reactivate, reinstate, or renew a license, and may suspend
24 a license, if a licensee's name is included on a certified list.

25 (b) For purposes of this section:

26 (1) "Certified list" means either the list provided by the State
27 Board of Equalization or the list provided by the Franchise Tax
28 Board of persons whose names appear on the lists of the 500 largest
29 tax delinquencies pursuant to Section 7063 or 19195 of the
30 Revenue and Taxation Code, as applicable.

31 (2) "License" includes a certificate, registration, or any other
32 authorization to engage in a profession or occupation issued by a
33 state governmental licensing entity. "License" includes a driver's
34 license issued pursuant to Chapter 1 (commencing with Section
35 12500) of Division 6 of the Vehicle Code. "License" excludes a
36 vehicle registration issued pursuant to Division 3 (commencing
37 with Section 4000) of the Vehicle Code.

38 (3) "Licensee" means an individual authorized by a license to
39 drive a motor vehicle or authorized by a license, certificate,

1 registration, or other authorization to engage in a profession or
2 occupation issued by a state governmental licensing entity.

3 (4) “State governmental licensing entity” means any entity listed
4 in Section 101, 1000, or 19420, the office of the Attorney General,
5 the Department of Insurance, the Department of Motor Vehicles,
6 the State Bar of California, the Department of Real Estate, and
7 any other state agency, board, or commission that issues a license,
8 certificate, or registration authorizing an individual to engage in
9 a profession or occupation, including any certificate, business or
10 occupational license, or permit or license issued by the Department
11 of Motor Vehicles or the Department of the California Highway
12 Patrol. “State governmental licensing entity” shall not include the
13 Contractors State License Board.

14 (c) The State Board of Equalization and the Franchise Tax Board
15 shall each submit its respective certified list to every state
16 governmental licensing entity. The certified lists shall include the
17 name, social security number or taxpayer identification number,
18 and the last known address of the persons identified on the certified
19 lists.

20 (d) Notwithstanding any other law, each state governmental
21 licensing entity shall collect the social security number or the
22 federal taxpayer identification number from all applicants for the
23 purposes of matching the names of the certified lists provided by
24 the State Board of Equalization and the Franchise Tax Board to
25 applicants and licensees.

26 (e) (1) Each state governmental licensing entity shall determine
27 whether an applicant or licensee is on the most recent certified list
28 provided by the State Board of Equalization and the Franchise Tax
29 Board.

30 (2) If an applicant or licensee is on either of the certified lists,
31 the state governmental licensing entity shall immediately provide
32 a preliminary notice to the applicant or licensee of the entity’s
33 intent to suspend or withhold issuance or renewal of the license.
34 The preliminary notice shall be delivered personally or by mail to
35 the applicant’s or licensee’s last known mailing address on file
36 with the state governmental licensing entity within 30 days of
37 receipt of the certified list. Service by mail shall be completed in
38 accordance with Section 1013 of the Code of Civil Procedure.

39 (A) The state governmental licensing entity shall issue a
40 temporary license valid for a period of 90 days to any applicant

1 whose name is on a certified list if the applicant is otherwise
2 eligible for a license.

3 (B) The 90-day time period for a temporary license shall not be
4 extended. Only one temporary license shall be issued during a
5 regular license term and the term of the temporary license shall
6 coincide with the first 90 days of the regular license term. A license
7 for the full term or the remainder of the license term may be issued
8 or renewed only upon compliance with this section.

9 (C) In the event that a license is suspended or an application for
10 a license or the renewal of a license is denied pursuant to this
11 section, any funds paid by the applicant or licensee shall not be
12 refunded by the state governmental licensing entity.

13 (f) (1) A state governmental licensing entity shall refuse to
14 issue or shall suspend a license pursuant to this section no sooner
15 than 90 days and no later than 120 days of the mailing of the
16 preliminary notice described in paragraph (2) of subdivision (e),
17 unless the state governmental licensing entity has received a release
18 pursuant to subdivision (h). The procedures in the administrative
19 adjudication provisions of the Administrative Procedure Act
20 (Chapter 4.5 (commencing with Section 11400) and Chapter 5
21 (commencing with Section 11500) of Part 1 of Division 3 of Title
22 2 of the Government Code) shall not apply to the denial or
23 suspension of, or refusal to renew, a license or the issuance of a
24 temporary license pursuant to this section.

25 (2) Notwithstanding any other law, if a board, bureau, or
26 commission listed in Section 101, other than the Contractors State
27 License Board, fails to take action in accordance with this section,
28 the Department of Consumer Affairs shall issue a temporary license
29 or suspend or refuse to issue, reactivate, reinstate, or renew a
30 license, as appropriate.

31 (g) Notices shall be developed by each state governmental
32 licensing entity. For an applicant or licensee on the State Board
33 of Equalization's certified list, the notice shall include the address
34 and telephone number of the State Board of Equalization, and shall
35 emphasize the necessity of obtaining a release from the State Board
36 of Equalization as a condition for the issuance, renewal, or
37 continued valid status of a license or licenses. For an applicant or
38 licensee on the Franchise Tax Board's certified list, the notice shall
39 include the address and telephone number of the Franchise Tax
40 Board, and shall emphasize the necessity of obtaining a release

1 from the Franchise Tax Board as a condition for the issuance,
2 renewal, or continued valid status of a license or licenses.

3 (1) The notice shall inform the applicant that the state
4 governmental licensing entity shall issue a temporary license, as
5 provided in subparagraph (A) of paragraph (2) of subdivision (e),
6 for 90 calendar days if the applicant is otherwise eligible and that
7 upon expiration of that time period, the license will be denied
8 unless the state governmental licensing entity has received a release
9 from the State Board of Equalization or the Franchise Tax Board,
10 whichever is applicable.

11 (2) The notice shall inform the licensee that any license
12 suspended under this section will remain suspended until the state
13 governmental licensing entity receives a release along with
14 applications and fees, if applicable, to reinstate the license.

15 (3) The notice shall also inform the applicant or licensee that if
16 an application is denied or a license is suspended pursuant to this
17 section, any moneys paid by the applicant or licensee shall not be
18 refunded by the state governmental licensing entity. The state
19 governmental licensing entity shall also develop a form that the
20 applicant or licensee shall use to request a release by the State
21 Board of Equalization or the Franchise Tax Board. A copy of this
22 form shall be included with every notice sent pursuant to this
23 subdivision.

24 (h) If the applicant or licensee wishes to challenge the
25 submission of their name on a certified list, the applicant or licensee
26 shall make a timely written request for release to the State Board
27 of Equalization or the Franchise Tax Board, whichever is
28 applicable. The State Board of Equalization or the Franchise Tax
29 Board shall immediately send a release to the appropriate state
30 governmental licensing entity and the applicant or licensee, if any
31 of the following conditions are met:

32 (1) The applicant or licensee has complied with the tax
33 obligation, either by payment of the unpaid taxes or entry into an
34 installment payment agreement, as described in Section 6832 or
35 19008 of the Revenue and Taxation Code, to satisfy the unpaid
36 taxes.

37 (2) The applicant or licensee has submitted a request for release
38 not later than 45 days after the applicant's or licensee's receipt of
39 a preliminary notice described in paragraph (2) of subdivision (e),
40 but the State Board of Equalization or the Franchise Tax Board,

1 whichever is applicable, will be unable to complete the release
2 review and send notice of its findings to the applicant or licensee
3 and state governmental licensing entity within 45 days after the
4 State Board of Equalization's or the Franchise Tax Board's receipt
5 of the applicant's or licensee's request for release. Whenever a
6 release is granted under this paragraph, and, notwithstanding that
7 release, the applicable license or licenses have been suspended
8 erroneously, the state governmental licensing entity shall reinstate
9 the applicable licenses with retroactive effect back to the date of
10 the erroneous suspension and that suspension shall not be reflected
11 on any license record.

12 (3) The applicant or licensee is unable to pay the outstanding
13 tax obligation due to a current financial hardship. "Financial
14 hardship" means financial hardship as determined by the State
15 Board of Equalization or the Franchise Tax Board, whichever is
16 applicable, where the applicant or licensee is unable to pay any
17 part of the outstanding liability and the applicant or licensee is
18 unable to qualify for an installment payment arrangement as
19 provided for by Section 6832 or Section 19008 of the Revenue
20 and Taxation Code. In order to establish the existence of a financial
21 hardship, the applicant or licensee shall submit any information,
22 including information related to reasonable business and personal
23 expenses, requested by the State Board of Equalization or the
24 Franchise Tax Board, whichever is applicable, for purposes of
25 making that determination.

26 (i) An applicant or licensee is required to act with diligence in
27 responding to notices from the state governmental licensing entity
28 and the State Board of Equalization or the Franchise Tax Board
29 with the recognition that the temporary license will lapse or the
30 license suspension will go into effect after 90 days and that the
31 State Board of Equalization or the Franchise Tax Board must have
32 time to act within that period. An applicant's or licensee's delay
33 in acting, without good cause, which directly results in the inability
34 of the State Board of Equalization or the Franchise Tax Board,
35 whichever is applicable, to complete a review of the applicant's
36 or licensee's request for release shall not constitute the diligence
37 required under this section which would justify the issuance of a
38 release. An applicant or licensee shall have the burden of
39 establishing that they diligently responded to notices from the state
40 governmental licensing entity or the State Board of Equalization

1 or the Franchise Tax Board and that any delay was not without
2 good cause.

3 (j) The State Board of Equalization or the Franchise Tax Board
4 shall create release forms for use pursuant to this section. When
5 the applicant or licensee has complied with the tax obligation by
6 payment of the unpaid taxes, or entry into an installment payment
7 agreement, or establishing the existence of a current financial
8 hardship as defined in paragraph (3) of subdivision (h), the State
9 Board of Equalization or the Franchise Tax Board, whichever is
10 applicable, shall mail a release form to the applicant or licensee
11 and provide a release to the appropriate state governmental
12 licensing entity. Any state governmental licensing entity that has
13 received a release from the State Board of Equalization and the
14 Franchise Tax Board pursuant to this subdivision shall process the
15 release within five business days of its receipt. If the State Board
16 of Equalization or the Franchise Tax Board determines subsequent
17 to the issuance of a release that the licensee has not complied with
18 their installment payment agreement, the State Board of
19 Equalization or the Franchise Tax Board, whichever is applicable,
20 shall notify the state governmental licensing entity and the licensee
21 in a format prescribed by the State Board of Equalization or the
22 Franchise Tax Board, whichever is applicable, that the licensee is
23 not in compliance and the release shall be rescinded. The State
24 Board of Equalization and the Franchise Tax Board may, when it
25 is economically feasible for the state governmental licensing entity
26 to develop an automated process for complying with this
27 subdivision, notify the state governmental licensing entity in a
28 manner prescribed by the State Board of Equalization or the
29 Franchise Tax Board, whichever is applicable, that the licensee
30 has not complied with the installment payment agreement. Upon
31 receipt of this notice, the state governmental licensing entity shall
32 immediately notify the licensee on a form prescribed by the state
33 governmental licensing entity that the licensee's license will be
34 suspended on a specific date, and this date shall be no longer than
35 30 days from the date the form is mailed. The licensee shall be
36 further notified that the license will remain suspended until a new
37 release is issued in accordance with this subdivision.

38 (k) The State Board of Equalization and the Franchise Tax Board
39 may enter into interagency agreements with the state governmental
40 licensing entities necessary to implement this section.

1 (l) Notwithstanding any other law, a state governmental
2 licensing entity, with the approval of the appropriate department
3 director or governing body, may impose a fee on a licensee whose
4 license has been suspended pursuant to this section. The fee shall
5 not exceed the amount necessary for the state governmental
6 licensing entity to cover its costs in carrying out the provisions of
7 this section. Fees imposed pursuant to this section shall be
8 deposited in the fund in which other fees imposed by the state
9 governmental licensing entity are deposited and shall be available
10 to that entity upon appropriation in the annual Budget Act.

11 (m) The process described in subdivision (h) shall constitute
12 the sole administrative remedy for contesting the issuance of a
13 temporary license or the denial or suspension of a license under
14 this section.

15 (n) Any state governmental licensing entity receiving an inquiry
16 as to the licensed status of an applicant or licensee who has had a
17 license denied or suspended under this section or who has been
18 granted a temporary license under this section shall respond that
19 the license was denied or suspended or the temporary license was
20 issued only because the licensee appeared on a list of the 500
21 largest tax delinquencies pursuant to Section 7063 or 19195 of the
22 Revenue and Taxation Code. Information collected pursuant to
23 this section by any state agency, board, or department shall be
24 subject to the Information Practices Act of 1977 (Chapter 1
25 (commencing with Section 1798) of Title 1.8 of Part 4 of Division
26 3 of the Civil Code). Any state governmental licensing entity that
27 discloses on its internet website or other publication that the
28 licensee has had a license denied or suspended under this section
29 or has been granted a temporary license under this section shall
30 prominently disclose, in bold and adjacent to the information
31 regarding the status of the license, that the only reason the license
32 was denied, suspended, or temporarily issued is because the
33 licensee failed to pay taxes.

34 (o) Any rules and regulations issued pursuant to this section by
35 any state agency, board, or department may be adopted as
36 emergency regulations in accordance with the rulemaking
37 provisions of the Administrative Procedure Act (Chapter 3.5
38 (commencing with Section 11340) of Part 1 of Division 3 of Title
39 2 of the Government Code). The adoption of these regulations
40 shall be deemed an emergency and necessary for the immediate

1 preservation of the public peace, health, and safety, or general
2 welfare. The regulations shall become effective immediately upon
3 filing with the Secretary of State.

4 (p) The State Board of Equalization, the Franchise Tax Board,
5 and state governmental licensing entities, as appropriate, shall
6 adopt regulations as necessary to implement this section.

7 (q) (1) Neither the state governmental licensing entity, nor any
8 officer, employee, or agent, or former officer, employee, or agent
9 of a state governmental licensing entity, may disclose or use any
10 information obtained from the State Board of Equalization or the
11 Franchise Tax Board, pursuant to this section, except to inform
12 the public of the denial, refusal to renew, or suspension of a license
13 or the issuance of a temporary license pursuant to this section. The
14 release or other use of information received by a state governmental
15 licensing entity pursuant to this section, except as authorized by
16 this section, is punishable as a misdemeanor. This subdivision may
17 not be interpreted to prevent the State Bar of California from filing
18 a request with the Supreme Court of California to suspend a
19 member of the bar pursuant to this section.

20 (2) A suspension of, or refusal to renew, a license or issuance
21 of a temporary license pursuant to this section does not constitute
22 denial or discipline of a licensee for purposes of any reporting
23 requirements to the National Practitioner Data Bank and shall not
24 be reported to the National Practitioner Data Bank or the Healthcare
25 Integrity and Protection Data Bank.

26 (3) Upon release from the certified list, the suspension or
27 revocation of the applicant's or licensee's license shall be purged
28 from the state governmental licensing entity's internet website or
29 other publication within three business days. This paragraph shall
30 not apply to the State Bar of California.

31 (r) If any provision of this section or the application thereof to
32 any person or circumstance is held invalid, that invalidity shall not
33 affect other provisions or applications of this section that can be
34 given effect without the invalid provision or application, and to
35 this end the provisions of this section are severable.

36 (s) All rights to review afforded by this section to an applicant
37 shall also be afforded to a licensee.

38 (t) Unless otherwise provided in this section, the policies,
39 practices, and procedures of a state governmental licensing entity
40 with respect to license suspensions under this section shall be the

1 same as those applicable with respect to suspensions pursuant to
2 Section 17520 of the Family Code.

3 (u) No provision of this section shall be interpreted to allow a
4 court to review and prevent the collection of taxes prior to the
5 payment of those taxes in violation of the California Constitution.

6 (v) This section shall apply to any licensee whose name appears
7 on a list of the 500 largest tax delinquencies pursuant to Section
8 7063 or 19195 of the Revenue and Taxation Code on or after July
9 1, 2012.

10 SEC. 10. Section 1000 of the Business and Professions Code
11 is amended to read:

12 1000. (a) The law governing practitioners of chiropractic is
13 found in an initiative act entitled “An act prescribing the terms
14 upon which licenses may be issued to practitioners of chiropractic,
15 creating the State Board of Chiropractic Examiners and declaring
16 its powers and duties, prescribing penalties for violation hereof,
17 and repealing all acts and parts of acts inconsistent herewith,”
18 adopted by the electors November 7, 1922.

19 (b) The State Board of Chiropractic Examiners is within the
20 Department of Consumer Affairs.

21 (c) Notwithstanding any other law, the powers and duties of the
22 State Board of Chiropractic Examiners, as set forth in this article
23 and under the act creating the board, shall be subject to review by
24 the appropriate policy committees of the Legislature. The review
25 shall be performed as if this chapter were scheduled to be repealed
26 as of January 1, 2023.

27 ~~SEC. 11. Section 1632 of the Business and Professions Code~~
28 ~~is amended to read:~~

29 ~~1632. (a) The board shall require each applicant to successfully~~
30 ~~complete the written examination of the National Board Dental~~
31 ~~Examination of the Joint Commission on National Dental~~
32 ~~Examinations.~~

33 ~~(b) The board shall require each applicant to successfully~~
34 ~~complete an examination in California law and ethics developed~~
35 ~~and administered by the board. The board shall provide a separate~~
36 ~~application for this examination. The board shall ensure that the~~
37 ~~law and ethics examination reflects current law and regulations,~~
38 ~~and ensure that the examinations are randomized. Applicants shall~~
39 ~~submit this application and required fee to the board in order to~~
40 ~~take this examination. In addition to the aforementioned~~

1 application, the only other requirement for taking this examination
2 shall be certification from the dean of the qualifying dental school
3 or the dean's delegate attended by the applicant that the applicant
4 has graduated, or will graduate, or is expected to graduate.
5 Applicants who submit completed applications and certification
6 from the dean at least 15 days prior to a scheduled examination
7 shall be scheduled to take the examination. Successful results of
8 the examination shall, as established by board regulation, remain
9 valid for two years from the date that the applicant is notified of
10 having passed the examination.

11 (e) Except as otherwise provided in Section 1632.5 or 1632.56,
12 the board shall require each applicant to have taken and received
13 a passing score on one of the following:

14 (1) (A) A portfolio examination of the applicant's competence
15 to enter the practice of dentistry. This examination shall be
16 conducted while the applicant is enrolled in a dental school
17 program at a board-approved school located in California. This
18 examination shall utilize uniform standards of clinical experiences
19 and competencies, as approved by the board pursuant to Section
20 1632.1. The applicant shall pass a final assessment of the submitted
21 portfolio at the end of the applicant's dental school program. Before
22 any portfolio assessment may be submitted to the board, the
23 applicant shall remit the required fee to the board to be deposited
24 into the State Dentistry Fund, and a letter of good standing signed
25 by the dean of the applicant's dental school or the dean's delegate
26 stating that the applicant has graduated or will graduate with no
27 pending ethical issues.

28 (B) The board shall provide a report on how many other states
29 have recognized licensure by portfolio examination at the time of
30 its sunset review pursuant to subdivision (d) of Section 1601.1.
31 The report shall be submitted in compliance with Section 9795 of
32 the Government Code.

33 (2) Either one of the following examinations:

34 (A) A clinical and written examination administered by the
35 Western Regional Examining Board within five years prior to the
36 date of their application for a license under this section.

37 (B) The clinical and written examination developed by the
38 American Board of Dental Examiners, Inc., within five years prior
39 to the date of their application for a license under this section.

1 ~~(d) Notwithstanding subdivision (b) of Section 1628, the board~~
2 ~~is authorized to do either of the following:~~

3 ~~(1) Approve an application for examination from, and to~~
4 ~~examine an applicant who is enrolled in, but has not yet graduated~~
5 ~~from, a reputable dental school approved by the board.~~

6 ~~(2) Accept the results of an examination described in paragraph~~
7 ~~(2) of subdivision (c) submitted by an applicant who was enrolled~~
8 ~~in, but had not graduated from, a reputable dental school approved~~
9 ~~by the board at the time the examination was administered.~~

10 ~~In either case, the board shall require the dean of that school or~~
11 ~~the dean's delegate to furnish satisfactory proof that the applicant~~
12 ~~will graduate within one year of the date the examination was~~
13 ~~administered or as provided in paragraph (1) of subdivision (c).~~

14 ~~(e) The board may determine the testing format, as related to~~
15 ~~patients, for the examination provided pursuant to subparagraph~~
16 ~~(B) of paragraph (2) of subdivision (c).~~

17 ~~(f) This section shall remain in effect only until January 1, 2025,~~
18 ~~and as of that date is repealed.~~

19 ~~SEC. 12. Section 1632 is added to the Business and Professions~~
20 ~~Code, to read:~~

21 ~~1632. (a) The board shall require each applicant to successfully~~
22 ~~complete the written examination of the National Board Dental~~
23 ~~Examination of the Joint Commission on National Dental~~
24 ~~Examinations.~~

25 ~~(b) The board shall require each applicant to successfully~~
26 ~~complete an examination in California law and ethics developed~~
27 ~~and administered by the board. The board shall provide a separate~~
28 ~~application for this examination. The board shall ensure that the~~
29 ~~law and ethics examination reflects current law and regulations;~~
30 ~~and ensure that the examinations are randomized. Applicants shall~~
31 ~~submit this application and required fee to the board in order to~~
32 ~~take this examination. In addition to the aforementioned~~
33 ~~application, the only other requirement for taking this examination~~
34 ~~shall be certification from the dean of the qualifying dental school~~
35 ~~or the dean's delegate attended by the applicant that the applicant~~
36 ~~has graduated, or will graduate, or is expected to graduate.~~
37 ~~Applicants who submit completed applications and certification~~
38 ~~from the dean at least 15 days prior to a scheduled examination~~
39 ~~shall be scheduled to take the examination. Successful results of~~
40 ~~the examination shall, as established by board regulation, remain~~

1 valid for two years from the date that the applicant is notified of
2 having passed the examination.

3 (e) Except as otherwise provided in Section 1632.5, the board
4 shall require each applicant to have taken and received a passing
5 score on one of the following:

6 (1) (A) A portfolio examination of the applicant's competence
7 to enter the practice of dentistry. This examination shall be
8 conducted while the applicant is enrolled in a dental school
9 program at a board-approved school located in California. This
10 examination shall utilize uniform standards of clinical experiences
11 and competencies, as approved by the board pursuant to Section
12 1632.1. The applicant shall pass a final assessment of the submitted
13 portfolio at the end of the applicant's dental school program. Before
14 any portfolio assessment may be submitted to the board, the
15 applicant shall remit the required fee to the board to be deposited
16 into the State Dentistry Fund, and a letter of good standing signed
17 by the dean of the applicant's dental school or the dean's delegate
18 stating that the applicant has graduated or will graduate with no
19 pending ethical issues.

20 (B) The board shall provide a report on how many other states
21 have recognized licensure by portfolio examination at the time of
22 its sunset review pursuant to subdivision (d) of Section 1601.1.
23 The report shall be submitted in compliance with Section 9795 of
24 the Government Code.

25 (2) Either one of the following examinations:

26 (A) A clinical and written examination administered by the
27 Western Regional Examining Board within five years prior to the
28 date of their application for a license under this section.

29 (B) The clinical and written examination developed by the
30 American Board of Dental Examiners, Inc., within five years prior
31 to the date of their application for a license under this section.

32 (d) Notwithstanding subdivision (b) of Section 1628, the board
33 is authorized to do either of the following:

34 (1) Approve an application for examination from, and to
35 examine an applicant who is enrolled in, but has not yet graduated
36 from, a reputable dental school approved by the board.

37 (2) Accept the results of an examination described in paragraph
38 (2) of subdivision (c) submitted by an applicant who was enrolled
39 in, but had not graduated from, a reputable dental school approved
40 by the board at the time the examination was administered.

1 In either case, the board shall require the dean of that school or
2 the dean's delegate to furnish satisfactory proof that the applicant
3 will graduate within one year of the date the examination was
4 administered or as provided in paragraph (1) of subdivision (e).

5 (e) The board may determine the testing format, as related to
6 patients, for the examination provided pursuant to subparagraph
7 (B) of paragraph (2) of subdivision (e).

8 (f) This section shall become operative on January 1, 2025.

9 ~~SEC. 13.~~ Section 1632.56 is added to the Business and
10 Professions Code, immediately following Section 1632.55, to read:

11 1632.56. (a) Notwithstanding Section 1630, an applicant
12 receiving a passing score on an examination administered by the
13 Western Regional Examining Board from January 1, 2015, to
14 December 31, 2019, inclusive, shall satisfy the requirement of a
15 passing score pursuant to subdivision (c) of Section 1632 for a
16 license to practice dentistry in this state, so long as the passing
17 score is used for initial licensure within five years prior to the date
18 of their application for a license under Section 1632.

19 (b) This section shall remain in effect only until January 1, 2025,
20 and as of that date is repealed.

21 ~~SEC. 14.~~

22 *SEC. 11.* Section 1913 of the Business and Professions Code
23 is amended to read:

24 1913. Unless otherwise specified in this chapter, a registered
25 dental hygienist may perform any procedure or provide any service
26 within the scope of their practice in any setting under the
27 appropriate level of supervision required by this article, if the
28 registered dental hygienist has completed the appropriate education
29 and training required to perform the procedure or provide the
30 service.

31 ~~SEC. 15.~~

32 *SEC. 12.* Section 1917 of the Business and Professions Code
33 is amended to read:

34 1917. The dental hygiene board shall grant initial licensure as
35 a registered dental hygienist to a person who satisfies all of the
36 following requirements:

37 (a) Completion of an educational program for registered dental
38 hygienists, approved by the dental hygiene board, accredited by
39 the Commission on Dental Accreditation, and conducted by a
40 degree-granting, postsecondary institution.

1 (b) Within the preceding three years, satisfactory completion
2 of the dental hygiene examination given by the Western Regional
3 Examining Board or any other clinical or dental hygiene
4 examination approved by the dental hygiene board.

5 (c) Satisfactory completion of the National Board Dental
6 Hygiene Examination.

7 (d) Satisfactory completion of the examination in California
8 law and ethics as prescribed by the dental hygiene board.

9 (e) Submission of a completed application form and all fees
10 required by the dental hygiene board.

11 (f) Satisfactory completion of dental hygiene board-approved
12 instruction in gingival soft-tissue curettage, nitrous oxide-oxygen
13 analgesia, and local anesthesia.

14 ~~SEC. 16.~~

15 *SEC. 13.* Section 1917.1 of the Business and Professions Code
16 is amended to read:

17 1917.1. (a) The dental hygiene board may grant a license as
18 a registered dental hygienist to an applicant who has not taken a
19 clinical examination before the dental hygiene board, if the
20 applicant submits all of the following to the dental hygiene board:

21 (1) A completed application form and all fees required by the
22 dental hygiene board.

23 (2) Proof of a current license as a registered dental hygienist
24 issued by another state that is not revoked, suspended, or otherwise
25 restricted.

26 (3) Proof that the applicant has been in clinical practice as a
27 registered dental hygienist or has been a full-time faculty member
28 in an accredited dental hygiene education program for a minimum
29 of 750 hours per year for at least five years immediately preceding
30 the date of application under this section. The clinical practice
31 requirement shall be deemed met if the applicant provides proof
32 of at least three years of clinical practice and commits to
33 completing the remaining two years of clinical practice by filing
34 with the dental hygiene board a copy of a pending contract to
35 practice dental hygiene in any of the following facilities:

36 (A) A primary care clinic licensed under subdivision (a) of
37 Section 1204 of the Health and Safety Code.

38 (B) A primary care clinic exempt from licensure pursuant to
39 subdivision (c) of Section 1206 of the Health and Safety Code.

1 (C) A clinic owned or operated by a public hospital or health
2 system.

3 (D) A clinic owned and operated by a hospital that maintains
4 the primary contract with a county government to fill the county's
5 role under Section 17000 of the Welfare and Institutions Code.

6 (4) Satisfactory performance on a California law and ethics
7 examination and any examination that may be required by the
8 dental hygiene board.

9 (5) Proof that the applicant has not been subject to disciplinary
10 action by any state in which the applicant is or has been previously
11 issued any professional or vocational license. If the applicant has
12 been subject to disciplinary action, the dental hygiene board shall
13 review that action to determine if it warrants refusal to issue a
14 license to the applicant.

15 (6) Proof of graduation from a school of dental hygiene
16 accredited by the Commission on Dental Accreditation.

17 (7) Proof of satisfactory completion of the National Board
18 Dental Hygiene Examination and of a state clinical examination,
19 regional clinical licensure examination, or any other clinical dental
20 hygiene examination approved by the dental hygiene board.

21 (8) Proof that the applicant has not failed the state clinical
22 examination, the examination given by the Western Regional
23 Examining Board, or any other clinical dental hygiene examination
24 approved by the dental hygiene board for licensure to practice
25 dental hygiene under this chapter more than once or once within
26 five years prior to the date of application for a license under this
27 section.

28 (9) Documentation of completion of a minimum of 25 units of
29 continuing education earned in the two years preceding application,
30 including completion of any continuing education requirements
31 imposed by the dental hygiene board on registered dental hygienists
32 licensed in this state at the time of application.

33 (10) Any other information as specified by the dental hygiene
34 board to the extent that it is required of applicants for licensure by
35 examination under this article.

36 (b) The dental hygiene board may periodically request
37 verification of compliance with the requirements of paragraph (3)
38 of subdivision (a) and may revoke the license upon a finding that
39 the employment requirement or any other requirement of paragraph
40 (3) of subdivision (a) has not been met.

1 (c) The dental hygiene board shall provide in the application
2 packet to each out-of-state dental hygienist pursuant to this section
3 the following information:

4 (1) The location of dental manpower shortage areas in the state.

5 (2) Any nonprofit clinics, public hospitals, and accredited dental
6 hygiene education programs seeking to contract with licensees for
7 dental hygiene service delivery or training purposes.

8 ~~SEC. 17.~~

9 *SEC. 14.* Section 1922 of the Business and Professions Code
10 is amended to read:

11 1922. The dental hygiene board shall license as a registered
12 dental hygienist in alternative practice a person who demonstrates
13 satisfactory performance on an examination in California law and
14 ethics required by the dental hygiene board and who completes an
15 application form and pays all application fees required by the dental
16 hygiene board and meets either of the following requirements:

17 (a) Holds a current California license as a registered dental
18 hygienist and meets the following requirements:

19 (1) Has been engaged in the practice of dental hygiene, as
20 defined in Section 1908, as a registered dental hygienist in any
21 setting, including, but not limited to, educational settings and public
22 health settings, for a minimum of 2,000 hours during the
23 immediately preceding 36 months.

24 (2) Has successfully completed a bachelor's degree or its
25 equivalent, recognized as a minimum of 120 semester credit hours
26 or 180 quarter credit hours in postsecondary education, from a
27 college or institution of higher education that is accredited by a
28 national or regional accrediting agency recognized by the United
29 States Department of Education, and a minimum of 150 hours of
30 additional educational requirements, as prescribed by the dental
31 hygiene board by regulation, that are consistent with good dental
32 and dental hygiene practice, including, but not necessarily limited
33 to, dental hygiene technique and theory including gerontology and
34 medical emergencies, and business administration and practice
35 management.

36 (b) Has received a letter of acceptance into the employment
37 utilization phase of the Health Workforce Pilot Project No. 155
38 established by the Office of Statewide Health Planning and
39 Development pursuant to Article 1 (commencing with Section

1 128125) of Chapter 3 of Part 3 of Division 107 of the Health and
2 Safety Code.

3 ~~SEC. 18.~~

4 *SEC. 15.* Section 2065 of the Business and Professions Code
5 is amended to read:

6 2065. (a) Unless otherwise provided by law, no postgraduate
7 trainee, intern, resident, postdoctoral fellow, or instructor may
8 engage in the practice of medicine, or receive compensation
9 therefor, or offer to engage in the practice of medicine unless they
10 hold a valid, unrevoked, and unsuspended physician's and
11 surgeon's certificate issued by the board. However, a graduate of
12 an approved medical school may engage in the practice of medicine
13 whenever and wherever required as a part of a postgraduate training
14 program under the following conditions:

15 (1) The medical school graduate has taken and passed the
16 board-approved medical licensing examinations required to qualify
17 the applicant to participate in an approved postgraduate training
18 program.

19 (2) If the medical school graduate graduated from a foreign
20 medical school approved by the board pursuant to Section 2084,
21 the Educational Commission for Foreign Medical Graduates
22 (ECFMG) has submitted an official ECFMG Certification Status
23 Report directly to the board confirming the graduate is ECFMG
24 certified.

25 (3) The medical school graduate is enrolled in a postgraduate
26 training program approved by the board.

27 (4) The board-approved postgraduate training program has
28 submitted the required board-approved form to the board
29 documenting the medical school graduate is enrolled in an
30 approved postgraduate training program.

31 (5) The medical school graduate obtains a physician's and
32 surgeon's postgraduate training license in accordance with Section
33 2064.5.

34 (b) A medical school graduate enrolled in an approved first-year
35 postgraduate training program in accordance with this section may
36 engage in the practice of medicine whenever and wherever required
37 as a part of the training program, and may receive compensation
38 for that practice.

39 (c) A graduate who has completed the first year of postgraduate
40 training may, in an approved residency or fellowship, engage in

1 the practice of medicine whenever and wherever required as part
2 of that residency or fellowship, and may receive compensation for
3 that practice. The resident or fellow shall qualify for, take, and
4 pass the next succeeding written examination for licensure. If the
5 resident or fellow fails to receive a license to practice medicine
6 under this chapter within 27 months from the commencement of
7 the residency or fellowship, except as otherwise allowed under
8 subdivision (g) or (h), or if the board denies their application for
9 licensure, all privileges and exemptions under this section shall
10 automatically cease.

11 (d) All approved postgraduate training the medical school
12 graduate has successfully completed in the United States or Canada
13 shall count toward the 39-month license exemption, except as
14 otherwise allowed under subdivision (h).

15 (e) A medical school graduate from a medical school approved
16 by the board shall have successfully completed a minimum of 36
17 months of approved postgraduate training, which includes
18 successful progression through 24 months in the same program,
19 to be eligible for a California physician's and surgeon's certificate.

20 (f) The program director for an approved postgraduate training
21 program in California shall report to the board, on a form approved
22 by the board, and provide any supporting documents as required
23 by the board, the following actions within 30 days of the action:

24 (1) A postgraduate trainee is notified that they have received
25 partial or no credit for a period of postgraduate training, and their
26 postgraduate training period is extended.

27 (2) A postgraduate trainee takes a leave of absence or any break
28 from their postgraduate training, and they are notified that their
29 postgraduate training period is extended.

30 (3) A postgraduate trainee is terminated from the postgraduate
31 training program.

32 (4) A postgraduate trainee resigns, dies, or otherwise leaves the
33 postgraduate training program.

34 (5) A postgraduate trainee has completed a one-year contract
35 approved by the postgraduate training program.

36 (g) Upon review of supporting documentation, the board, in its
37 discretion, may grant an extension beyond 39 months to a
38 postgraduate training licensee to successfully complete the 36
39 months of required approved postgraduate training.

1 (h) An applicant for a physician's and surgeon's license who
2 has successfully completed 36 months of approved postgraduate
3 training in another state or in Canada and who is accepted into an
4 approved postgraduate training program in California shall obtain
5 their physician's and surgeon's license within 90 days after
6 beginning that postgraduate training program or all privileges and
7 exemptions under this section shall automatically cease.

8 (i) This section shall become operative on January 1, 2020.

9 ~~SEC. 19.~~

10 *SEC. 16.* Section 2113 of the Business and Professions Code
11 is amended to read:

12 2113. (a) Any person who does not immediately qualify for
13 a physician's and surgeon's certificate under this chapter and who
14 is offered by the dean of an approved medical school in this state
15 a full-time faculty position may, after application to and approval
16 by the board, be granted a certificate of registration to engage in
17 the practice of medicine only to the extent that the practice is
18 incident to and a necessary part of their duties as approved by the
19 board in connection with the faculty position. A certificate of
20 registration does not authorize a registrant to admit patients to a
21 nursing or a skilled or assisted living facility unless that facility is
22 formally affiliated with the sponsoring medical school. A clinical
23 fellowship shall not be submitted as a faculty service appointment.

