

California Architects Board

Board Meeting

February 24, 2023





Board Members

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

NOTICE OF PUBLIC TELECONFERENCE MEETING

February 24, 2023

The California Architects Board (Board) will meet by teleconference

10:00 a.m., on Friday, February 24, 2023

NOTE: Pursuant to Government Code section 11133, 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.

Teleconference Information to Register/Join Meeting for Members of the Public via WebEx Events. To participate in the WebEx meeting, please log on to this website the date of the meeting:

To access the WebEx event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=me1f0d8234cdeb7dc567dc67fa1cf9c91>

If joining using the link above

Webinar number: 2482 149 1639
Webinar password: CAB02242023

If joining by phone: 1-415-655-0001 US Toll

Access code: 248 214 91639
Passcode: 22202242

Due to potential technical difficulties, please consider submitting written comments by February 20, 2023, to cab@dca.ca.gov for consideration.

(Continued)

Meetings are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. All times when stated are approximate and subject to change without prior notice at the discretion of the Bureau unless listed as “time certain.” Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. Action may be taken on any item listed on this agenda, including information-only items. The meeting may be canceled without notice.

Members of the public can address the Board during the public comment session. Public comments will also be taken on agenda items at the time the item is heard and prior to the Board taking any action on said items.

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

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

FOR OBSERVATION ONLY: WEBCAST: The Board plans to webcast this meeting on the Department of Consumer Affairs’ website at <https://thedcapage.blog/webcasts>. Webcast will be available at 10:00 a.m. on February 24, 2023. Using the Webcast link will allow only for observation with closed captioning. Webcast availability cannot, however, be guaranteed due to resource limitations or technical difficulties. The meeting will not be cancelled if Webcast is unavailable. If you wish to participate, please plan to participate via the WebEx option listed above.

The Board May Take Action on Any Agenda Item

AGENDA

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

ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THIS AGENDA.

A. Call to Order / Roll Call / Establishment of a Quorum

- B. President's Procedural Remarks and Board Member Introductory Comments
- C. 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 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)
- E. Presentation from the National Organization of Minority Architects (NOMA – San Diego Chapter)
- F. Review and Possible Action on December 9, 2022, Board Meeting Minutes
- G. Budget Update from DCA Budget Office, Harmony DeFilippo, Budget Analyst
- H. Hearing on Petition for Reinstatement of License – Jacob Slater Bunting - will be held at 10:30 a.m.
- I. Update and Discuss National Council of Architectural Registration Boards (NCARB):
 - 1. Update and Discuss Committee Meetings
 - 2. NCARB Draft Governance Concepts
- J. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
 - 1. Enforcement 101 and Strategic Plan Objective 2.1 - Provide More Information on Decisions Made in Enforcement Cases
- K. Regulations Update
 - 1. Discuss and Possible Action on Proposed Regulatory Text Amendments for CCR, title 16, division 2, article 2, section 109 (Filing of Applications)
 - 2. Discuss and Possible Action on Proposed Regulatory Language to Amend CCR, title 16, division 26, article 1, section 2615 (LATC - Form of Examinations)
- L. Review of Future Board Meeting Dates
- M. Closed Session - Pursuant to Government Code Sections 11126(a)(1) and (c)(3), the Board Will Meet in Closed Session to:
 - 1. Deliberate and Vote on Disciplinary Matters
 - 2. Approve December 9, 2022, closed session minutes
- N. Adjournment – Due to technological limitations, adjournment will not be webcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.

Meeting adjournment may not be webcast if adjournment 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)).

A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Drew Liston

Telephone: (916) 471-0769

Email: drew.liston@dca.ca.gov

Telecommunications Relay Service: Dial 711

Mailing Address:

California Architects Board

2420 Del Paso Road, Suite 105

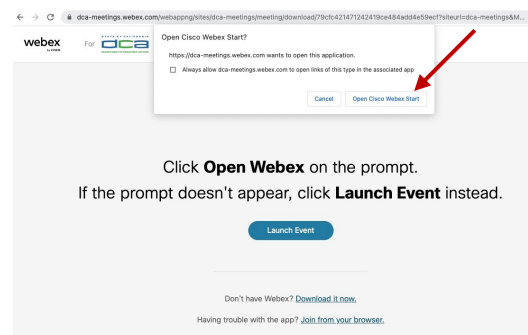
Sacramento, CA 95834

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

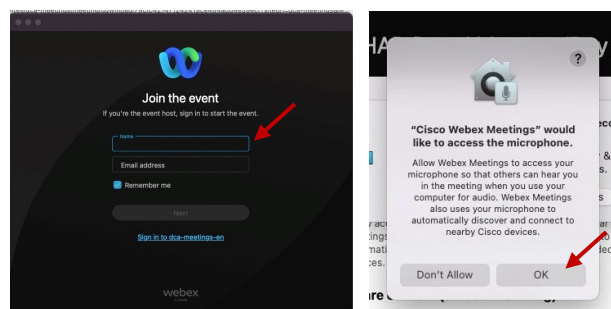
Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions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

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click “Open Cisco Webex Start” or “Open Webex”, whichever option is presented. DO NOT click “Join from your browser”, as you will not be able to participate during the meeting.



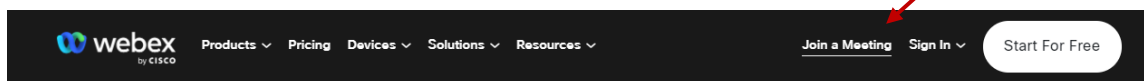
- 3 Enter your name and email address. Click “Join as a guest”. Accept any request for permission to use your microphone and/or camera.