24 (b) Application for a certificate of registration shall be made on
25 a form prescribed by the board and shall be accompanied by a
26 registration fee fixed by the board in an amount necessary to
27 recover the actual application processing costs of the program. To
28 qualify for the certificate, an applicant shall submit all of the
29 following:

30 (1) If the applicant is a graduate of a medical school other than
31 in the United States or Canada, documentary evidence satisfactory
32 to the board that they have been licensed to practice medicine and
33 surgery for not less than four years in another state or country
34 whose requirements for licensure are satisfactory to the board, or
35 has been engaged in the practice of medicine in the United States
36 for at least four years in approved facilities, or has completed a
37 combination of that licensure and training.

38 (2) If the applicant is a graduate of a medical school in the
39 United States or Canada, documentary evidence that the medical
40 school is approved by the board.

1 (3) Written certification by the head of the department in which
2 the applicant is to be appointed of all of the following:

3 (A) The applicant will be under their direction.

4 (B) The applicant will not be permitted to practice medicine
5 unless incident to and a necessary part of their duties as approved
6 by the board in subdivision (a).

7 (C) The applicant will be accountable to the medical school's
8 department chair or division chief for the specialty in which the
9 applicant will practice.

10 (D) The applicant will be proctored in the same manner as other
11 new faculty members, including, as appropriate, review by the
12 medical staff of the school's medical center.

13 (E) The applicant will not be appointed to a supervisory position
14 at the level of a medical school department chair or division chief.

15 (4) Demonstration by the dean of the medical school that the
16 applicant has the requisite qualifications to assume the position to
17 which they are to be appointed and that shall include a written
18 statement of the recruitment procedures followed by the medical
19 school before offering the faculty position to the applicant.

20 (c) A certificate of registration shall be issued only for a faculty
21 position at one approved medical school, and no person shall be
22 issued more than one certificate of registration for the same period
23 of time.

24 (d) (1) A certificate of registration is valid for one year from
25 its date of issuance and may be renewed twice.

26 A request for renewal shall be submitted on a form prescribed
27 by the board and shall be accompanied by a renewal fee fixed by
28 the board in an amount necessary to recover the actual application
29 processing costs of the program.

30 (2) The dean of the medical school may request renewal of the
31 registration by submitting a plan at the beginning of the third year
32 of the registrant's appointment demonstrating the registrant's
33 continued progress toward licensure and, if the registrant is a
34 graduate of a medical school other than in the United States or
35 Canada, that the registrant has been issued a certificate by the
36 Educational Commission for Foreign Medical Graduates. The
37 board may, in its discretion, extend the registration for a two-year
38 period to facilitate the registrant's completion of the licensure
39 process.

1 (e) If the registrant is a graduate of a medical school other than
2 in the United States or Canada, they shall meet the requirements
3 of Section 2065 or 2135, as appropriate, in order to obtain a
4 physician’s and surgeon’s certificate. Notwithstanding any other
5 provision of law, the board may accept clinical practice in an
6 appointment pursuant to this section as qualifying time to meet
7 the postgraduate training requirements in Section 2065, and, in its
8 discretion, waive the examination and the Educational Commission
9 for Foreign Medical Graduates certification requirements specified
10 in paragraph (3) of subdivision (a) of Section 2065 in the event
11 the registrant applies for a physician’s and surgeon’s certificate.
12 As a condition to waiving any examination or the Educational
13 Commission for Foreign Medical Graduates certification
14 requirement, the board in its discretion, may require an applicant
15 to pass a clinical competency examination approved by the board.
16 The board shall not waive any examination for an applicant who
17 has not completed at least one year in the faculty position.

18 (f) Except to the extent authorized by this section, the registrant
19 shall not engage in the practice of medicine, bill individually for
20 medical services provided by the registrant, or receive
21 compensation therefor, unless they are issued a physician’s and
22 surgeon’s certificate.

23 (g) When providing clinical services, the registrant shall wear
24 a visible name tag containing the title “visiting professor” or
25 “visiting faculty member,” as appropriate, and the institution at
26 which the services are provided shall obtain a signed statement
27 from each patient to whom the registrant provides services
28 acknowledging that the patient understands that the services are
29 provided by a person who does not hold a physician’s and
30 surgeon’s certificate but who is qualified to participate in a special
31 program as a visiting professor or faculty member.

32 (h) The board shall notify both the registrant and the dean of
33 the medical school of a complaint made about the registrant. The
34 board may terminate a registration for any act that would be
35 grounds for discipline if done by a licensee. The board shall provide
36 both the registrant and the dean of the medical school with written
37 notice of the termination and the basis for that termination. The
38 registrant may, within 30 days after the date of the notice of
39 termination, file a written appeal to the board. The appeal shall

1 include any documentation the registrant wishes to present to the
2 board.

3 (i) This section shall become operative on January 1, 2020.

4 ~~SEC. 20.~~

5 *SEC. 17.* Section 2135.5 of the Business and Professions Code
6 is amended to read:

7 2135.5. Upon review and recommendation, the board may
8 determine that an applicant for a physician's and surgeon's
9 certificate has satisfied the medical education requirements of
10 Sections 2084 and 2135 and the examination requirements of
11 Section 2170 if the applicant meets all of the following criteria:

12 (a) They hold an unlimited and unrestricted license as a
13 physician and surgeon in another state and has held that license
14 continuously for a minimum of four years prior to the date of
15 application.

16 (b) They meet the postgraduate training requirements in Section
17 2096 and are certified by a specialty board that is a member board
18 of the American Board of Medical Specialties.

19 (c) They are not subject to denial of licensure under Division
20 1.5 (commencing with Section 475) or Article 12 (commencing
21 with Section 2220).

22 (d) They have not been the subject of a disciplinary action by
23 a medical licensing authority or of an adverse judgment or
24 settlement resulting from the practice of medicine that, as
25 determined by the board, constitutes a pattern of negligence or
26 incompetence.

27 (e) This section shall become operative on January 1, 2020.

28 ~~SEC. 21.~~

29 *SEC. 18.* Section 2460 of the Business and Professions Code
30 is amended to read:

31 2460. (a) There is created in the Department of Consumer
32 Affairs the California Board of Podiatric Medicine. Commencing
33 July 1, 2019, the California Board of Podiatric Medicine is renamed
34 the Podiatric Medical Board of California. Any reference in any
35 provision of law to the California Board of Podiatric Medicine
36 shall, commencing July 1, 2019, be deemed to refer to the Podiatric
37 Medical Board of California.

38 (b) This section shall remain in effect only until January 1, 2022,
39 and as of that date is repealed. Notwithstanding any other law, the
40 repeal of this section renders the California Board of Podiatric

1 Medicine subject to review by the appropriate policy committees
2 of the Legislature.

3 (c) The amendments made by Chapter 775 of the Statutes of
4 2017 relating to podiatrists shall not be construed to change any
5 rights or privileges held by podiatrists prior to the enactment of
6 that act.

7 ~~SEC. 22.~~

8 *SEC. 19.* Section 2531 of the Business and Professions Code
9 is amended to read:

10 2531. (a) There is in the Department of Consumer Affairs the
11 Speech-Language Pathology and Audiology and Hearing Aid
12 Dispensers Board in which the enforcement and administration of
13 this chapter are vested. The Speech-Language Pathology and
14 Audiology and Hearing Aid Dispensers Board shall consist of nine
15 members, three of whom shall be public members.

16 (b) This section shall remain in effect only until January 1, 2023,
17 and as of that date is repealed.

18 (c) Notwithstanding any other law, the repeal of this section
19 renders the board subject to review by the appropriate policy
20 committees of the Legislature.

21 ~~SEC. 23.~~

22 *SEC. 20.* Section 2531.75 of the Business and Professions Code
23 is amended to read:

24 2531.75. (a) The board may appoint a person exempt from
25 civil service who shall be designated as an executive officer and
26 who shall exercise the powers and perform the duties delegated
27 by the board and vested in them by this chapter.

28 (b) This section shall remain in effect only until January 1, 2023,
29 and as of that date is repealed.

30 ~~SEC. 24.~~

31 *SEC. 21.* Section 2570.19 of the Business and Professions Code
32 is amended to read:

33 2570.19. (a) There is hereby created a California Board of
34 Occupational Therapy, hereafter referred to as the board. The board
35 shall enforce and administer this chapter.

36 (b) The members of the board shall consist of the following:

37 (1) Three occupational therapists who shall have practiced
38 occupational therapy for five years.

39 (2) One occupational therapy assistant who shall have assisted
40 in the practice of occupational therapy for five years.

1 (3) Three public members who shall not be licentiates of the
2 board, of any other board under this division, or of any board
3 referred to in Section 1000 or 3600.

4 (c) The Governor shall appoint the three occupational therapists
5 and one occupational therapy assistant to be members of the board.
6 The Governor, the Senate Committee on Rules, and the Speaker
7 of the Assembly shall each appoint a public member. Not more
8 than one member of the board shall be appointed from the full-time
9 faculty of any university, college, or other educational institution.

10 (d) All members shall be residents of California at the time of
11 their appointment. The occupational therapist and occupational
12 therapy assistant members shall have been engaged in rendering
13 occupational therapy services to the public, teaching, or research
14 in occupational therapy for at least five years preceding their
15 appointments.

16 (e) The public members may not be or have ever been
17 occupational therapists or occupational therapy assistants or in
18 training to become occupational therapists or occupational therapy
19 assistants. The public members may not be related to, or have a
20 household member who is, an occupational therapist or an
21 occupational therapy assistant, and may not have had, within two
22 years of the appointment, a substantial financial interest in a person
23 regulated by the board.

24 (f) The Governor shall appoint two board members for a term
25 of one year, two board members for a term of two years, and one
26 board member for a term of three years. Appointments made
27 thereafter shall be for four-year terms, but no person shall be
28 appointed to serve more than two consecutive terms. Terms shall
29 begin on the first day of the calendar year and end on the last day
30 of the calendar year or until successors are appointed, except for
31 the first appointed members who shall serve through the last
32 calendar day of the year in which they are appointed, before
33 commencing the terms prescribed by this section. Vacancies shall
34 be filled by appointment for the unexpired term. The board shall
35 annually elect one of its members as president.

36 (g) The board shall meet and hold at least one regular meeting
37 annually in the Cities of Sacramento, Los Angeles, and San
38 Francisco. The board may convene from time to time until its
39 business is concluded. Special meetings of the board may be held
40 at any time and place designated by the board.

1 (h) Notice of each meeting of the board shall be given in
2 accordance with the Bagley-Keene Open Meeting Act (Article 9
3 (commencing with Section 11120) of Chapter 1 of Part 1 of
4 Division 3 of Title 2 of the Government Code).

5 (i) Members of the board shall receive no compensation for
6 their services, but shall be entitled to reasonable travel and other
7 expenses incurred in the execution of their powers and duties in
8 accordance with Section 103.

9 (j) The appointing power shall have the power to remove any
10 member of the board from office for neglect of any duty imposed
11 by state law, for incompetency, or for unprofessional or
12 dishonorable conduct.

13 (k) This section shall remain in effect only until January 1, 2023,
14 and as of that date is repealed.

15 (l) Notwithstanding any other law, the repeal of this section
16 renders the board subject to review by the appropriate policy
17 committees of the Legislature.

18 ~~SEC. 25.~~

19 *SEC. 22.* Section 2602 of the Business and Professions Code
20 is amended to read:

21 2602. (a) The Physical Therapy Board of California, hereafter
22 referred to as the board, shall enforce and administer this chapter.

23 (b) This section shall remain in effect only until January 1, 2023,
24 and as of that date is repealed.

25 (c) Notwithstanding any other law, the repeal of this section
26 renders the board subject to review by the appropriate policy
27 committees of the Legislature.

28 ~~SEC. 26.~~

29 *SEC. 23.* Section 2607.5 of the Business and Professions Code
30 is amended to read:

31 2607.5. (a) The board may employ an executive officer exempt
32 from the provisions of the State Civil Service Act (Part 2
33 (commencing with Section 18500) of Division 5 of Title 2 of the
34 Government Code) and may also employ investigators, legal
35 counsel, physical therapist consultants, and other assistance as it
36 may deem necessary to carry out this chapter. The board may fix
37 the compensation to be paid for services and may incur other
38 expenses as it may deem necessary. Investigators employed by the
39 board shall be provided special training in investigating physical
40 therapy practice activities.

1 (b) The Attorney General shall act as legal counsel for the board
2 for any judicial and administrative proceedings and their services
3 shall be a charge against it.

4 (c) This section shall remain in effect only until January 1, 2023,
5 and as of that date is repealed.

6 ~~SEC. 27.~~

7 *SEC. 24.* Section 2841 of the Business and Professions Code
8 is amended to read:

9 2841. (a) There is in the Department of Consumer Affairs a
10 Board of Vocational Nursing and Psychiatric Technicians of the
11 State of California, which consists of 11 members.

12 (b) Within the meaning of this chapter, “board,” or “the board,”
13 refers to the Board of Vocational Nursing and Psychiatric
14 Technicians of the State of California.

15 (c) This section shall remain in effect only until January 1, 2022,
16 and as of that date is repealed.

17 ~~SEC. 28.~~

18 *SEC. 25.* Section 2847.1 of the Business and Professions Code
19 is amended to read:

20 2847.1. (a) The board shall select an executive officer who
21 shall perform duties as are delegated by the board and who shall
22 be responsible to it for the accomplishment of those duties. The
23 executive officer shall not be a member of the board.

24 (b) With the approval of the Director of Finance, the board shall
25 fix the salary of the executive officer.

26 (c) The executive officer shall be entitled to traveling and other
27 necessary expenses in the performance of their duties. The
28 executive officer shall make a statement, certified before a duly
29 authorized person, that the expenses have been actually incurred.

30 (d) Commencing January 1, 2018, the executive officer
31 appointed by the board pursuant to subdivision (a) is abolished.
32 Thereafter, until January 1, 2022, the executive officer shall be
33 appointed as set forth in Section 2847.3. Commencing January 1,
34 2022, the executive officer shall, again, be appointed by the board
35 as set forth in subdivision (a).

36 (e) This section shall remain in effect only until January 1, 2023,
37 and as of that date is repealed.

38 ~~SEC. 29.~~

39 *SEC. 26.* Section 2847.3 of the Business and Professions Code
40 is amended to read:

1 2847.3. (a) Commencing January 1, 2018, the executive officer
2 position established pursuant to subdivision (a) of Section 2847.1
3 is temporarily abolished. Commencing January 1, 2018, the
4 Governor shall appoint an executive officer who shall perform
5 duties as are delegated by the board and who shall be responsible
6 for the accomplishment of those duties. The executive officer shall
7 exercise all powers, discharge all responsibilities, and administer
8 and enforce all laws pursuant to this chapter and Chapter 10
9 (commencing with Section 4500) of Division 2 that are necessary
10 to perform the duties delegated by the board.

11 (b) The executive officer shall serve at the pleasure of the
12 Governor and the Governor shall fix the salary of the executive
13 officer. The executive officer shall not be a member of the board.

14 (c) The executive officer shall be entitled to traveling and other
15 necessary expenses in the performance of their duties.

16 (d) This section shall become operative on January 1, 2018, and
17 shall remain in effect only until January 1, 2022, and as of that
18 date is repealed.

19 ~~SEC. 30.~~

20 *SEC. 27.* Section 2920 of the Business and Professions Code
21 is amended to read:

22 2920. (a) The Board of Psychology shall enforce and
23 administer this chapter. The board shall consist of nine members,
24 four of whom shall be public members.

25 (b) This section shall remain in effect only until January 1, 2022,
26 and as of that date is repealed.

27 (c) Notwithstanding any other law, the repeal of this section
28 renders the board subject to review by the appropriate policy
29 committees of the Legislature.

30 ~~SEC. 31.~~

31 *SEC. 28.* Section 2933 of the Business and Professions Code
32 is amended to read:

33 2933. (a) Except as provided by Section 159.5, the board shall
34 employ and shall make available to the board within the limits of
35 the funds received by the board all personnel necessary to carry
36 out this chapter. The board may employ, exempt from the State
37 Civil Service Act, an executive officer to the Board of Psychology.
38 The board shall make all expenditures to carry out this chapter.
39 The board may accept contributions to effectuate the purposes of
40 this chapter.

1 (b) This section shall remain in effect only until January 1, 2022,
2 and as of that date is repealed.

3 ~~SEC. 32.~~

4 *SEC. 29.* Section 3504 of the Business and Professions Code
5 is amended to read:

6 3504. There is established a Physician Assistant Board within
7 the jurisdiction of the Medical Board of California. The board
8 consists of nine members. This section shall remain in effect only
9 until January 1, 2022, and as of that date is repealed.
10 Notwithstanding any other law, the repeal of this section renders
11 the board subject to review by the appropriate policy committees
12 of the Legislature.

13 ~~SEC. 33.~~

14 *SEC. 30.* Section 3512 of the Business and Professions Code
15 is amended to read:

16 3512. (a) Except as provided in Sections 159.5 and 2020, the
17 board shall employ within the limits of the Physician Assistant
18 Fund all personnel necessary to carry out this chapter including
19 an executive officer who shall be exempt from civil service. The
20 Medical Board of California and board shall make all necessary
21 expenditures to carry out this chapter from the funds established
22 by Section 3520. The board may accept contributions to effect the
23 purposes of this chapter.

24 (b) This section shall remain in effect only until January 1, 2022,
25 and as of that date is repealed.

26 ~~SEC. 34.~~

27 *SEC. 31.* Section 3686 of the Business and Professions Code
28 is amended to read:

29 3686. This chapter shall remain in effect only until January 1,
30 2023, and as of that date is repealed.

31 ~~SEC. 35.~~

32 *SEC. 32.* Section 3710 of the Business and Professions Code
33 is amended to read:

34 3710. (a) The Respiratory Care Board of California, hereafter
35 referred to as the board, shall enforce and administer this chapter.

36 (b) This section shall remain in effect only until January 1, 2023,
37 and as of that date is repealed. Notwithstanding any other law, the
38 repeal of this section renders the board subject to review by the
39 appropriate policy committees of the Legislature.

1 ~~SEC. 36.~~

2 *SEC. 33.* Section 3716 of the Business and Professions Code
3 is amended to read:

4 3716. (a) The board may employ an executive officer exempt
5 from civil service and, subject to the provisions of law relating to
6 civil service, clerical assistants and, except as provided in Section
7 159.5, other employees as it may deem necessary to carry out its
8 powers and duties.

9 (b) This section shall remain in effect only until January 1, 2023,
10 and as of that date is repealed.

11 ~~SEC. 37.~~

12 *SEC. 34.* Section 4001 of the Business and Professions Code
13 is amended to read:

14 4001. (a) There is in the Department of Consumer Affairs a
15 California State Board of Pharmacy in which the administration
16 and enforcement of this chapter is vested. The board consists of
17 13 members.

18 (b) The Governor shall appoint seven competent pharmacists
19 who reside in different parts of the state to serve as members of
20 the board. The Governor shall appoint four public members, and
21 the Senate Committee on Rules and the Speaker of the Assembly
22 shall each appoint a public member who shall not be a licensee of
23 the board, any other board under this division, or any board referred
24 to in Section 1000 or 3600.

25 (c) At least five of the seven pharmacist appointees to the board
26 shall be pharmacists who are actively engaged in the practice of
27 pharmacy. Additionally, the membership of the board shall include
28 at least one pharmacist representative from each of the following
29 practice settings: an acute care hospital, an independent community
30 pharmacy, a chain community pharmacy, and a long-term health
31 care or skilled nursing facility. The pharmacist appointees shall
32 also include a pharmacist who is a member of a labor union that
33 represents pharmacists. For the purposes of this subdivision, a
34 “chain community pharmacy” means a chain of 75 or more stores
35 in California under the same ownership, and an “independent
36 community pharmacy” means a pharmacy owned by a person or
37 entity who owns no more than four pharmacies in California.

38 (d) Members of the board shall be appointed for a term of four
39 years. No person shall serve as a member of the board for more
40 than two consecutive terms. Each member shall hold office until

1 the appointment and qualification of their successor or until one
2 year shall have elapsed since the expiration of the term for which
3 the member was appointed, whichever first occurs. Vacancies
4 occurring shall be filled by appointment for the unexpired term.

5 (e) Each member of the board shall receive a per diem and
6 expenses as provided in Section 103.

7 (f) This section shall remain in effect only until January 1, 2022,
8 and as of that date is repealed. Notwithstanding any other law, the
9 repeal of this section renders the board subject to review by the
10 appropriate policy committees of the Legislature.

11 ~~SEC. 38.~~

12 *SEC. 35.* Section 4003 of the Business and Professions Code
13 is amended to read:

14 4003. (a) The board, with the approval of the director, may
15 appoint a person exempt from civil service who shall be designated
16 as an executive officer and who shall exercise the powers and
17 perform the duties delegated by the board and vested in them by
18 this chapter. The executive officer may or may not be a member
19 of the board as the board may determine.

20 (b) The executive officer shall receive the compensation as
21 established by the board with the approval of the Director of
22 Finance. The executive officer shall also be entitled to travel and
23 other expenses necessary in the performance of their duties.

24 (c) The executive officer shall maintain and update in a timely
25 fashion records containing the names, titles, qualifications, and
26 places of business of all persons subject to this chapter.

27 (d) The executive officer shall give receipts for all money
28 received by them and pay it to the department, taking its receipt
29 therefor. Besides the duties required by this chapter, the executive
30 officer shall perform other duties pertaining to the office as may
31 be required of them by the board.

32 (e) This section shall remain in effect only until January 1, 2022,
33 and as of that date is repealed.

34 ~~SEC. 39.~~

35 *SEC. 36.* Section 4501 of the Business and Professions Code
36 is amended to read:

37 4501. (a) “Board,” as used in this chapter, means the Board
38 of Vocational Nursing and Psychiatric Technicians of the State of
39 California.

1 (b) This section shall remain in effect only until January 1, 2022,
2 and as of that date is repealed.

3 ~~SEC. 40.~~

4 *SEC. 37.* Section 4503 of the Business and Professions Code
5 is amended to read:

6 4503. (a) The board shall administer and enforce this chapter.

7 (b) This section shall remain in effect only until January 1, 2022,
8 and as of that date is repealed.

9 ~~SEC. 41.~~

10 *SEC. 38.* Section 4604 of the Business and Professions Code
11 is amended to read:

12 4604. (a) In order to obtain certification as a massage therapist,
13 an applicant shall submit a written application and provide the
14 council with satisfactory evidence that the applicant meets all of
15 the following requirements:

16 (1) The applicant is 18 years of age or older.

17 (2) The applicant has successfully completed the curricula in
18 massage and related subjects totaling a minimum of 500 hours, or
19 the credit unit equivalent, that incorporates appropriate school
20 assessment of student knowledge and skills.

21 (A) Of the 500 hours, a minimum of 100 hours of instruction
22 shall address anatomy and physiology, contraindications, health
23 and hygiene, and business and ethics.

24 (B) All of the 500 hours shall be from approved schools. The
25 council shall accept the 500 hours if, at the time all of the hours
26 were completed, the school or schools were approved. The 500
27 hours may be completed at more than one approved school.
28 Notwithstanding any other law, pursuant to its policies and
29 procedures for approval of schools, the council shall accept hours
30 earned by an applicant for certification as a massage therapist if
31 those hours were completed before July 1, 2016, and were earned
32 from a school providing education in this state that was unapproved
33 by the council after July 1, 2016, based solely on the fact that the
34 National Certification Board for Therapeutic Massage and
35 Bodywork took denial or disciplinary action against the school.
36 For purposes of this section, “unapproved” means that the council
37 determined that it will not accept hours from a school toward
38 certification.

39 (3) The applicant has passed a massage and bodywork
40 competency assessment examination that meets generally

1 recognized psychometric principles and standards and that is
2 approved by the council. The successful completion of this
3 examination may have been accomplished before the date the
4 council is authorized by this chapter to begin issuing certificates.
5 This paragraph shall be inoperative commencing on January 1,
6 2019, and shall become operative on January 1, 2022.

7 (4) The applicant has successfully passed a background
8 investigation pursuant to Section 4606, and has not violated any
9 of the provisions of this chapter.

10 (5) All fees required by the council have been paid.

11 (6) The council may issue a certificate to an applicant who meets
12 the qualifications of this chapter if the applicant holds a current
13 and valid registration, certification, or license from any other state
14 whose licensure requirements meet or exceed those defined within
15 this chapter. If an applicant has received education at a school that
16 is not approved by the council, the council shall have the discretion
17 to give credit for comparable academic work completed by an
18 applicant in a program outside of California.

19 (b) A certificate issued pursuant to this chapter and any
20 identification card issued by the council shall be surrendered to
21 the council by any certificate holder whose certificate is suspended
22 or revoked.

23 ~~SEC. 42.~~

24 *SEC. 39.* Section 4621 of the Business and Professions Code
25 is amended to read:

26 4621. (a) This chapter shall remain in effect only until January
27 1, 2022, and as of that date is repealed.

28 (b) Notwithstanding any other law, the powers and duties of the
29 council shall be subject to review by the appropriate policy
30 committees of the Legislature.

31 ~~SEC. 43.~~

32 *SEC. 40.* Section 4800 of the Business and Professions Code
33 is amended to read:

34 4800. (a) There is in the Department of Consumer Affairs a
35 Veterinary Medical Board in which the administration of this
36 chapter is vested. The board consists of the following members:

- 37 (1) Four licensed veterinarians.
- 38 (2) One registered veterinary technician.
- 39 (3) Three public members.

1 (b) This section shall remain in effect only until January 1, 2022,
2 and as of that date is repealed.

3 (c) Notwithstanding any other law, the repeal of this section
4 renders the board subject to review by the appropriate policy
5 committees of the Legislature. However, the review of the board
6 shall be limited to those issues identified by the appropriate policy
7 committees of the Legislature and shall not involve the preparation
8 or submission of a sunset review document or evaluative
9 questionnaire.

10 ~~SEC. 44.~~

11 *SEC. 41.* Section 4804.5 of the Business and Professions Code
12 is amended to read:

13 4804.5. The board may appoint a person exempt from civil
14 service who shall be designated as an executive officer and who
15 shall exercise the powers and perform the duties delegated by the
16 board and vested in them by this chapter.

17 This section shall remain in effect only until January 1, 2022,
18 and as of that date is repealed.

19 ~~SEC. 45.~~

20 *SEC. 42.* Section 4990 of the Business and Professions Code
21 is amended to read:

22 4990. (a) There is in the Department of Consumer Affairs, a
23 Board of Behavioral Sciences that consists of the following
24 members:

- 25 (1) Two state licensed clinical social workers.
- 26 (2) One state licensed educational psychologist.
- 27 (3) Two state licensed marriage and family therapists.
- 28 (4) One state licensed professional clinical counselor.
- 29 (5) Seven public members.

30 (b) Each member, except the seven public members, shall have
31 at least two years of experience in their profession.

32 (c) Each member shall reside in the State of California.

33 (d) The Governor shall appoint five of the public members and
34 the six licensed members with the advice and consent of the Senate.
35 The Senate Committee on Rules and the Speaker of the Assembly
36 shall each appoint a public member.

37 (e) Each member of the board shall be appointed for a term of
38 four years. A member appointed by the Senate Committee on Rules
39 or the Speaker of the Assembly shall hold office until the
40 appointment and qualification of their successor or until one year

1 from the expiration date of the term for which they were appointed,
2 whichever first occurs. Pursuant to Section 1774 of the Government
3 Code, a member appointed by the Governor shall hold office until
4 the appointment and qualification of their successor or until 60
5 days from the expiration date of the term for which they were
6 appointed, whichever first occurs.

7 (f) A vacancy on the board shall be filled by appointment for
8 the unexpired term by the authority who appointed the member
9 whose membership was vacated.

10 (g) Not later than the first of June of each calendar year, the
11 board shall elect a chairperson and a vice chairperson from its
12 membership.

13 (h) Each member of the board shall receive a per diem and
14 reimbursement of expenses as provided in Section 103.

15 (i) This section shall remain in effect only until January 1, 2022,
16 and as of that date is repealed.

17 (j) Notwithstanding any other provision of law, the repeal of
18 this section renders the board subject to review by the appropriate
19 policy committees of the Legislature.

20 ~~SEC. 46.~~

21 *SEC. 43.* Section 4990.04 of the Business and Professions Code
22 is amended to read:

23 4990.04. (a) The board shall appoint an executive officer. This
24 position is designated as a confidential position and is exempt from
25 civil service under subdivision (e) of Section 4 of Article VII of
26 the California Constitution.

27 (b) The executive officer serves at the pleasure of the board.

28 (c) The executive officer shall exercise the powers and perform
29 the duties delegated by the board and vested in them by this
30 chapter.

31 (d) With the approval of the director, the board shall fix the
32 salary of the executive officer.

33 (e) The chairperson and executive officer may call meetings of
34 the board and any duly appointed committee at a specified time
35 and place. For purposes of this section, “call meetings” means
36 setting the agenda, time, date, or place for any meeting of the board
37 or any committee.

38 (f) This section shall remain in effect only until January 1, 2022,
39 and as of that date is repealed.

1 ~~SEC. 47.~~

2 *SEC. 44.* Section 5600.4 of the Business and Professions Code
3 is amended to read:

4 5600.4. (a) The board shall issue, upon application and
5 payment of the fee fixed by this chapter, a retired license to an
6 architect who holds a license that is current and active or capable
7 of being renewed pursuant to Section 5600.2 and whose license
8 is not suspended, revoked, or otherwise punitively restricted by
9 the board or subject to disciplinary action under this chapter.

10 (b) The holder of a retired license issued pursuant to this section
11 shall not engage in any activity for which an active architect’s
12 license is required. An architect holding a retired license shall be
13 permitted to use the title “architect retired” or “retired architect.”

14 (c) The holder of a retired license shall not be required to renew
15 that license.

16 (d) In order for the holder of a retired license issued pursuant
17 to this section to restore their license to active status, the holder
18 of a retired license shall comply with Section 5600.2 or 5600.3,
19 as applicable.

20 ~~SEC. 48.~~

21 *SEC. 45.* Section 5810 of the Business and Professions Code
22 is amended to read:

23 5810. (a) This chapter shall be subject to review by the
24 appropriate policy committees of the Legislature.

25 (b) This chapter shall remain in effect only until January 1,
26 2023, and as of that date is repealed.

27 ~~SEC. 49.~~

28 *SEC. 46.* Section 7000 of the Business and Professions Code
29 is amended to read:

30 7000. This chapter constitutes, and may be cited as, the
31 Contractors State License Law.

32 ~~SEC. 50.~~

33 *SEC. 47.* Section 7000.5 of the Business and Professions Code
34 is amended to read:

35 7000.5. (a) There is in the Department of Consumer Affairs
36 a Contractors State License Board, which consists of 15 members.

37 (b) Notwithstanding any other provision of law, the repeal of
38 this section renders the board subject to review by the appropriate
39 policy committees of the Legislature.

1 (c) This section shall remain in effect only until January 1, 2024,
2 and as of that date is repealed.

3 ~~SEC. 51.~~

4 *SEC. 48.* Section 7000.6 of the Business and Professions Code
5 is amended to read:

6 7000.6. Protection of the public shall be the highest priority
7 for the Contractors State License Board in exercising its licensing,
8 regulatory, and disciplinary functions. Whenever the protection
9 of the public is inconsistent with other interests sought to be
10 promoted, the protection of the public shall be paramount.

11 ~~SEC. 52.~~

12 *SEC. 49.* Section 7011.4 of the Business and Professions Code
13 is amended to read:

14 7011.4. (a) Notwithstanding Section 7011, there is in the
15 Contractors State License Board, a separate enforcement division
16 that shall rigorously enforce this chapter prohibiting all forms of
17 unlicensed activity and shall enforce the obligation to secure the
18 payment of valid and current workers' compensation insurance in
19 accordance with Section 3700.5 of the Labor Code.

20 (b) Persons employed as enforcement representatives of the
21 Contractors State License Board and designated by the Director
22 of Consumer Affairs shall have the authority to issue a written
23 notice to appear in court pursuant to Chapter 5C (commencing
24 with Section 853.5) of Title 3 of Part 2 of the Penal Code. An
25 employee so designated is not a peace officer and is not entitled
26 to safety member retirement benefits as a result of that designation.
27 They do not have the power of arrest.

28 (c) When participating in the activities of the Joint Enforcement
29 Strike Force on the Underground Economy pursuant to Section
30 329 of the Unemployment Insurance Code, the enforcement
31 division shall have free access to all places of labor.

32 ~~SEC. 53.~~

33 *SEC. 50.* Section 7011.5 of the Business and Professions Code
34 is amended to read:

35 7011.5. Persons employed as investigators of the Special
36 Investigations Unit of the Contractors State License Board and
37 designated by the Director of Consumer Affairs have the authority
38 of peace officers while engaged in exercising the powers granted
39 or performing the duties imposed upon them in investigating the
40 laws administered by the Contractors State License Board or

1 commencing directly or indirectly any criminal prosecution arising
2 from any investigation conducted under these laws. All persons
3 herein referred to shall be deemed to be acting within the scope
4 of employment with respect to all acts and matters in this section
5 set forth.

6 ~~SEC. 54.~~

7 *SEC. 51.* Section 7011.8 of the Business and Professions Code
8 is amended to read:

9 7011.8. (a) Any person subject to licensure under this chapter
10 who reports to, or causes a complaint to be filed with, the
11 Contractors State License Board that a person licensed by that
12 entity has engaged in professional misconduct, knowing the report
13 or complaint to be false, may be issued a citation by the registrar.

14 (b) The board may notify the appropriate district attorney or
15 city attorney that a person subject to licensure under this chapter
16 has made or filed what the entity believes to be a false report or
17 complaint against a licensee.

18 ~~SEC. 55.~~

19 *SEC. 52.* Section 7015 of the Business and Professions Code
20 is amended to read:

21 7015. The board shall adopt a seal for its own use. The seal
22 shall have the words “Contractors State License Board, State of
23 California, Department of Consumer Affairs,” and the care and
24 custody thereof shall be in the hands of the registrar.

25 ~~SEC. 56.~~

26 *SEC. 53.* Section 7017.3 of the Business and Professions Code
27 is amended to read:

28 7017.3. The Contractors State License Board shall report
29 annually to the Legislature, not later than October 1 of each year,
30 the following statistical information for the prior fiscal year. The
31 following data shall be reported on complaints filed with the board
32 against licensed contractors, registered home improvement
33 salespersons, and unlicensed persons acting as licensees or
34 registrants:

35 (a) The number of complaints received by the board categorized
36 by source, such as public, trade, profession, government agency,
37 or board-initiated, and by type of complaint, such as licensee or
38 nonlicensee.

39 (b) The number of complaints closed prior to referral for field
40 investigation, categorized by the reason for the closure, such as

1 settled, referred for mandatory arbitration, or referred for voluntary
2 arbitration.

3 (c) The number of complaints referred for field investigation
4 categorized by the type of complaint, such as licensee or
5 nonlicensee.

6 (d) The number of complaints closed after referral for field
7 investigation categorized by the reason for the closure, such as
8 settled, referred for mandatory arbitration, or referred for voluntary
9 arbitration.

10 (e) For the board's Intake/Mediation Center and the board's
11 Investigation Center closures, respectively, the total number of
12 complaints closed prior to a field investigation per consumer
13 services representative, and the total number of complaints closed
14 after referral for a field investigation per enforcement
15 representative. Additionally, the board shall report the total number
16 of complaints closed by other board staff during the year.