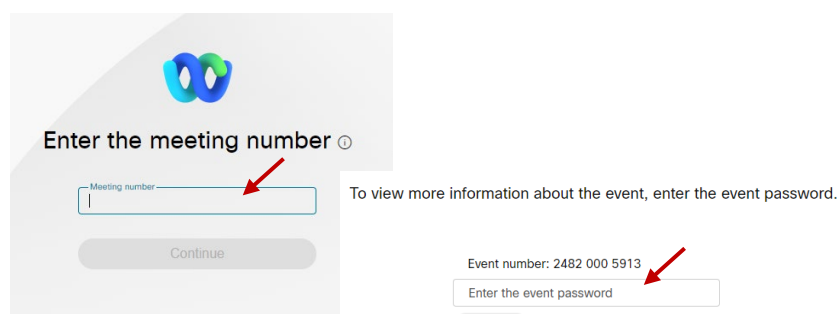
OR

If joining from [Webex.com](https://www.webex.com)

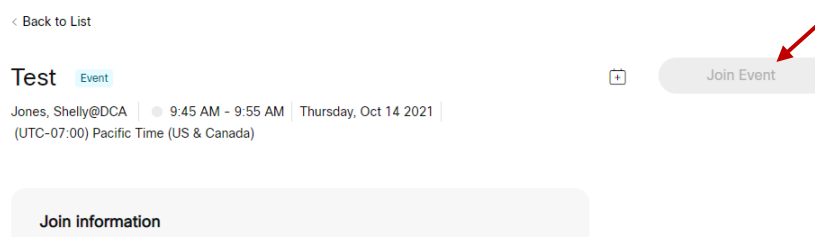
- 1 Click on “Join a Meeting” at the top of the Webex window.



- 2 Enter the meeting/event number and click “Continue”. Enter the event password and click “OK”. This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click “Join Event”.



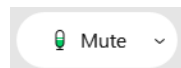
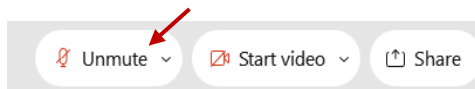
OR

Connect via telephone:

You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.

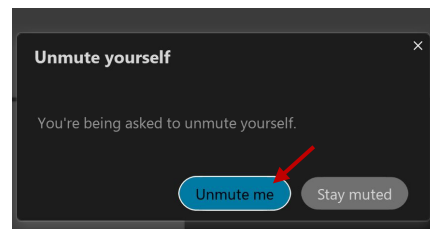


Green microphone = Unmuted: People in the meeting can hear you.



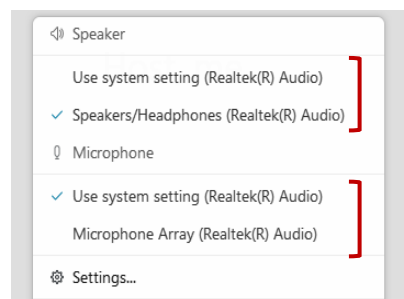
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on “Unmute Me”.



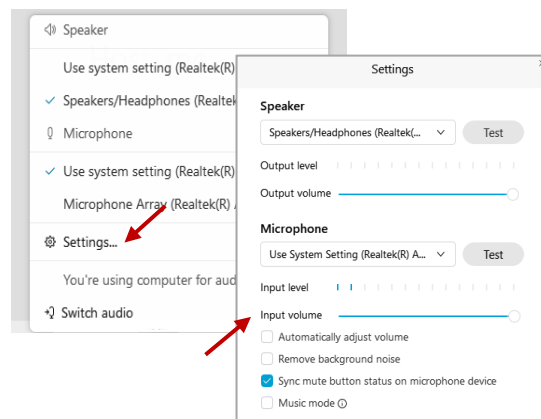
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

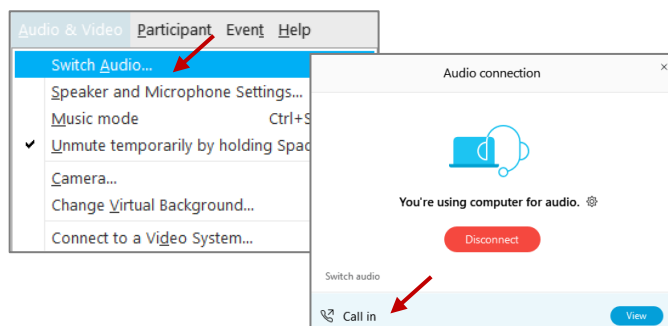
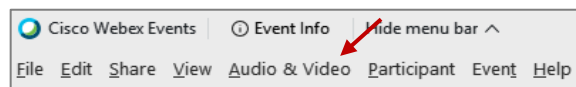
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on “Settings...”:
 - Drag the “Input Volume” located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through webex. Your phone will then become your audio source during the meeting.

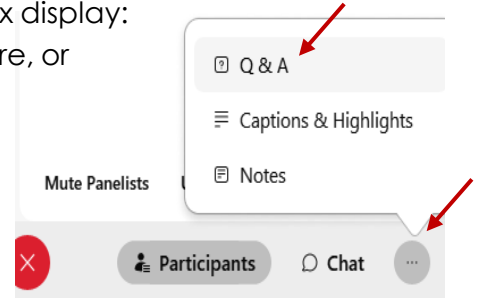
- 1 Click on “Audio & Video” from the menu bar.
- 2 Select “Switch Audio” from the drop-down menu.
- 3 Select the “Call In” option and following the directions.



The question-and-answer feature (Q&A) is utilized for questions or comments. Upon direction of the meeting facilitator, the moderator will open the Q&A panel for meeting participants to submit questions or comments. *NOTE: This feature is not accessible to those joining the meeting via telephone.*

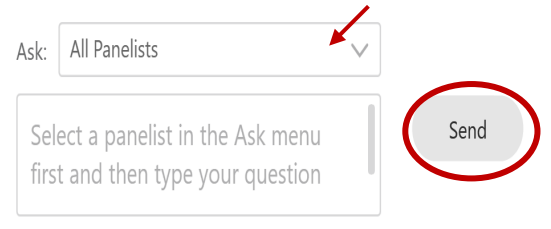
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



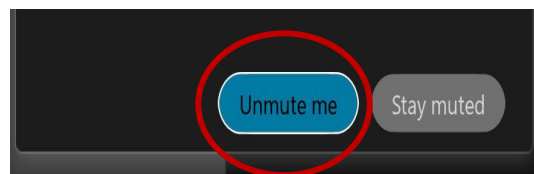
OR

If connected via telephone:

- Utilize the raise hand feature by pressing *6 to raise your hand.
- Repeat this process to lower your hand.

3 The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

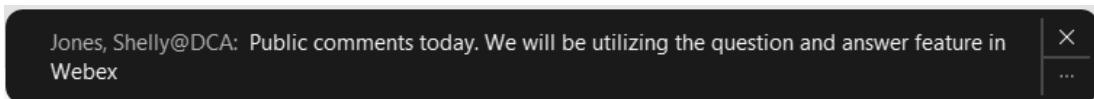


OR

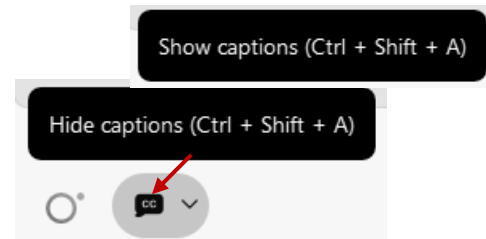
If connected via telephone:

- Press *3 to unmute your microphone.

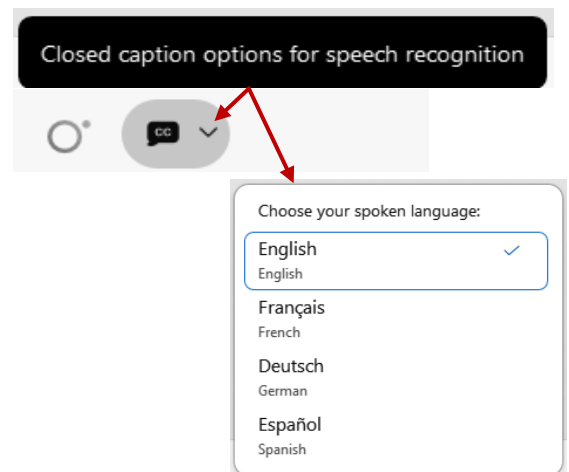
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



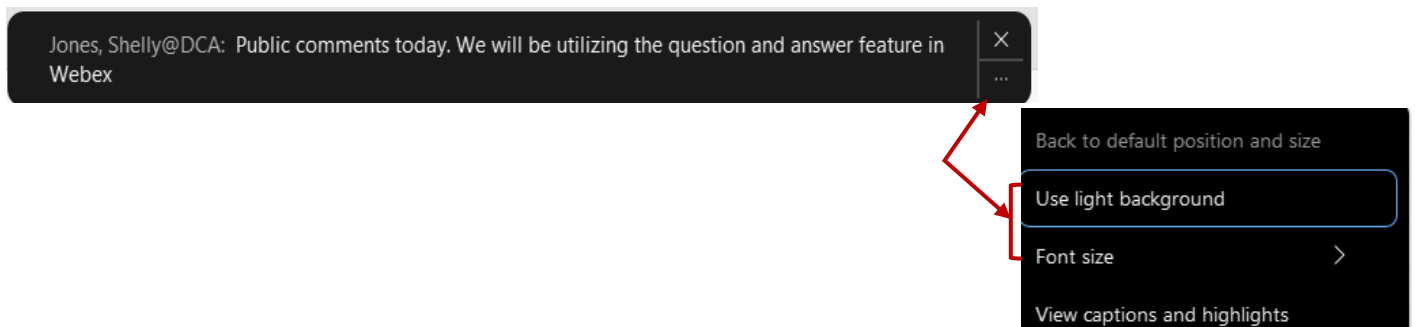
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.



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

Charles Ward, III

Ronald A. Jones

Malcolm Gladstone

Tian Feng

Mitra Kanaani

Sylvia Kwan

Ebony Lewis

Robert C. Pearman, Jr.

Nilza Serrano



DRAFT
MEETING MINUTES
CALIFORNIA ARCHITECTS BOARD
(Items are taken out of order due to Business needs)

December 9, 2022
Stanford University

ITEMS ARE PRESENTED IN THE ORDER THEY WERE DISCUSSED, AS SOME WERE TAKEN OUT OF ORDER.

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

On December 9, 2022, Board President Tian Feng called the meeting to order at 10:05 and Secretary Brett Gladstone called the roll.

Board Members Present

Tian Feng, President
Charles "Sonny" Ward, Vice President
Malcolm "Brett" Gladstone, Secretary
Ebony Lewis
Mitra Kanaani
Nilza Serrano
Robert Pearman (arrived late to meeting)
Ronald Jones
Sylvia Kwan (arrived late to meeting)

Six members of the Board present constitutes a quorum. Seven members were present at the beginning of the meeting; a quorum was established.

Guests Present:

John Barton, Stanford University Architectural Design Program
Jon Wreschinsky, Landscape Architects Technical Committee Chair
Janis Kent, American Institute of Architects California (AIA CA)
Mark Christian, AIA CA, former Director of Government Relations
Ida Clair, Department of General Services, Division of the State Architect
Scott Terrell, AIA CA Director of Government Relations

Board Staff Present

Laura Zuniga, Executive Officer
Drew Liston, Board Liaison

DCA Staff Present

Michael Kanotz, Board Counsel
Karen Halbo, Regulatory Counsel

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

President Feng welcomed LATC Chair, Jon Wreschinsky, to the meeting as well as members of the public. Board Member Mitra Kanaani reflected on the last couple of months working on the Communication Committee, and congratulated President Feng for receiving a prestigious award, the President’s Medal of Distinguished Service from the National Council of Architectural Registration Boards (NCARB). Ms. Kanaani stated that she has worked with President Feng for many years and said he was very supportive of many great causes.

PUBLIC COMMENT

There was no public comment.

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

Brian Clifford, DCA Senior Planning and Implementation Manager, provided the following update:

- Governor Newsom has appointed new DCA staff members. Deputy Director, Board and Bureau Relations Melissa Gear was appointed in September 2022 and Assistant Deputy Director, Board and Bureau Relations Yvonne Dorantes was appointed in October 2022.
- Catherine Nichols was appointed Chief of the Division of Investigation in December 2022.
- Director Kirchmeyer established the Diversity, Equity, and Inclusion, (DEI) Committee to guide the Department in its DEI effort. The Committee held its first meeting in November 2022.
- DCA released its 2022-2027 Strategic Plan on November 2, 2022. At the same time, DCA revealed its new logo.
- The “Our Promise” campaign continues with DCA encouraging charitable donations.
- DCA’s travel update included a reminder that ALL DCA travel must be made through the Cal Travel Store and must be the least expensive option available. Flight or travel changes that are made for personal convenience will be paid by the Board Member.

Jon Wreschinsky asked about the Division of Investigation’s focus. Mr. Clifford responded that it investigates the more serious complaints or criminal situations. Nilza Serrano asked if the Diversity, Equity, and Inclusion committee was for internal or external operations. Mr. Clifford stated it would focus on both staff and consumer protection.

PUBLIC COMMENT

There was no public comment.