17 (f) The number of complaints pending at the end of the fiscal
18 year grouped in 90-day increments, and the percentage of total
19 complaints pending, represented by the number of complaints in
20 each grouping.

21 (g) The number of citations issued to licensees categorized by
22 the type of citation such as order of correction only or order of
23 correction and fine, and the number of citations issued to licensees
24 that were vacated or withdrawn.

25 (h) The number of citations issued to nonlicensees and the
26 number of these citations that were vacated or withdrawn.

27 (i) The number of complaints referred to a local prosecutor for
28 criminal investigation or prosecution, the number of complaints
29 referred to the Attorney General for the filing of an accusation,
30 and the number of complaints referred to both a local prosecutor
31 and the Attorney General, categorized by type of complaint, such
32 as licensee and nonlicensee.

33 (j) Actions taken by the board, including, but not limited to, the
34 following:

35 (1) The number of disciplinary actions categorized by type, such
36 as revocations or suspensions, categorized by whether the
37 disciplinary action resulted from an accusation, failure to comply
38 with a citation, or failure to comply with an arbitration award.

39 (2) The number of accusations dismissed or withdrawn.

1 (k) For subdivisions (g) and (j), the number of cases containing
2 violations of Sections 7121 and 7121.5, and paragraph (5) of
3 subdivision (a) of Section 7159.5, categorized by section.

4 (l) The number of interim suspension orders sought, the number
5 of interim suspension orders granted, the number of temporary
6 restraining orders sought, and the number of temporary restraining
7 orders granted.

8 (m) The amount of cost recovery ordered and the amount
9 collected.

10 (n) Case aging data, including data for each major stage of the
11 enforcement process, including the following:

12 (1) The average number of days from the filing of a complaint
13 to its closure by the board's Intake/Mediation Center prior to the
14 referral for an investigation categorized by the type of complaint,
15 such as licensee or nonlicensee.

16 (2) The average number of days from the referral of a complaint
17 for an investigation to its closure by the Investigation Center
18 categorized by the type of complaint, such as licensee or
19 nonlicensee.

20 (3) The average number of days from the filing of a complaint
21 to the referral of the completed investigation to the Attorney
22 General.

23 (4) The average number of days from the referral of a completed
24 investigation to the Attorney General to the filing of an accusation
25 by the Attorney General.

26 (5) The average number of days from the filing of an accusation
27 to the first hearing date or date of a stipulated settlement.

28 (6) The average number of days from the receipt of the
29 Administrative Law Judge's proposed decision to the registrar's
30 final decision.

31 ~~SEC. 57.~~

32 *SEC. 54.* Section 7028.7 of the Business and Professions Code
33 is amended to read:

34 7028.7. (a) If upon inspection or investigation, either upon
35 complaint or otherwise, the registrar has probable cause to believe
36 that a person is acting in the capacity of or engaging in the business
37 of a contractor or salesperson within this state without having a
38 license or registration in good standing to so act or engage, and
39 the person is not otherwise exempted from this chapter, the registrar
40 shall issue a citation to that person.

1 (b) Within 72 hours of receiving notice that a public entity is
2 intending to award, or has awarded, a contract to an unlicensed
3 contractor, the registrar shall give written notice to the public entity
4 that a citation may be issued if a contract is awarded to an
5 unlicensed contractor. If after receiving the written notice from
6 the registrar that the public entity has awarded or awards the
7 contract to an unlicensed contractor, the registrar may issue a
8 citation to the responsible officer or employee of the public entity
9 as specified in Section 7028.15.

10 (c) Each citation shall be in writing and shall describe with
11 particularity the basis of the citation. Notwithstanding Sections
12 125.9 and 148, each citation shall contain an order of abatement
13 and an assessment of a civil penalty in an amount not less than
14 two hundred dollars (\$200) nor more than fifteen thousand dollars
15 (\$15,000).

16 (d) With the approval of the Contractors State License Board,
17 the registrar shall prescribe procedures for the issuance of a citation
18 under this section. The board shall adopt regulations covering the
19 assessment of a civil penalty that shall give due consideration to
20 the gravity of the violation, and any history of previous violations.

21 (e) The sanctions authorized under this section shall be separate
22 from, and in addition to, all other remedies either civil or criminal.

23 ~~SEC. 58.~~

24 *SEC. 55.* Section 7030 of the Business and Professions Code
25 is amended to read:

26 7030. (a) Except for contractors writing home improvement
27 contracts pursuant to Section 7151.2 and contractors writing service
28 and repair contracts pursuant to Section 7159.10, every person
29 licensed pursuant to this chapter shall include the following
30 statement in at least 10-point type on all written contracts with
31 respect to which the person is a prime contractor:

32
33 “Contractors are required by law to be licensed and regulated
34 by the Contractors State License Board which has jurisdiction to
35 investigate complaints against contractors if a complaint regarding
36 a patent act or omission is filed within four years of the date of the
37 alleged violation. A complaint regarding a latent act or omission
38 pertaining to structural defects must be filed within 10 years of
39 the date of the alleged violation. Any questions concerning a

1 contractor may be referred to the Registrar, Contractors State
2 License Board, P.O. Box 26000, Sacramento, CA 95826.”

3
4 (b) Every person licensed pursuant to this chapter shall include
5 the following statement in at least 12-point type in all home
6 improvement contracts written pursuant to Section 7151.2 and
7 service and repair contracts written pursuant to Section 7159.10:

8
9 “Information about the Contractors State License Board (CSLB):
10 CSLB is the state consumer protection agency that licenses and
11 regulates construction contractors.

12 Contact CSLB for information about the licensed contractor you
13 are considering, including information about disclosable
14 complaints, disciplinary actions and civil judgments that are
15 reported to CSLB.

16 Use only licensed contractors. If you file a complaint against a
17 licensed contractor within the legal deadline (usually four years),
18 CSLB has authority to investigate the complaint. If you use an
19 unlicensed contractor, CSLB may not be able to help you resolve
20 your complaint. Your only remedy may be in civil court, and you
21 may be liable for damages arising out of any injuries to the
22 unlicensed contractor or the unlicensed contractor’s employees.

23 For more information:
24 Visit CSLB’s internet website at www.cslb.ca.gov
25 Call CSLB at 800-321-CSLB (2752)
26 Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”

27
28 (c) Failure to comply with the notice requirements set forth in
29 subdivision (a) or (b) of this section is cause for disciplinary action.

30 ~~SEC. 59.~~

31 *SEC. 56.* Section 7031 of the Business and Professions Code
32 is amended to read:

33 7031. (a) Except as provided in subdivision (e), no person
34 engaged in the business or acting in the capacity of a contractor,
35 may bring or maintain any action, or recover in law or equity in
36 any action, in any court of this state for the collection of
37 compensation for the performance of any act or contract where a
38 license is required by this chapter without alleging that they were
39 a duly licensed contractor at all times during the performance of
40 that act or contract regardless of the merits of the cause of action

1 brought by the person, except that this prohibition shall not apply
2 to contractors who are each individually licensed under this chapter
3 but who fail to comply with Section 7029.

4 (b) Except as provided in subdivision (e), a person who utilizes
5 the services of an unlicensed contractor may bring an action in
6 any court of competent jurisdiction in this state to recover all
7 compensation paid to the unlicensed contractor for performance
8 of any act or contract.

9 (c) A security interest taken to secure any payment for the
10 performance of any act or contract for which a license is required
11 by this chapter is unenforceable if the person performing the act
12 or contract was not a duly licensed contractor at all times during
13 the performance of the act or contract.

14 (d) If licensure or proper licensure is controverted, then proof
15 of licensure pursuant to this section shall be made by production
16 of a verified certificate of licensure from the Contractors State
17 License Board which establishes that the individual or entity
18 bringing the action was duly licensed in the proper classification
19 of contractors at all times during the performance of any act or
20 contract covered by the action. Nothing in this subdivision shall
21 require any person or entity controverting licensure or proper
22 licensure to produce a verified certificate. When licensure or proper
23 licensure is controverted, the burden of proof to establish licensure
24 or proper licensure shall be on the licensee.

25 (e) The judicial doctrine of substantial compliance shall not
26 apply under this section where the person who engaged in the
27 business or acted in the capacity of a contractor has never been a
28 duly licensed contractor in this state. However, notwithstanding
29 subdivision (b) of Section 143, the court may determine that there
30 has been substantial compliance with licensure requirements under
31 this section if it is shown at an evidentiary hearing that the person
32 who engaged in the business or acted in the capacity of a contractor
33 (1) had been duly licensed as a contractor in this state prior to the
34 performance of the act or contract, (2) acted reasonably and in
35 good faith to maintain proper licensure, and (3) acted promptly
36 and in good faith to remedy the failure to comply with the licensure
37 requirements upon learning of the failure.

38 (f) The exceptions to the prohibition against the application of
39 the judicial doctrine of substantial compliance found in subdivision
40 (e) shall apply to all contracts entered into on or after January 1,

1 1992, and to all actions or arbitrations arising therefrom, except
2 that the amendments to subdivisions (e) and (f) enacted during the
3 1994 portion of the 1993–94 Regular Session of the Legislature
4 shall not apply to either of the following:

5 (1) Any legal action or arbitration commenced prior to January
6 1, 1995, regardless of the date on which the parties entered into
7 the contract.

8 (2) Any legal action or arbitration commenced on or after
9 January 1, 1995, if the legal action or arbitration was commenced
10 prior to January 1, 1995, and was subsequently dismissed.

11 ~~SEC. 60.~~

12 *SEC. 57.* Section 7058.7 of the Business and Professions Code
13 is amended to read:

14 7058.7. (a) No contractor may engage in a removal or remedial
15 action, as defined in subdivision (d), unless the qualifier for the
16 license has passed an approved hazardous substance certification
17 examination.

18 (b) (1) The Contractors State License Board, the Division of
19 Occupational Safety and Health of the Department of Industrial
20 Relations, and the Department of Toxic Substances Control shall
21 jointly select an advisory committee, which shall be composed of
22 two representatives of hazardous substance removal workers in
23 California, two general engineering contractors in California, and
24 two representatives of insurance companies in California who shall
25 be selected by the Insurance Commissioner.

26 (2) The Contractors State License Board shall develop a written
27 test for the certification of contractors engaged in hazardous
28 substance removal or remedial action, in consultation with the
29 Division of Occupational Safety and Health, the State Water
30 Resources Control Board, the Department of Toxic Substances
31 Control, and the advisory committee.

32 (c) The Contractors State License Board may require additional
33 updated approved hazardous substance certification examinations
34 of licensees currently certified based on new public or occupational
35 health and safety information. The Contractors State License Board,
36 in consultation with the Department of Toxic Substances Control
37 and the State Water Resources Control Board, shall approve other
38 initial and updated hazardous substance certification examinations
39 and determine whether to require an updated certification
40 examination of all current certificate holders.

1 (d) For purposes of this section “removal or remedial action”
2 has the same meaning as found in Chapter 6.8 (commencing with
3 Section 25300) of Division 20 of the Health and Safety Code, if
4 the action requires the contractor to dig into the surface of the earth
5 and remove the dug material and the action is at a site listed
6 pursuant to Section 25356 of the Health and Safety Code or any
7 other site listed as a hazardous substance release site by the
8 Department of Toxic Substances Control or a site listed on the
9 National Priorities List compiled pursuant to the Comprehensive
10 Environmental Response, Compensation, and Liability Act of 1980
11 (42 U.S.C. Sec. 9601 et seq.). “Removal or remedial action” does
12 not include asbestos-related work, as defined in Section 6501.8 of
13 the Labor Code, or work related to a hazardous substance spill on
14 a highway.

15 (e) (1) A contractor may not install or remove an underground
16 storage tank, unless the contractor has passed the hazardous
17 substance certification examination developed pursuant to this
18 section.

19 (2) A contractor who is not certified may bid on or contract for
20 the installation or removal of an underground tank, if the work is
21 performed by a contractor who is certified pursuant to this section.

22 (3) For purposes of this subdivision, “underground storage tank”
23 has the same meaning as defined in subdivision (y) of Section
24 25281 of the Health and Safety Code.

25 ~~SEC. 61.~~

26 *SEC. 58.* Section 7071.4 of the Business and Professions Code
27 is amended to read:

28 7071.4. (a) Each person licensed under the provisions of this
29 chapter and subject to any of the bonding provisions of this article
30 shall maintain the requisite bond as executed by an admitted surety
31 insurer or as deposited with the registrar pursuant to paragraph (1)
32 of subdivision (a) of Section 995.710 of the Code of Civil
33 Procedure in the appropriate amount. Notwithstanding Article 7
34 (commencing with Section 995.710) of Chapter 2 of Title 14 of
35 Part 2 of the Code of Civil Procedure, no other method of deposit,
36 including, but not limited to, a certificate of deposit, shall satisfy
37 a bond requirement under this article.

38 (b) All existing alternatives in lieu of a bond currently filed with
39 the registrar shall be replaced for a surety bond or the deposit

1 prescribed by paragraph (1) of subdivision (a) of Section 995.710
2 of the Code of Civil Procedure by January 1, 2020.

3 (c) (1) If the board is notified, in writing, of a civil action
4 against the deposit authorized under this section, the deposit or
5 any portion thereof shall not be released for any purpose, except
6 as determined by the court.

7 (2) If any deposit authorized under this section is insufficient
8 to pay, in full, all claims that have been adjudicated under any
9 action filed in accordance with this section, the amount of the
10 deposit shall be distributed to all claimants in proportion to the
11 amount of their respective claims.

12 (d) Notwithstanding subdivision (a), this section shall not apply
13 to the bond equivalents described in Section 7159.5 of this chapter.

14 (e) (1) This section shall be operative on and after January 1,
15 2019, upon which date the registrar shall thereafter no longer accept
16 alternatives in lieu of a bond, other than as provided in this section.

17 (2) Notwithstanding any other law, in order to comply with the
18 bonding provisions of this article, a person shall only be required
19 to provide information consistent with the requirements for an
20 applicant under Section 30.

21 (f) All alternatives in lieu of a bond filed with the registrar before
22 January 1, 2019, and any lawful money or cashier’s check
23 deposited pursuant to paragraph (1) of subdivision (a) of Section
24 995.710 of the Code of Civil Procedure after January 1, 2019, shall
25 be subject to the following limitations periods:

26 (1) Any action, other than an action to recover wages or fringe
27 benefits, against a deposit given in lieu of a contractor’s bond or
28 bond of a qualifying individual filed by an active licensee shall be
29 brought within three years after the expiration of the license period
30 during which the act or omission occurred, or within three years
31 of the date the license of the active licensee was inactivated,
32 canceled, or revoked by the board, whichever occurs first.

33 (2) Any action, other than an action to recover wages or fringe
34 benefits, against a deposit given in lieu of a disciplinary bond filed
35 by an active licensee pursuant to Section 7071.8 shall be brought
36 within three years after the expiration of the license period during
37 which the act or omission occurred, or within three years of the
38 date the license of the active licensee was inactivated, canceled,
39 or revoked by the board, or within three years after the last date

1 for which a deposit given in lieu of a disciplinary bond filed
2 pursuant to Section 7071.8 was required, whichever date is first.

3 (3) A claim to recover wages or fringe benefits shall be brought
4 within six months from the date that the wage or fringe benefit
5 delinquencies were discovered, but in no event shall a civil action
6 thereon be brought later than two years from the date the wage or
7 fringe benefit contributions were due.

8 (g) In any case in which a claim is filed against an alternative
9 given in lieu of a bond filed with the registrar before January 1,
10 2019, or deposited with the registrar pursuant to subdivision (a),
11 by any employee or by an employee organization on behalf of an
12 employee, concerning wages or fringe benefits based upon the
13 employee's employment, claims for the nonpayment shall be filed
14 with the Labor Commissioner. The Labor Commissioner shall,
15 pursuant to the authority vested by Section 96.5 of the Labor Code,
16 conduct hearings to determine whether or not the wages or fringe
17 benefits should be paid to the complainant. Upon a finding by the
18 commissioner that the wages or fringe benefits should be paid to
19 the complainant, the commissioner shall notify the registrar of the
20 findings. The registrar shall not make payment from the deposit
21 on the basis of findings by the commissioner for a period of 10
22 days following determination of the findings. If, within the period,
23 the complainant or the contractor files written notice with the
24 registrar and the commissioner of an intention to seek judicial
25 review of the findings pursuant to Section 11523 of the
26 Government Code, the registrar shall not make payment if an action
27 is actually filed, except as determined by the court. If, thereafter,
28 no action is filed within 60 days following determination of
29 findings by the commissioner, the registrar shall make payment
30 from the deposit to the complainant.

31 (h) Legal fees may not be charged by the board against any
32 alternative given in lieu of a bond filed with the registrar before
33 January 1, 2019, or deposited with the registrar pursuant to
34 subdivision (a).

35 ~~SEC. 62.~~

36 *SEC. 59.* Section 7080.5 of the Business and Professions Code
37 is amended to read:

38 7080.5. When an application has been accepted by the registrar,
39 the name and address of the applicant, every classification for
40 which the applicant has applied, and the names and titles of all

1 personnel who have signed the application shall be publicly posted
2 by the registrar, on the day following acceptance, in the office of
3 the Contractors State License Board in Sacramento.

4 ~~SEC. 63.~~

5 *SEC. 60.* Section 7085.5 of the Business and Professions Code
6 is amended to read:

7 7085.5. Arbitrations of disputes arising out of cases filed with
8 or by the board shall be conducted in accordance with the following
9 rules:

10 (a) All “agreements to arbitrate” shall include the names,
11 addresses, and telephone numbers of the parties to the dispute, the
12 issue in dispute, and the amount in dollars or any other remedy
13 sought. The appropriate fee shall be paid by the board from the
14 Contractors License Fund.

15 (b) (1) The board or appointed arbitration association shall
16 appoint an arbitrator in the following manner: immediately after
17 the filing of the agreement to arbitrate, the board or appointed
18 arbitration association shall submit simultaneously to each party
19 to the dispute, an identical list of names of persons chosen from
20 the panel. Each party to the dispute shall have seven days from
21 the mailing date in which to cross off any names to which it objects,
22 number the remaining names to indicate the order of preference,
23 and return the list to the board or appointed arbitration association.
24 If a party does not return the list within the time specified, all
25 persons named in the list are acceptable. From among the persons
26 who have been approved on both lists, and in accordance with the
27 designated order of mutual preference, the board or appointed
28 arbitration association shall appoint an arbitrator to serve. If the
29 parties fail to agree on any of the parties named, if acceptable
30 arbitrators are unable to act, or if, for any other reason, the
31 appointment cannot be made from the submitted lists, the board
32 or appointed arbitration association shall have the power to make
33 the appointment from among other members of the panel without
34 the submission of any additional lists. Each dispute shall be heard
35 and determined by one arbitrator unless the board or appointed
36 arbitration association, in its discretion, directs that a greater
37 number of arbitrators be appointed.

38 (2) In all cases in which a complaint has been referred to
39 arbitration pursuant to subdivision (b) of Section 7085, the board

1 or the appointed arbitration association shall have the power to
2 appoint an arbitrator to hear the matter.

3 (3) The board shall adopt regulations setting minimum
4 qualification standards for listed arbitrators based upon relevant
5 training, experience, and performance.

6 (c) No person shall serve as an arbitrator in any arbitration in
7 which that person has any financial or personal interest in the result
8 of the arbitration. Prior to accepting an appointment, the
9 prospective arbitrator shall disclose any circumstances likely to
10 prevent a prompt hearing or to create a presumption of bias. Upon
11 receipt of that information, the board or appointed arbitration
12 association shall immediately replace the arbitrator or communicate
13 the information to the parties for their comments. Thereafter, the
14 board or appointed arbitration association shall determine whether
15 the arbitrator should be disqualified and shall inform the parties
16 of its decision, which shall be conclusive.

17 (d) The board or appointed arbitration association may appoint
18 another arbitrator if a vacancy occurs, or if an appointed arbitrator
19 is unable to serve in a timely manner.

20 (e) (1) The board or appointed arbitration association shall
21 provide the parties with a list of the times and dates, and locations
22 of the hearing to be held. The parties shall notify the arbitrator,
23 within seven calendar days of the mailing of the list, of the times
24 and dates convenient to each party. If the parties fail to respond
25 to the arbitrator within the seven-day period, the arbitrator shall
26 fix the time, place, and location of the hearing. An arbitrator may,
27 at the arbitrator's sole discretion, make an inspection of the
28 construction site which is the subject of the arbitration. The
29 arbitrator shall notify the parties of the time and date set for the
30 inspection. Any party who so desires may be present at the
31 inspection.

32 (2) The board or appointed arbitration association shall fix the
33 time, place, and location of the hearing for all cases referred to
34 arbitration pursuant to subdivision (b) of Section 7085. An
35 arbitrator may, at the arbitrator's sole discretion, make an
36 inspection of the construction site which is the subject of the
37 arbitration. The arbitrator shall notify the parties of the time and
38 date set for the inspection. Any party who desires may be present
39 at the inspection.

1 (f) Any person having a direct interest in the arbitration is
2 entitled to attend the hearing. The arbitrator shall otherwise have
3 the power to require the exclusion of any witness, other than a
4 party or other essential person, during the testimony of any other
5 witness. It shall be discretionary with the arbitrator to determine
6 the propriety of the attendance of any other person.

7 (g) Hearings shall be adjourned by the arbitrator only for good
8 cause.

9 (h) A record is not required to be taken of the proceedings.
10 However, any party to the proceeding may have a record made at
11 its own expense. The parties may make appropriate notes of the
12 proceedings.

13 (i) The hearing shall be conducted by the arbitrator in any
14 manner which will permit full and expeditious presentation of the
15 case by both parties. Consistent with the expedited nature of
16 arbitration, the arbitrator shall establish the extent of, and schedule
17 for, the production of relevant documents and other information,
18 the identification of any witnesses to be called, and a schedule for
19 any hearings to elicit facts solely within the knowledge of one
20 party. The complaining party shall present its claims, proofs, and
21 witnesses, who shall submit to questions or other examination.
22 The defending party shall then present its defenses, proofs, and
23 witnesses, who shall submit to questions or other examination.
24 The arbitrator has discretion to vary this procedure but shall afford
25 full and equal opportunity to the parties for the presentation of any
26 material or relevant proofs.

27 (j) The arbitration may proceed in the absence of any party who,
28 after due notice, fails to be present. The arbitrator shall require the
29 attending party to submit supporting evidence in order to make an
30 award. An award for the attending party shall not be based solely
31 on the fact that the other party has failed to appear at the arbitration
32 hearing.

33 (k) The arbitrator shall be the sole judge of the relevancy and
34 materiality of the evidence offered and conformity to legal rules
35 of evidence shall not be required.

36 (l) The arbitrator may receive and consider documentary
37 evidence. Documents to be considered by the arbitrator may be
38 submitted prior to the hearing. However, a copy shall be
39 simultaneously transmitted to all other parties and to the board or

1 appointed arbitration association for transmittal to the arbitrator
2 or board appointed arbitrator.

3 (m) The arbitrator shall specifically inquire of the parties
4 whether they have any further proofs to offer or witnesses to be
5 heard. Upon receiving negative replies, the arbitrator shall declare
6 the hearing closed and minutes thereof shall be recorded. If briefs
7 are to be filed, the hearing shall be declared closed as of the final
8 date set by the arbitrator for the receipt of briefs. If documents are
9 to be filed as requested by the arbitrator and the date set for their
10 receipt is later than that set for the receipt of briefs, the later date
11 shall be the date of closing the hearings. The time limit within
12 which the arbitrator is required to make the award shall commence
13 to run, in the absence of other agreements by the parties, upon the
14 closing of the hearings.

15 (n) The hearing may be reopened on the arbitrator's own motion.

16 (o) Any party who proceeds with the arbitration after knowledge
17 that any provision or requirement of these rules has not been
18 complied with, and who fails to state their objections to the
19 arbitrator in writing, within 10 calendar days of close of hearing,
20 shall be deemed to have waived their right to object.

21 (p) (1) Except as provided in paragraph (2), any papers or
22 process necessary or proper for the initiation or continuation of an
23 arbitration under these rules and for any court action in connection
24 therewith, or for the entry of judgment on an award made
25 thereunder, may be served upon any party (A) by regular mail
26 addressed to that party or their attorney at the party's last known
27 address, or (B) by personal service.

28 (2) Notwithstanding paragraph (1), in all cases referred to
29 arbitration pursuant to subdivision (b) of Section 7085 in which
30 the contractor fails or refuses to return an executed copy of the
31 notice to arbitrate within the time specified, any papers or process
32 specified in paragraph (1) to be sent to the contractor, including
33 the notice of hearing, shall be mailed by certified mail to the
34 contractor's address of record.

35 (q) The award shall be made promptly by the arbitrator, and
36 unless otherwise agreed by the parties, no later than 30 calendar
37 days from the date of closing the hearing, closing a reopened
38 hearing, or if oral hearing has been waived, from the date of
39 transmitting the final statements and proofs to the arbitrator.

1 The arbitrator may for good cause extend any period of time
2 established by these rules, except the time for making the award.
3 The arbitrator shall notify the parties of any extension and the
4 reason therefor.

5 (r) (1) The arbitrator may grant any remedy or relief that the
6 arbitrator deems just and equitable and within the scope of the
7 board's referral and the requirements of the board. The arbitrator,
8 in their sole discretion, may award costs or expenses.

9 (2) The amendments made in paragraph (1) during the 2003–04
10 Regular Session shall not be interpreted to prevent an arbitrator
11 from awarding a complainant all direct costs and expenses for the
12 completion or repair of the project.

13 (s) The award shall become final 30 calendar days from the date
14 the arbitration award is issued. The arbitrator, upon written
15 application of a party to the arbitration, may correct the award
16 upon the following grounds:

17 (1) There was an evident miscalculation of figures or an evident
18 mistake in the description of any person, things, or property
19 referred to in the award.

20 (2) There is any other clerical error in the award, not affecting
21 the merits of the controversy.

22 An application for correction of the award shall be made within
23 10 calendar days of the date of service of the award by serving a
24 copy of the application on the arbitrator, and all other parties to
25 the arbitration. Any party to the arbitration may make a written
26 objection to the application for correction by serving a copy of the
27 written objection on the arbitrator, the board, and all other parties
28 to the arbitration, within 10 calendar days of the date of service of
29 the application for correction.

30 The arbitrator shall either deny the application or correct the
31 award within 30 calendar days of the date of service of the original
32 award by mailing a copy of the denial or correction to all parties
33 to the arbitration. Any appeal from the denial or correction shall
34 be filed with a court of competent jurisdiction and a true copy
35 thereof shall be filed with the arbitrator or appointed arbitration
36 association within 30 calendar days after the award has become
37 final. The award shall be in writing, and shall be signed by the
38 arbitrator or a majority of them. If no appeal is filed within the
39 30-calendar day period, it shall become a final order of the registrar.

1 (t) Service of the award by certified mail shall be effective if a
2 certified letter containing the award, or a true copy thereof, is
3 mailed by the arbitrator or arbitration association to each party or
4 to a party's attorney of record at their last known address, address
5 of record, or by personally serving any party. Service may be
6 proved in the manner authorized in civil actions.

7 (u) The board shall pay the expenses of one expert witness
8 appointed by the board when the services of an expert witness are
9 requested by either party involved in arbitration pursuant to this
10 article and the case involves workmanship issues that are itemized
11 in the complaint and have not been repaired or replaced. Parties
12 who choose to present the findings of another expert witness as
13 evidence shall pay for those services. Payment for expert witnesses
14 appointed by the board shall be limited to the expert witness costs
15 for inspection of the problem at the construction site, preparation
16 of the expert witness' report, and expert witness fees for appearing
17 or testifying at a hearing. All requests for payment to an expert
18 witness shall be submitted on a form that has been approved by
19 the registrar. All requests for payment to an expert witness shall
20 be reviewed and approved by the board prior to payment. The
21 registrar shall advise the parties that names of industry experts
22 may be obtained by requesting this information from the registrar.

23 (v) The arbitrator shall interpret and apply these rules insofar
24 as they relate to their powers and duties.

25 (w) The following shall apply as to court procedure and
26 exclusion of liability:

27 (1) The board, the appointed arbitration association, or any
28 arbitrator in a proceeding under these rules is not a necessary party
29 in judicial proceedings relating to the arbitration.

30 (2) Parties to these rules shall be deemed to have consented that
31 judgment upon the arbitration award may be entered in any federal
32 or state court having jurisdiction thereof.

33 (3) The board, the appointed arbitration association, or any
34 arbitrator is not liable to any party for any act or omission in
35 connection with any arbitration conducted under these rules.

36 ~~SEC. 64.~~

37 *SEC. 61.* Section 7099.2 of the Business and Professions Code
38 is amended to read:

39 7099.2. (a) The board shall promulgate regulations covering
40 the assessment of civil penalties under this article that give due

1 consideration to the appropriateness of the penalty with respect to
2 the following factors:

3 (1) The gravity of the violation.

4 (2) The good faith of the licensee or applicant for licensure
5 being charged.

6 (3) The history of previous violations.

7 (b) Except as otherwise provided by this chapter, no civil penalty
8 shall be assessed in an amount greater than five thousand dollars
9 (\$5,000). Notwithstanding Section 125.9, a civil penalty not to
10 exceed fifteen thousand dollars (\$15,000) may be assessed for a
11 violation of Section 7114 or 7118.

12 ~~SEC. 65.~~

13 *SEC. 62.* Section 7099.9 is added to the Business and
14 Professions Code, to read:

15 7099.9. (a) If, upon investigation, the registrar has probable
16 cause to believe that a licensee, registrant, or applicant has
17 committed acts or omissions that are grounds for denial,
18 suspension, or revocation of a license or registration, the registrar,
19 or their designee, may issue a letter of admonishment to an
20 applicant, licensee, or registrant in lieu of issuing a citation.
21 Nothing in this article shall in any way limit the registrar's
22 discretionary authority or ability to issue a letter of admonishment
23 as prescribed by this subdivision.

24 (b) The letter of admonishment shall be in writing and shall
25 describe in detail the nature and facts of the violation, including a
26 reference to the statutes or regulations violated. The letter of
27 admonishment shall inform the licensee, registrant, or applicant
28 that within 30 days of service of the letter of admonishment the
29 licensee, registrant, or applicant may do either of the following:

30 (1) Submit a written request for an office conference to the
31 registrar to contest the letter of admonishment. Upon a timely
32 request, the registrar, or their designee, shall hold an office
33 conference with the licensee, registrant, or applicant and, if
34 applicable, their legal counsel or authorized representative.

35 (A) No individual other than the legal counsel or authorized
36 representative of the licensee, registrant, or applicant may
37 accompany the licensee, registrant, or applicant to the office
38 conference.

1 (B) Prior to or at the office conference, the licensee, registrant,
2 or applicant may submit to the registrar declarations and documents
3 pertinent to the subject matter of the letter of admonishment.

4 (C) The office conference is intended to be informal and shall
5 not be subject to the Administrative Procedure Act (Chapter 4.5
6 (commencing with Section 11400) or Chapter 5 (commencing with
7 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
8 Code).

9 (D) After the office conference, the registrar, or their designee,
10 may affirm, modify, or withdraw the letter of admonishment.
11 Within 14 calendar days from the date of the office conference,
12 the registrar, or their designee, shall personally serve or send the
13 written decision by certified mail to the licensee's, registrant's, or
14 applicant's address of record. This decision shall be deemed the
15 final administrative decision concerning the letter of
16 admonishment.

17 (E) Judicial review of the decision may be had by filing a
18 petition for a writ of mandate in accordance with the provisions
19 of Section 1094.5 of the Code of Civil Procedure within 30 days
20 after the date the decision was personally served or sent by certified
21 mail. The judicial review shall extend to the question of whether
22 or not there was a prejudicial abuse of discretion in the issuance
23 of the letter of admonishment or in the decision after the office
24 conference.

25 (2) Comply with the letter of admonishment and, if required,
26 submit a written corrective action plan to the registrar documenting
27 compliance. If an office conference is not requested pursuant to
28 this section, compliance with the letter of admonishment shall not
29 constitute an admission of the violation noted in the letter of
30 admonishment.

31 (c) The letter of admonishment shall be served upon the licensee,
32 registrant, or applicant personally or by certified mail at their
33 address of record with the board. If the licensee, registrant, or
34 applicant is served by certified mail, service shall be effective upon
35 deposit in the United States mail.

36 (d) The licensee, registrant, or applicant shall maintain and have
37 readily available a copy of the letter of admonishment and
38 corrective action plan, if any, for at least one year from the date
39 of issuance of the letter of admonishment.

1 (e) Nothing in this subdivision shall in any way limit the board's
2 authority or ability to do either of the following:

3 (1) Issue a citation pursuant to Section 125.9, 148, or 7099.

4 (2) Institute disciplinary proceedings pursuant to this article.

5 (f) The issuance of a letter of admonishment shall not be
6 construed as a disciplinary action or discipline for purposes of
7 licensure or the reporting of discipline for licensure.

8 (g) The board shall not issue a letter of admonishment when
9 any one of the following factors is present:

10 (1) The licensee, registrant, or applicant was unlicensed at the
11 time of the violation.

12 (2) Multiple violations have been established.

13 (3) The licensee, registrant, or applicant has a history of the
14 same or similar violations.

15 (4) The violation resulted in financial harm to another.

16 (5) The victim is an elder or dependent adult as defined in
17 Section 368 of the Penal Code.

18 (6) The violation is related to the repair of damage caused by a
19 natural disaster.

20 (h) The board may adopt regulations to further define the
21 circumstances under which a letter of admonishment may be issued.

22 ~~SEC. 66.~~

23 *SEC. 63.* Section 7123.5 of the Business and Professions Code
24 is amended to read:

25 7123.5. If a contractor is convicted of violating Section 396 of
26 the Penal Code or any substantially similar local ordinance in
27 connection with the sale, or offer for sale, of repair or
28 reconstruction services, as defined in Section 396 of the Penal
29 Code, the Contractors State License Board shall take disciplinary
30 action against the contractor, which shall include a suspension of
31 at least six months or the permanent revocation of the contractor's
32 license.

33 ~~SEC. 67.~~

34 *SEC. 64.* Section 7135 of the Business and Professions Code
35 is amended to read:

36 7135. (a) The fees and civil penalties received under this
37 chapter shall be deposited in the Contractors License Fund. All
38 moneys in the fund are hereby appropriated for the purposes of
39 this chapter.

1 (b) It is the intent of the Legislature that the board shall use
2 moneys appropriated from the fund to improve its administrative
3 and investigative oversight activities and capacity.

4 ~~SEC. 68.~~

5 *SEC. 65.* Section 7136 of the Business and Professions Code
6 is amended to read:

7 7136. The director shall designate a sum not to exceed 10
8 percent of the total income of the Contractors State License Board
9 for each fiscal year to be transferred to the Consumer Affairs Fund
10 as the board's share of the cost of administration of the department.

11 ~~SEC. 69.~~

12 *SEC. 66.* Section 7137 of the Business and Professions Code
13 is amended to read:

14 7137. The board may set fees by regulation. These fees shall
15 be set according to the following schedule:

16 (a) (1) The application fee for an original license in a single
17 classification shall be three hundred thirty dollars (\$330) and may
18 be increased to not more than three hundred seventy-five dollars
19 (\$375).

20 (2) The application fee for each additional classification applied
21 for in connection with an original license shall not be more than
22 eighty-five dollars (\$85).

23 (3) The application fee for each additional classification pursuant
24 to Section 7059 shall be one hundred fifty dollars (\$150) and may
25 be increased to not more than one hundred seventy-five dollars
26 (\$175).

27 (4) The application fee to replace a responsible managing officer,
28 responsible managing manager, responsible managing member,
29 or responsible managing employee pursuant to Section 7068.2
30 shall be one hundred fifty dollars (\$150) and may be increased to
31 not more than one hundred seventy-five dollars (\$175).

32 (5) The application fee to add personnel, other than a qualifying
33 individual, to an existing license shall be one hundred dollars
34 (\$100) and may be increased to not more than one hundred fifteen
35 dollars (\$115).

36 (b) The fee for rescheduling an examination for an applicant
37 who has applied for an original license, additional classification,
38 a change of responsible managing officer, responsible managing
39 manager, responsible managing member, or responsible managing

1 employee, or for an asbestos certification or hazardous substance
2 removal certification, shall not be more than seventy dollars (\$70).

3 (c) The fee for scheduling or rescheduling an examination for
4 a licensee who is required to take the examination as a condition
5 of probation shall not be more than seventy dollars (\$70).

6 (d) The initial license fee for an active or inactive license shall
7 be two hundred dollars (\$200) and may be increased to not more
8 than two hundred twenty-five dollars (\$225).

9 (e) (1) The renewal fee for an active license shall be four
10 hundred dollars (\$400) and may be increased to not more than four
11 hundred fifty dollars (\$450).

12 (2) The renewal fee for an inactive license shall be two hundred
13 dollars (\$200) and may be increased to not more than two hundred
14 twenty-five dollars (\$225).

15 (f) The delinquency fee is an amount equal to 50 percent of the
16 renewal fee, if the license is renewed after its expiration.

17 (g) The registration fee for a home improvement salesperson
18 shall be eighty-three dollars (\$83) and may be increased to not
19 more than ninety-five dollars (\$95).

20 (h) The renewal fee for a home improvement salesperson
21 registration shall be eighty-three dollars (\$83) and may be increased
22 to not more than ninety-five dollars (\$95).

23 (i) The application fee for an asbestos certification examination
24 shall be eighty-three dollars (\$83) and may be increased to not
25 more than ninety-five dollars (\$95).

26 (j) The application fee for a hazardous substance removal or
27 remedial action certification examination shall be eighty-three
28 dollars (\$83) and may be increased to not more than ninety-five
29 dollars (\$95).

30 (k) In addition to any other fees charged to C-10 contractors,
31 the board shall charge a fee of twenty dollars (\$20), to be assessed
32 with the renewal fee for an active license, which shall be used by
33 the board to enforce provisions of the Labor Code related to
34 electrician certification.

35 (l) The service fee to deposit with the registrar lawful money
36 or cashier's check pursuant to paragraph (1) of subdivision (a) of
37 Section 995.710 of the Code of Civil Procedure for purposes of
38 compliance with any provision of Article 5 (commencing with
39 Section 7065) shall be one hundred dollars (\$100), which shall be
40 used by the board only to process each deposit filed with the

1 registrar, to cover the reasonable costs to the registrar for holding
2 money or cashier's checks in trust in interest bearing deposit or
3 share accounts, and to offset the costs of processing payment of
4 lawful claims against a deposit in a civil action.

5 (m) The board shall, by regulation, establish criteria for the
6 approval of expedited processing of applications. Approved
7 expedited processing of applications for licensure or registration,
8 as required by other provisions of law, shall not be subject to this
9 subdivision.

10 ~~SEC. 70.~~

11 *SEC. 67.* Section 7137.5 of the Business and Professions Code
12 is amended to read:

13 7137.5. The sum of ten thousand dollars (\$10,000) shall be
14 transferred from the Contractors License Fund to the Controller
15 for the exclusive use of the California Uniform Construction Cost
16 Accounting Commission.

17 The commission shall prepare a recommendation to the
18 Legislature for a local public agency source to fund the commission
19 beginning July 1, 1991, which will provide revenue supported by
20 the contract activities represented by the commission's authority.

21 Upon adoption of this funding program, the commission shall
22 reimburse the Contractors License Fund in the amount of ten
23 thousand dollars (\$10,000).

24 ~~SEC. 71.~~

25 *SEC. 68.* Section 7138 of the Business and Professions Code
26 is amended to read:

27 7138. Notwithstanding any other provision of law, a fee paid
28 in connection with a service or application covered by Section
29 7137 shall accrue to the Contractors License Fund as an earned
30 fee and shall not be refunded.

31 ~~SEC. 72.~~

32 *SEC. 69.* Section 7139.1 of the Business and Professions Code
33 is amended to read:

34 7139.1. The Legislature hereby finds and declares all of the
35 following:

36 (a) There is a demand and increasing need for construction
37 management education programs and resources within the
38 postsecondary education system that prepare graduates for the
39 management of construction operations and companies regulated

1 by the Contractors State License Law and enforced by the
2 Contractors State License Board.

3 (b) Although construction management programs do exist within
4 the state university system, these programs are woefully
5 underfunded and insufficiently funded to provide training on
6 state-of-the-art management information systems for either
7 graduates or extension programs for continuing education of
8 licensed contractors. Construction industry associations have
9 provided some assistance through direct grants and scholarships,
10 but the industrywide service of these programs and the need for
11 additional assistance mandates broad based industrywide support.

12 (c) It is the intent of the Legislature that by enabling contractors
13 to designate a portion of their licensure fee and providing a format
14 for contractors to contribute funds to construction management
15 education, this article will receive broad based industry support.
16 In addition, this article allows the contractor to demonstrate the
17 importance of construction management education. This assistance
18 will enable greater development of construction management
19 curricula and will improve the overall quality of construction by
20 providing construction management training to California licensed
21 contractors and their current and future management personnel.

22 ~~SEC. 73.~~

23 *SEC. 70.* Section 7139.2 of the Business and Professions Code
24 is amended to read:

25 7139.2. (a) There is hereby created the Construction
26 Management Education Account (CMEA) as a separate account
27 in the Contractors License Fund for the purposes of construction
28 management education. Funds in the account shall be available
29 for the purposes of this article upon appropriation by the
30 Legislature.

31 (b) The Contractors State License Board shall allow a contractor
32 to make a contribution to the Construction Management Education
33 Account at the time of the contractor license fee payment. The
34 license fee form shall clearly display this alternative on its face
35 and shall clearly inform the licensee that this provision is a
36 contribution to the Construction Management Education Account
37 and is in addition to the fees.

38 (c) The board may accept grants from federal, state, or local
39 public agencies, or from private foundations or individuals, in
40 order to assist it in carrying out its duties, functions, and powers

1 under this article. Grant moneys shall be deposited into the
2 Construction Management Education Account.

3 ~~SEC. 74.~~

4 *SEC. 71.* Section 7141.5 of the Business and Professions Code
5 is amended to read:

6 7141.5. The registrar shall grant the retroactive renewal of a
7 license if, within 90 days of the expiration of the license, the
8 otherwise eligible licensee submits a completed application for
9 renewal on a form prescribed by the registrar, and pays the
10 appropriate renewal fee and delinquency fee prescribed by this
11 chapter. For the purposes of this section, an application shall be
12 deemed submitted if it is delivered to the board's headquarters or
13 postmarked within 90 days of the expiration of the license.

14 ~~SEC. 75.~~

15 *SEC. 72.* Section 7145.5 of the Business and Professions Code
16 is amended to read:

17 7145.5. (a) The registrar may refuse to issue, reinstate,
18 reactivate, or renew a license or may suspend a license for the
19 failure of a licensee to resolve all outstanding final liabilities, which
20 include taxes, additions to tax, penalties, interest, and any fees that
21 may be assessed by the board, the Department of Industrial
22 Relations, the Employment Development Department, the
23 Franchise Tax Board, or the State Board of Equalization.

24 (1) Until the debts covered by this section are satisfied, the
25 qualifying person and any other personnel of record named on a
26 license that has been suspended under this section shall be
27 prohibited from serving in any capacity that is subject to licensure
28 under this chapter, but shall be permitted to act in the capacity of
29 a nonsupervising bona fide employee.

30 (2) The license of any other renewable licensed entity with any
31 of the same personnel of record that have been assessed an
32 outstanding liability covered by this section shall be suspended
33 until the debt has been satisfied or until the same personnel of
34 record disassociate themselves from the renewable licensed entity.

35 (b) The refusal to issue a license or the suspension of a license
36 as provided by this section shall be applicable only if the registrar
37 has mailed a notice preliminary to the refusal or suspension that
38 indicates that the license will be refused or suspended by a date
39 certain. This preliminary notice shall be mailed to the licensee at
40 least 60 days before the date certain.

1 (c) In the case of outstanding final liabilities assessed by the
2 Franchise Tax Board, this section shall be operative within 60 days
3 after the Contractors State License Board has provided the
4 Franchise Tax Board with the information required under Section
5 30, relating to licensing information that includes the federal
6 employer identification number, individual taxpayer identification
7 number, or social security number.

8 (d) All versions of the application for a contractor's license shall
9 include, as part of the application, an authorization by the applicant,
10 in the form and manner mutually agreeable to the Franchise Tax
11 Board and the board, for the Franchise Tax Board to disclose the
12 tax information that is required for the registrar to administer this
13 section. The Franchise Tax Board may from time to time audit
14 these authorizations.

15 (e) In the case of outstanding final liabilities assessed by the
16 State Board of Equalization, this section shall not apply to any
17 outstanding final liability if the licensee has entered into an
18 installment payment agreement for that liability with the State
19 Board of Equalization and is in compliance with the terms of that
20 agreement.

21 ~~SEC. 76.~~

22 *SEC. 73.* Section 7159 of the Business and Professions Code
23 is amended to read:

24 7159. (a) (1) This section identifies the projects for which a
25 home improvement contract is required, outlines the contract
26 requirements, and lists the items that shall be included in the
27 contract, or may be provided as an attachment.

28 (2) This section does not apply to service and repair contracts
29 that are subject to Section 7159.10, if the contract for the applicable
30 services complies with Sections 7159.10 to 7159.14, inclusive.

31 (3) This section does not apply to the sale, installation, and
32 servicing of a fire alarm sold in conjunction with an alarm system,
33 as defined in Section 7590.1, if all costs attributable to making the
34 fire alarm system operable, including sale and installation costs,
35 do not exceed five hundred dollars (\$500), and the licensee
36 complies with the requirements set forth in Section 7159.9.

37 (4) This section does not apply to any costs associated with
38 monitoring a burglar or fire alarm system.

39 (5) Failure by the licensee, their agent or salesperson, or by a
40 person subject to be licensed under this chapter, to provide the

1 specified information, notices, and disclosures in the contract, or
2 to otherwise fail to comply with any provision of this section, is
3 cause for discipline.

4 (b) For purposes of this section, “home improvement contract”
5 means an agreement, whether oral or written, or contained in one
6 or more documents, between a contractor and an owner or between
7 a contractor and a tenant, regardless of the number of residence
8 or dwelling units contained in the building in which the tenant
9 resides, if the work is to be performed in, to, or upon the residence
10 or dwelling unit of the tenant, for the performance of a home
11 improvement, as defined in Section 7151, and includes all labor,
12 services, and materials to be furnished and performed thereunder,
13 if the aggregate contract price specified in one or more
14 improvement contracts, including all labor, services, and materials
15 to be furnished by the contractor, exceeds five hundred dollars
16 (\$500). “Home improvement contract” also means an agreement,
17 whether oral or written, or contained in one or more documents,
18 between a salesperson, whether or not they are a home
19 improvement salesperson, and an owner or a tenant, regardless of
20 the number of residence or dwelling units contained in the building
21 in which the tenant resides, which provides for the sale, installation,
22 or furnishing of home improvement goods or services.

23 (c) In addition to the specific requirements listed under this
24 section, every home improvement contract and any person subject
25 to licensure under this chapter or their agent or salesperson shall
26 comply with all of the following:

27 (1) The writing shall be legible.

28 (2) Any printed form shall be readable. Unless a larger typeface
29 is specified in this article, text in any printed form shall be in at
30 least 10-point typeface and the headings shall be in at least 10-point
31 boldface type.

32 (3) (A) Before any work is started, the contractor shall give the
33 buyer a copy of the contract signed and dated by both the contractor
34 and the buyer. The buyer’s receipt of the copy of the contract
35 initiates the buyer’s rights to cancel the contract pursuant to
36 Sections 1689.5 to 1689.14, inclusive, of the Civil Code.

37 (B) The contract shall contain on the first page, in a typeface
38 no smaller than that generally used in the body of the document,
39 both of the following:

40 (i) The date the buyer signed the contract.

1 (ii) The name and address of the contractor to which the
2 applicable “Notice of Cancellation” is to be mailed, immediately
3 preceded by a statement advising the buyer that the “Notice of
4 Cancellation” may be sent to the contractor at the address noted
5 on the contract.

6 (4) The contract shall include a statement that, upon satisfactory
7 payment being made for any portion of the work performed, the
8 contractor, prior to any further payment being made, shall furnish
9 to the person contracting for the home improvement or swimming
10 pool work a full and unconditional release from any potential lien
11 claimant claim or mechanics lien authorized pursuant to Sections
12 8400 and 8404 of the Civil Code for that portion of the work for
13 which payment has been made.

14 (5) A change-order form for changes or extra work shall be
15 incorporated into the contract and shall become part of the contract
16 only if it is in writing and signed by the parties prior to the
17 commencement of any work covered by a change order.

18 (6) The contract shall contain, in close proximity to the
19 signatures of the owner and contractor, a notice stating that the
20 owner or tenant has the right to require the contractor to have a
21 performance and payment bond.

22 (7) If the contract provides for a contractor to furnish joint
23 control, the contractor shall not have any financial or other interest
24 in the joint control.

25 (8) The provisions of this section are not exclusive and do not
26 relieve the contractor from compliance with any other applicable
27 provision of law.

28 (d) A home improvement contract and any changes to the
29 contract shall be in writing and signed by the parties to the contract
30 prior to the commencement of work covered by the contract or an
31 applicable change order and, except as provided in paragraph (8)
32 of subdivision (a) of Section 7159.5, shall include or comply with
33 all of the following:

34 (1) The name, business address, and license number of the
35 contractor.

36 (2) If applicable, the name and registration number of the home
37 improvement salesperson that solicited or negotiated the contract.

38 (3) The following heading on the contract form that identifies
39 the type of contract in at least 10-point boldface type: “Home
40 Improvement.”

1 (4) The following statement in at least 12-point boldface type:
2 “You are entitled to a completely filled in copy of this agreement,
3 signed by both you and the contractor, before any work may be
4 started.”

5 (5) The heading: “Contract Price,” followed by the amount of
6 the contract in dollars and cents.

7 (6) If a finance charge will be charged, the heading: “Finance
8 Charge,” followed by the amount in dollars and cents. The finance
9 charge is to be set out separately from the contract amount.

10 (7) The heading: “Description of the Project and Description
11 of the Significant Materials to be Used and Equipment to be
12 Installed,” followed by a description of the project and a description
13 of the significant materials to be used and equipment to be installed.
14 For swimming pools, the project description required under this
15 paragraph also shall include a plan and scale drawing showing the
16 shape, size, dimensions, and the construction and equipment
17 specifications.

18 (8) If a downpayment will be charged, the details of the
19 downpayment shall be expressed in substantially the following
20 form, and shall include the text of the notice as specified in
21 subparagraph (C):

22 (A) The heading: “Downpayment.”

23 (B) A space where the actual downpayment appears.

24 (C) The following statement in at least 12-point boldface type:

25
26 **“THE DOWNPAYMENT MAY NOT EXCEED \$1,000 OR 10**
27 **PERCENT OF THE CONTRACT PRICE, WHICHEVER IS**
28 **LESS.”**
29

30 (9) If payments, other than the downpayment, are to be made
31 before the project is completed, the details of these payments,
32 known as progress payments, shall be expressed in substantially
33 the following form, and shall include the text of the statement as
34 specified in subparagraph (C):

35 (A) A schedule of progress payments shall be preceded by the
36 heading: “Schedule of Progress Payments.”

37 (B) Each progress payment shall be stated in dollars and cents
38 and specifically reference the amount of work or services to be
39 performed and materials and equipment to be supplied.

1 (C) The section of the contract reserved for the progress
2 payments shall include the following statement in at least 12-point
3 boldface type:

4
5 “The schedule of progress payments must specifically describe
6 each phase of work, including the type and amount of work or
7 services scheduled to be supplied in each phase, along with the
8 amount of each proposed progress payment. IT IS AGAINST THE
9 LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR
10 WORK NOT YET COMPLETED, OR FOR MATERIALS NOT
11 YET DELIVERED. HOWEVER, A CONTRACTOR MAY
12 REQUIRE A DOWNPAYMENT.”

13
14 (10) The contract shall address the commencement of work to
15 be performed in substantially the following form:

16 (A) A statement that describes what constitutes substantial
17 commencement of work under the contract.

18 (B) The heading: “Approximate Start Date.”

19 (C) The approximate date on which work will be commenced.

20 (11) The estimated completion date of the work shall be
21 referenced in the contract in substantially the following form:

22 (A) The heading: “Approximate Completion Date.”

23 (B) The approximate date of completion.

24 (12) If applicable, the heading: “List of Documents to be
25 Incorporated into the Contract,” followed by the list of documents
26 incorporated into the contract.

27 (13) The heading: “Note About Extra Work and Change Orders,”
28 followed by the following statement:

29
30 “Extra Work and Change Orders become part of the contract
31 once the order is prepared in writing and signed by the parties prior
32 to the commencement of work covered by the new change order.
33 The order must describe the scope of the extra work or change,
34 the cost to be added or subtracted from the contract, and the effect
35 the order will have on the schedule of progress payments.”

36
37 (e) Except as provided in paragraph (8) of subdivision (a) of
38 Section 7159.5, all of the following notices shall be provided to
39 the owner as part of the contract form as specified or, if otherwise

1 authorized under this subdivision, may be provided as an
2 attachment to the contract:

3 (1) A notice concerning commercial general liability insurance.
4 This notice may be provided as an attachment to the contract if
5 the contract includes the following statement: “A notice concerning
6 commercial general liability insurance is attached to this contract.”
7 The notice shall include the heading “Commercial General Liability
8 Insurance (CGL),” followed by whichever of the following
9 statements is both relevant and correct:

10 (A) “(The name on the license or ‘This contractor’) does not
11 carry commercial general liability insurance.”

12 (B) “(The name on the license or ‘This contractor’) carries
13 commercial general liability insurance written by (the insurance
14 company). You may call (the insurance company) at _____
15 to check the contractor’s insurance coverage.”

16 (C) “(The name on the license or ‘This contractor’) is
17 self-insured.”

18 (D) “(The name on the license or ‘This contractor’) is a limited
19 liability company that carries liability insurance or maintains other
20 security as required by law. You may call (the insurance company
21 or trust company or bank) at ____ to check on the contractor’s
22 insurance coverage or security.”

23 (2) A notice concerning workers’ compensation insurance. This
24 notice may be provided as an attachment to the contract if the
25 contract includes the statement: “A notice concerning workers’
26 compensation insurance is attached to this contract.” The notice
27 shall include the heading “Workers’ Compensation Insurance”
28 followed by whichever of the following statements is correct:

29 (A) “(The name on the license or ‘This contractor’) has no
30 employees and is exempt from workers’ compensation
31 requirements.”

32 (B) “(The name on the license or ‘This contractor’) carries
33 workers’ compensation insurance for all employees.”

34 (3) A notice that provides the buyer with the following
35 information about the performance of extra or change-order work:

36 (A) A statement that the buyer may not require a contractor to
37 perform extra or change-order work without providing written
38 authorization prior to the commencement of work covered by the
39 new change order.

1 (B) A statement informing the buyer that extra work or a change
2 order is not enforceable against a buyer unless the change order
3 also identifies all of the following in writing prior to the
4 commencement of work covered by the new change order:

- 5 (i) The scope of work encompassed by the order.
- 6 (ii) The amount to be added or subtracted from the contract.
- 7 (iii) The effect the order will make in the progress payments or
8 the completion date.

9 (C) A statement informing the buyer that the contractor's failure
10 to comply with the requirements of this paragraph does not
11 preclude the recovery of compensation for work performed based
12 upon legal or equitable remedies designed to prevent unjust
13 enrichment.

14 (4) A notice with the heading "Mechanics Lien Warning" written
15 as follows:

16
17 "MECHANICS LIEN WARNING:

18
19 Anyone who helps improve your property, but who is not paid,
20 may record what is called a mechanics lien on your property. A
21 mechanics lien is a claim, like a mortgage or home equity loan,
22 made against your property and recorded with the county recorder.

23 Even if you pay your contractor in full, unpaid subcontractors,
24 suppliers, and laborers who helped to improve your property may
25 record mechanics liens and sue you in court to foreclose the lien.
26 If a court finds the lien is valid, you could be forced to pay twice
27 or have a court officer sell your home to pay the lien. Liens can
28 also affect your credit.

29 To preserve their right to record a lien, each subcontractor and
30 material supplier must provide you with a document called a
31 'Preliminary Notice.' This notice is not a lien. The purpose of the
32 notice is to let you know that the person who sends you the notice
33 has the right to record a lien on your property if they are not paid.

34 BE CAREFUL. The Preliminary Notice can be sent up to 20
35 days after the subcontractor starts work or the supplier provides
36 material. This can be a big problem if you pay your contractor
37 before you have received the Preliminary Notices.

38 You will not get Preliminary Notices from your prime contractor
39 or from laborers who work on your project. The law assumes that
40 you already know they are improving your property.

1 PROTECT YOURSELF FROM LIENS. You can protect
2 yourself from liens by getting a list from your contractor of all the
3 subcontractors and material suppliers that work on your project.
4 Find out from your contractor when these subcontractors started
5 work and when these suppliers delivered goods or materials. Then
6 wait 20 days, paying attention to the Preliminary Notices you
7 receive.

8 PAY WITH JOINT CHECKS. One way to protect yourself is
9 to pay with a joint check. When your contractor tells you it is time
10 to pay for the work of a subcontractor or supplier who has provided
11 you with a Preliminary Notice, write a joint check payable to both
12 the contractor and the subcontractor or material supplier.

13 For other ways to prevent liens, visit CSLB’s internet website
14 at www.cslb.ca.gov or call CSLB at 800-321-CSLB (2752).

15 REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING
16 A LIEN PLACED ON YOUR HOME. This can mean that you
17 may have to pay twice, or face the forced sale of your home to pay
18 what you owe.”

19
20 (5) The following notice shall be provided in at least 12-point
21 typeface:

22
23 “Information about the Contractors State License Board (CSLB):
24 CSLB is the state consumer protection agency that licenses and
25 regulates construction contractors.

26 Contact CSLB for information about the licensed contractor you
27 are considering, including information about disclosable
28 complaints, disciplinary actions, and civil judgments that are
29 reported to CSLB.

30 Use only licensed contractors. If you file a complaint against a
31 licensed contractor within the legal deadline (usually four years),
32 CSLB has authority to investigate the complaint. If you use an
33 unlicensed contractor, CSLB may not be able to help you resolve
34 your complaint. Your only remedy may be in civil court, and you
35 may be liable for damages arising out of any injuries to the
36 unlicensed contractor or the unlicensed contractor’s employees.

37 For more information:

38 Visit CSLB’s internet website at www.cslb.ca.gov

39 Call CSLB at 800-321-CSLB (2752)

40 Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”

1

2 (6) (A) The notice set forth in subparagraph (B) and entitled
3 “Three-Day Right to Cancel,” shall be provided to the buyer unless
4 the contract is:

5 (i) Negotiated at the contractor’s place of business.

6 (ii) Subject to the “Seven-Day Right to Cancel,” as set forth in
7 paragraph (7).

8 (iii) Subject to licensure under the Alarm Company Act (Chapter
9 11.6 (commencing with Section 7590)), provided the alarm
10 company licensee complies with Sections 1689.5, 1689.6, and
11 1689.7 of the Civil Code, as applicable.

12

13 (B) “Three-Day Right to Cancel

14 You, the buyer, have the right to cancel this contract within three
15 business days. You may cancel by emailing, mailing, faxing, or
16 delivering a written notice to the contractor at the contractor’s
17 place of business by midnight of the third business day after you
18 received a signed and dated copy of the contract that includes this
19 notice. Include your name, your address, and the date you received
20 the signed copy of the contract and this notice.

21 If you cancel, the contractor must return to you anything you
22 paid within 10 days of receiving the notice of cancellation. For
23 your part, you must make available to the contractor at your
24 residence, in substantially as good condition as you received them,
25 goods delivered to you under this contract or sale. Or, you may,
26 if you wish, comply with the contractor’s instructions on how to
27 return the goods at the contractor’s expense and risk. If you do
28 make the goods available to the contractor and the contractor does
29 not pick them up within 20 days of the date of your notice of
30 cancellation, you may keep them without any further obligation.
31 If you fail to make the goods available to the contractor, or if you
32 agree to return the goods to the contractor and fail to do so, then
33 you remain liable for performance of all obligations under the
34 contract.”

35

36 (C) The “Three-Day Right to Cancel” notice required by this
37 paragraph shall comply with all of the following:

38 (i) The text of the notice is at least 12-point boldface type.

39 (ii) The notice is in immediate proximity to a space reserved
40 for the owner’s signature.

1 (iii) The owner acknowledges receipt of the notice by signing
2 and dating the notice form in the signature space.

3 (iv) The notice is written in the same language, e.g., Spanish,
4 as that principally used in any oral sales presentation.

5 (v) The notice may be attached to the contract if the contract
6 includes, in at least 12-point boldface type, a checkbox with the
7 following statement: “The law requires that the contractor give
8 you a notice explaining your right to cancel. Initial the checkbox
9 if the contractor has given you a ‘Notice of the Three-Day Right
10 to Cancel.’”

11 (vi) The notice shall be accompanied by a completed form in
12 duplicate, captioned “Notice of Cancellation,” which also shall be
13 attached to the agreement or offer to purchase and be easily
14 detachable, and which shall contain the following statement written
15 in the same language, e.g., Spanish, as used in the contract:

16
17 “Notice of Cancellation”

18 /enter date of transaction/
19

20 _____
(Date)
21

22 “You may cancel this transaction, without any penalty or
23 obligation, within three business days from the above date.

24 If you cancel, any property traded in, any payments made by
25 you under the contract or sale, and any negotiable instrument
26 executed by you will be returned within 10 days following receipt
27 by the seller of your cancellation notice, and any security interest
28 arising out of the transaction will be canceled.

29 If you cancel, you must make available to the seller at your
30 residence, in substantially as good condition as when received,
31 any goods delivered to you under this contract or sale, or you may,
32 if you wish, comply with the instructions of the seller regarding
33 the return shipment of the goods at the seller’s expense and risk.

34 If you do make the goods available to the seller and the seller
35 does not pick them up within 20 days of the date of your notice of
36 cancellation, you may retain or dispose of the goods without any
37 further obligation. If you fail to make the goods available to the
38 seller, or if you agree to return the goods to the seller and fail to
39 do so, then you remain liable for performance of all obligations
40 under the contract.”

1 To cancel this transaction, mail or deliver a signed and dated copy of this
 2 cancellation notice, or any other written notice, or send a telegram
 3 to _____,
 4 /name of seller/
 5 at _____
 6 /address of seller’s place of business/
 7 not later than midnight of _____.
 8 (Date)

9 I hereby cancel this transaction. _____
 10 (Date)
 11 _____
 12 (Buyer’s signature)

13
 14 (7) (A) The following notice entitled “Seven-Day Right to
 15 Cancel” shall be provided to the buyer for any contract that is
 16 written for the repair or restoration of residential premises damaged
 17 by any sudden or catastrophic event for which a state of emergency
 18 has been declared by the President of the United States or the
 19 Governor, or for which a local emergency has been declared by
 20 the executive officer or governing body of any city, county, or city
 21 and county:

22
 23 “Seven-Day Right to Cancel
 24 You, the buyer, have the right to cancel this contract within seven
 25 business days. You may cancel by emailing, mailing, faxing, or
 26 delivering a written notice to the contractor at the contractor’s
 27 place of business by midnight of the seventh business day after
 28 you received a signed and dated copy of the contract that includes
 29 this notice. Include your name, your address, and the date you
 30 received the signed copy of the contract and this notice.
 31 If you cancel, the contractor must return to you anything you
 32 paid within 10 days of receiving the notice of cancellation. For
 33 your part, you must make available to the contractor at your
 34 residence, in substantially as good condition as you received them,
 35 goods delivered to you under this contract or sale. Or, you may,
 36 if you wish, comply with the contractor’s instructions on how to
 37 return the goods at the contractor’s expense and risk. If you do
 38 make the goods available to the contractor and the contractor does
 39 not pick them up within 20 days of the date of your notice of
 40 cancellation, you may keep them without any further obligation.

1 If you fail to make the goods available to the contractor, or if you
2 agree to return the goods to the contractor and fail to do so, then
3 you remain liable for performance of all obligations under the
4 contract.”

5
6 (B) The “Seven-Day Right to Cancel” notice required by this
7 subdivision shall comply with all of the following:

8 (i) The text of the notice is at least 12-point boldface type.

9 (ii) The notice is in immediate proximity to a space reserved
10 for the owner’s signature.

11 (iii) The owner acknowledges receipt of the notice by signing
12 and dating the notice form in the signature space.

13 (iv) The notice is written in the same language, e.g., Spanish,
14 as that principally used in any oral sales presentation.

15 (v) The notice may be attached to the contract if the contract
16 includes, in at least 12-point boldface type, a checkbox with the
17 following statement: “The law requires that the contractor give
18 you a notice explaining your right to cancel. Initial the checkbox
19 if the contractor has given you a ‘Notice of the Seven-Day Right
20 to Cancel.’ ”

21 (vi) The notice shall be accompanied by a completed form in
22 duplicate, captioned “Notice of Cancellation,” which shall also be
23 attached to the agreement or offer to purchase and be easily
24 detachable, and which shall contain the following statement written
25 in the same language, e.g., Spanish, as used in the contract:

26
27 “Notice of Cancellation”

28 /enter date of transaction/
29

30 _____
(Date)
31

32 “You may cancel this transaction, without any penalty or
33 obligation, within seven business days from the above date.

34 If you cancel, any property traded in, any payments made by
35 you under the contract or sale, and any negotiable instrument
36 executed by you will be returned within 10 days following receipt
37 by the seller of your cancellation notice, and any security interest
38 arising out of the transaction will be canceled.

39 If you cancel, you must make available to the seller at your
40 residence, in substantially as good condition as when received,

1 any goods delivered to you under this contract or sale, or you may,
2 if you wish, comply with the instructions of the seller regarding
3 the return shipment of the goods at the seller’s expense and risk.

4 If you do make the goods available to the seller and the seller
5 does not pick them up within 20 days of the date of your notice of
6 cancellation, you may retain or dispose of the goods without any
7 further obligation. If you fail to make the goods available to the
8 seller, or if you agree to return the goods to the seller and fail to
9 do so, then you remain liable for performance of all obligations
10 under the contract.”

11
12 To cancel this transaction, mail or deliver a signed and dated copy of this
13 cancellation notice, or any other written notice, or send a telegram
14 to _____,
15 /name of seller/
16 at _____
17 /address of seller’s place of business/
18 not later than midnight of _____.
19 (Date)

20 I hereby cancel this transaction. _____
21 (Date)
22 _____
23 (Buyer’s signature)

24
25 ~~SEC. 77.~~
26 *SEC. 74.* Section 7170 of the Business and Professions Code
27 is amended to read:

28 7170. (a) The Contractors State License Board shall receive
29 and review complaints and consumer questions regarding solar
30 energy systems companies and solar contractors. The board shall
31 also receive complaints received from state agencies regarding
32 solar energy systems companies and solar contractors.

33 (b) Beginning on July 1, 2019, the board annually shall compile
34 a report documenting consumer complaints relating to solar
35 contractors. The report shall be made available publicly on the
36 board’s and the Public Utilities Commission’s internet websites.
37 The report shall contain all of the following:

- 38 (1) The number and types of complaints.
- 39 (2) The ZIP Code where the consumer complaint originated.

1 (3) The disposition of all complaints received against a solar
2 contractor.

3 (c) For purposes of this section, “solar energy system” means
4 a solar energy device to be installed on a residential building that
5 has the primary purpose of providing for the collection and
6 distribution of solar energy for the generation of electricity, that
7 produces at least one kW, and not more than five MW, alternating
8 current rated peak electricity, and that meets or exceeds the
9 eligibility criteria established pursuant to Section 25782 of the
10 Public Resources Code.

11 ~~SEC. 78.~~

12 *SEC. 75.* Section 7303 of the Business and Professions Code
13 is amended to read:

14 7303. (a) Notwithstanding Article 8 (commencing with Section
15 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
16 Government Code, there is in the Department of Consumer Affairs
17 the State Board of Barbering and Cosmetology in which the
18 administration of this chapter is vested.

19 (b) The board shall consist of nine members. Five members
20 shall be public members, and four members shall represent the
21 professions. The Governor shall appoint three of the public
22 members and the four professional members. The Senate
23 Committee on Rules and the Speaker of the Assembly shall each
24 appoint one public member. Members of the board shall be
25 appointed for a term of four years, except that of the members
26 appointed by the Governor, two of the public members and two
27 of the professions members shall be appointed for an initial term
28 of two years. No board member may serve longer than two
29 consecutive terms.

30 (c) The board may appoint an executive officer who is exempt
31 from civil service. The executive officer shall exercise the powers
32 and perform the duties delegated by the board and vested in the
33 executive officer by this chapter. The appointment of the executive
34 officer is subject to the approval of the director. In the event that
35 a newly authorized board replaces an existing or previous bureau,
36 the director may appoint an interim executive officer for the board
37 who shall serve temporarily until the new board appoints a
38 permanent executive officer.

1 (d) The executive officer shall provide examiners, inspectors,
2 and other personnel necessary to carry out the provisions of this
3 chapter.

4 (e) This section shall remain in effect only until January 1, 2022,
5 and as of that date is repealed. Notwithstanding any other law, the
6 repeal of this section renders the board subject to review by the
7 appropriate policy committees of the Legislature.

8 ~~SEC. 79.~~

9 *SEC. 76.* Section 7512.3 of the Business and Professions Code,
10 as amended by Section 1 of Chapter 569 of the Statutes of 2017,
11 is amended to read:

12 7512.3. (a) As used in this chapter, “person” includes any
13 individual, firm, company, limited liability company, association,
14 organization, partnership, and corporation.

15 (b) This section shall remain in effect only until January 1, 2024,
16 and as of that date is repealed.

17 ~~SEC. 80.~~

18 *SEC. 77.* Section 7512.3 of the Business and Professions Code,
19 as amended by Section 2 of Chapter 569 of the Statutes of 2017,
20 is amended to read:

21 7512.3. (a) As used in this chapter, “person” includes any
22 individual, firm, company, association, organization, partnership,
23 and corporation.

24 (b) This section shall become operative on January 1, 2024.

25 ~~SEC. 81.~~

26 *SEC. 78.* Section 7512.14 of the Business and Professions Code
27 is amended to read:

28 7512.14. (a) As used in this chapter, “member” means an
29 individual who is a member of a limited liability company as
30 specified in Section 17704.01 of the Corporations Code.

31 (b) This section shall remain in effect only until January 1, 2024,
32 and as of that date is repealed.

33 ~~SEC. 82.~~

34 *SEC. 79.* Section 7512.15 of the Business and Professions Code
35 is amended to read:

36 7512.15. (a) As used in this chapter, “manager” means an
37 individual designated under an operating agreement of a
38 manager-managed limited liability company who is responsible
39 for performing the management functions for the limited liability

1 company specified in subdivision (c) of Section 17704.07 of the
2 Corporations Code.

3 (b) This section shall remain in effect only until January 1, 2024,
4 and as of that date is repealed.

5 ~~SEC. 83.~~

6 *SEC. 80.* Section 7520.3 of the Business and Professions Code
7 is amended to read:

8 7520.3. (a) As a condition of the issuance, reinstatement,
9 reactivation, or continued valid use of a license under this chapter,
10 a limited liability company shall, in accordance with this section,
11 maintain a policy or policies of insurance against liability imposed
12 on or against it by law for damages arising out of claims based
13 upon acts, errors, or omissions arising out of the private investigator
14 services it provides.