Q. Division of State Architect's Special Report

Ida Clair, State Architect, presented the report which included a history of the Division of the State Architect (DSA). She said that DSA focuses on education, safety, regulatory compliance for public schools and colleges, access compliance and enforcement, and offers several free online educational and continuing education courses. Ms. Clair mentioned that one of the more important courses offered is the Certified Access Specialist, (CAS) course. California access requirements are more stringent than Federal laws and more successful. DSA is available to serve the public with educational opportunities. Ms. Clair said that DSA seeks to be collaborative with the California Architects Board in educational and regulatory opportunities.

Robert Pearman commented that we need to incentivize the educational providers to offer more robust accessibility learning. A general discussion about CASp and its educational challenges ensued. Sylvia Kwan mentioned this designation is difficult and special. Brett Gladstone inquired about a law that requires a CASp study for a new commercial building and asked Ms. Clair to clarify if the law is statewide or local. Ms. Clair responded that the law is statewide.

PUBLIC COMMENT

Janis Kent, AIA, commented that she is a CASp instructor, and the State doesn't differentiate between Title 2 or Title 3 entities. All State buildings are Title 2 and have different access parameters. Architects working on a Title 2 need to understand that they need to follow State and Federal regulations.

Paul Menard, AIA, thanked Ms. Clair for her presentation and her time.

M. Discuss and Possible Action on Modified Proposed Regulatory Text for CCR Title 16, Division 2, Article 5, Section 135 (Public Presentments and Advertising Requirements) and Proposed Responses to Public Comment

President Feng stated that this issue deals with the importance of public presentments and advertising that must include a licensee's number. Mr. Feng continued that this issue has drawn much public comment and that the Board wants to respond carefully. This topic has been on the agenda nine times to take action. Mr. Feng ended by saying that he hopes a decision will be made today and turned the item over to Karen Halbo, Regulatory Counsel, to explain.

Ms. Halbo began by stating there has been a push by DCA to have greater disclosure of regulation of DCA boards and that included adding information to public presentments. She continued by saying that she has received many comments and that this Board is responsive to hearing it. She then explained that time was of the essence because if this isn't approved today the Board would have to begin the rulemaking process again, which would be exceptionally time consuming.

Mr. Gladstone asked how many disciplinary actions against people practicing architecture without a license have occurred? Laura Zuniga, Executive Officer,

replied that she didn't have those numbers at hand, but that it was not a large number. Ron Jones said he felt that in many cases the remedy would be educating the person who advertised as an architect without a license. Once they understood the law, it would be unlikely for the unlicensed activity to occur again since there was no initial malice involved.

Nilza Serrano reminded the Board that most of the public comments came from architects and not the public and that we are first a consumer protection agency. Ms. Kwan detailed the complexity and cost to various firms, large or small, and felt this was just the tip of the iceberg and would be far more in-depth than imagined. Mr. Gladstone commented as a licensed attorney he is required to put his number on all his advertisements and presentments and reminded the Board that it requires landscape architects to do so. He continued that any change is usually resisted to those in the profession, and repeated the Board is a consumer protection agency. He offered some alternate wording for the item that would have a five-year period where those found in violation of the rule where there would not be penalties, just letters of advisements. Mr. Gladstone stated that he was an advocate for the consumer and not the business owner. He did state that he felt that having a license number in social media was an interesting example where compromises should be found.

Mr. Jones voiced his concern over various challenges to the proposal and reiterated that the Board's first job is consumer protection. Mr. Pearman stated that maybe staff should bring this back next year. Ebony Lewis commented that the more people see the license number, the more the consumer becomes educated. Mr. Gladstone said CAB staff should talk to the LATC staff to see what their experience has been. LATC Member Wreschinsky mentioned that LATC preferred to protect the consumer first and that is why it moved forward with this type of regulation. Mr. Feng stated that our mission is the health, safety and wellbeing of the public. The conversation continued regarding other licensed professions and that data should be obtained regarding this type of rule.

Tian Feng made a motion that the Board table this regulation until we have enough data to move forward.

Robert Pearman seconded the motion.

PUBLIC COMMENT

Paul Menard, AIA, started by thanking the Board for their service. He continued by reading two letters into the record.

Letter 1:

Dated December 1, 2022
Tian Feng, FAIA
President, California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

Regarding: Request for Agenda Item M (CCR 135) not to be Advanced in the Regulatory Process

Dear President Feng:

The above components of the American Institute of Architects (AIA) respectively ask the California Architects Board (CAB) not to approve advancement to the regulatory process the regulation proposed under Agenda Item M. The growing awareness of CCR 135 among licensed architects has caused significant concern to be expressed about the assumptions made regarding the proposed regulation, the impact it will have on licensed architects, and the presumed benefit to the public.

Concerns raised by our Members include:

Assumed Marketing Costs of \$100

The Initial Statement of Reasons assumes "licensees needing to update existing marketing materials (i.e., business cards, letterhead, contracts, forms, etc.) may incur one-time set-up printing costs up to \$100."

We have been told by our Members that these costs will exceed the assumed \$100. The cost to design and print new business cards and letterhead, and other marketing materials (i.e., monographs, brochures, etc.) will be significantly higher than \$100. Additionally, we assume the business cards of non-licensed staff of architectural firms would have to be redesigned and reprinted, which further drives up the cost-per-architect assumption.

Focus on Unlicensed Individuals

This proposed regulation was formed during discussions on how to protect consumers from unlicensed individuals. We believe exploring steps to stop the illegal advertising of architectural services by unlicensed individuals should remain the focus of the CAB in protecting consumers from services being offered illegally by unlicensed individuals. CCR 135 attempts to protect consumers from unlicensed individuals by solely placing a new requirement on licensed architects, subject to disciplinary action and fines for failure to follow the proposed advertising regulation.

CCR 135 Lacks Clarity

Licensed architects would be expected to fully comply with the proposed advertising regulation or be subject to disciplinary action and fines. Some forms of advertising clearly fall within the scope of CCR 135, such as business cards and letterhead; each of these would have to include the name of a licensed architect and a license number.

However, there is a lack of clarity of how to applies to other forms of "advertisement." For example, would all emails from an architect's work email have to include the architect's license number, or all social media posts about

a project have to include a license number? We believe any regulation covering the advertising and marketing of architectural services, and how it will be enforced, are not fully defined and explained and therefore should not be adopted.

Could Encourage the Illegal Use of a License Number

As we have seen with general contractors, those who illegally offer and provide contractor services routinely use false contractor license numbers, either a number that is randomly generated or one that is stolen from a licensed contractor. Furthermore, by the widespread advertising of license numbers on electronic and printed material, we are concerned CCR 135 will result in the same with the illegal offering of architectural services.

To be clear, we fully support the primary purpose of the CAB, to protect consumers. However, we question if CCR 135 will accomplish its anticipated benefit to consumers as expressed in the Initial Statement of Reasons. It is for this reason we ask the CAB to not approve advancement of the regulation proposed under Agenda Item M to the regulatory process.

AIA
California

www.aiacalifornia.org

Letter 2:

Dated December 1st, 2022

Mr. Liston

Our firm of 170 people and 40 licensed architects wishes to, once again, oppose CAB's advancement to the regulatory process the regulation proposed under Agenda Item M. CAB has previously received opposition letter(s) from our firm as well as in-person testimony. Additionally, we are concerned about the exclusive nature of this pivotal board meeting - excluding the opportunity for a virtual meeting undoubtedly reduces the ability for active participation of the licensed architects in the state. Specifically:

- The assumed costs of marketing materials is severely underestimated.
- We believe that regulating licensed professionals does nothing to regulate the unlicensed individuals marketing themselves as "architects." Focus should be placed on those unlicensed individuals and stopping their misrepresentation.
- CCR 135 is difficult to implement and unclear. We are very concerned about representing our firm's 40 licensed architects under a single license number. We have many of our Principal Architects act as the Architects of Record on projects – we do not wish their license representation to be in conflict with the license that appears on the firm's business collateral. And on business cards – is it the individual's license number or the firm representative that is referenced? Architectural licenses are issued to individuals, not firms. A single license should not

represent a firm unless you intend to license firms as an entity under a separate licensing mechanism.

We agree with the intention to protect consumers from unintentionally hiring unlicensed professionals. We do not believe the proposal will accomplish this goal but will place undue burden on the licensed professionals of this state. We ask that CAB does not advance Agenda Item M to the regulatory process and that our opposition be read into the record. We appreciate the consideration of the Board in this matter.

Thank you.

Laura Knauss | AIA | LEED AP | ALEP | Principal
She/Her/Hers

Janis Kent, FAIA, CASp, stated we are all concerned about people fraudulently stating they are architects. Architects, consumers, and the Board is concerned. There is an added concern that the public does not understand what an architect does or provides. Our profession is licensed like any other profession. However, the license is a personal license--not a company's license. The public is not educated enough about the profession and when they need an architect. Even when getting a building permit, they don't realize they will need an architect. She mentioned her website, her blog and her business are all online, yet are not advertisements. She stated that she puts her license number on every plan, proposal or document required for my work and mentioned there is a website where you can check on a person's license. All this makes this regulation unnecessary. This rule just seems like we trying to prove the Board is doing something. Ms. Kent ended by offering to work with the Board next year if the regulation comes up again. She also said she believes one of the solutions is educating the public.

Mr. Feng called for a vote on his motion. Mr. Gladstone indicated that he was not ready to vote but agreed with much of what AIA had presented. Mr. Gladstone reminded the Board that the reason they were here is to protect the public. A general discussion among the Board ensued regarding the effect of tabling this regulation. The overall effect is that it would kill the proposal and require the whole process to start over next year. Sonny Ward indicated that a vote to table it was a vote against the rule.

PUBLIC COMMENT WAS REOPENED

There was no public comment.

THE MOTION IS TO TABLE ITEM M.

Board Members Feng, Kanaani, Kwan, Jones, Pearman and Ward voted in favor, Member Gladstone voted no, and Members Lewis and Serrano abstained. Motion passed 6-1-2.

O. Closed Session - Pursuant to Government Code Sections 11126(a)(1) and (c)(3), the Board Will Meet in Closed Session to:

- 1. Perform the Annual Evaluation on the Executive Officer.**
- 2. Deliberate and Vote on Disciplinary Matters**

Closed session convened at 12:35 p.m.

The Board reconvened Open Session at 1:37 p.m. with the following members present:

Tian Feng
Sonny Ward
Robert Pearman, Jr.
Brett Gladstone
Ronald Jones
Mitra Kanaani
Ebony Lewis
Nilza Serrano

N. REVIEW OF FUTURE BOARD MEETING DATES

Laura Zuniga mentioned the upcoming year's meeting dates. She talked about the difference in holding a teleconference versus in person meetings. A schedule of planned meetings and events for 2023 are as follows:

Date	Event	Location
January 27	LATC Meeting (cancelled)	TBD
February 24	Board Meeting	TBD
April 14	LATC Meeting	TBD
May 19	Board Meeting	TBD
August 11	LATC Meeting	TBD
September 8	Board Meeting	TBD
November 3	LATC Meeting	TBD
December 1	Board Meeting	TBD

E. Election of 2023 Board Officers

Mr. Feng invited the Nominating Committee to present this item. Mr. Pearman stated that the proposed slate is Charles Ward, President; Ron Jones, Vice President; and Brett Gladstone, Secretary.

Sylvia Kwan moved to approve the slate as read by Mr. Pearman. Mr. Feng encouraged comments. Mr. Gladstone thanked President Feng for his years of service. Sonny Ward commented that he was honored to be nominated and that he will serve with transparency and active communication while carrying out his duties. He continued that he would focus on equity and inclusion during his tenure and will maintain his focus on protecting the consumer.

President Feng made the motion to elect Sonny Ward for President.

Brett Gladstone seconded the motion.

PUBLIC COMMENT

There was no public comment.

Board Members Feng, Kanaani, Kwan, Jones, Pearman, Ward, Gladstone, Lewis and Serrano voted in favor. The motion passed 9-0-0.

President Feng made the motion to elect Ron Jones for Vice President Sonny Ward seconded the motion.

PUBLIC COMMENT

There was no public comment.

Board Members Feng, Kanaani, Kwan, Jones, Pearman, Ward, Gladstone, Lewis and Serrano voted in favor. The motion passed 9-0-0.

President Feng made the motion to elect Malcolm “Brett” Gladstone for Secretary.

Ron Jones seconded the motion.

PUBLIC COMMENT

There was no public comment.

Board Members Feng, Kanaani, Kwan, Jones, Pearman, Ward, Gladstone, Lewis and Serrano voted in favor. The motion passed 9-0-0.