15 (b) The total aggregate limit of liability under the policy or
16 policies of insurance required under this section shall be as follows:

17 (1) For a limited liability company licensee with five or fewer
18 persons named as members pursuant to subdivision (i) of Section
19 7525.1, the aggregate limit shall not be less than one million dollars
20 (\$1,000,000).

21 (2) For a limited liability company licensee with more than five
22 persons named as members pursuant to subdivision (i) of Section
23 7525.1, an additional one hundred thousand dollars (\$100,000) of
24 insurance shall be obtained for each person named as members of
25 the licensee except that the maximum amount of insurance is not
26 required to exceed five million dollars (\$5,000,000) in any one
27 designated period, less amounts paid in defending, settling, or
28 discharging claims as set forth under this section.

29 (c) Prior to the issuance, reinstatement, or reactivation of a
30 limited liability company license as provided under this chapter,
31 the applicant or licensee shall, in the manner prescribed by the
32 bureau, submit the information and documentation required by
33 this section and requested by the bureau, demonstrating compliance
34 with the financial security requirements specified by this section.

35 (d) For any insurance policy secured by a licensee in satisfaction
36 of this section, a Certificate of Liability Insurance, signed by an
37 authorized agent or employee of the insurer, shall be submitted
38 electronically or otherwise to the bureau. The insurer issuing the
39 certificate shall report to the bureau the following information for
40 any policy required under this section: name, license number,

1 policy number, dates that coverage is scheduled to commence and
2 lapse, and cancellation date if applicable. The insurer shall list the
3 bureau as the certificate holder for the purposes of receiving
4 notifications related to the policy's status.

5 (e) (1) If a licensee fails to maintain sufficient insurance as
6 required by this section, or fails to provide proof of the required
7 insurance upon request by the bureau, the license is subject to
8 suspension and shall be automatically suspended pursuant to this
9 subdivision until the date that the licensee provides proof to the
10 bureau of compliance with the insurance coverage requirement.

11 (2) Prior to an automatic suspension, the bureau shall notify the
12 licensee, in writing, that it has 30 days to provide proof to the
13 bureau of having the required insurance or the license shall be
14 automatically suspended.

15 (3) If the licensee fails to provide proof of insurance coverage
16 within this period, the bureau may automatically suspend the
17 license.

18 (f) If the license of a limited liability company is suspended
19 pursuant to subdivision (e), each member of the limited liability
20 company shall be personally liable up to one million dollars
21 (\$1,000,000) each for damages resulting to third parties in
22 connection with the company's performance, during the period of
23 suspension, of any act or contract when a license is required by
24 this chapter.

25 (g) On and after July 1, 2018, a licensee organized as a limited
26 liability company shall report a paid or pending claim against its
27 liability insurance to the bureau, which shall post a notice of the
28 claim on the Department of Consumer Affairs BreEZe License
29 Verification Internet Web page.

30 (h) This section shall remain in effect only until January 1, 2024,
31 and as of that date is repealed.

32 ~~SEC. 84.~~

33 *SEC. 81.* Section 7525.1 of the Business and Professions Code,
34 as amended by Section 11 of Chapter 569 of the Statutes of 2017,
35 is amended to read:

36 7525.1. An application shall be verified and shall include:

37 (a) The full name and business address of the applicant.

38 (b) The name under which the applicant intends to do business.

39 (c) A statement as to the general nature of the business in which
40 the applicant intends to engage.

1 (d) A verified statement of their experience qualifications.

2 (e) (1) If the applicant is an individual, a qualified manager, a
3 partner of a partnership, an officer of a corporation designated in
4 subdivision (h), or a member, officer, or manager of a limited
5 liability company designated in subdivision (i), one personal
6 identification form provided by the bureau upon which shall appear
7 a photograph taken within one year immediately preceding the
8 date of the filing of the application together with two legible sets
9 of fingerprints, one set of which shall be forwarded to the Federal
10 Bureau of Investigation for purposes of a background check, on a
11 form approved by the Department of Justice, and a personal
12 description of each person, respectively. The identification form
13 shall include residence addresses and employment history for the
14 previous five years and be signed under penalty of perjury.

15 (2) The bureau may impose a fee not to exceed three dollars
16 (\$3) for processing classifiable fingerprint cards submitted by
17 applicants, excluding those submitted into an electronic fingerprint
18 system using electronic fingerprint technology.

19 (f) In addition, if the applicant for a license is an individual, the
20 application shall list all other names known as or used during the
21 past 10 years and shall state that the applicant is to be personally
22 and actively in charge of the business for which the license is
23 sought. If any other qualified manager is to be actively in charge
24 of the business, the application shall be subscribed, verified, and
25 signed by the applicant, under penalty of perjury. If any other
26 person is to be actively in charge of the business, the application
27 shall also be subscribed, verified, and signed by that person under
28 penalty of perjury.

29 (g) If the applicants for a license are copartners, the application
30 shall state the true names and addresses of all partners and the
31 name of the partner to be actively in charge of the business for
32 which the license is sought and list all other names known as or
33 used during the past 10 years. If a qualified manager other than a
34 partner is to be actively in charge of the business, then the
35 application shall be subscribed, verified, and signed by all of the
36 partners under penalty of perjury. If any other person is to be
37 actively in charge of the business, the application shall also be
38 subscribed, verified, and signed by that person, under penalty of
39 perjury, under penalty of perjury by all of the partners and the

1 qualified manager, or by all of the partners or the qualified
2 manager.

3 (h) If the applicant for a license is a corporation, the application
4 shall state the true names and complete residence addresses of the
5 chief executive officer, secretary, chief financial officer, and any
6 other corporate officer who will be active in the business to be
7 licensed. The application shall also state the name and address of
8 the designated person to be actively in charge of the business for
9 which the license is sought. The application shall be subscribed,
10 verified, and signed by a duly authorized officer of the applicant
11 and by the qualified manager thereof, under penalty of perjury.

12 (i) If the applicant for a license is a limited liability company,
13 the application shall state the true name and complete residence
14 address of each member, manager, and any officer who will be
15 active in the business to be licensed. A certified copy of the articles
16 of organization, as filed by the Secretary of State, shall be supplied
17 to the bureau upon request. In the case of a manager-managed
18 limited liability company, the application shall be subscribed,
19 verified, and signed by a manager; otherwise, in the case of a
20 member-managed limited liability company, the application shall
21 be subscribed, verified, and signed by a duly authorized member
22 of the applicant and by the qualified manager thereof. The
23 application shall also state whether any of the members, managers,
24 officers, or the qualified manager has ever used an alias.

25 (j) Any other information, evidence, statements, or documents
26 as may be required by the director.

27 (k) At the discretion of the applicant, a valid email address.

28 (l) This section shall remain in effect only until January 1, 2024,
29 and as of that date is repealed.

30 ~~SEC. 85.~~

31 *SEC. 82.* Section 7525.1 of the Business and Professions Code,
32 as amended by Section 12 of Chapter 569 of the Statutes of 2017,
33 is amended to read:

34 7525.1. An application shall be verified and shall include:

- 35 (a) The full name and business address of the applicant.
- 36 (b) The name under which the applicant intends to do business.
- 37 (c) A statement as to the general nature of the business in which
38 the applicant intends to engage.
- 39 (d) A verified statement of their experience qualifications.

1 (e) (1) If the applicant is an individual, a qualified manager, a
2 partner of a partnership, or an officer of a corporation designated
3 in subdivision (h), one personal identification form provided by
4 the bureau upon which shall appear a photograph taken within one
5 year immediately preceding the date of the filing of the application
6 together with two legible sets of fingerprints, one set of which
7 shall be forwarded to the Federal Bureau of Investigation for
8 purposes of a background check, on a form approved by the
9 Department of Justice, and a personal description of each person,
10 respectively. The identification form shall include residence
11 addresses and employment history for the previous five years and
12 be signed under penalty of perjury.

13 (2) The bureau may impose a fee not to exceed three dollars
14 (\$3) for processing classifiable fingerprint cards submitted by
15 applicants, excluding those submitted into an electronic fingerprint
16 system using electronic fingerprint technology.

17 (f) In addition, if the applicant for a license is an individual, the
18 application shall list all other names known as or used during the
19 past 10 years and shall state that the applicant is to be personally
20 and actively in charge of the business for which the license is
21 sought. If any other qualified manager is to be actively in charge
22 of the business, the application shall be subscribed, verified, and
23 signed by the applicant, under penalty of perjury. If any other
24 person is to be actively in charge of the business, the application
25 shall also be subscribed, verified, and signed by that person under
26 penalty of perjury.

27 (g) If the applicants for a license are copartners, the application
28 shall state the true names and addresses of all partners and the
29 name of the partner to be actively in charge of the business for
30 which the license is sought and list all other names known as or
31 used during the past 10 years. If a qualified manager other than a
32 partner is to be actively in charge of the business, then the
33 application shall be subscribed, verified, and signed by all of the
34 partners under penalty of perjury. If any other person is to be
35 actively in charge of the business, the application shall also be
36 subscribed, verified, and signed under penalty of perjury by that
37 person, by all of the partners and the qualified manager, or by all
38 of the partners or the qualified manager.

39 (h) If the applicant for a license is a corporation, the application
40 shall state the true names and complete residence addresses of the

1 chief executive officer, secretary, chief financial officer, and any
2 other corporate officer who will be active in the business to be
3 licensed. The application shall also state the name and address of
4 the designated person to be actively in charge of the business for
5 which the license is sought. The application shall be subscribed,
6 verified, and signed by a duly authorized officer of the applicant
7 and by the qualified manager thereof, under penalty of perjury.

8 (i) Any other information, evidence, statements, or documents
9 as may be required by the director.

10 (j) At the discretion of the applicant, a valid email address.

11 (k) This section shall become operative on January 1, 2024.

12 ~~SEC. 86.~~

13 *SEC. 83.* Section 7529 of the Business and Professions Code,
14 as amended by Section 2 of Chapter 326 of the Statutes of 2019,
15 is amended to read:

16 7529. (a) (1) Upon the issuance of and with each biennial
17 renewal of a license, a license in the form of an enhanced photo
18 identification card of the size, design, and content as may be
19 determined by the director or the director's designee shall be issued
20 by the bureau to each licensee, as follows:

21 (A) If the licensee is an individual, the enhanced photo
22 identification card shall be issued to the licensee and to the
23 licensee's qualified manager.

24 (B) If the licensee is a partnership, the enhanced photo
25 identification card shall be issued to each partner of the partnership
26 licensee active in the business and to the licensee's qualified
27 manager.

28 (C) If the licensee is a corporation, the enhanced photo
29 identification card shall be issued to each officer active in the
30 business and to the licensee's qualified manager.

31 (D) If the licensee is a limited liability company, the enhanced
32 photo identification card shall be issued to each member, officer,
33 and manager of the licensee active in the business and to the
34 licensee's qualified manager.

35 (2) The enhanced photo identification card is evidence that the
36 licensee is licensed pursuant to this chapter. The card shall contain
37 the name of the licensee, license expiration date, and a photograph
38 of the licensee. The enhanced photo identification card shall clearly
39 state that the person is licensed as a private investigator or is the
40 qualified manager or officer of the licensee. The enhanced photo

1 identification card is to be composed of a durable material and
2 may incorporate technologically advanced security features. The
3 bureau may recover its costs in an amount sufficient to reimburse
4 the department's costs for furnishing the enhanced photo
5 identification card. The fee charged shall not exceed the actual
6 direct costs for system development, maintenance, and processing
7 necessary to provide this service. The total amount of costs shall
8 be recovered by including that amount in the fee charged for the
9 initial application of and renewal of licensure. When the position,
10 office, or association with a licensee belonging to a person to whom
11 a card is issued is terminated, the person shall surrender the card
12 to the licensee and, within five days thereafter, the licensee shall
13 mail or deliver the card to the bureau for cancellation. Every
14 person, while engaged in any activity for which licensure is
15 required, shall display the person's valid enhanced photo
16 identification card as provided by regulation.

17 (b) This section shall remain in effect only until January 1, 2024,
18 and as of that date is repealed.

19 ~~SEC. 87.~~

20 *SEC. 84.* Section 7529 of the Business and Professions Code,
21 as amended by Section 3 of Chapter 326 of the Statutes of 2019,
22 is amended to read:

23 7529. (a) Upon the issuance of and with each biennial renewal
24 of a license, a license in the form of an enhanced photo
25 identification card of the size, design, and content as may be
26 determined by the director or the director's designee shall be issued
27 by the bureau to each licensee, as follows:

28 (1) If the licensee is an individual, the enhanced photo
29 identification card shall be issued to the licensee and to the
30 licensee's qualified manager.

31 (2) If the licensee is a partnership, the enhanced photo
32 identification card shall be issued to each partner of the partnership
33 licensee active in the business and to the licensee's qualified
34 manager.

35 (3) If the licensee is a corporation, the enhanced photo
36 identification card shall be issued to each officer active in the
37 business and to the licensee's qualified manager.

38 (b) The enhanced photo identification card is evidence that the
39 licensee is licensed pursuant to this chapter. The card shall contain
40 the name of the licensee, license expiration date, and a photograph

1 of the licensee. The enhanced photo identification card shall clearly
2 state that the person is licensed as a private investigator or is the
3 qualified manager or officer of the licensee. The enhanced photo
4 identification card is to be composed of a durable material and
5 may incorporate technologically advanced security features. The
6 bureau may recover its costs in an amount sufficient to reimburse
7 the department's costs for furnishing the enhanced photo
8 identification card. The fee charged shall not exceed the actual
9 direct costs for system development, maintenance, and processing
10 necessary to provide this service. The total amount of costs shall
11 be recovered by including that amount in the fee charged for the
12 initial application of and renewal of licensure. When the position,
13 office, or association with a licensee belonging to a person to whom
14 a card is issued is terminated, the person shall surrender the card
15 to the licensee and, within five days thereafter, the licensee shall
16 mail or deliver the card to the bureau for cancellation. Every
17 person, while engaged in any activity for which licensure is
18 required, shall display the person's valid enhanced photo
19 identification card as provided by regulation.

20 (c) This section shall become operative on January 1, 2024.

21 ~~SEC. 88.~~

22 *SEC. 85.* Section 7533.5 of the Business and Professions Code,
23 as amended by Section 21 of Chapter 569 of the Statutes of 2017,
24 is amended to read:

25 7533.5. (a) A licensee shall notify the bureau within 30 days
26 of any change in its corporate officers required to be named
27 pursuant to subdivision (h) of Section 7525.1 or members or
28 managers required to be named pursuant to subdivision (i) of
29 Section 7525.1, and of any addition of a new partner.

30 (b) Applications, on forms prescribed by the director, shall be
31 submitted by all new officers, members or managers, and partners.
32 The director may suspend or revoke a license issued under this
33 chapter if the director determines that the new officer, member or
34 manager, or partner of a licensee has committed any of the acts
35 constituting grounds to deny an application for a license or to take
36 disciplinary action against a licensee pursuant to Section 7538 or
37 7538.5, respectively.

38 (c) This section shall remain in effect only until January 1, 2024,
39 and as of that date is repealed.

1 ~~SEC. 89.~~

2 *SEC. 86.* Section 7533.5 of the Business and Professions Code,
3 as amended by Section 22 of Chapter 569 of the Statutes of 2017,
4 is amended to read:

5 7533.5. (a) A licensee shall notify the bureau within 30 days
6 of any change in its corporate officers required to be named
7 pursuant to subdivision (h) of Section 7525.1, and of any addition
8 of a new partner.

9 (b) Applications, on forms prescribed by the director, shall be
10 submitted by all new officers and partners. The director may
11 suspend or revoke a license issued under this chapter if the director
12 determines that the new officer or partner of a licensee has
13 committed any of the acts constituting grounds to deny an
14 application for a license or to take disciplinary action against a
15 licensee pursuant to Section 7538 or 7538.5, respectively.

16 (c) This section shall become operative on January 1, 2024.

17 ~~SEC. 90.~~

18 *SEC. 87.* Section 7538 of the Business and Professions Code,
19 as amended by Section 25 of Chapter 569 of the Statutes of 2017,
20 is amended to read:

21 7538. (a) After a hearing the director may deny a license unless
22 the applicant makes a showing satisfactory to the director that the
23 applicant, if an individual, and the applicant's qualified manager
24 have not, or, if the applicant is a person other than an individual,
25 that its qualified manager and each of its officers, partners,
26 members, or managers have not:

27 (1) Committed any act that, if committed by a licensee, would
28 be a ground for the suspension or revocation of a license under
29 this chapter.

30 (2) Committed any act constituting dishonesty or fraud.

31 (3) Committed any act or crime constituting grounds for denial
32 of licensure under Section 480, including illegally using, carrying,
33 or possessing a deadly weapon.

34 (4) Been refused a license under this chapter or had a license
35 revoked.

36 (5) Been an officer, partner, qualified manager, member, or
37 manager of any person who has been refused a license under this
38 chapter or whose license has been revoked.

1 (6) While unlicensed committed, or aided and abetted the
2 commission of, any act for which a license is required by this
3 chapter.

4 (7) Knowingly made any false statement in their application.

5 (b) This section shall remain in effect only until January 1, 2024,
6 and as of that date is repealed.

7 ~~SEC. 91.~~

8 *SEC. 88.* Section 7538 of the Business and Professions Code,
9 as amended by Section 26 of Chapter 569 of the Statutes of 2017,
10 is amended to read:

11 7538. (a) After a hearing the director may deny a license unless
12 the applicant makes a showing satisfactory to the director that the
13 applicant, if an individual, and the applicant’s qualified manager
14 have not, or, if the applicant is a person other than an individual,
15 that its qualified manager and each of its officers and partners have
16 not:

17 (1) Committed any act that, if committed by a licensee, would
18 be a ground for the suspension or revocation of a license under
19 this chapter.

20 (2) Committed any act constituting dishonesty or fraud.

21 (3) Committed any act or crime constituting grounds for denial
22 of licensure under Section 480, including illegally using, carrying,
23 or possessing a deadly weapon.

24 (4) Been refused a license under this chapter or had a license
25 revoked.

26 (5) Been an officer, partner, or qualified manager of any person
27 who has been refused a license under this chapter or whose license
28 has been revoked.

29 (6) While unlicensed committed, or aided and abetted the
30 commission of, any act for which a license is required by this
31 chapter.

32 (7) Knowingly made any false statement in their application.

33 (b) This section shall become operative on January 1, 2024.

34 ~~SEC. 92.~~

35 *SEC. 89.* Section 7538.5 of the Business and Professions Code,
36 as amended by Section 27 of Chapter 569 of the Statutes of 2017,
37 is amended to read:

38 7538.5. (a) The director may refuse to issue any license
39 provided for in this chapter to any of the following:

1 (1) An individual who has had any license revoked, has a license
2 currently under suspension, or failed to renew their license while
3 under suspension.

4 (2) An individual who, while acting as a partner of a partnership,
5 an officer or director of a corporation, or a member, manager, or
6 officer of a limited liability company, had their license revoked,
7 has a license currently under suspension, or failed to renew their
8 license while under suspension.

9 (3) An individual who, while acting as a partner of the
10 partnership, an officer, director of the corporation, or a member,
11 manager, or officer of a limited liability company meets both of
12 the following conditions:

13 (A) The individual was a partner of any partnership, an officer
14 or director of any corporation, or a member, manager, or officer
15 of any limited liability company whose license was revoked, is
16 currently under suspension, or was not renewed while under
17 suspension.

18 (B) While acting as a partner, officer, director, member, or
19 manager, they participated in any of the prohibited acts for which
20 the license was revoked or suspended.

21 (4) An individual who is serving or has served as the qualified
22 manager for any licensee that has had its license revoked, is
23 currently under suspension, or failed to renew while under
24 suspension.

25 (b) This section shall remain in effect only until January 1, 2024,
26 and as of that date is repealed.

27 ~~SEC. 93.~~

28 *SEC. 90.* Section 7538.5 of the Business and Professions Code,
29 as amended by Section 8 of Chapter 92 of the Statutes of 2018, is
30 amended to read:

31 7538.5. (a) The director may refuse to issue any license
32 provided for in this chapter to any of the following:

33 (1) An individual who has had any license revoked, has a license
34 currently under suspension, or failed to renew their license while
35 under suspension.

36 (2) An individual who, while acting as a partner of a partnership,
37 or an officer or director of a corporation, had their license revoked,
38 has a license currently under suspension, or failed to renew their
39 license while under suspension.

1 (3) An individual, who, while acting as a partner of the
2 partnership, or an officer or director of the corporation, meets both
3 of the following conditions:

4 (A) The individual was a partner of any partnership, or an officer
5 or director of any corporation, whose license was revoked, is
6 currently under suspension, or was not renewed while under
7 suspension.

8 (B) The individual, while acting as a partner, officer, or director,
9 participated in any of the prohibited acts for which the license was
10 revoked or suspended.

11 (4) An individual who is serving or has served as the qualified
12 manager for any licensee that has had its license revoked, is
13 currently under suspension, or failed to renew while under
14 suspension.

15 (b) This section shall become operative on January 1, 2024.

16 ~~SEC. 94.~~

17 *SEC. 91.* Section 7539 of the Business and Professions Code,
18 as amended by Section 29 of Chapter 569 of the Statutes of 2017,
19 is amended to read:

20 7539. (a) Any licensee or officer, director, partner, member,
21 manager, or qualified manager of a licensee may divulge to any
22 law enforcement officer or district attorney, or their representative,
23 any information they may acquire as to any criminal offense, but
24 they shall not divulge to any other person, except as otherwise
25 required by law, any information acquired by them except at the
26 direction of the employer or client for whom the information was
27 obtained.

28 (b) A licensee or officer, director, partner, member, manager,
29 qualified manager, or employee of a licensee shall not knowingly
30 make any false report to their employer or client for whom
31 information was being obtained.

32 (c) A written report shall not be submitted to a client except by
33 the licensee, qualified manager, or a person authorized by one or
34 either of them, and the person submitting the report shall exercise
35 diligence in ascertaining whether or not the facts and information
36 in the report are true and correct.

37 (d) A licensee, or officer, director, partner, manager, member,
38 qualified manager, or employee of a licensee shall not use a badge
39 in connection with the official activities of the licensee’s business.

1 (e) A licensee, or officer, director, partner, manager, member,
2 qualified manager, or employee of a licensee, shall not use a title,
3 or wear a uniform, or use an insignia, or use an identification card,
4 or make any statement with the intent to give an impression that
5 they are connected in any way with the federal government, a state
6 government, or any political subdivision of a state government.

7 (f) A licensee, or officer, partner, manager, member, qualified
8 manager, or employee of a licensee shall not use any identification
9 to indicate that they are licensed as a private investigator other
10 than the official identification card issued by the bureau or the
11 business card regularly used by the business. However, a licensee
12 may issue an employer identification card.

13 (g) A licensee, or officer, director, partner, manager, member,
14 qualified manager, or employee of a licensee, shall not enter any
15 private building or portion thereof, except premises commonly
16 accessible to the public, without the consent of the owner or of the
17 person in legal possession thereof.

18 (h) A licensee shall not permit an employee or agent in their
19 own name to advertise, engage clients, furnish reports or present
20 bills to clients, or in any manner conduct business for which a
21 license is required under this chapter. All business of the licensee
22 shall be conducted in the name of and under the control of the
23 licensee.

24 (i) A licensee, or officer, director, partner, manager, member,
25 qualified manager, or employee of a licensee shall not knowingly
26 and directly solicit employment from any person who has directly
27 sustained bodily injury or from that person's spouse or other family
28 member to obtain authorization on behalf of the injured person as
29 an investigator to investigate the accident or act that resulted in
30 injury or death to that person or damage to the property of that
31 person. Nothing in this subdivision shall prohibit the soliciting of
32 employment from that injured person's attorney, insurance
33 company, self-insured administrator, insurance adjuster, employer,
34 or any other person having an indirect interest in the investigation
35 of the injury. This subdivision shall not apply to any business agent
36 or attorney employed by a labor organization. A licensee, or officer,
37 director, partner, manager, member, or qualified manager of a
38 licensee shall not pay or compensate any of their employees or
39 agents on the basis of a bonus, bounty, or quota system whereby
40 a premium is placed on the number of employer or client rule

1 violations or infractions purportedly discovered as a result of any
2 investigation made by a licensee.

3 (j) A licensee shall not use a fictitious business name in
4 connection with the official activities of the licensee’s business,
5 except as provided by the bureau.

6 (k) This section shall remain in effect only until January 1, 2024,
7 and as of that date is repealed.

8 ~~SEC. 95.~~

9 *SEC. 92.* Section 7539 of the Business and Professions Code,
10 as amended by Section 9 of Chapter 92 of the Statutes of 2018, is
11 amended to read:

12 7539. (a) A licensee or officer, director, partner, or qualified
13 manager of a licensee may divulge to any law enforcement officer
14 or district attorney, or their representative, any information they
15 may acquire as to any criminal offense, but they shall not divulge
16 to any other person, except as otherwise required by law, any
17 information acquired by them except at the direction of the
18 employer or client for whom the information was obtained.

19 (b) A licensee or officer, director, partner, qualified manager,
20 or employee of a licensee shall not knowingly make any false
21 report to their employer or client for whom information was being
22 obtained.

23 (c) A written report shall not be submitted to a client except by
24 the licensee, qualified manager, or a person authorized by one or
25 either of them, and the person submitting the report shall exercise
26 diligence in ascertaining whether or not the facts and information
27 in the report are true and correct.

28 (d) A licensee, or officer, director, partner, qualified manager,
29 or employee of a licensee shall not use a badge in connection with
30 the official activities of the licensee’s business.

31 (e) A licensee, or officer, director, partner, qualified manager,
32 or employee of a licensee, shall not use a title, or wear a uniform,
33 or use an insignia, or use an identification card, or make any
34 statement with the intent to give an impression that they are
35 connected in any way with the federal government, a state
36 government, or any political subdivision of a state government.

37 (f) A licensee, or officer, partner, qualified manager, or
38 employee of a licensee shall not use any identification to indicate
39 that they are licensed as a private investigator other than the official
40 identification card issued by the bureau or the business card

1 regularly used by the business. However, a licensee may issue an
2 employer identification card.

3 (g) A licensee, or officer, director, partner, qualified manager,
4 or employee of a licensee, shall not enter any private building or
5 portion thereof, except premises commonly accessible to the public,
6 without the consent of the owner or of the person in legal
7 possession thereof.

8 (h) A licensee shall not permit an employee or agent in their
9 own name to advertise, engage clients, furnish reports or present
10 bills to clients, or in any manner conduct business for which a
11 license is required under this chapter. All business of the licensee
12 shall be conducted in the name of and under the control of the
13 licensee.

14 (i) A licensee, or officer, director, partner, qualified manager,
15 or employee of a licensee, shall not knowingly and directly solicit
16 employment from any person who has directly sustained bodily
17 injury or from that person's spouse or other family member to
18 obtain authorization on behalf of the injured person as an
19 investigator to investigate the accident or act that resulted in injury
20 or death to that person or damage to the property of that person.
21 This subdivision does not prohibit the soliciting of employment
22 from that injured person's attorney, insurance company,
23 self-insured administrator, insurance adjuster, employer, or any
24 other person having an indirect interest in the investigation of the
25 injury. This subdivision does not apply to any business agent or
26 attorney employed by a labor organization. A licensee, officer,
27 director, partner, or qualified manager of a licensee shall not pay
28 or compensate any of their employees or agents on the basis of a
29 bonus, bounty, or quota system whereby a premium is placed on
30 the number of employer or client rule violations or infractions
31 purportedly discovered as a result of any investigation made by a
32 licensee.

33 (j) A licensee shall not use a fictitious business name in
34 connection with the official activities of the licensee's business,
35 except as provided by the bureau.

36 (k) This section shall become operative on January 1, 2024.

37 ~~SEC. 96.~~

38 *SEC. 93.* Section 8516 of the Business and Professions Code
39 is amended to read:

1 8516. (a) This section, and Section 8519, apply only to wood
2 destroying pests or organisms.

3 (b) A registered company or licensee shall not commence work
4 on a contract, or sign, issue, or deliver any documents expressing
5 an opinion or statement relating to the absence or presence of wood
6 destroying pests or organisms until an inspection has been made
7 by a licensed Branch 3 field representative or operator employed
8 by a registered company, except as provided in Section 8519.5.
9 The address of each property inspected or upon which work is
10 completed shall be reported on a form prescribed by the board and
11 shall be filed with the board no later than 10 business days after
12 the commencement of an inspection or upon completed work.

13 Every property inspected pursuant to this subdivision or Section
14 8518 shall be assessed a filing fee pursuant to Section 8674.

15 Failure of a registered company to report and file with the board
16 the address of any property inspected or work completed pursuant
17 to Section 8518 or this section is grounds for disciplinary action
18 and shall subject the registered company to a fine of not more than
19 two thousand five hundred dollars (\$2,500). The address of an
20 inspection report prepared for use by an attorney for litigation
21 purposes shall not be required to be reported to the board and shall
22 not be assessed a filing fee.

23 A written inspection report conforming to this section and a form
24 approved by the board shall be prepared and delivered to the person
25 requesting the inspection and the property owner, or to the property
26 owner's designated agent, within 10 business days from the start
27 of the inspection, except that an inspection report prepared for use
28 by an attorney for litigation purposes is not required to be reported
29 to the board or the property owner. An inspection report may be
30 a complete, limited, supplemental, or reinspection report, as defined
31 by Section 1993 of Title 16 of the California Code of Regulations.
32 The report shall be delivered before work is commenced on any
33 property. The registered company shall retain for three years all
34 inspection reports, field notes, and activity forms.

35 Reports shall be made available for inspection and reproduction
36 to the executive officer of the board or their duly authorized
37 representative during business hours. All inspection reports or
38 copies thereof shall be submitted to the board upon demand within
39 two business days. The following shall be set forth in the report:

- 1 (1) The start date of the inspection and the name of the licensed
2 field representative or operator making the inspection.
- 3 (2) The name and address of the person or firm ordering the
4 report.
- 5 (3) The name and address of the property owner and any person
6 who is a party in interest.
- 7 (4) The address or location of the property.
- 8 (5) A general description of the building or premises inspected.
- 9 (6) A foundation diagram or sketch of the structure or structures
10 or portions of the structure or structures inspected, including the
11 approximate location of any infested or infected areas evident, and
12 the parts of the structure where conditions that would ordinarily
13 subject those parts to attack by wood destroying pests or organisms
14 exist. Reporting of the infested or infected wood members, or parts
15 of the structure identified, shall be listed in the inspection report
16 to clearly identify them, as is typical in standard construction
17 components, including, but not limited to, siding, studs, rafters,
18 floor joists, fascia, subfloor, sheathing, and trim boards.
- 19 (7) Information regarding the substructure, foundation walls
20 and footings, porches, patios and steps, air vents, abutments, attic
21 spaces, roof framing that includes the eaves, rafters, fascias,
22 exposed timbers, exposed sheathing, ceiling joists, and attic walls,
23 or other parts subject to attack by wood destroying pests or
24 organisms. Conditions usually deemed likely to lead to infestation
25 or infection, such as earth-wood contacts, excessive cellulose
26 debris, faulty grade levels, excessive moisture conditions, evidence
27 of roof leaks, and insufficient ventilation are to be reported.
- 28 (8) One of the following statements, as appropriate, printed in
29 bold type:
- 30 (A) The exterior surface of the roof was not inspected. If you
31 want the water tightness of the roof determined, you should contact
32 a roofing contractor who is licensed by the Contractors State
33 License Board.
- 34 (B) The exterior surface of the roof was inspected to determine
35 whether or not wood destroying pests or organisms are present.
- 36 (9) Indication or description of any areas that are inaccessible
37 or not inspected with recommendation for further inspection if
38 practicable. If, after the report has been made in compliance with
39 this section, authority is given later to open inaccessible areas, a
40 supplemental report on conditions in these areas shall be made.

1 (10) Recommendations for corrective measures.

2 (11) Information regarding the pesticide or pesticides to be used
3 for their control or prevention as set forth in subdivision (a) of
4 Section 8538.

5 (12) The inspection report shall clearly disclose that if requested
6 by the person ordering the original report, a reinspection of the
7 structure will be performed if an estimate or bid for making repairs
8 was given with the original inspection report, or thereafter.

9 An estimate or bid shall be given separately allocating the costs
10 to perform each and every recommendation for corrective measures
11 as specified in subdivision (c) with the original inspection report
12 if the person who ordered the original inspection report so requests,
13 and if the registered company is regularly in the business of
14 performing each corrective measure.

15 If no estimate or bid was given with the original inspection
16 report, or thereafter, then the registered company shall not be
17 required to perform a reinspection.

18 A reinspection shall be an inspection of those items previously
19 listed on an original report to determine if the recommendations
20 have been completed. Each reinspection shall be reported on an
21 original inspection report form and shall be labeled "Reinspection."
22 Each reinspection shall also identify the original report by date.

23 After four months from an original inspection, all inspections
24 shall be original inspections and not reinspections.

25 Any reinspection shall be performed for not more than the price
26 of the registered company's original inspection price and shall be
27 completed within 10 business days after a reinspection has been
28 ordered.

29 (13) The inspection report shall contain the following statement,
30 printed in boldface type:

31
32 "NOTICE: Reports on this structure prepared by various
33 registered companies should list the same findings (i.e. termite
34 infestations, termite damage, fungus damage, etc.). However,
35 recommendations to correct these findings may vary from company
36 to company. You have a right to seek a second opinion from
37 another company."
38

39 (c) At the time a report is ordered, the registered company or
40 licensee shall inform the person or entity ordering the report, that

1 a separate report is available pursuant to this subdivision. If a
2 separate report is requested at the time the inspection report is
3 ordered, the registered company or licensee shall separately identify
4 on the report each recommendation for corrective measures as
5 follows:

6 (1) The infestation or infection that is evident.

7 (2) The conditions that are present that are deemed likely to
8 lead to infestation or infection.

9 If a registered company or licensee fails to inform as required
10 by this subdivision and a dispute arises, or if any other dispute
11 arises as to whether this subdivision has been complied with, a
12 separate report shall be provided within 24 hours of the request
13 but, in no event, later than the next business day, and at no
14 additional cost.

15 (d) When a corrective condition is identified, either as paragraph
16 (1) or (2) of subdivision (c), and the property owner or the property
17 owner's designated agent chooses not to correct those conditions,
18 the registered company or licensee shall not be liable for damages
19 resulting from a failure to correct those conditions or subject to
20 any disciplinary action by the board. Nothing in this subdivision,
21 however, shall relieve a registered company or a licensee of any
22 liability resulting from negligence, fraud, dishonest dealing, other
23 violations pursuant to this chapter, or contractual obligations
24 between the registered company or licensee and the responsible
25 parties.

26 (e) The inspection report form prescribed by the board shall
27 separately identify the infestation or infection that is evident and
28 the conditions that are present that are deemed likely to lead to
29 infestation or infection. If a separate form is requested, the form
30 shall explain the infestation or infection that is evident and the
31 conditions that are present that are deemed likely to lead to
32 infestation or infection and the difference between those conditions.
33 In no event, however, shall conditions deemed likely to lead to
34 infestation or infection be characterized as actual "defects" or as
35 actual "active" infestations or infections or in need of correction
36 as a precondition to issuing a certification pursuant to Section
37 8519.

38 (f) The report and any contract entered into shall also state
39 specifically when any guarantee for the work is made, and if so,
40 the specific terms of the guarantee and the period of time for which

1 the guarantee shall be in effect. If a guarantee extends beyond three
2 years, the registered company shall maintain all original inspection
3 reports, field notes, activity forms, and notices of completion for
4 the duration of the guarantee period and for one year after the
5 guarantee expires.