P. Presentation on Stanford Architectural Design Program

John Barton, Director of Stanford University’s Architecture program provided a presentation. His presentation focused on the school’s vision for agency, belonging and wellbeing. His presentation included excerpts of the program’s history, mission, curriculum, pedagogy, impact, and goals. Highlights of his presentation included:

- The program is young and was founded in the early 2000s.
- The program is disproportionately female.
- Mental and Planetary Health are the two main issues of the time.
- Stanford seeks to be the healthiest program available.
- The program focuses on the wellbeing of the student first.
- He offered the school’s strategic goals which included providing students an education that allows them to further their lives by giving them opportunities of the future grad school or career of choice.
- To be the healthiest program at Stanford on personal, programmatic, and planetary levels.

- Be a beacon for change in architectural education.

Mr. Barton then took questions. Ms. Serrano asked about the school's demographics. Mr. Barton related that his program was one of the most diverse on campus. Ms. Kanaani asked how or if the program was able to implement an interdisciplinary approach? Mr. Barton responded that they are always open to interaction and involvement in different areas of study and that the school was working on it. Mr. Gladstone commented that he is impressed that the school was so concerned about the students' wellness. He continued by asking why the school was focusing on racism and not the other protected classes. Mr. Barton replied that the school is looking to improve the focus on the other protected classes.

D. Public Comment on Items Not on the Agenda

Mark Christian, AIA CA, congratulated Mr. Ward, Mr. Jones and Mr. Gladstone on their new positions. He continued by saying he was honored to have worked with such a great Board. Mr. Christian then introduced Scott Terrell, the new AIA CA Director of Government Relations. He will be the new representative from the AIA. Mr. Terrell said he is looking forward to working with the Board.

F. Review and Possible Action on Board Meeting Minutes

President Feng opened the item asking for comments. There were none.

Nilza Serrano moved to approve the September 16, 2022, Board Meeting minutes.

Mitra Kanaani seconded the motion.

Members Feng, Jones, Ward, Pearman, Gladstone & Kanaani voted in favor, Members Lewis and Serrano voted against, and Member Kwan was absent. The motion passed 6-2-0.

G. Budget Update

Ms. Zuniga presented this item. She shared that a statutory fee increase would be required soon but the Board is in better financial shape. This will allow a deeper fee increase study be conducted next year. Mr. Jones had a financial question about savings and Zuniga responded that staff savings would be most effective.

PUBLIC COMMENT

There was no public comment.

H. Update and Discussion of NCARB

Ms. Zuniga stated that there was nothing to report but added that NCARB is starting to focus on Diversity, Equity, and Inclusion.

PUBLIC COMMENT

There was no public comment.

I. Update on Committees

a. LATC

Ms. Zuniga began by saying there are three motions in her report that call for a vote.

She provided a short history of sub item i. and stated that recent developments have made this sub item moot and no action needs to be taken.

- i. Discuss and Possible Action on Proposed Regulatory Language to Amend CCR, Title 16, Division 26, Article 1, Section 2615 (Form of Examinations) as an Emergency Rulemaking
- ii. Discuss and Possible Action on Modified Proposed Regulatory Language to Amend CCR, Title 16, Division 26, Article 1, Section 2680 (Disciplinary Guidelines)

Due to concerns from the OAL reviewing attorney regarding license surrender while on probation as well as continuing education courses and providers, the regulatory package was withdrawn on September 20, 2022. Staff worked with LAD to address the concerns and issue a 15-day Notice of Modified Text. The public comment period on the Modified Text commenced on October 14, 2022 and ended on October 31, 2022. No comments were received.

Ms. Zuniga read the proposed motion: **The Board is asked to consider a motion to approve and adopt the proposed Modified Text to amend 16 CCR section 2680, and as there were no adverse comments received during the 15-day public comment period, delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file and to adopt the proposed Second Modified Text as noticed.**

PUBLIC COMMENT

There was no public comment.

The motion was moved by Sonny Ward.

Nilza Serrano seconded the motion.

Members Feng, Jones, Ward, Pearman, Gladstone, Kanaani, Lewis and Serrano voted in favor. The motion passed 8-0-0 with Member Kwan absent.

iii. Discuss and Possible Action on Proposal to Amend the Committee's Fee Schedule

The Board is asked to review the proposed LATC fee schedule and recommend to the Legislature that the statutory fee caps under BPC section 5681 (Schedule of Fees) be raised.

Ms. Zuniga shared that the LATC budget is not strong and LATC is considering a fee increase. She spoke on that process and how a fee study has already been produced. Jon Wreschinsky stated that the LATC does not want to make the fee structure prohibitive to candidates. He also stated that the LATC will operate at a deficit next year. Mr. Jones asked if there is any regulatory enforcement being considered and if LATC is finding ways to entice and incentivize people to get their license. Mr. Wreschinsky replied they realize that the size of the LATC license population was much smaller than CAB's and made it more difficult to initiate any enforcement to increase licensure. LATC feels it came up with a reasonable solution to a difficult problem. He also stated that they need to encourage people to get their license. He ended by asking the Board to support sub item iii.

Ms. Zuniga read the proposed motion: **The Board is asked to consider a motion to approve and adopt the proposed Modified Text to amend 16 CCR section 2680, and as there were no adverse comments received during the 15-day public comment period, delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file and to adopt the proposed Second Modified Text as noticed.**

PUBLIC COMMENT

There was no public comment.

The motion was moved by Nilza Serrano.

Brett Gladstone seconded the motion.

Members Feng, Jones, Ward, Pearman, Gladstone, Kanaani, Lewis and Serrano voted in favor. The motion passed 8-0-0 with Member Kwan absent.

b. November 18, 2022 REC Meeting

Ms. Zuniga discussed the Regulatory and Enforcement Committee's Strategic Plan Objectives. She explained that the EO report will provide more information about enforcement cases to inform and educate the public. She also spoke about the goal of creating common narratives to better educate architects and consumers.

PUBLIC COMMENT

There was no public comment.

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

Ms. Zuniga started her report by saying the Business Modernization project will roll out its first phase in February. She highlighted the following: personnel changes, the new outreach program for Zero Net Carbon Design continuing education requirements, increase in social media followers, LATC regulatory progress, and ARE pass rates, Mr. Pearman asked if there were any changes in the enforcement numbers. Ms. Zuniga replied that those numbers were consistent.

PUBLIC COMMENT

There was no public comment.

K. DISCUSS AND POSSIBLE ACTION ON PROPOSED MODIFIED REGULATORY TEXT FOR CCR, TITLE 16, DIVISION 2, ARTICLES 2 AND 7, SECTIONS 109.1 (RETIRED LICENSE APPLICATION) AND 144 (RETIRED LICENSE FEE), PROPOSED MODIFICATIONS TO TEXT

Mr. Feng introduced this regulatory item sharing the Board has already approved this regulation and that staff have a small change. Ms. Halbo explained that the proposed modified text makes it very clear that someone retiring and returning to practice does not have to go and get a brand-new degree. The proposed modified text was circulated for 15-day public comment. The Board is asked to adopt the modified text.

Mr. Feng made a motion that the Board consider the proposed Modified Text which was circulated from October 5, 2022 to October 25, 2022, and received two public comments in support, entertain a motion to approve and adopt the rulemaking text as modified, direct staff to take all necessary steps to complete the rulemaking process, delegate to the Executive Officer the authority to make any technical or non-substantive changes to the proposed regulations that may be required in completing the rulemaking file and adopt the proposed regulatory changes.

Ebony Lewis seconded the motion.

PUBLIC COMMENT

Mr. Christian, AIA CA, supports the regulation.

Members Feng, Gladstone, Jones, Kanaani, Lewis, Pearman, Serrano, and Ward voted in favor of the motion. Motion passed 8-0. Member Kwan was absent for the vote.

L. DISCUSS AND ACTION ON PROPOSED REGULATORY LANGUAGE FOR CCR, TITLE 16, DIVISION 2, ARTICLE 7, SECTION 144 (FEES) AND PROPOSED RESPONSES TO PUBLIC COMMENTS

Ms. Zuniga shared there is a handout to accompany this agenda item. Ms. Halbo explained that the Board memo (handout) provides each comment and identifies

why the Board chose not to make any changes. The Board is asked to approve the comments and to direct the EO to finish the rulemaking process.

Ms. Serrano made a motion to the Board upon reviewing and considering the public comments received during the 45-day public comment period and during the public hearing, to adopt the proposed response to the written comments, direct staff to take all steps necessary to complete the rulemaking process, delegate to the Executive Officer the authority to make any technical or non-substantive changes to the proposed regulations that may be required in completing the rulemaking file and adopt the proposed regulatory changes.

Robert Pearman seconded the motion.

PUBLIC COMMENT

Mark Christian stated that AIA CA has no position on this and supports the Board in having the necessary funds to carry out its mission and protecting the public.

Mr. Christian elaborated that many years ago the statutory cap was raised from \$200 to \$400 with legislation jointly sponsored by AIA CA and CAB. He said that AIA CA would not advocate for higher fees for AIA CA members, but fully supports the Board having the means to carry out its duties.

Members Feng, Gladstone, Jones, Kanaani, Lewis, Pearman, Serrano, and Ward voted in favor of the motion. Motion passed 8-0. Member Kwan was absent for the vote.

Outgoing President Tian Feng thanked the Board and staff for making his experience as Board President memorable. He also thanked Mark Christian and AIA. He announced that a Memorandum of Understanding has been signed between CAB and AIA. He ended by saying, Thank you all.

R. Adjournment

The meeting was adjourned at 3:50 p.m.

Department of Consumer Affairs

Expenditure Projection Report

California Architects Board

Reporting Structure(s): 11110310 Support

Fiscal Month: 6

Fiscal Year: 2022 - 2023

Run Date: 01/20/2023

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$1,666,000	\$1,435,104	\$1,701,000	\$130,110	\$719,619	\$0	\$719,619	\$1,559,631	\$141,369
5100	TEMPORARY POSITIONS	\$0	\$49,284	\$0	\$50	\$33,902	\$0	\$33,902	\$33,952	-\$33,952
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$10,000	\$11,208	\$10,000	\$800	\$1,400	\$0	\$1,400	\$4,100	\$5,900
5150	STAFF BENEFITS	\$958,000	\$860,000	\$1,040,000	\$81,419	\$459,595	\$0	\$459,595	\$971,973	\$68,027
	PERSONAL SERVICES	\$2,634,000	\$2,355,596	\$2,751,000	\$212,379	\$1,214,516	\$0	\$1,214,516	\$2,569,656	\$181,344

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$22,000	\$14,296	\$22,000	\$237	\$6,894	\$524	\$7,418	\$16,151	\$5,849
5302	PRINTING	\$20,000	\$28,803	\$20,000	\$1,566	\$4,031	\$12,059	\$16,089	\$27,089	-\$7,089
5304	COMMUNICATIONS	\$9,000	\$8,254	\$9,000	\$247	\$2,336	\$0	\$2,336	\$8,846	\$154
5306	POSTAGE	\$70,000	\$12,220	\$70,000	\$0	\$596	\$0	\$596	\$10,730	\$59,270
5308	INSURANCE	\$0	\$45	\$0	\$0	\$0	\$0	\$0	\$45	-\$45
53202-204	IN STATE TRAVEL	\$96,000	\$2,416	\$96,000	\$271	\$401	\$0	\$401	\$2,401	\$93,599
53206-208	OUT OF STATE TRAVEL	\$0	\$760	\$0	\$0	\$1,351	\$0	\$1,351	\$1,351	-\$1,351
5322	TRAINING	\$21,000	\$0	\$21,000	\$0	\$0	\$0	\$0	\$1,000	\$20,000
5324	FACILITIES	\$300,000	\$213,850	\$300,000	\$18,424	\$107,254	\$104,771	\$212,025	\$221,223	\$78,777
53402-53403	C/P SERVICES (INTERNAL)	\$124,000	\$175,030	\$123,000	\$2,830	\$36,784	\$0	\$36,784	\$113,656	\$9,344
53404-53405	C/P SERVICES (EXTERNAL)	\$504,000	\$191,367	\$551,000	\$26,071	\$99,376	\$146,791	\$246,167	\$448,763	\$102,237
5342	DEPARTMENT PRORATA	\$1,000,000	\$895,193	\$1,076,000	\$260,250	\$780,750	\$0	\$780,750	\$1,076,000	\$0
5342	DEPARTMENTAL SERVICES	\$0	\$57,216	\$0	\$8	\$15,393	\$0	\$15,393	\$78,306	-\$78,306
5344	CONSOLIDATED DATA CENTERS	\$14,000	\$8,299	\$14,000	\$3	\$144	\$0	\$144	\$40,213	-\$26,213
5346	INFORMATION TECHNOLOGY	\$189,000	\$65,904	\$126,000	\$0	\$631	\$19,209	\$19,840	\$97,425	\$28,575
5362-5368	EQUIPMENT	\$38,000	\$28,922	\$0	\$620	\$2,902	\$4,371	\$7,273	\$8,628	-\$8,628
5390	OTHER ITEMS OF EXPENSE	\$0	\$1,047	\$0	\$0	\$0	\$0	\$0	\$0	\$0
54	SPECIAL ITEMS OF EXPENSE	\$0	\$1,755	\$0	\$0	\$0	\$0	\$0	\$0	\$0
57	INTERNAL COST RECOVERY	\$0	-\$26,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	OPERATING EXPENSES & EQUIPMENT	\$2,407,000	\$1,679,377	\$2,428,000	\$310,526	\$1,058,841	\$287,725	\$1,346,566	\$2,151,828	\$276,172