6 (g) For purposes of this section, “control service agreement”
7 means an agreement, including extended warranties, to have a
8 licensee conduct over a period of time regular inspections and
9 other activities related to the control or eradication of wood
10 destroying pests and organisms. Under a control service agreement
11 a registered company shall refer to the original report and contract
12 in a manner as to identify them clearly, and the report shall be
13 assumed to be a true report of conditions as originally issued,
14 except it may be modified after a control service inspection. A
15 registered company is not required to issue a report as outlined in
16 paragraphs (1) to (11), inclusive, of subdivision (b) after each
17 control service inspection. If after control service inspection, no
18 modification of the original report is made in writing, then it will
19 be assumed that conditions are as originally reported. A control
20 service contract shall state specifically the particular wood
21 destroying pests or organisms and the portions of the buildings or
22 structures covered by the contract.

23 (h) A registered company or licensee may enter into and
24 maintain a control service agreement provided the following
25 requirements are met:

26 (1) The control service agreement shall be in writing, signed by
27 both parties, and shall specifically include the following:

28 (A) The wood destroying pests and organisms covered by the
29 control service agreement.

30 (B) Any wood destroying pest or organism that is not covered
31 must be specifically listed.

32 (C) The type and manner of treatment to be used to correct the
33 infestations or infections.

34 (D) The structures or buildings, or portions thereof, covered by
35 the agreement, including a statement specifying whether the
36 coverage for purposes of periodic inspections is limited or full.
37 Any exclusions from those described in the original report must
38 be specifically listed.

39 (E) A reference to the original inspection report.

1 (F) The frequency of the inspections to be provided, the fee to
2 be charged for each renewal, and the duration of the agreement.

3 (G) Whether the fee includes structural repairs.

4 (H) If the services provided are guaranteed, and, if so, the terms
5 of the guarantee.

6 (I) A statement that all corrections of infestations or infections
7 covered by the control service agreement shall be completed within
8 six months of discovery, unless otherwise agreed to in writing by
9 both parties.

10 (2) The original inspection report, the control service agreement,
11 and completion report shall be maintained for three years after the
12 cancellation of the control service agreement.

13 (3) Inspections made pursuant to a control service agreement
14 shall be conducted by a Branch 3 licensee. Section 8506.1 does
15 not modify this provision.

16 (4) A full inspection of the property covered by the control
17 service agreement shall be conducted and a report filed pursuant
18 to subdivision (b) at least once every three years from the date that
19 the agreement was entered into, unless the consumer cancels the
20 contract within three years from the date the agreement was entered
21 into.

22 (5) Under a control service agreement, a written report shall be
23 required for the correction of any infestation or infection unless
24 all of the following conditions are met:

25 (A) The infestation or infection has been previously reported.

26 (B) The infestation or infection is covered by the control service
27 agreement.

28 (C) There is no additional charge for correcting the infestation
29 or infection.

30 (D) Correction of the infestation or infection takes place within
31 45 days of its discovery.

32 (E) Correction of the infestation or infection does not include
33 fumigation.

34 (6) All notice requirements pursuant to Section 8538 shall apply
35 to all pesticide treatments conducted under control service
36 agreements.

37 (i) All work recommended by a registered company, where an
38 estimate or bid for making repairs was given with the original
39 inspection report, or thereafter, shall be recorded on this report or
40 a separate work agreement and shall specify a price for each

1 recommendation. This information shall be provided to the person
2 requesting the inspection, and shall be retained by the registered
3 company with the inspection report copy for three years.

4 ~~SEC. 97.~~

5 *SEC. 94.* Section 10050 of the Business and Professions Code
6 is amended to read:

7 10050. (a) (1) There is in the Business, Consumer Services,
8 and Housing Agency a Department of Real Estate, the chief officer
9 of which department is named the Real Estate Commissioner.

10 (2) Notwithstanding any other law, the powers and duties of the
11 department, as set forth in this part and Chapter 1 (commencing
12 with Section 11000) of Part 2, shall be subject to review by the
13 appropriate policy committees of the Legislature. The review shall
14 be performed as if this part and that chapter were scheduled to be
15 repealed as of January 1, 2022.

16 (b) It shall be the principal responsibility of the commissioner
17 to enforce all laws in this part and Chapter 1 (commencing with
18 Section 11000) of Part 2 in a manner that achieves the maximum
19 protection for the buyers of real property and those persons dealing
20 with real estate licensees.

21 (c) Wherever the term “commissioner” is used in this division,
22 it means the Real Estate Commissioner.

23 (d) This section shall become operative on July 1, 2018.

24 ~~SEC. 98.~~

25 *SEC. 95.* Section 11301 of the Business and Professions Code
26 is amended to read:

27 11301. (a) (1) There is hereby created within the Department
28 of Consumer Affairs a Bureau of Real Estate Appraisers to
29 administer and enforce this part.

30 (2) Notwithstanding any other law, the powers and duties of the
31 bureau, as set forth in this part, shall be subject to review by the
32 appropriate policy committees of the Legislature. The review shall
33 be performed as if this part were scheduled to be repealed as of
34 January 1, 2022.

35 (b) Whenever the term “Office of Real Estate Appraisers”
36 appears in any other law, it means the “Bureau of Real Estate
37 Appraisers.”

38 ~~SEC. 99.~~

39 *SEC. 96.* Section 16100 of the Business and Professions Code
40 is amended to read:

1 16100. (a) The board of supervisors may in the exercise of its
2 police powers, and for the purpose of regulation, as herein
3 provided, and not otherwise, license any kind of business not
4 prohibited by law, transacted and carried on within the limits of
5 its jurisdiction, including all shows, exhibitions, and lawful games,
6 and may fix the rate of the license fee and provide for its collection
7 by suit or otherwise.

8 (b) No license fee levied pursuant to subdivision (a) that is
9 measured by the licensee's income or gross receipts, whether levied
10 by a charter or general law county, shall apply to any nonprofit
11 organization that is exempted from taxes by Chapter 4
12 (commencing with Section 23701) of Part 11 of Division 2 of the
13 Revenue and Taxation Code or Subchapter F (commencing with
14 Section 501) of Chapter 1 of Subtitle A of the Internal Revenue
15 Code of 1986, or the successor of either, or to any minister,
16 clergyman, Christian Science practitioner, rabbi, or priest of any
17 religious organization that has been granted an exemption from
18 federal income tax by the United States Commissioner of Internal
19 Revenue as an organization described in Section 501(c)(3) of the
20 Internal Revenue Code or a successor to that section.

21 (c) Before a county issues a business license to a person to
22 conduct business as a contractor, as defined by Section 7026, the
23 county shall verify that the person is licensed by the Contractors
24 State License Board.

25 ~~SEC. 100.~~

26 *SEC. 97.* Section 19164 of the Business and Professions Code
27 is amended to read:

28 19164. The bureau may, by regulation, establish insulation
29 material standards governing the quality of all insulation material
30 sold or installed within this state, including those properties that
31 affect the safety and thermal performance of insulation material
32 during application and in the use intended. The standards shall
33 specify the initial performance of the insulation material and the
34 performance expected during the design life of the insulation
35 material. Until the bureau has adopted these regulations, the
36 regulations of the State Energy Resources Conservation and
37 Development Commission in effect on the effective date of this
38 section relating to those standards shall remain in full force and
39 effect. However, wherever those regulations specify that the

1 commission shall perform an act, the bureau instead shall perform
2 the act.

3 Prior to establishing the standards and procedures required by
4 this chapter, the bureau shall conduct at least two public hearings,
5 and shall invite the State Energy Resources Conservation and
6 Development Commission, the State Fire Marshal, manufacturers,
7 distributors, and licensed installers of insulation materials, and
8 appropriate members of the public to participate in the hearings.
9 Immediately upon adoption of the standards and procedures, the
10 bureau shall provide a copy of the standards to the State Energy
11 Resources Conservation and Development Commission, and the
12 Contractors State License Board. Within 30 days after receipt of
13 the bureau's standards, the Contractors State License Board shall
14 notify all state licensed contractors who install insulation of the
15 standards.

16 Insulation standards adopted by the bureau, pursuant to this
17 section, and by the State Energy Resources Conservation and
18 Development Commission, pursuant to Section 25402 of the Public
19 Resources Code, which are building standards, as defined in
20 Section 25488.5 of the Public Resources Code, shall be submitted
21 to the California Building Standards Commission for approval
22 pursuant to, and are governed by, the California Building Standards
23 Law (Part 2.5 (commencing with Section 18901) of Division 13
24 of the Health and Safety Code). The building standards adopted
25 by the bureau and published in the California Building Standards
26 Code shall comply with, and be enforced as provided in, this
27 section.

28 ~~SEC. 101.~~

29 *SEC. 98.* Section 1670.8.5 is added to the Civil Code, to read:

30 1670.8.5. (a) A contract or proposed contract for the provision
31 of a consumer service by a licensee regulated by a licensing board
32 shall not include a provision limiting the consumer's ability to file
33 a complaint with that board or to participate in the board's
34 investigation into the licensee.

35 (b) Any waiver of the provisions of this section is contrary to
36 public policy, and is void and unenforceable.

37 (c) For purposes of this section, the following terms apply:

38 (1) "Consumer service" means any service that is obtained for
39 use primarily for personal, family, or household purposes.

1 (2) “Licensing board” means any entity described in Section
2 101 of the Business and Professions Code, the State Bar of
3 California, the Department of Real Estate, or any other state agency
4 that issues a license, certificate, or registration authorizing a person
5 to engage in a business or profession.

6 (d) Violation of this section by a licensee shall constitute
7 unprofessional conduct subject to discipline by the licensee’s
8 licensing board.

9 ~~SEC. 102.~~

10 *SEC. 99.* Section 94950 of the Education Code is amended to
11 read:

12 94950. This chapter shall remain in effect only until January
13 1, 2022, and as of that date is repealed.

14 ~~SEC. 103.~~

15 *SEC. 100.* No reimbursement is required by this act pursuant
16 to Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.

AGENDA ITEM I: UPDATE AND DISCUSSION OF NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) COMMITTEE MEETINGS

Summary

Board member reports on NCARB committees and workgroups.

Action Requested

None

Attachment(s)

None



MEMORANDUM

DATE	August 1, 2020
TO	Board and Landscape Architects Technical Committee (LATC) Members
FROM	Laura Zuniga, Executive Officer
SUBJECT	Executive Officer Report

The following information is provided as an overview of Board activities and projects as of July 31, 2020.

Administrative/Management

Board The Board met on June 5, 2020 via teleconference. The remaining meetings for 2020 are September 18, 2020 and December 11, 2020.

Committee Meetings

Professional Qualifications Committee (PQC) The next PQC meeting will be held via teleconference, which is projected to be in October. However, no date has been set at this time. The PQC will continue its work on the assigned 2019-2021 Strategic Plan objectives.

Regulatory and Enforcement Committee (REC) The next REC meeting has not yet been scheduled.

Communications Committee The next Communications Committee meeting has not yet been scheduled.

Budget The Department of Finance (DOF) has requested that all state departments provide monthly cost estimates associated with Novel Coronavirus (COVID-19) related activities including operational-type costs such as staff time.

Business Modernization In December 2017, the Board, in collaboration with the DCA, finalized its Business Modernization Plan (Plan) to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform.

The project was estimated to commence by January 2021 and be completed by July 2022. However, the funding for the project that was planned for the 2020-2021 FY was deferred from the proposed Budget, and DCA will pursue funding for the 2021-2022 FY.

The Board and LATC implemented online credit card payments for license renewal application. Online credit card payments for license renewal launched on February 5, 2019, for the Board and April 23, 2019, for LATC. As of July 31, 2020, the Board had 6,229 and the LATC 1,031 licensees renew online. with a credit card payment.

Coronavirus (COVID-19) As California continues to navigate strategies to limit the spread of COVID-19, the Department of Consumer Affairs (DCA) and the Board remain committed to supporting consumers, licensees, applicants, and other stakeholders by maintaining the delivery of services. Most staff are teleworking part-time.

Newsletter The *California Architects* Newsletter was published on the website in July.

Personnel Amy Cernicky joined the Board on June 22, 2020 as the new Examination Technician; Darren Dumas on July 1, 2020 as the new Examination Analyst; and Jane Kreidler on July 20, 2020 as the new Staff Services Manager I of the Administration Unit. Recruitment efforts are underway to fill the continuing education Staff Services Analyst position in the Examination/Licensing Unit.

Publications New outreach posters targeting community colleges and veterans will be distributed in August statewide. Community colleges and veteran's counseling centers will be also provided electronic formats of the poster to facilitate distance learning and social media posting.

Regulatory Proposals ***California Code of Regulations (CCR) Sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation)*** The Board approved proposed regulatory language to amend CCR sections 110 and 110.1 at its February 27, 2019, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR sections 110 and 110.1:

Date	Action Taken
February 27, 2019	Proposed regulatory language approved by the Board
March 5, 2019	Proposed regulation submitted to DCA Legal Affairs Division for pre-review
March 7, 2019	DCA Legal concluded prereview
March 8, 2019	Proposed regulation submitted to DCA Legal Affairs Division for initial analysis

September 13, 2019	Proposed regulation submitted to Agency
December 27, 2019	Notice of Proposed changes in the Regulations published by Office of Administrative Law (OAL)
February 28, 2020	Proposed modified language approved by the Board
March 24, 2020	Approved for review by the Regulations Unit – Pending Legal and Budget review of Final Phase Package
June 25, 2020	Rulemaking package approved by Agency and DCA for submission to OAL
July 2, 2020	Proposed rulemaking package submitted to OAL for approval

CCR Section 154 (Disciplinary Guidelines) The Board’s 2013 and 2014 Strategic Plans included an objective to review and update the Board’s *Disciplinary Guidelines*. The REC reviewed recommended updates to the Board’s *Disciplinary Guidelines* in 2013 and 2014. Additionally, at the request of the REC, staff consulted with a representative of the American Institute of Architects California to address a proposed modification to the “Obey All Laws” condition of probation. The Board approved the proposed regulatory language to amend CCR section 154 at its June 10, 2015 meeting and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed.

At its March 1, 2018 meeting, the Board reviewed and approved the proposed regulatory changes to the *Disciplinary Guidelines* and CCR section 154 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of Assembly Bill (AB) 2138 as well as proposed changes to CCR sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation) including two options. The Board adopted the proposed recommended changes for CCR section 110 and option 1 of section 110.1 and approved the revised *Disciplinary Guidelines* at its February 27, 2019 meeting. Staff is proceeding with the regulatory proposal process and submitted it to DCA Legal for pre-review on September 19, 2019. DCA Legal reviewed the regulatory package and provided input on the Initial Statement of Reasons (ISR) on April 8, 2020. Staff is revising the ISR to address Legal Affairs Division’s issues.

CCR Section 144 (Fees) After discussing the fee associated with retiring an architectural license at its February, June and September 2019 meetings, the Board approved proposed regulatory language to amend CCR section 144 to set the fee at \$40 at its December 11, 2019 meeting. They delegated the authority to the Executive Officer (EO) to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed. Staff continue to work with DCA Legal Affairs Division in developing the regulatory package, which includes the ISR, Notice of Proposed Changes and Economic and Fiscal Impact Statement.

CCR Section 165 (Continuing Education) This is a regulatory proposal to establish requirements for continuing education courses and providers. Staff worked with DCA Legal Affairs Division to finalize the proposed regulatory language that was discussed at the June 5, 2020 Board meeting. The Board approved the proposed language and delegated authority to the EO for adoption of the regulation. Staff continue to work with DCA Legal Affairs Division in developing the regulatory package, which includes the ISR, Notice of Proposed Changes and Economic and Fiscal Impact Statement.

Social Media

Platform	Q1* Posts	Q2* Posts	Difference	Followers 4/30/20	Followers 7/31/20	Difference
Twitter (launched in 2014)	43	26	-39%	1332	1335	.23%
Instagram (launched in 2016)	25	14	-44%	798	890	11%
Facebook (launched in 2017)	38	29	-23%	200	206	3%
LinkedIn (launched July 2019)	1	0	100%	206	232	12%

Q1 February 2020-April 2020

Q2 May 2020—July 2020

Website The website was updated to reflect the Board’s most recent newsletter, *California Architects*, in July as well as changes in services due to the spread of the COVID-19 and appointment of a new Board member.

Examination and Licensing Programs

ARE Performance data for ARE 5.0 administrations to California candidates during FY 19/20 and comparisons of performance with NCARB data for prior FYs are shown in the following tables. There were three administered divisions (out-of-country) for April and May 2020 due to the testing restrictions implemented by Prometric related to COVID-19.

**California Performance ARE 5.0
(4th Quarter FY 2019/20: April 1 - June 30, 2020)**

ARE Division	Divisions Administered	Pass		Fail	
		Total	Rate	Total	Rate
Construction & Evaluation	11	7	64%	4	36%
Practice Management	9	4	44%	5	56%
Programming & Analysis	13	9	69%	4	31%
Project Development & Documentation	11	4	36%	7	64%
Project Management	13	9	69%	4	31%
Project Planning & Design	8	2	25%	6	75%

**Multi-Year California and NCARB ARE 5.0 Performance Comparison
(FY 2018/19 and 2019/20)**

DIVISION	FY 2018/19 ARE 5.0			FY 2019/20 ARE 5.0		
	CA Pass	National Pass	▲ %	CA Pass	National Pass	▲ %
Construction & Evaluation	64%	71%	-7%	61%	60%	+1%
Practice Management	45%	49%	-4%	45%	45%	0%
Programming & Analysis	45%	53%	-8%	43%	43%	0%
Project Development & Documentation	43%	50%	-7%	45%	43%	+2%
Project Management	57%	62%	-5%	54%	53%	+1%
Project Planning & Design	35%	43%	-8%	36%	34%	+2%

▲ % is the difference in California and NCARB performance.

CSE The current Intra-Departmental Contract (IDC) with OPES for examination development expires on June 30, 2021. OPES is currently conducting an OA on behalf of the Board that is tentatively planned to conclude in December 2020.

Performance data for the CSE during the prior FY is displayed in the following table.

**CSE Performance by Candidate Type
(FY 2019/20)**

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
Instate First-time	309	76%	96	24%	405
Instate Repeat	169	63%	101	37%	270
Reciprocity First-time	94	56%	75	44%	169
Reciprocity Repeat	44	63%	26	37%	70
Relicensure First-time	4	57%	3	43%	7
Relicensure Repeat	0	0%	3	100%	3
TOTAL	620	67%	304	33%	924

Enforcement Program

Enforcement Subject Matter Expert (SME) Program Since November 2019, the Board has been using a pool of qualified SMEs to provide case review, technical evaluation, and courtroom testimony. This new process has enabled a more efficient use of the Board’s resources. To date, the Board has a pool of 18 SMEs some of which have completed eight expert opinion reports. Staff continue to assign cases on an ongoing basis as needed.

Enforcement Actions

Sebastian Rey Gonzalez (San Diego) - The Board issued a one-count citation that included a \$1,000 administrative fine to Sebastian Rey Gonzalez, dba S3DA Design, an unlicensed individual, for alleged violations of Business and Professions Code (BPC) section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged Gonzalez described himself in advertising as an “Architect” and described the company, S3DA Design, as an “architectural design firm” that provides “architectural services” on the company website. Gonzalez’s company Facebook profile categorized him as an “Architectural Designer” and listed “Architectural Design” under *Services*. Gonzalez’s company Upwork profile described the company as providing “Architectural and Interior designing- Structural engineering” and stated, “Our professional engineers and architects have years of experience in servicing many great clients. We are an

architectural design, structural engineering, and interior design company” and “Feel free to contact us if you like to know more about our architectural and structural services.” The Upwork profile also included the words “Architecture” and “Interior Architecture” to describe the company’s services. Gonzalez’s company Yelp profile was categorized under “Architects.” Gonzalez’s company ZoomInfo profile described him as an “Architectural Designer.” Gonzalez used the terms “architectural” and “architecture” in S3DA Design’s description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated BPC section 5536(a), as defined in CCR, title 16, section 134(a). The citation became final on May 14, 2020.

Karim Moradi (San Diego) - The Board issued a one-count citation that included a \$1,000 administrative fine to Karim Moradi, dba S3DA Design, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged Moradi solicited business from a California licensed architect as the “Technical Marketing Manager” of a company named “S3DA Structural & Architectural Design.” Both the company’s website and Moradi’s personal email signature included “Structural & Architectural” in the logo to describe the services offered by the company. Moradi’s personal LinkedIn profile described him as an “Architectural Designer” under *Experience* and included “Architectural Design” under *Skills & Endorsements* to describe his services. Moradi’s personal Twitter profile stated, “We provide #Architectural #Structural...#California” services. Moradi used the term “architectural” in S3DA Design’s description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated BPC section 5536(a), as defined by CCR, title 16, section 134(a). The citation became final on May 14, 2020.

Ann Y. Sullivan (Kensington) – The Board issued a one-count citation that included a \$500 administrative fine to Ann Y. Sullivan, architect license number C-6498, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Sullivan certified false or misleading information on her 2019 License Renewal Application and completed the coursework on disability access requirements after her July 31, 2019 license renewal date. Sullivan paid the fine, satisfying the citation. The citation became final on May 22, 2020.

Chiou-Yeong Wu (Rowland Heights) - The Board issued a one-count modified citation that included a \$250 administrative fine to Chiou-Yeong Wu, architect license number C-26073, for alleged violations of BPC section 5536.22(a) (Written Contract Requirements) and CCR, title 16, section 160(f)(1) (Informed Consent). The action alleged that on or about October 22, 2018, Wu prepared a written contract to provide Mr. W.C.C. (client) with schematic design, design development, and construction documents for an existing garage conversion to be permitted as an Accessory Dwelling Unit located on Hollis Street in Hacienda Heights, California, for a fixed fee of \$3,800. On or about October 22, 2018, the client signed the contract and provided Wu with an initial payment of \$1,900. The contract did not include Wu’s license number. In an invoice to

the client dated July 26, 2019, Wu billed \$1,520 for a second payment, \$200 for “Additional works for unpermitted addition to existing garage,” and \$380 for a third payment. The “Additional Services” provision in Wu’s contract stated that the additional services shall only be provided if authorized or confirmed in writing by the owner. There was no written document with the client’s permission to do this “additional” work, and this led to a dispute over the fees. Wu’s failure to include his license number in the written contract for the above-referenced project constitutes a violation of BPC section 5536.22(a). Wu also materially altered the scope of the project without obtaining the consent of his client in writing, a breach of his contract and violation of CCR, title 16, section 160(f)(1). Wu paid the fine, satisfying the citation. The citation became final on June 11, 2020.

Nancy Keenan (Pleasanton) - The Board issued a one-count citation that included a \$500 administrative fine to Nancy Keenan, architect license number C-17751, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Keenan certified false or misleading information on her 2019 License Renewal Application and completed the coursework on disability access requirements after her November 30, 2019 license renewal date. Keenan paid the fine, satisfying the citation. The citation became final on June 17, 2020.

Kyle K. Smith (Torrance) - The Board issued a one-count citation that included a \$2,000 administrative fine to Kyle K. Smith, dba West Palm Group, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect) and CCR, title 16, section 134(a) (Use of the Term Architect). The action alleged that a homeowner from southern California hired Smith and his company West Palm Group to perform architectural and engineering services to repair damage done to their home. The homeowner alleged that Smith misrepresented himself as an architect and an engineer. Smith’s business card for West Palm Group included the description of services “ARCHITECTURE, ENGINEERING, PLANNING.”

The action alleged that Smith submitted plans to the City of Torrance building department with a circular stamp with the following written on it. “LICENSED [sic] ARCHITECT”; the name and license number of a California licensed architect, “Exp. 12/31/2019”; and “STATE OF CALIFORNIA.” In addition, page A1.0 of the plans dated April 15, 2019, stated “DRAWN: KKS” and “APPROVED: KKS.” The license number used belongs to an architect who had no involvement with the Respondent or the project. The stamp used was deceptively similar to that required for licensed architects by BPC section 5536.1(b) and CCR, title 16, section 136. The citation became final on June 17, 2020.

John F. Hussey (El Cajon) - The Board issued a one-count citation that included a \$500 administrative fine to John F. Hussey, architect license number C-16803, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Hussey certified false or misleading information on his 2019 License Renewal Application and completed the coursework on disability access requirements after his August 31, 2019 license renewal date. The citation became final on June 19, 2020.

Agustin De Jesus Garcia Rivas (Menifee) - The Board issued a one-count modified citation that included a \$1,000 administrative fine to Agustin De Jesus Garcia Rivas, aka Agustin Garcia, dba Jenkins & Garcia Architecture, an unlicensed individual, for violations of BPC section 5536 (Practice Without License or Holding Self Out as Architect) and CCR, title 16, section 134(a) (Use of the Term Architect).

On or about January 27, 2017, Rivas prepared and executed a written contract to provide architectural services for a project in Lakeview, California for a fixed fee of \$4,000. The contract included "Lic# 4179," which belonged to Rivas' deceased business partner, architect Robert G. Jenkins, who had passed away on August 8, 2016. The contract used the terms "architect," "architecture," and "architectural" to describe Rivas' services. Rivas continued to use the business name "Jenkins & Garcia Architecture" in advertising until 2018.

Rivas' contract and advertising, wherein Rivas offered "architecture" and "architectural" services, are devices that might indicate to the public that Rivas is an architect or qualified to engage in the practice of architecture in California.

Rivas' use of the business name "Jenkins & Garcia Architecture" without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity violated BPC section 5536 and CCR, title 16, section 134(a). The citation became final on June 27, 2020.

Robert Alan Massetti (Rocklin) - The Board issued a one-count citation that included a \$2,500 administrative fine to Robert A. Massetti, architect license number C-12648, for violations of BPC section 5584 (Negligence) and CCR, title 16, section 160(a)(2) (Professional Misconduct).

The action alleged Massetti executed a contract with an unlicensed individual to provide consultation and working drawings with stamp and signature for a new two-story single-family residence. The architectural plans were approved by Sacramento County for a building permit but the stair dimensions were not compliant with the current California Building Code.

Massetti's failure to apply the correct building laws and codes by signing and stamping plans with non-compliant stair dimensions constituted a violation of BPC section 5584 and CCR, title 16, section 160(a)(2). Massetti paid the fine, satisfying the citation. The citation became final on July 10, 2020.

Steve Balikian (Santa Barbara) - The Board issued a two-count citation that included a \$2,000 administrative fine to Steve Balikian AKA Estabon Balikian, dba SB Builders AKA Santa Barbara Builders, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect) and BPC section 5536(a) as described in BPC section 5536.5 (State of Emergency; Practice Without License or Holding Self Out as Architect). The action alleged that Balikian's LinkedIn, Houzz, and Yelp profiles, as well as his business website, offered "Architecture" and "Architectural" services and stated that he had a "team of architects." Balikian's business website also had a page titled "Re-Building after the Thomas Fire," which offered

resources for victims of the fire that was declared a state of emergency by Governor Jerry Brown on or about December 5, 2017. The page also stated, "If you need help building in this stressful time...we have in-house architects," and then offered a free consultation. The citation became final on July 12, 2020.

Spencer C. Decker (San Francisco) - The Board issued a one-count modified citation that included a \$500 administrative fine to Spencer C. Decker, architect license number C-25211, for an alleged violation of BPC section 5600.05(b) (License Renewal Process; Failure to Maintain Records of Completion of Required Coursework). The action alleged that Decker failed to maintain records of his continuing education coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. Decker paid the fine, satisfying the citation. The citation became final on July 20, 2020.

Sonia Ekmakji (West Hills) - The Board issued a one-count citation that included a \$2,000 administrative fine to Sonia Ekmakji, dba Archi-Tec, Archi-Tec Design and Remodling, Archi.Tec Designer, and Architec1, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Ekmakji prepared a written contract to provide architectural services for a new recreation room by preparing plans through submittal and approval of permits and Title 24 clearance at her client's home located in West Hills, California for a total "architectural fee" of \$6,597.95. The agreement was signed in the name of "ARCHI-TEC DESIGN AND REMODLING."

Ekmakji's business card included the business name "ARCHI TEC" and the email address ARCHITEC1@YAHOO.COM. Ekmakji's Yellow Pages profile included the business name "Architec1" and was categorized under "Architectural Designers" and her OpenGovUs profile was operating under the business name "Archi Tec Designer." Ekmakji used the term "Arch" in her company names or description of services, without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, a violation of BPC section 5536(a) as defined in CCR, title 16, section 134. Ekmakji paid the fine, satisfying the citation. The citation became final on July 22, 2020.

Jeffrey T. Smith (San Clemente) - The Board issued a one-count modified citation that included a \$500 administrative fine to Jeffrey T. Smith, architect license number C-19093, for an alleged violation of BPC section 5600.05(b) (License Renewal Process; Failure to Maintain Records of Completion of Required Coursework). The action alleged that Smith failed to maintain records of his continuing education coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. The citation became final on July 23, 2020.

Julio C. Gener (Costa Mesa) - The Board issued a one-count citation that included a \$500 administrative fine to Julio C. Gener, architect license number C-20599, for a violation of BPC section 5536.22(a) (Written Contract).

On or about August 18, 2017, Gener entered into a contract with a client to obtain a Conditional Use Permit (CUP) for an auto display and gun range located in the city of

Huntington Beach. This contract's scope was to create as-built plans to get the project approved for a CUP and provide production plans, which excluded any additional design or engineering. The CUP was obtained from the City of Huntington Beach on or about February 1, 2018. On or about March 2, 2018, Gener submitted construction documents for the project remodel to the city of Huntington Beach for plan check approval and feedback. These documents were dated February 7, 2018, and included a new restroom, kitchen, and parking layout.

On or about March 6, 2018, after submitting the preliminary drawings to the city, Gener emailed the client a written contract "memorializing" their oral amendment to the initial contract, but the client never signed it.

A dispute arose regarding the timeline and Gener was terminated from the project on or about March 23, 2018. Gener had worked on the project without an executed contract until his termination, a violation of BPC section 5536.22(a). Gener paid the fine, satisfying the citation. The citation became final on July 24, 2020.

Elmer Barco (Orange) - The Board issued a two-count citation that included a \$3,500 administrative fine to Elmer Barco, dba Bar International Design and Development Co., Inc. (Bar International), Bar Building Division, LLC, and The Development Bar, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that an auto and truck services company (client) hired Barco and his company, Bar International, in September 2014, to design and engineer a 1,400 square foot gas station convenience store in Bell Gardens, California. The contract between the client and Bar International dated September 29, 2014, was signed by Barco's unlicensed partner Michael Burke as "Architect for Bar International Design & Development Inc.," and promised schematic design, architectural sheets, and "plans finalized for architectural stamp." Change orders dated October 14, 2014; October 30, 2014; January 8, 2015; February 10, 2015; and April 3, 2015, included an "Architect's Project Number," specified "Not valid until signed by architect," and were signed by Michael Burke.

Barco's invoices to the client dated October 2, 2014, October 8, 2014, October 14, 2014, October 30, 2014, and November 13, 2014, itemized conceptual design, schematic design, and design development of "plans finalized for architectural stamp." The company's contract with an outside engineering firm dated March 5, 2015, designated Michael Burke of Bar International as the architect of record. Preliminary design sheets for the Bell Gardens project displayed a title block listing Commercial Design and Architecture under Bar International's description of services. A design agreement between the client and Bar Building Division, LLC dated March 24, 2016, promised "Complete architectural drawings" and "All documentation for planning commission submittal." Barco used a contract signed by Michael Burke as Architect for Bar Building Division, LLC, Project Status Reports specifying "architectural/ planning commission submittal," and an Estimated Timeline for "complete architectural" services.

As new commercial construction, the designs for a gas station convenience store, restaurant, and expansion are not exempt from licensing requirements under BPC section 5537. Barco represented his company as an architectural firm, provided architectural services, and included architecture in his company's description of services without an

architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated BPC section 5536 and CCR, title 16, section 134.

In February 2020, Barco's business, The Development Bar, maintained a website offering project management and design services and featured the design of the client's gas station convenience store among its many commercial design accomplishments. By advertising non-exempt commercial architectural services through his company's website, Barco violated BPC section 5536(a). The citation became final on July 30, 2020.

Jon F. Edelbaum (Santa Cruz) - The Board issued a two-count citation that included a \$1,500 administrative fine to Jon F. Edelbaum, architect license number C-31763, for alleged violations of BPC sections 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements); 5584 (Willful Misconduct) and CCR, title 16, section 160(b)(2) (Failure to Respond to Board Investigation). The action alleged that Edelbaum certified false or misleading information on his 2019 License Renewal Application and failed to respond to the Board's requests for information regarding his continuing education coursework within 30 days. The citation became final on July 30, 2020.

Roland Ketelsen (Sacramento) - The Board issued a one-count citation that included a \$2,500 administrative fine to Roland Ketelsen, architect license number C-23046, for alleged violations of BPC section 5584 (Negligence) and CCR, title 16, section 160(a)(2) (Professional Misconduct). The action alleged that the Elk Grove Water District (EGWD) hired Ketelsen to provide professional architectural and engineering services for a new Information Technology Center containing offices, a meeting room, and a server room. EGWD is a department of the Florin Resource Conservation District (FRCD) and operates the City of Elk Grove's water system. The server room contained the computer servers that manage all the water district's computer systems, including the system that allows water treatment operators to monitor the public drinking water system that serves more than 39,000 people.

Ketelsen and his mechanical engineering sub-consultant Sigma Engineering specified a 1.5-ton Mitsubishi M-Series split system air conditioning unit for the server room. Based on that specification, the 1.5-ton M-series unit was purchased and installed. On December 10, 2018, the air conditioning unit stopped providing cooling air. The temperature in the server room rose to 115-degrees Fahrenheit and the computer servers shut down due to heat overload. The next morning, an independent air conditioning company (COAC) was brought in to diagnose the problem. The COAC technician determined that, according to the manufacturer's data sheet, the installed M-series unit was designed for comfort cooling, not for equipment cooling, and that the P-series Mitsubishi should have been specified. The M-series coolant, in a separate "split" unit outside the building, freezes when the outside temperature drops too low, causing the air conditioner to shut down.

Ketelsen was notified of the improper specification and took no immediate action to address the problem. On December 17, 2018, the same problem occurred with the M-series unit and temperatures in the server room again rose to dangerous levels. Due to the criticality of the computer servers to the water district's operations, the water district

had COAC remove the M-series and install a P-series unit at a cost of \$8,201. On January 14, 2019, a meeting to discuss the problem was scheduled between the Mitsubishi Sales Engineer/Area Manager, the General Manager of the water district, the FRCD General Manager, Ketelsen, and the principal of Sigma Engineering. Ketelsen and the representative from Sigma Engineering both failed to show up for the meeting. The representative from Mitsubishi confirmed that the P-series air conditioner is the proper unit for a server room, and the M-series is not recommended for that application.

Ketelsen's failure to specify and design the appropriate HVAC system, and his failure to assist the owner in resolving the problem constitute negligence in the practice of architecture, violations of BPC section 5584 and CCR, title 16, section 160(a)(2). The citation became final on July 30, 2020.

Disciplinary Actions

Ethan Wilson Clifton (Santa Rosa) - Effective July 6, 2020, Ethan Wilson Clifton's architect license number C-11466 was revoked. The action came after a Default Decision was issued by the Board.

An Accusation filed against Clifton alleged six causes for discipline for violations of: (1) BPC (BPC) section 5585 and CCR (CCR), title 16, section 160(a)(2) (Incompetency); (2) BPC sections 5536.4(b), 5578, and 5584 (Willful Misconduct, Failure to Release Instruments of Service); (3) BPC sections 5584 and 5585 (Willful Misconduct and Recklessness); (4) BPC section 5584 (Willful Misconduct); (5) BPC sections 5536.22(a)(3) and (4) and 5578 (Failure to Comply with Contract Requirements); and (6) BPC section 5584 and CCR, title 16, section 160(b)(2) (Willful Misconduct, Failure to Respond to Request for Evidence).

The Accusation alleged that on or about April 15, 2015, Clifton executed a contract to design a new residence to replace his clients' existing home in Redwood City, California. The contract did not contain Clifton's architect license number or a description of the procedure to accommodate additional services.

Clifton initially told his clients that construction drawings would be completed by May 2015; however, after several delays and revised completion dates, Clifton indicated that his final drawings would be submitted to the building department on September 22, 2015. Based on this anticipated submission date, Clifton then recommended that the clients demolish their existing home in preparation for the construction of their new home. Acting on his advice, the clients demolished their home in September 2015. For over three years, the clients then rented another home awaiting completion of construction.

On or about January 14, 2016, Clifton suggested the clients obtain a partial permit for foundation and slab construction, but they were unable to do so because Clifton had not finished the construction drawings. The clients had paid all of Clifton's invoices to that date, approximately \$52,000, but never received completed construction drawings from him and had to engage another architect to complete the project.

Cliffton then refused to release his drawings to the new architect unless the clients paid him an additional \$35,000. He later increased this amount to \$65,000. Additionally, Cliffton told the clients' structural and mechanical engineers and Title 24 consultant, who were under contract with the clients, to cease work and destroy all their documents.

On July 1, 2016, the Board requested a written response to the allegations and supporting documents from Cliffton. In response, he provided only a brief statement, copies of his correspondence to the Better Business Bureau, and the clients' draft lawsuit against him.

The Board's Default Decision and Order was issued on June 5, 2020, and became effective on July 6, 2020.

<u>Enforcement Statistics</u>	<u>FY 20/21</u> (as of 7/31/20)	<u>FY19/20</u>	<u>FY18/19</u>
Complaints			
Received/Opened (Reopened):	25 (0)	428 (2)	310 (2)
Closed:	15	428	314
Average Days to Close:	147 days	132 days	188 days
Pending:	162	153*	150*
Average Age of Pending:	155 days*	230 days*	230 days*
Citations			
Issued:	6	96	48
Pending:		20	32*
Pending AG: †		3	3*
Final:		84	55
Disciplinary Actions			
Pending AG:	6	6*	6*
Pending DA:	0	0	1*
Final:	0	2	1
Continuing Education (\$5600.05)**			
Received/Opened:	0	37	35
Closed:	0	30	24
Pending:	0	7	11*
Settlement Reports (\$5588)**			
Received/Opened:	3	34	24
Closed:	1	25	15
Pending:	2	9	9*

*Calculated as a monthly average of pending cases.

**Also included within "Complaints" information.

†Also included within "Pending Citations."

Types of Complaints Received FY 2020/21 (as of 7/31/20)

Type of Complaint Received	FY 2020/21 (as of 7/31/20)	FY 2019/20
Advertising	33.3%	33.4%
Continuing Education	0.0%	6.5%
Licensee	12.5%	29.6%
Settlement	12.5%	8.4%
Unlicensed	41.7%	22.1%

Closure of Complaints by FY

Type of Closure	FY 2020/21 (as of 7/31/20)	FY 2019/20	FY 2018/19
Cease/Desist Compliance	1	21	10
Citation Issued	3	94	43
Complaint Withdrawn	0	8	10
Insufficient Evidence	1	14	16
Letter of Advisement	5	123	120
No Jurisdiction	1	27	13
No Violation	3	95	74
Referred for Disciplinary Action	0	3	4
Other (i.e., Duplicate, Mediated, etc.)	4	99	30

Most Common Violations The majority of complaints received are filed by consumers for allegations such as unlicensed practice, professional misconduct, negligence, and contract violations, or initiated by the Board upon the failure of a coursework audit.

In FY 2019/20, 84 citations with administrative fines became final with 71 violations of the Architects Practice Act and/or Board regulations. The most common violations that resulted in citation or discipline during the current and previous two fiscal years are listed below.

BPC or CCR Section	FY 2020/21 (as of 7/31/20)	FY 2019/20
BPC § 5536(a), (b), and/or CCR § 134 – Advertising and Unlicensed Practice	44.4%	45.5%
BPC § 5536.1(c) – Unauthorized Use of Stamp/License number	0.0%	1.8%
BPC § 5536.22(a) – Written Contract	11.1%	5.5%
BPC § 5584 – Negligence or Willful Misconduct	33.3%	5.5%
BPC § 5600.05(a)(1) and/or (b) – Failure to Complete CE and/or Misleading Information on License Renewal	11.1%	54.5%
CCR § 160(b)(2) – Failure to Respond to Board Investigation	0.0%	7.3%

Landscape Architects Technical Committee

LATC ADMINISTRATIVE/MANAGEMENT

Business Modernization Refer to section under Board's Administrative/Management.

Committee The next LATC meeting is scheduled for September 4, 2020 via teleconference.

Personnel On August 17, 2020, Harmony Navarro filled the Licensing Coordinator position.

Social Media The LATC maintains a Twitter account that currently has 200 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Website LATC staff have been working with the DCA Public Information Office (PIO) to produce a web-based tutorial for the LATC homepage, schools, and other outreach efforts to assist candidates with navigating through the process of becoming a licensed landscape architect. A set of preliminary videos were presented to the LATC at their meeting on February 5, 2020. Staff are currently coordinating with PIO to incorporate Committee member feedback and finalize the videos for an upcoming LATC meeting.

Regulatory Proposals CCR Sections 2611 (Abandonment of Application), 2611.5 (Retention of Candidate Files), and 2616 (Application for Licensure Following Examination) The LATC's retention schedule was updated and approved in January 2020. While updating the retention schedule it was discovered that the abandonment of an application required definition within CCR 2611. Staff worked with DCA legal counsel and prepared proposed changes. Additionally, it was advised by legal counsel to add a new section 2611.5 to provide LATC authority for the retention and purging of candidate files. Lastly, it was advised to provide additional language to CCR section 2616 providing for the abandonment of a candidate's application for licensure. The proposed language was presented to the LATC on February 5, 2020, where the Committee made a recommendation to the Board to adopt the proposed regulatory language.

Following is a chronology, to date, of the processing of the regulatory proposal for CCR sections 2611, 2611.5 and 2616:

Date	Action Taken
February 28, 2020	Proposed regulatory language approved by Board
April 10, 2020	Proposed regulation submitted to DCA Legal Affairs Division for pre-review

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE). The IDC with OPES for examination development for FY 2019/20 expired on June 30, 2020. Staff coordinated with OPES on a new IDC for FY 20/21 and an IDC for the 2020 review of Landscape Architect Registration Examination and linkage study that commenced in July and runs through December.

Performance data for the CSE during the current and prior FYs is displayed in the following tables.

CSE Performance by Candidate Type (July 1, 2020 to July 31, 2020)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	7	78%	2	22%	9
Repeat	1	100%	0	0%	1
TOTAL	8	80%	2	20%	10

**CSE Performance by Candidate Type
(FY 2019/20)**

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	61	73%	22	27%	83
Repeat	14	70%	6	30%	20
TOTAL	75	73%	28	27%	103

Landscape Architect Registration Examination (LARE). A LARE administration was held May 23-June 14, 2020. Examination results for all LARE administrations are released by the Council of Landscape Architectural Registration Boards (CLARB) within six weeks of the last day of administration. The next LARE administration will be held August 1-September 19, 2020.

The pass rates for LARE sections taken by California candidates during the May 23-June 14, 2020 administration are shown below:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	0	N/A	N/A	N/A	N/A
Inventory and Analysis	0	N/A	N/A	N/A	N/A
Design	2	2	100%	0	0%
Grading, Drainage and Construction	1	0	0%	1	100%

National pass rates for LARE sections taken during the May 23-June 14, 2020 administration are shown below:

SECTION	CALIFORNIA		NATIONAL		▲ %
	Total	Passed	Total	Passed	
Project and Construction Management	0	N/A	53	75%	N/A
Inventory and Analysis	0	N/A	50	72%	N/A
Design	2	100%	63	83%	17%
Grading, Drainage and Construction	1	0%	49	65%	-65%

▲ % is the difference in the California and national (CLARB) pass rates.

National pass rates for LARE sections taken in 2019 are shown in the following table:

SECTION	CALIFORNIA		NATIONAL		▲ %
	Total	Passed	Total	Passed	
Project and Construction Management	176	66%	1,019	68%	-2%
Inventory and Analysis	208	54%	1,154	70%	-16%
Design	182	60%	1,149	65%	-5%
Grading, Drainage and Construction	156	60%	1,123	65%	-5%

▲ % is the difference in the California and national (CLARB) pass rates.

Regulatory Proposals. **CCR Sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)** At its meeting on February 10, 2015, LATC directed staff to draft proposed regulatory language to specifically state that California allows reciprocity to individuals who are licensed in another jurisdiction, have 10 years of practice experience, and have passed the CSE. At the LATC meeting on November 17, 2015, the Committee approved proposed amendments to CCR section 2615(c)(1) and the Board approved the regulatory changes at its meeting on December 10, 2015.

The LATC received extensive input during the public comment period expressing concern about the proposed length of post-licensure experience (at least 10 years, within the past 15 years) to be required of reciprocity candidates who do not meet California's educational requirements (specifically, a degree in landscape architecture). At its November 4, 2016 meeting, LATC reviewed and discussed the public comments, heard from several members of the audience, and directed staff to provide additional research and possible options for its next meeting in January 2017. At its January 17, 2017 meeting, the Committee directed staff to draft proposed regulatory language allowing

reciprocity licensure to applicants licensed to practice landscape architecture by any US jurisdiction, Canadian province, or Puerto Rico, upon passing the CSE. Staff consulted with legal counsel to draft new, proposed regulatory language in accordance with the Committee's direction. Staff was also advised that it would be more efficient to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Government (Gov.) Code section 11346.4, the one-year deadline to finalize the existing regulatory proposal was August 12, 2017, which did not allow sufficient time to complete the required review/approval process through the control agencies.

At its April 18, 2017 meeting, the Committee approved the new proposed regulatory language to amend CCR section 2615(c)(1) and recommended that the Board authorize LATC to proceed with the regulatory change. The LATC's recommendation was considered by the Board at its June 15, 2017, meeting. Following discussion, the Board voted to reject the proposed regulatory language. The Board directed staff to prepare a proposal that addresses both the LATC's initial and reciprocal licensure requirements, and that closely aligns with the Board's current licensure requirements. The Board requested that the LATC's proposal should be presented to the Board at its next meeting.

At the July 13, 2017 meeting, the LATC reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal. This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The LATC voted to recommend to the Board the approval of amendments to CCR section 2620. Upon the Board's review of amendments for CCR section 2620 during its meeting on December 7, 2017, the Board voted to approve the language. As initial licensing provisions and reciprocity provisions are closely tied, the LATC voted on July 13, 2017, to recommend to the Board that reciprocity requirements align with the final, amended provisions to CCR section 2620.

It was found that minor changes are necessary for consistency with the proposed amendments to CCR section 2620. Specifically, these changes will replace the term "Board approved degree" with "degree from an accredited program" and update a reference to CCR section 2620(a)(7). This new language was presented to the LATC for review and possible approval at their meeting on May 4, 2018. During this meeting, the Committee expressed concern that the Certification of Experience form may not adequately structure the experience a candidate gains, especially as it would pertain to the proposed experience-only pathway. Following discussion, the Committee directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present the findings at the next Committee meeting.

Subsequent to the Committee meeting on May 4, 2018, staff gathered research from other licensing jurisdictions who have detailed experience criteria on their experience verification forms as well as gathered data for California licensees and active candidates who qualify for licensure with one-year of education credit and five years of experience inclusive of examination pass rates, the types of experience gained, and whether enforcement actions were taken. The findings were presented to the LATC during its meeting on July 20, 2018; at which time the Committee granted approval to staff to move forward with the combined rulemaking file for CCR sections 2615 and 2620. The Board

approved the LATC's proposed regulatory language at its meeting on September 12, 2018.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR sections 2615 and 2620:

Date	Action Taken
December 10, 2015	Proposed regulatory language approved by the Board
August 2, 2016	Notice of Proposed Changes in the Regulations submitted to OAL
August 12, 2016	Notice of Proposed Changes in the Regulations published by OAL
September 27, 2016	Public hearing, public comments received during 45-day period
April 18, 2017	LATC voted to withdraw regulatory proposal and approved new proposed regulatory language
June 15, 2017	Board requested LATC prepare an alternate proposal that refines both initial and reciprocal licensure requirements to be more closely related to those of the Board's
July 13, 2017	LATC voted to recommend to the Board that reciprocity requirements align with initial licensure requirements once they are determined by the Education/Experience Subcommittee and approved by the LATC and the Board at subsequent meetings
October 3, 2017	The Education/Experience Subcommittee met and recommended expanded initial licensure pathways (and their respective education/ experience credit allocations) as amendments to section 2620 for the LATC's consideration
November 2, 2017	LATC met to review the Education/Experience Subcommittee's recommendations and voted to recommend that the Board approve proposed amendments to section 2620 to expand initial licensure pathways
December 7, 2017	Board reviewed and approved the LATC's proposed amendments to section 2620
May 4, 2018	LATC reviewed revised proposed regulatory language, to amend sections 2615 and 2620, and directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at a future Committee meeting
July 20, 2018	LATC voted to recommend to the Board to proceed with the combined rulemaking file for sections 2615 and 2620
September 12, 2018	Proposed regulatory language approved by Board
November 1, 2018	Staff preparing regulatory package for DCA Legal Affairs Division's review
February 7, 2019	Proposed regulation submitted to DCA Legal Affairs Division for pre-review
March 21, 2019	DCA Legal Affairs Division concluded first round of prereview and returned regulation to staff

April 16, 2019	Proposed regulation returned to DCA Legal Affairs Division for additional prereview
June 5, 2019	DCA Legal Affairs Division concluded prereview
June 6, 2019	Proposed regulation submitted to DCA Legal Affairs Division for initial analysis
June 14, 2019	Proposed regulation submitted for Budget Office review
February 6, 2020	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal Review of Initial Analysis.

CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program)

At the December 6, 2018 LATC meeting, the LATC discussed opportunities to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with the regulation. Following discussion, the Committee directed staff to form a subcommittee to work with staff to recommend regulatory changes for LATC's consideration at a later meeting date.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed recommended changes to section 2620.5 and the review/approval procedures for LATC's consideration. At the February 8, 2019 LATC meeting, the Committee reviewed the subcommittee's recommendations and directed staff to prepare a regulatory proposal to amend CCR section 2620.5 for the LATC's consideration at its next meeting. At its May 29, 2019 meeting, the LATC voted to recommend to the Board approval of the proposed regulatory language to amend CCR section 2620.5. The Board approved the proposal at its meeting on June 12, 2019 and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR section 2620.5:

Date	Action Taken
January 17, 2019	LATC staff held a conference call with the subcommittee where together they developed recommended changes for LATC's consideration at its February 8, 2019 meeting
February 8, 2019	LATC directed staff to prepare a regulatory proposal to amend section 2620.5 for the LATC's consideration at its May 23, 2019 meeting
May 29, 2019	LATC reviewed proposed regulatory language and voted to recommend approval by the Board
June 12, 2019	Proposed regulatory language approved by Board
July 31, 2019	Proposed regulation submitted to DCA Legal Affairs Division for pre-review
October 22, 2019	Proposed regulation submitted to DCA Legal Affairs Division for additional pre-review
November 25, 2019	Proposed regulation submitted to DCA Legal Affairs Division for initial analysis
February 5, 2020	Proposed regulation submitted to Budget Office for review

CCR Sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) At its meeting on February 8, 2019, LATC recommended to the Board approval of proposed regulatory language to amend CCR sections 2655 and 2656. The Board approved the proposed regulatory language at its February 27, 2019, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of LATC’s regulatory proposal for CCR sections 2655 and 2656:

Date	Action Taken
February 27, 2019	Proposed regulatory language approved by the Board
March 7, 2019	Proposed regulation submitted to DCA Legal Affairs Division for pre-review
March 8, 2019	DCA Legal Affairs Division concluded prereview
March 12, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 24, 2019	Proposed regulatory language approved by Agency
October 11, 2019	Notice of Proposed Regulatory Action published by OAL
November 25, 2019	End of 45-day public comment period, no comments received
February 5, 2020	LATC reviewed modified proposed regulatory language and voted to recommend approval by the Board
February 28, 2020	Proposed modified regulatory language approved by the Board
March 20, 2020	End of 15-day public comment period, no comments received
March 24, 2020	Final rulemaking submitted to DCA Regulatory Unit for review
April 2, 2020	Final rulemaking package approved by DCA Regulatory Unit and submitted to DCA Director for review
April 29, 2020	Final rulemaking package approved by DCA Director and submitted to Agency for review
June 12, 2020	Final rulemaking file submitted to DOF
June 24, 2020	Final rulemaking file submitted to OAL

LATC ENFORCEMENT PROGRAM

Regulatory Proposal. **CCR Section 2680 (Disciplinary Guidelines)** As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of collaborating with the Board in order to review and update LATC’s *Disciplinary Guidelines*. Staff worked closely with Board staff to update their respective guidelines to mirror each other wherever appropriate.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed changes to the LATC’s *Disciplinary Guidelines* and CCR section 2680 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) including two options. On February 8, 2019, the Committee made a recommendation to the Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*.

Date	Action Taken
August 6, 2015	Amended proposed regulatory language to LATC's Disciplinary Guidelines approved by LATC
September 10, 2015	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
October 21, 2015	Board staff provided suggested edits to the Board's Disciplinary Guidelines to DCA Legal Affairs Division for review
November 12, 2015	DCA Legal Affairs Division notified Board staff that the edits to their Disciplinary Guidelines were sufficient and substantive, and would require re-approval by the Board
December 10, 2015	Amended proposed regulatory language to Board's Disciplinary Guidelines approved by Board
March 15, 2016	Board staff prepared their regulatory package for DCA Legal Affairs Division's review and approval
April 8, 2016	DCA Legal Affairs Division advised Board staff that further substantive changes to their Disciplinary Guidelines were necessary prior to submission to OAL
December 15, 2016	Amended proposed regulatory language of the Board's Disciplinary Guidelines approved by Board
July 13, 2017	Amended proposed regulatory language to LATC's Disciplinary Guidelines based on the Board's Disciplinary Guidelines approved by LATC
September 5, 2017	DCA Legal Affairs Division informed staff that additional substantive changes were necessary for both LATC's and Board's Disciplinary Guidelines
September 7, 2017	Amended proposed regulatory language of LATC's Disciplinary Guidelines, with additional substantive changes approved by Board
December 7, 2017	Amended proposed regulatory language for the Board's Disciplinary Guidelines approved by Board; however, the Board requested additional research on its statutory authority to impose fines
May 4, 2018	LATC reviewed proposed regulatory language to LATC's Disciplinary Guidelines, including language on statutory authority to impose fines, and voted to recommend approval by the Board
June 13, 2018	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
February 8, 2019	Revised proposed regulatory language to LATC's Disciplinary Guidelines, due to the passing of AB 2138, approved by LATC

February 27, 2019	Revised proposed regulatory language to both LATC's and Board's Disciplinary Guidelines approved by Board
July 30, 2019	Proposed regulation of LATC's Disciplinary Guidelines submitted to DCA Legal for prereview
October 8, 2019	DCA Legal Affairs Division concluded pre-review of LATC's Disciplinary Guideline's regulatory package
October 15, 2019	Proposed regulation for LATC's Disciplinary Guidelines submitted to DCA Legal for initial analysis
April 17, 2020	DCA Budget Office approved Economic and Fiscal Impact Statement (Std. 399)

Regulatory Proposal **CCR Section 2671 (Public Presentments and Advertising Requirements)** As part of the Strategic Plan established by LATC at the December 2018 meeting, LATC set an objective of researching the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.

Currently, CCR section 2671 requires that a landscape architect only include their name and the words "landscape architect" in all forms of advertising or public presentments. In an effort to better inform and protect California consumers, the proposed changes of the LATC's current advertising requirements will expand to include license numbers in all forms of advertising.

Proposed language to amend CCR section 2671 was presented to the Committee on May 29, 2019, where the Committee made a recommendation to the Board to adopt the proposed regulatory language. The Board approved the Committee's recommendation at its June 12, 2019 meeting. Staff proceeded with the regulatory proposal process and DCA Legal completed the prereview of the regulatory change package. On August 12, 2019 the regulatory change package was submitted to DCA for Initial Analysis.

Date	Action Taken
June 12, 2019	Amended proposed regulatory language approved by the Board
June 27, 2019	Proposed regulation submitted to DCA Legal for prereview
August 6, 2019	DCA Legal concluded prereview
August 12, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 3, 2019	Proposed regulation submitted to Budget Office for review
February 5, 2020	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal review of Initial Analysis.

Legislative Proposal **BPC section 5659 (Inclusion of License Number – Requirement)** As part of the Strategic Plan established by LATC at the December 2018 meeting, LATC set an objective to educate the different jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations. Staff reviewed the Landscape Architects Practice Act and BPC section 460 (Local Government Entities – Powers), which prevents local government entities from prohibiting a licensed professional from engaging in the practice for which they are licensed while also allowing those entities to adopt or enforce local ordinances. Staff worked with DCA legal counsel to add language to section 5659 to coincide with section 460 specifically referencing landscape architects. The proposed additional language would prohibit local jurisdictions from rejecting plans solely based on

the grounds that they are stamped by a licensed landscape architect; however, they could still reject plans based on defects or public protection from the licensee.

Proposed language to amend BPC section 5659 was presented to the LATC on February 5, 2020, where the Committee made the recommendation to the Board to adopt the proposed language. The Board approved the Committee’s recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal process and the proposal was submitted to legislative staff in mid-March 2020.

Date	Action Taken
February 28, 2020	Proposed language approved by Board
March 18, 2020	Bill proposal provided to EO for review and submittal
Mid-March 2020	Bill proposal submitted to legislative staff

Enforcement Actions

Michele Garzon (Woodland Hills) - The Board issued a one-count citation that included a \$1,000 administrative fine to Michele Garzon, an unlicensed individual, for alleged violations of BPC section 5640 (Unlicensed Person Engaging in Practice - Sanctions). The action alleged that Garzon provided services for a project in Glendale, which is not an exempt project as described in BPC section 5641 (Chapter Exceptions, Exemptions). Garzon paid the fine, satisfying the citation. The citation became final on July 13, 2020.

Scott Martin (Venice) - The Board issued a two-count citation that included a \$1,000 administrative fine to Scott Martin, landscape architect license number LA 6061, for alleged violations of BPC section 5616 (Landscape Architecture Contract—Contents, Notice Requirements) and CCR section 2670, subsection (a)(2) (Rules of Professional Conduct -Competence). The action alleged that Martin failed to execute a contract prior to commencing work on a project and knowingly provided and submitted plans with incorrect measurements. Martin paid the fine, satisfying the citation. The citation became final on December 23, 2019.

<u>Enforcement Statistics</u>	<u>Current Quarter</u> May-July 2020	<u>Prior Quarter</u> Feb 2019-Apr 2020	<u>FYTD</u> 2020/21	<u>5-FY Avg</u> 2015/16- 2019/20
Complaints				
Received/Opened (Reopened):	9 (1)	11 (0)	3 (0)	33 (0)
Closed:	10	6	4	35
Average Days to Close:	61 days	40 days	48 days	152 days
Pending:	9*	5*	8*	11
Average Age (Pending):	51 days*	25 days*	59 days	106 days
Citations				
Issued:	1	0	0*	3
Pending:	0*	0*	0*	0
Pending AG: †	0*	0*	0*	0
Final:	1	0	1	3
Disciplinary Actions				
Pending AG:	0*	0*	0*	1
Pending DA:	0*	0*	0*	0

Final:	0	0	0	1
Settlement Reports (§5678)**				
Received/Opened:	1	1	1	2
Closed:	1	0	0	2
Pending:	1*	1*	1*	0

* Calculated as a quarterly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations."

AGENDA ITEM K.1: UPDATE ON SEPTEMBER 4, 2020 LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) MEETING

The LATC met on September 4, 2020 via teleconference. Attached is the meeting notice. LATC Program Manager, Trish Rodriguez, will provide an update on the meeting.

Action Requested

None

Attachment

LATC September 4, 2020 Notice of Teleconference Meeting



NOTICE OF TELECONFERENCE MEETING
Landscape Architects Technical Committee (LATC)
10:00 a.m., Friday, September 4, 2020

LATC MEMBERS

Marq Truscott, Chair
Jon S. Wreschinsky, Vice Chair
Andrew C. N. Bowden
Susan M. Landry
Patricia M. Trauth

**Action may
be taken on
any item
listed on the
agenda.**

NOTE: Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The LATC will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=e3f9543b84fc6a9abeceb7b9cf596e186>

Instructions to connect to the meeting can be found at the end of this agenda.

Agenda
10:00 a.m. – 3:30 p.m.
(or until completion of business)

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair's Procedural Remarks and LATC Member Introductory Comments
- C. Public Comment on Items Not on the Agenda
The LATC may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the LATC's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).
- D. Update on the Department of Consumer Affairs (DCA) – Carrie Holmes, Deputy Director, Board and Bureau Relations, DCA

(Continued)

- E. Review and Possible Action on February 5, 2020 LATC Meeting Minutes
- F. Program Manager's Report
 - 1. Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs
 - 2. Discuss and Possible Action on Annual Enforcement Report
- G. Council of Landscape Architectural Registration Boards (CLARB)
 - 1. Presentation by CLARB on Uniform Standard (Policy), Landscape Architect Registration Examination (LARE) Uniform Application (Process), and Time to Licensure (Procedure)
 - 2. Review CLARB September 10, 2020 Virtual Annual Meeting Agenda
 - 3. Review and Possible Action on 2020 CLARB Board of Directors and Leadership Advisory Council Elections Ballot
- H. Review and Discuss 2020 Legislation
 - 1. Assembly Bill (AB) 2028 (Aguiar-Curry) State Agencies: Meetings
 - 2. AB 2113 (Low) Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process
 - 3. AB 2257 (Gonzalez) Worker Classification: Employees and Independent Contractors: Occupations: Professional Services
 - 4. Senate Bill (SB) 878 (Jones) Department of Consumer Affairs: License: Application: Processing Timeframes
 - 5. SB 1474 (Committee on Business, Professions and Economic Development) Business and Professions
- I. Presentation on Qualified Stormwater Pollution Prevention Plan Developer (QSD) Certification by California State Water Resources Control Board
- J. Update on Intra-Departmental Contracts (IDC) with the Office of Professional Examination Services (OPES) for Landscape Architects California Supplemental Examination (CSE) Written Examination Development, and Review of LARE and Linkage Study
- K. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives to Educate the Different Jurisdictional Agencies (State and Local) About Landscape Architecture Licensure and Its Regulatory Scope of Practice to Allow Licensees to Perform Duties Prescribed Within the Regulations
- L. Discuss and Possible Action on New LATC Logo
- M. Review of Future LATC Meeting Dates
- N. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the LATC Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the LATC are open to the public.

The meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/ The meeting will not be cancelled if webcast is not available. Meeting adjournment may not be webcast if it is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the LATC prior to taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the LATC, but the LATC Chair may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the LATC to discuss items not on the agenda; however, the LATC can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

This meeting is being held via WebEx Events. The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Blake Clark

Telephone: (916) 575-7236

Email: Blake.clark@dca.ca.gov

Telecommunication Relay Service:

Dial 711

Mailing Address:

Landscape Architects Technical Committee

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the LATC in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5620.1).

AGENDA ITEM K.2: DISCUSS AND POSSIBLE ACTION ON LATC'S PROPOSED CHANGES TO THE 2019 CALIFORNIA ARCHITECTS BOARD *BUILDING OFFICIAL INFORMATION GUIDE*

Summary

The Landscape Architects Technical Committee's (LATC) 2019-2021 Strategic Plan contains an objective to "educate the different jurisdictional agencies (state and local) about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations."

LATC staff reviewed the California Architects Board's (Board) recently published *Building Official Information Guide* (*Guide*) and found that the section titled "Landscape Architects" would be an appropriate means of meeting this objective by including information regarding the regulatory scope of practice of a landscape architect and the duties they may perform. The *Guide* is distributed to building officials throughout California, available on the Board's website, and will be added to LATC's website in order to reach as many jurisdictions as possible.

The LATC was presented with draft questions and responses to add to the *Guide* at its February 5, 2020 meeting. During the meeting, the Committee discussed including additional information to the "Landscape Architects" section of the *Guide*, and how the *Guide* should be distributed. Staff edited some of the previously presented responses of the *Guide* for clarity and to provide additional detail. The attached *Guide* shows the proposed changes in strikethrough and underline approved at the September 4, 2020 LATC meeting.

Action Requested

Review and approve the attached draft language amending the section "Landscape Architects" of the Board's *Building Official Information Guide*.

Attachment

California Architects Board Building Official Information Guide 2019 with proposed language

CALIFORNIA ARCHITECTS BOARD

BUILDING OFFICIAL INFORMATION GUIDE **(September 2019)**

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Purpose

This guide for building officials is provided by the California Architects Board (Board) to aid you in understanding and enforcing the laws and regulations governing the practice of architecture and landscape architecture in California.

The guide is a compilation of responses to questions that the Board has received from building officials and other items of interest to those who must enforce local building standards. It is intended as a source of basic information and does not attempt to address all the questions that could arise covering the practice of architecture in this large, diverse state.

Some of the items covered herein are interpretations of the Architects Practice Act and the Board's rules and regulations. Other items are explanatory and/or advisory.

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Introduction

Each day, millions of Californians work and live in environments designed by licensed architects. The decisions of architects about materials and their scope of practice impact not only the health, safety, and welfare of the present users, but of future generations as well.

To reduce the possibility of building failure, encourage energy conscious design, provide disability access, and safeguard the public health and welfare, those who represent themselves as skilled in the design of complex structures must meet minimum standards of competency. It is equally necessary that those who cannot meet minimum standards by way of education, experience, and examination be prevented from misrepresenting themselves to the public.

The [California Architects Board](#) (Board) was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. It is one of the boards, bureaus, commissions and committees within the Department of Consumer Affairs (Department), which is part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services.

Effective January 1, 1998, the Board assumed administrative responsibility for regulating landscape architects. Under current law, a [Landscape Architects Technical Committee](#) (LATC) acts in an advisory capacity to the Board. The LATC, which consists of five professional members, performs such duties and functions which have been delegated to it by the Board.

The Board is presently composed of ten members of whom, by law, five are public members and five are architects. Five architect members and three of the public members are appointed by the Governor. The Speaker of the Assembly and the Senate Rules Committee each appoint a public member to the Board.

The Board attempts to ensure that all who practice architecture are licensed and qualified to practice. To become licensed as an architect, a candidate must successfully complete a written and California Supplemental Examination, as well as provide evidence of at least eight years of education and/or experience.

The Board attempts through its Enforcement Program to ensure that its licensees are competent to practice architecture and that the laws governing the practice of architecture are enforced in a fair and judicious manner. The Board has the power, duty, and authority to investigate violations of the Architects Practice Act and the Landscape Architects Practice Act and to take disciplinary or enforcement action against violators accordingly.

Building officials, on the other hand, enforce building code requirements, which are also designed to protect the public health and safety. Many building departments depend on licensed design professionals (architects and engineers) to deliver structures that meet code standards. So, while the building officials rely on licensing boards to ensure that architects and engineers are competent, the licensing boards rely on the building officials to ensure that only properly licensed or registered professionals prepare, stamp, and sign plans and specifications for non-exempt structures.

In order to protect California consumers, the Board encourages building officials and their staff to promptly report suspected violations of the [*Architects Practice Act*](#) and [*Landscape Architects Practice Act*](#), such as advertising violations, unlicensed practice, fraudulent stamps, and aiding or abetting, to the Board's Enforcement Unit. This information may be submitted anonymously.

This guide is provided to aid building officials in understanding the laws and regulations governing the practice of architecture in California and better enable them to carry out their difficult jobs.

Advertising of Architectural Services

1. May an unlicensed person advertise architectural services?

No. An individual not licensed by the Board may not advertise or practice architecture in California. An unlicensed person cannot "...advertise or put out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer."

An unlicensed individual may not offer architectural services or advertise on the Internet or in the yellow pages or business directories under headings such as "architect," "architectural design" or "architectural drafting."

(Ref.: [Business and Professions Code \(BPC\) § 5536\(a\)](#))

Aiding and Abetting Unlicensed Practice

1. What constitutes aiding and abetting?

Aiding and abetting occurs when a California licensed architect:

- Assists unlicensed individuals to circumvent the Architects Practice Act, BPC section 5500 et seq.
- Stamps and signs documents which have not been prepared by the architect or under the architect's responsible control.
- Permits his or her name to be used for the purpose of assisting any person, not an architect, to evade the provisions of the Architects Practice Act.

(Ref.: BPC §§ 5582, 5582.1 and [California Code of Regulations \(CCR\), Title 16](#), section 151)

Architects Scope of Practice

1. Who may refer to himself or herself as an architect?

Only individuals who hold a current license issued by the Board may refer to themselves as an architect or use any term similar to the word architect to describe themselves, their qualifications, or the services they provide.

(Ref.: BPC §§ 5536(a))

2. What may an architect design?

The *Architects Practice Act* defines the practice of architecture as including "...the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures." Therefore, an architect may design any building type and all components therein. An exception is the structural design of a hospital that must be done by a structural engineer pursuant to the Health and Safety Code.

(Ref.: BPC §§ 5500.1 and 6737 and [Health and Safety Code \(HSC\) §129805](#))

3. What is the Board's definition of construction observation services

"Construction observation services" means periodic observation of completed work (*in progress*) to determine general compliance with the plans, specifications, reports or other contract documents. "Construction observation services" does not mean the superintendence (*supervision*) of construction processes, site conditions, operations, equipment, or personnel, or the maintenance of a safe place to work or any safety in, on, or about the site.

(Ref.: BPC § 5536.25(c))

4. May architects design bridges?

In conjunction with the planning of a site and/or the design of a building, or groups of buildings, the *Architects Practice Act* and the *Professional Engineers Act* exemption allow an architect to design all on-site improvements, including a structure such as a bridge.

Exception: If on-site improvements such as roads, bridges, etc. are being submitted subject to the Subdivision Map Act, they must be designed by appropriate engineers.

(Ref.: BPC §§ 5500.1, 6737 and [Gov. Code § 66410](#) et seq.)

5. If the architect has not agreed to provide construction phase services for the owner of the project, can the building official require the architect to review project shop drawings?

No. The architect has no obligation to provide such services either to the owner of the project or to a local building jurisdiction.

(Ref.: BPC § 5536.25)

6. May an architect act as a general contractor for the owner and hire subcontractors for the construction phase of a project under his architectural license?

No. An architect would also need to be licensed as a contractor to perform such services. The *Contractors' State License Law* (CSLL) does not exempt architects unless they are acting solely within their professional capacity, which does not include contracting construction work for others.

(Ref.: BPC §§ 5500.1, 7051)

7. Does an architect's license entitle an architect to build an exempt building without a contractor's license?

No. The construction of buildings is governed by the CSLL (commencing with BPC section 7000). The CSLL has an exemption that allows a person who is not a licensed contractor to construct a single-family residential structure provided they meet certain requirements. Questions concerning this exemption should be directed to the Contractors' State License Board.

(Ref.: BPC §§ 5500.1 and 7000 et seq.)

8. May architects prepare, stamp, and sign mechanical, electrical, and plumbing drawings?

Yes. The *Architects Practice Act* allows architects to prepare, stamp, and sign mechanical, electrical, and plumbing drawings since the definition for scope of architectural practice includes "...the design, in whole or in part, of buildings..."

(Ref.: BPC §§ 5500.1, 6737)

9. May architects certify elevations of structures on a site when such certifications are required by building officials?

Yes. However, the certification must be based on survey data furnished by licensed land surveyors or appropriately registered civil engineers.

(Ref.: BPC §§ 5500.1, 5536.26, 8700)

10. Are there any height restrictions or limitations imposed by the Board as to an architect's structural design authority?

No.

(Ref.: BPC § 5500.1)

11. May an architect prepare, stamp and sign landscape drawings without a landscape architect's license?

Yes. Insofar as the architect is responsible for the planning of a site, the architect is exempt from the Landscape Architects Practice Act and, therefore, may prepare, stamp, and sign landscape drawings for the site.

(Ref.: BPC §§ 5500.1, 5641.3)

12. May an architect prepare designs for site retaining walls, culverts, and other fixed works on a site if the architect is not responsible for the site planning of a project and the work is not considered a "phase of architecture" under the *Professional Engineers Act* exemption?

No, given the situation where the architect is not responsible for the planning of the site or the "fixed works" are not associated with the design of a building or groups of buildings. Under such circumstances the "fixed works" would be considered civil engineering, and the architect would not qualify for the exemption under the *Professional Engineers Act*.

(Ref.: BPC §§ 5500.1, 6737)

13. May architects prepare, stamp, and sign site grading and drainage plans?

Yes. An architect is allowed under the *Architects Practice Act* and the [Professional Engineers Act](#) exemption to prepare, stamp, and sign site grading and drainage plans, except where such plans are submitted pursuant to the Subdivision Map Act. Cities or counties may not prohibit an architect from engaging in the preparation of plans for site grading, which is a function of the practice of architecture as defined in BPC Section 5500.1.

(Ref.: BPC §§ 460, 5500.1, 6737 and Gov. Code § 66410 et seq.)

14. May local building officials insist that civil engineers prepare and sign site grading and site drainage drawings as a condition for permit issuance even though an architect prepares the site plan and the grading and drainage plans?

No. Architects are allowed by the *Architects Practice Act* to prepare, stamp, and sign such drawings as part of their services. State licensure of architects supersedes any local code or ordinance that might restrict an architect licensed by the state from performing services.

(Ref.: Response to question #13 and BPC §§ 460, 5500.1)

15. Are architects authorized to perform soil tests?

No. Such tests are not considered to be part of the practice of architecture.

(Ref.: BPC § 5500.1)

16. Does an architect's license entitle an architect to perform special inspections as specified in the *California Building Standards Code* without demonstrating their ability to perform such services to the satisfaction of a building official?

No. Special inspections are not considered to be part of the practice of architecture. Therefore, an architect would have to comply with a building official's requirement to demonstrate such ability before being permitted to perform required special inspections.

(Ref.: BPC § 5500.1)

17. May architects prepare, stamp and sign structural calculations and structural drawings?

Yes. The *Architects Practice Act* allows architects to prepare, stamp, and sign structural calculations and structural drawings since the definition for scope of architectural practice includes "...the design, in whole or in part, of buildings..." except for the

structural calculations and structural drawings for a hospital, which must be prepared by a structural engineer.

(Ref.: BPC §§ 5500.1 and 6737 and HSC § 129805)

18. Are architects authorized to perform surveys without a land surveyor's license or civil engineer registration?

No.

(Ref.: BPC § 5500.1)

19. When a licensed architect working on a project quits or is discharged, may another architect sign the original licensee's plans or instruments?

Provided both architects are licensed in California, and the supplanting architect completely reviews the plans of the original architect, making necessary, or client-directed changes, the supplanting architect has "prepared" the plans for purposes of BPC Section 5582.1 and may stamp and sign them, absent fraud, deception or dishonesty.

(Ref.: CCR, tit. 16, §151)

Building Designers

1. Are building designers licensed by the state?

No. At one time, the state recognized “registered building designers”; however, that category was eliminated in 1985.

(Ref.: BPC § 5536(b) and (c))

2. May individuals advertise as building designers?

Yes. However, they cannot refer to themselves as “registered” building designers or otherwise indicate that they are licensed or registered by the state.

(Ref.: BPC § 5536(b) and (c))

3. What services can a building designer provide?

Refer to the section titled “Unlicensed Individuals,” which can be found elsewhere in this guide.

Building Official's Responsibility With Respect to Architects Practice Act

- 1. Are building officials required to verify whether the individual who prepares and submits permit documents for non-exempt projects has a current license?**

Yes. If a building permit is required, building officials are required to verify that an individual who prepares and submits permit documents for non-exempt projects has a current license. The building official must require a signed statement that the person who prepared the plans and specifications is licensed under the *Architects Practice Act* or is otherwise licensed in this state to prepare the plans and specifications. An architect's signature and stamp on plans and specifications will satisfy the signed statement requirement. If the person submitting the plans purports to be an architect and is not listed on the Board's license verification website, the building official should contact the Board for verification.

(Ref.: BPC § 5536.2)

- 2. When plans have been filed by the original architect of record, may a building official accept changes to those plans that are submitted by the supplanting architect or engineer?**

A building official is only required to verify that the appropriate stamp and signature is on the documents before a permit is issued and that design changes are made and approved by the appropriate person.

(Ref.: BPC § 5536.25, CCR, tit.16, §151, and [California Building Standards Code \(CBSC\)](#), tit. 24, §106.4.4.1)

- 3. Is a building official required to notify an architect of record when another architect/engineer takes over a project, uses that architect's drawings, or makes changes?**

No. The *Architects Practice Act* does not require this notification.

- 4. Is a building official liable if he or she informs the Board of possible aiding and abetting that later turns out to be unfounded and the architect takes legal action against the building official?**

The law grants a qualified privilege to individuals who communicate, in good faith, to an official administrative agency concerning a possible violation of law. Further information on this subject should be obtained from the legal advisor for the building department.

(Ref.: [California Code, Civil Code § 47](#))

- 5. Sometimes an owner has separate contracts with an architect and the structural, civil, mechanical, and electrical engineers. No one discipline has overall coordination of the project, and a design change is required that will affect the work of all disciplines. May a building official require the project architect to sign for changes on his own work as well as others? Can the architect coordinate the work of the others?**

No. The architect is only required to stamp and sign and take responsibility for his or her own documents. The same shall apply to each design professional. The building official should notify the owner that such coordination is required, and it is the owner's responsibility to arrange for proper coordination. An architect can coordinate the services and documents of others if he or she accepts the responsibility.

(Ref.: BPC § 5536.1)

- 6. May an architect certify that the construction of a project is in conformance with the design documents?**

Yes, the architect may certify that the construction is in conformance, but the architect may choose not to do so.

(Ref.: BPC § 5536.26)

- 7. If an architect asks or requests by telephone that a building official make required design changes that the architect will approve later, should the building official make such changes?**

No, not without prior written confirmation. It is not the building official's responsibility to make design changes.

(Ref.: BPC § 5536.25)

- 8. Is a building official liable if he or she approves the plan submittal and later learns that the architect who submitted the plans has a revoked or suspended license?**

The Board does not determine liability. This is a question of civil law. Building officials should discuss this issue with their legal advisors. To avoid such problems, the law requires the building department to verify licensure prior to issuing any permit.

(Ref.: BPC § 5536.2)

- 9. Should a building official make a design change to a drawing that requires design changes?**

If a building official makes design changes to drawings without the authorization or approval of the architect, the architect will not be responsible for damages caused by

those changes. The building official could be responsible for damage caused by his or her unauthorized changes. Building officials should discuss this issue with the legal advisor for their building department before undertaking any such action.

(Ref.: BPC § 5536.25)

10. Are building departments required to maintain record copies of permitted drawings?

Yes, under certain circumstances. Refer to HSC section 19850, which requires that drawings of certain categories of buildings be retained by local building departments.

11. Are building officials required to give a copy of record documents to anyone who asks for them?

No. See HSC section 19851, which specifies who may obtain copies of drawings and under what conditions.

12. Do building officials need to verify licensure of persons signing plans for exempt projects?

Only if plans are being submitted or prepared by a licensed design professional.

(Ref.: BPC § 5536.2)

13. When should verification of licensure be made?

Verification of licensure should be done at the time of initial submittal of the plans and specifications.

(Ref.: BPC § 5536.2)

Complaint Procedures

1. How is a complaint filed?

Anyone who believes there has been a violation of the *Architects Practice Act* may file a complaint with the Board. All complaints should be filed in writing. A complaint form is available on the Board's website, cab.ca.gov, or the complainant may send a letter or email to the Board detailing the event(s) that led to the complaint with copies of all documentation (plans, contracts, business cards, correspondence, etc.) to substantiate the complaint.

2. How does someone find out if there is a complaint against an architect or an unlicensed individual?

Contact the Board. Pursuant to its regulation on public information disclosure, the Board will disclose any disciplinary or enforcement actions taken against the person, including citations, accusations, statements of issues, and disciplinary decisions. The Board may only disclose complaint information if it is determined to have a direct effect on public safety.

(Ref.: CCR, tit.16, § 137)

Contractors

1. Are contractors exempt from the *Architects Practice Act*?

A contractor may design what an unlicensed person may design under BPC sections 5537 (exempt structures) and 5538 as determined by the local building official.

On non-exempt structures, the contractor is limited to services specifically noted in BPC section 6737.3 (*Professional Engineers Act*); appropriately licensed contractors may design mechanical and electrical systems in accordance with applicable construction codes if they also install those systems. If they do not install the systems and supervise the installation of the systems, they must have an architect or engineer design the systems.

In addition, a contractor may design systems that are required to complete the contracting services he or she has offered or contracted to perform. Such systems are considered temporary and must be removed once the project he or she has contracted to build is completed.

(Ref.: BPC §§ 5537, 6737.3)

2. May a licensed contractor perform design services under the direction of a structural or civil engineer for a non-exempt structure?

Yes, provided the contractor works under the responsible charge of the engineer, and the engineer signs all engineering documents prepared by the contractor.

(Ref.: BPC § 5537.2)

3. May contractors design non-exempt structures if they are going to build them?

No. Contractors may only design exempt buildings under BPC Section 5537 and nonstructural or nonseismic storefronts or interior alterations that do not affect the structural system or safety of the building under BPC Section 5538. If they associate with an architect or engineer, contractors may prepare documents under the direct supervision of an architect or engineer. However, the architect or engineer must stamp and sign the documents.

(Ref.: BPC § 5537.2)

4. May the building official delay the project until properly prepared documents are re-submitted for approval?

This question should be discussed with the legal advisor for the building department.

5. May licensed contractors prepare and sign drawings for their respective systems without supervision of an architect or engineer?

Yes. In BPC section 6737.3 of the *Professional Engineers Act*, it states that appropriately licensed contractors may design electrical or mechanical systems for any building if they also install them.

(Ref.: BPC § 6737.3)

6. May a general contractor prepare and sign drawings pertaining to mechanical, electrical, and plumbing systems for non-exempt structures?

No. If the general contractor does prepare mechanical or electrical drawings, he or she must do so under the supervision of an architect or appropriately registered engineer. The architect or engineer must stamp and sign the drawings.

(Ref.: BPC § 5537.2)

Disasters

1. If a person's residence is damaged by a natural disaster, how can the homeowner obtain a copy of the plans?

If damage to residential real property is caused by a natural disaster declared by the Governor, and if the damage may be covered by insurance, an architect or other person who has prepared the plans used for the construction or remodeling of the property must release a copy of the plans to the homeowner, the homeowner's insurer, or a duly authorized agent of either upon request. The plans may only be used for verifying the fact and the amount of damage for insurance purposes. The architect may charge a reasonable fee to cover the reproduction costs of providing a copy of the plans.

(Ref.: BPC § 5536.3)

2. Can the homeowner rebuild the property using the plans?

The plans cannot be used to rebuild any of the property without a current permit and the written consent of the architect or other person who prepared the plans. If written consent is not provided, the architect will not be liable if the plans are subsequently used by the homeowner or anyone else to rebuild any part of the property.

(Ref.: BPC § 5536.3)

3. If the homeowner cannot contact the original designer, can the building department provide a copy of the plans?

The building department can duplicate the plans under the provisions contained in HSC section 19851. Refer to that code section for details.

4. In the event of a declared disaster, what deterrents to unlicensed practice exist?

Only persons licensed by the Board may call themselves architects and provide architectural services. During a declared state of emergency, the penalty against an unlicensed person who represents that he or she is an architect in connection with the offer or performance of architectural services for the repair of damage to a structure caused by a natural disaster is increased and punishable by a fine up to \$10,000 and/or imprisonment. When responding to advertisements or solicitations offering architectural services, disaster victims should verify whether the person offering services has a valid license by contacting the Board or visiting its website, cab.ca.gov.

(Ref.: BPC § 5536.5)

5. Can architects perform structural inspections after an earthquake?

Yes. Architects may provide structural inspections at the scene of a declared national, state, or local emergency when acting voluntarily and at the request of a public official, public safety officer, or city or county building inspector who is acting in an official capacity.

(Ref.: BPC § 5536.27)

6. What type of immunity is available to architects who provide inspection services for building departments?

California has a good Samaritan law for licensed architects, engineers, and land surveyors who, at the request of a public official, provide safety inspection services, without compensation, at the scene of a declared national, state, or local emergency caused by an earthquake. This law provides architects who provide these services with immunity from liability. This immunity applies only for an inspection that occurs within 30 days of the earthquake.

(Ref.: BPC § 5536.27)

Engineers

1. Are engineers exempt from the *Architects Practice Act*?

Civil and structural engineers may provide building design services to the extent that they are included as part of the engineering services for which they are registered. Civil and structural engineers may not practice architecture, i.e., architectural design, unless it is a part of the civil or structural engineering services they are performing. Civil and structural engineers may not use the title “architect” or offer “architectural” services unless licensed by the Board.

(Ref.: BPC §§ 5537.1, 5537.4, 5537.5)

2. May a structural or civil engineer sign architectural drawings for non-exempt structures prepared by an unlicensed person who was not under their supervision even though the engineers prepared the structural drawings and calculations?

This question must be answered by the [Board for Professional Engineers, Land Surveyors, and Geologists \(BPELSG\)](#). If an architect signed documents that were not prepared under his or her responsible control, the Board would consider the act “aiding and abetting” under BPC Sections 5582 and 5582.1.

(Ref.: BPC §§ 5537.1 5537.5)

3. What are the structural and civil engineer’s limitations as to performing architectural design services?

There are none in the *Architects Practice Act*. The engineer may design any structure as long as the engineer adheres to the exemptions.

(Ref.: BPC §§ 5537.1, 5537.5)

California Code of Regulations (CCR), title 21 and 22, are more restrictive and do set limitations as to what services architects and civil and structural engineers may perform. However, CCR title 21 and 22 are relevant only to state-regulated construction under the jurisdiction of the [Division of the State Architect \(DSA\) and Office of Statewide Health Planning and Development \(OSHDP\)](#).

4. BPC section 5537.4 exempts all professional engineers. Does this mean that all registered professional engineers can design non-exempt structures?

No. Only structural and civil engineers are professional engineers authorized to design structures. Other professional engineers are exempt from the *Architects Practice Act* only to the extent that they practice the profession for which they are registered.

- 5. If a structural or civil engineer prepares and signs structural calculations as a consultant to an architect, must the engineer also prepare, stamp, and sign the structural drawings?**

Not necessarily. If the calculations are given to the architect, who then prepares the structural drawings from the information provided in the calculations, only the architect is required to stamp and sign the drawings. The engineer is not required to over-sign documents prepared by the architect.

Exempt Buildings and Structures

1. What are exempt buildings or structures?

The *Architects Practice Act* defines exempt buildings or structures in BPC section 5537 as follows:

- (a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:
 - (1) Single-family dwellings of wood frame construction not more than two stories and basement in height.
 - (2) Multiple dwellings containing no more than four dwelling units of wood frame construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.
 - (3) Garages or other structures appurtenant to buildings described under subdivision (a), of wood frame construction not more than two stories and basement in height.
 - (4) Agricultural and ranch buildings of wood frame construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.
- (b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for wood frame construction found in the most recent edition of California Code of Regulations, title 24, or tables of limitation for wood frame construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by or under the direct supervision of, a licensed architect or registered engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation. Substantial compliance for purposes of this section is not intended to restrict the ability of the building officials to approve plans pursuant to existing law and is only intended to clarify the intent of Chapter 405 of the Statutes of 1985.

2. What is the Board's definition of "conventional framing"?

Since it appears in the [California Building Standards Code \(Cal. Code Regs., title 24\) \(CBSC\)](#), which is written by building officials, the CBSC definition should be used.

(Ref.: BPC §§ 5537(b) and Cal. Code Regs., tit. 24.)

3. What are the Board’s definitions of a “single family dwelling” and “multiple dwelling”?

(a) Single-family Dwelling: As defined in BPC section 5537(a) and CCR, tit. 16, section 153, the term “single-family dwelling” means a free standing unattached dwelling of wood frame construction not more than two stories and basement in height. Such a single-family dwelling shall not share any common building components including, but not limited to, foundations, roofing and structural systems with any other structure or dwelling.

(b) Multiple Dwelling: As defined in BPC section 5537(a) and CCR, tit. 16, section 153, the term “multiple dwellings” means a structure composed of no more than four attached dwelling units which share any common building components including, but not limited to, foundations, roofing and structural systems. Such multiple dwelling units shall be of wood frame construction and not more than two stories and basement in height, and as defined in the CBSC.

4. If a lot contains an existing residence, may an unlicensed person prepare plans for a maximum four additional units as exempted under BPC section 5537?

No. The maximum number of units that could be designed on the lot by an unlicensed person would be three additional units in any combination.

(Ref.: BPC § 5537)

5. Is a “greenhouse” constructed of metal framing and glass considered an exempt structure if it is for personal use only?

No. The *Architects Practice Act*, BPC section 5537 refers only to wood-framed structures; therefore, metal-framed structures would not be considered exempt under the statute.

6. If an owner prepares drawings for his or her own exempt building, is he or she required to sign the drawings?

No. The statute requires only those who prepare drawings for others to sign them and, if licensed, to note their license number. However, the statute does not prohibit a building official from requiring the owner to sign the drawings.

(Ref.: BPC § 5536.1)

- 7. BPC section 5537, which deals with exemptions, does not discuss site planning. Does this mean that an unlicensed person who prepares drawings for exempt structures must hire an architect to prepare the site plan drawings?**

An unlicensed person may only do site planning to the extent that such planning does not involve activities that are subject to regulation by any licensing boards. For example, preparing grading and drainage plans are activities that require a license. Therefore, an architect or engineer would be required to prepare such plans for an exempt structure.

- 8. If an architect or engineer prepares and signs structural calculations for a portion of an exempt building and the building plans are prepared by the owner, must the architect or engineer sign the plans also?**

The architect or engineer would only sign for that portion of the drawings that pertain to his or her structural design, not the entire set of drawings. The architect is only required to note that portion for which he or she is taking responsibility. The remainder of the drawings would be signed by the person who prepared them.

(Ref.: BPC § 5536.1)

- 9. May the building official require other exempt structures to be designed by an architect or engineer in addition to the noted agricultural and ranch buildings if it is deemed that such structures are an undue risk to public safety, health, or welfare?**

Yes. The building official may require part or all of the structure to be designed by an architect or engineer. The BPC does not supersede the building official's authority to protect the health, safety, and welfare of the public.

Interior Designers

1. Are interior designers licensed by the state?

No. They are not licensed by the state. The State of California has a Title Act for certified interior designers under BPC sections 5800-5812. Certification is not required for interior designers to practice in California.

(Ref.: BPC §§ 5800-5812)

2. What services may an interior designer provide?

Interior designers and any other unlicensed persons may design nonstructural or nonseismic store fronts, interior alterations or additions, fixtures, cabinetwork, furniture, other appliances or equipment, and any nonstructural or nonseismic alterations or additions necessary to provide for their installation. Interior designers may not design any components that change or affect the structural system or safety of the building.

(Ref.: BPC §§ 5537 5538)

3. What may interior designers call themselves?

Interior designers may call themselves interior designers or designers. They cannot call themselves “architects,” “architectural designers,” “interior architects,” or any other name that might mislead the consumer to think that they are licensed architects or registered building designers or otherwise certified, licensed, or registered by the state.

An interior designer may not represent to the public that he or she is “state certified” to practice interior design. However, a person who has been certified by an interior design organization may refer to herself or himself as a “certified interior designer”.

(Ref.: BPC §§ 5800, 5804)

No unlicensed person may use the term “architect,” “architectural,” or “architecture” or use the term “licensed” or “registered”.

(Ref.: BPC § 5536)

4. May interior designers stamp exempt plans?

Yes. Unlicensed persons may stamp exempt plans as long as they do not use the legend “State of California” or words or symbols that indicate that they are licensed by the state.

(Ref.: BPC §§ 5536(b), 5802, 5805)

Landscape Architects

1. May a registered landscape architect refer to himself or herself as an “architect”?

No. A landscape architect may not use the title “architect” without the word “landscape” unless he or she also holds an architect’s license.

(Ref.: BPC § 5537.6)

2. Can landscape architects prepare site grading and site drainage plans?

Yes. A landscape architect can prepare landscape architectural site grading and site drainage plans. (Ref.: § BPC § 56156)

3. What structures can landscape architects design ~~if they perform site planning~~ as part of their landscape architectural services?

A landscape architect can design, as part of their landscape architectural services, aAny exempt structures that unlicensed persons may design in accordance with BPC section 5537 ~~and exempt under the CBSC~~. If a structure requires engineering, it must be designed by an appropriately licensed or registered person.

(Ref.: BPC § 5537)

4. What may a landscape architect design?

A landscape architect may perform professional services for the purpose of landscape preservation, development, and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation. Implementation of that purpose includes: (1) the preservation and aesthetic and functional enhancement of land uses and natural land features; (2) the location and construction of aesthetically pleasing and functional approaches and settings for structures and roadways; and, (3) design for trails and pedestrian walkway systems, plantings, landscape irrigation, landscape lighting, landscape grading and landscape drainage.

Landscape architecture services may include: investigation, selection, and allocation of land and water resources for appropriate uses; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation review, and analysis of master plans for land use and development; production of overall site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details; specifications; cost estimates and reports for land development; collaboration in the design of roads, bridges, and

structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed; negotiation and arrangement for execution of land area projects; field observation and inspection of land area construction, restoration, and maintenance.

(Ref.: BPC § 5615)

5. May local building officials reject landscape architectural plans, drawings, and instruments of service as a condition for permit issuance, solely on the grounds that they are stamped by a licensed landscape architect?

No. Landscape architects are authorized by the *Landscape Architects Practice Act* to prepare, stamp, and sign such plans, drawings, and other instruments of service as part of their services. Local building officials may not reject plans, specifications, or other instruments of service on the ground that those documents were prepared by, signed, dated, and sealed or stamped by a licensed landscape architect. However, a local building official may reject plans, specifications, or other instruments of service for other reasons, such as defects in the documents.

(Ref.: BPC § 5659)

6. May an unlicensed person advertise landscape architectural services?

No. An individual not licensed by the LATC may not advertise or put out a sign, card, or other device that might indicate to the public that he or she is a licensed landscape architect or qualified to engage in the practice of landscape architecture.

In addition, an unlicensed individual may not offer landscape architectural services or advertise on the Internet or in the yellow pages or business directories under headings such as “landscape architect,” “landscape architecture” or “landscape architectural.”

(Ref.: BPC § 5640)

7. What must the landscape architect’s seal or stamp look like, and what must it contain?

The *Landscape Architects Practice Act* requires that the landscape architect’s seal or stamp contain: (1) the legend “State of California”; (2) the term “licensed landscape architect”; (3) the landscape architect’s name (as licensed with the LATC); (4) the landscape architect’s license number; and (5) a means of providing a signature, the renewal date for the current license, and the date of signing and sealing or stamping. The license renewal date may be handwritten or typeset.

A landscape architect’s stamp must be between one and two inches in diameter. The design of the circle may include solid lines (thin or thick) or broken lines, such as dashes or dots. Other possibilities include a rope or beaded effect or words forming the

circle. Embellishments (stars, graphic designs) are also acceptable, so long as the stamp is legible. Provided below is a basic example of a recommended format for a California landscape architect's stamp. Stamps can be ordered from any source - stationery stores, business supply houses, rubber stamp manufacturers, and print shops.

(Ref.: BPC § 5659 and CCR, tit.16, § 2606)



8. Are there allied professions that are exempt from the *Landscape Architects Practice Act*?

Yes. Architects, professional engineers, and land surveyors are exempt from the *Landscape Architects Practice Act* insofar as they practice the profession for which they are licensed or registered. A landscape contractor may design landscape systems and facilities for work to be performed and supervised by that contractor. These allied professionals may not use the title “landscape architect” or offer “landscape architectural” services unless licensed to do so.

(Ref.: BPC §§ 5641.3, 5641.4)

Land Surveyors

1. May a licensed land surveyor use the title “architect”?

No. A licensed land surveyor may not use the title “architect” unless he or she also holds an architect’s license.

(Ref.: BPC § 5537.7)

2. Can licensed land surveyors prepare and sign site plans?

No. Land surveyors are limited to preparing and signing documents relating to their survey services, such as location of property lines or boundaries, topographic maps, site elevations, etc. They are not licensed to plan the improvements of a site.

(Ref.: BPC § 5537.7)

Mechanics Lien Laws

1. How does one find out about Mechanics Lien Laws?

The Board does not respond to questions regarding design professionals and mechanic's lien laws, as those laws are outside of the Board's jurisdiction. For information regarding design professionals and mechanic's liens, review Civil Code sections 8300-8319 and 8400-8494, respectively, or consult an attorney. Additional resources regarding liens may be found in publications at a public library or by visiting the [Contractors' State License Board's](http://cslb.ca.gov) website at cslb.ca.gov.

Signature Requirement

- 1. May the title block for non-exempt buildings contain the words “drawings prepared by” and/or the name of the drafting service in addition to the name of the architectural firm?**

Yes. There is nothing in the *Architects Practice Act* that prohibits this practice, but the architect responsible for their preparation must sign the drawings. If drawings were submitted without the architect’s stamp and signature, it would be of assistance to the Board’s Enforcement Program to have a copy of the title block sent to the Board.

(Ref.: BPC §§ 5536.1, 5536.2)

- 2. In a set of plans submitted to a building official for approval and issuance of a permit, which sheets of the plans or drawings must be signed or stamped?**

The *Architects Practice Act* does not address this issue. The building official has the discretion to determine which sheets should be stamped and signed. However, standard practice in the profession is to stamp and sign every sheet and the cover page of specifications.

- 3. May an employee of an architect sign and stamp the plans or drawings or must the person whose name appears in the firm’s title block sign and stamp?**

An employee may stamp and sign the documents if the employee is licensed by the Board and prepared or was in responsible control of their preparation.

- 4. Must the architect sign the documents at initial submittal?**

The *Architects Practice Act* does not stipulate when the documents are to be stamped and signed. BPC section 5536.2 requires building officials to verify that the person who prepares the documents is properly licensed to do so. This can be done by obtaining a signed statement that the person who prepared the documents is licensed to prepare such documents. The building official can accept the signed statement in lieu of the stamp and signature at the time of initial submittal. After the plan check corrections have been made and before the permit for construction is issued, the drawings must be stamped and signed by the architect.

(Ref.: BPC §§ 5536.1, 5536.2)

5. May building officials require architects to stamp and oversign a consultant's drawings?

No. Architects are only required to stamp and sign what they have prepared themselves or what others have prepared under their responsible control. Architects cannot be required to stamp, and over-sign documents prepared by others, with the exception of DSA and OSHPD, which may require such "over-stamping" of documents prepared by consultants to satisfy state regulations for schools and hospitals.

(Ref.: BPC § 5536.2)

6. Are reproduced signatures on documents acceptable?

Building officials may accept documents with a reproduced signature. Electronic stamps and signatures are commonly accepted in all business forums.

7. Must each page of a set of specifications or structural calculations be signed by the licensed person who prepares them?

An architect is required to sign his or her plans, specifications, and other instruments of service. The Board does not require that each page of a set of specifications and/or calculations be signed by the architect.

(Ref.: BPC § 5536.1)

8. Must the engineer who has prepared and signed structural calculations also sign the structural drawings if the structural drawings are prepared by a licensed architect?

No. The engineer only signs the documents that he or she has prepared. The architect signs the structural drawings that he or she prepared.

(Ref.: BPC § 5536.1)

9. May non-exempt plans be signed by the unlicensed person who prepared the plans and the architect who is responsible for their preparation?

An unlicensed person may prepare plans for a non-exempt structure only under the responsible control of an architect. The unlicensed person, as well as the architect, may sign the plans; however, the only required stamp and signature is the architect's.

(Ref.: BPC § 5536.1)

10. Are wet or dry signatures required on plans?

The *Architects Practice Act* does not state what type of media is to be used; it only states that the drawings must be stamped and signed.

(Ref.: BPC §§ 5536.1, 5536.2)

Stamp Requirement

1. Must architects stamp their plans, specifications, and other instruments of service prior to obtaining a building permit?

Yes.

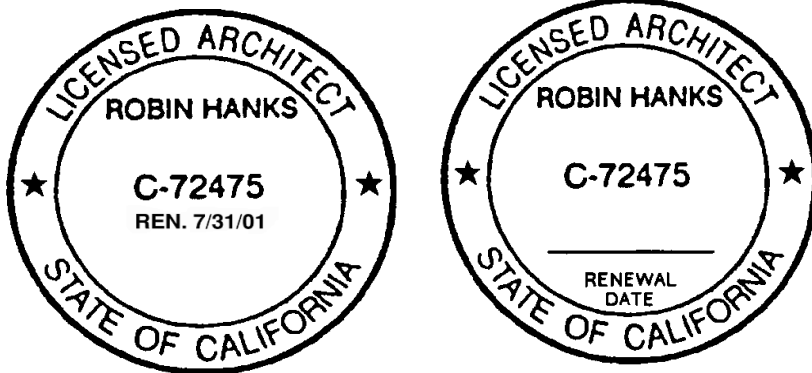
(Ref.: BPC §§ 5536.1 and 5536.2)

2. What must the architect's stamp look like, and what must it contain?

The *Architects Practice Act* requires, at minimum, that the architect's stamp contain: (1) the legend "State of California"; (2) the term "licensed architect"; (3) the architect's name (as licensed with the Board); (4) the architect's license number; and (5) a means for noting the renewal date for the current license (last day of birth month and year). The renewal date may be hand written or typeset.

The stamp must be at least one inch, but not more than –two inches, in diameter and circular in shape. The design of the circle may include solid lines (thin or thick) or broken lines, such as dashes or dots. Other possibilities include a rope or beaded effect or words forming the circle. Embellishments (stars, graphic designs) are also acceptable so long as the stamp is legible. The stamp shall not be of the embossing type. Provided below are basic examples of recommended formats for a California architect's stamp. Stamps can be ordered from any source - stationery stores, business supply houses, rubber stamp manufacturers, and print shops.

(Ref.: BPC § 5536.1(b) and CCR, tit.16, § 136)



REN. Refers to Renewal Date

Unlicensed Individuals

1. What may an unlicensed individual design?

- A. An unlicensed individual may design exempt buildings or structures. The *Architects Practice Act* defines exempt buildings or structures in BPC section 5537 as follows:
- (a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:
 - (1) Single-family dwellings of wood frame construction not more than two stories and basement in height.
 - (2) Multiple dwellings containing no more than four dwelling units of wood frame construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.
 - (3) Garages or other structures appurtenant to buildings described under subdivision (a), of wood frame construction not more than two stories and basement in height.
 - (4) Agricultural and ranch buildings of wood frame construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.
 - (b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for wood frame construction found in the most recent edition of CCR, title 24, or tables of limitation for wood frame construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by or under the direct supervision of, a licensed architect or registered engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation. Substantial compliance for purposes of this section is not intended to restrict the ability of the building officials to approve plans pursuant to existing law and is only intended to clarify the intent of Chapter 405 of the Statutes of 1985.
- B. Unlicensed individuals may design nonstructural or nonseismic alterations or additions as defined in the *Architects Practice Act*, BPC section 5538.

2. What titles may unlicensed individuals use?

Unlicensed individuals cannot call themselves “architects,” “architectural designers,” or any other confusingly similar title that might indicate to the public that they are a licensed architect, architectural designer, or qualified to engage in the practice of architecture.

(Ref.: BPC § 5536(a))

3. Must the design of a seismic bracing system required for raised computer floors be done by an architect or engineer?

Yes. Plans for seismic bracing systems are considered a seismic alteration and should be designed and signed by architects or engineers.

(Ref.: BPC § 5538)

4. In BPC section 5538, interior alterations and additions are considered exempt. Do the word “additions” apply to exterior work as well as interior, or is it meant to apply only to interior additions?

BPC section 5538 discusses interior additions only. Exterior additions are discussed in BPC section 5537.

5. Does the replacement of a fire rated door require an architect or engineer to approve the replacement or write a specification for the replacement?

The local building official should make this determination.

6. May unlicensed individuals design and sign plans for disabled access systems?

Yes. Unlicensed individuals may design systems, including disabled access systems, that are nonstructural and nonseismic in nature and that do not affect the safety of the structure, provided that the design of those systems is not restricted by law to registered or licensed individuals.

(Ref.: BPC § 5538)

7. Does the Board provide building departments with specific criteria as to what interior components affect the safety of a building or its occupants?

No. Local building departments determine such criteria.

8. May an unlicensed individual design, plan or prepare instruments of service for store fronts or interior alterations?

Yes. Unlicensed persons may prepare and submit plans for nonstructural or nonseismic interior alterations or additions, provided such alterations do not change or affect the structural system or safety of the building.

(Ref.: BPC § 5538)

9. May an unlicensed individual design interior alterations or additions for non-exempt structures?

Unlicensed individuals may prepare and sign plans for nonstructural or nonseismic store fronts, interior alterations or additions, fixtures, cabinetwork, furniture, other appliances or equipment, and any nonstructural or nonseismic alterations or additions necessary to provide for their installation. However, an unlicensed individual may not prepare and sign plans for any components affecting the structural system or safety of any building as determined by the local building official.

(Ref.: BPC § 5538)

10. May unlicensed individuals prepare and sign plans for the interiors of any type of building? Are there square foot limitations?

Unlicensed individuals may prepare and sign interior designs for any type of building subject to the approval of the building official. There are no square footage limitations imposed by the *Architects Practice Act*; however, some building departments do set square footage limitations applicable to design services by unlicensed individuals.

(Ref.: BPC § 5538)

11. May unlicensed individuals design and sign mechanical, electrical, and plumbing systems?

No. Such systems must be designed and signed by appropriately licensed or registered design professionals, or appropriately licensed contractors as allowed by the Professional Engineers Act.

(Ref.: BPC §§ 5537.2, 5537.4, 6737.3)

12. What criteria does the Board use to determine what it considers the “safety of a building”?

See the *California Building Standards Code*. The local building official should determine which components of building systems affect safety and are required to be designed by an architect or engineer.

13. May unlicensed individuals prepare specifications for non-exempt structures?

Unlicensed individuals may prepare specifications for non-exempt structures only under the responsible control of an architect or engineer. The architect or engineer is required to stamp and sign the specifications.

(Ref.: BPC §§ 5535.1 and 5536.1)

14. May unlicensed individuals alter exterior wall, door, and window configurations on non-exempt structures so that they are coordinated with new interior construction?

No. The *Architects Practice Act* does not allow an unlicensed individual to prepare and sign plans and specifications for the alteration of exterior walls, doors, or windows except for nonstructural or nonseismic alterations to storefronts as determined by the local building official.

(Ref.: BPC § 5538)

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AGENDA ITEM L: REVIEW OF FUTURE BOARD MEETING DATES

Summary

A schedule of planned meetings and events for the remainder of 2020 are provided to the Board.

Date	Event	Location
December 2	Landscape Architects Technical Committee Meeting	Teleconference
December 11	Board Meeting	Teleconference

AGENDA ITEM M: CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(c)(3) AND (f)(4) AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:

- 1. Review and Possible Action on June 5, 2020 Closed Session Minutes**
- 2. Deliberate and Vote on Disciplinary Matters**
- 3. Adjourn Closed Session**