OVERALL TOTALS		\$5,041,000	\$4,034,973	\$5,179,000	\$522,905	\$2,273,357	\$287,725	\$2,561,082	\$4,721,484	\$457,516
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57 INTERNAL COST RECOVERY		-\$26,000		-\$26,000					-\$26,000	
REIMBURSEMENTS		-\$5,000		-\$5,000					-\$5,000	
OVERALL NET TOTALS		\$5,010,000	\$4,034,973	\$5,148,000	\$522,905	\$2,273,357	\$287,725	\$2,561,082	\$4,690,484	\$457,516

8.89%

Department of Consumer Affairs

Revenue Projection Report

Reporting Structure(s): 11110310 Support

Fiscal Month:

Fiscal Year: 2022 - 2023

Run Date: 01/20/2023

Revenue

Fiscal Code	Line Item	Budget	July	August	September	October	November	December	Year to Date	Projection To Year End
	Delinquent Fees	\$25,000	\$1,500	\$2,100	\$3,200	\$1,500	\$1,500	\$1,400	\$11,200	\$26,500
	Other Regulatory Fees	\$22,000	\$6,045	\$1,921	\$1,205	\$1,294	\$2,327	\$1,650	\$14,442	\$26,301
	Other Regulatory License and Permits	\$511,000	\$23,475	\$30,505	\$34,140	\$27,450	\$25,955	\$22,745	\$164,270	\$361,680
	Other Revenue	\$37,000	\$800	\$302	\$250	\$13,393	\$2,717	\$25	\$17,488	\$32,370
	Renewal Fees	\$2,809,000	\$5,550	\$8,850	\$13,965	\$7,485	\$32,250	\$168,200	\$236,300	\$2,817,567
	Revenue	\$3,404,000	\$37,370	\$43,678	\$52,760	\$51,122	\$64,749	\$194,020	\$443,700	\$3,264,418

Reimbursements

Fiscal Code	Line Item	Budget	July	August	September	October	November	December	Year to Date	Projection To Year End
	Unscheduled Reimbursements	\$0	\$1,408	\$1,306	\$1,000	\$1,121	\$653	\$1,000	\$6,488	\$6,488
	Reimbursements	\$0	\$1,408	\$1,306	\$1,000	\$1,121	\$653	\$1,000	\$6,488	\$6,488

0706 - California Architects Board Fund Analysis of Fund Condition
(Dollars in Thousands)
2023-24 Governor's Budget with FM 6 Projections

Prepared 1.31.2023

	Actuals 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25	BY +2 2025-26
BEGINNING BALANCE					
Prior Year Adjustment	\$ 4,509	\$ 4,435	\$ 2,647	\$ 2,969	\$ 671
Adjusted Beginning Balance	\$ 101	\$ -	\$ -	\$ -	\$ -
	\$ 4,610	\$ 4,435	\$ 2,647	\$ 2,969	\$ 671
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 63	\$ 26	\$ 63	\$ 26	\$ 63
4127400 - Renewal fees	\$ 3,904	\$ 2,818	\$ 5,146	\$ 2,818	\$ 5,146
4129200 - Other regulatory fees	\$ 15	\$ 26	\$ 25	\$ 26	\$ 25
4129400 - Other regulatory licenses and permits	\$ 366	\$ 362	\$ 428	\$ 362	\$ 428
4163000 - Income from surplus money investments	\$ 21	\$ 28	\$ 51	\$ 10	\$ 11
4171400 - Escheat of unclaimed checks and warrants	\$ 2	\$ 4	\$ -	\$ -	\$ -
Totals, Revenues	\$ 4,371	\$ 3,264	\$ 5,713	\$ 3,242	\$ 5,673
Transfers to Other Funds					
Operating Transfers To General Fund 0001 per EO E 21/22-276 Revised (AB 84)	\$ -180	\$ -	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ -180	\$ -	\$ -	\$ -	\$ -
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 4,191	\$ 3,264	\$ 5,713	\$ 3,242	\$ 5,673
TOTAL RESOURCES	\$ 8,801	\$ 7,699	\$ 8,360	\$ 6,211	\$ 6,344
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,025	\$ 4,690	\$ 4,966	\$ 5,115	\$ 5,268
9892 Supplemental Pension Payments (State Operations)	\$ 95	\$ 95	\$ 95	\$ 95	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 246	\$ 267	\$ 330	\$ 330	\$ 330
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 4,366	\$ 5,052	\$ 5,391	\$ 5,540	\$ 5,598
FUND BALANCE					
Reserve for economic uncertainties	\$ 4,435	\$ 2,647	\$ 2,969	\$ 671	\$ 746
Months in Reserve	10.5	5.9	6.4	1.4	1.6

NOTES:

1. Assumes workload and revenue projections are realized in BY +1 and ongoing.
2. Expenditure growth projected at 3% beginning BY +1.

AGENDA ITEM H: Hearing on Petition for Reinstatement of License – Jacob Slater Bunting

Summary

Pursuant to the California Administrative Procedures Act, the California Architects Board will consider a Petition to Reinstatement the License in the Matter of the Accusation and Decision against Jacob Slater Bunting. This will be a formal hearing. An administrative law judge from the Office of Administrative Hearings will preside over the proceedings. Mr. Bunting will be present, and Deputy Attorney General Anahita S. Crawford will represent the people of the State of California.

The Board will hear and consider evidence regarding Mr. Bunting's competence and rehabilitation, as it relates to:

1) the nature and severity of the acts which resulted in the revocation of his license; 2) the time that has elapsed since the commission of the acts; and 3) compliance with the terms of restitution and/or other sanctions lawfully imposed.

Action Requested

After the hearing, the Board will enter Closed Session to consider and evaluate all competence evidence presented and render a decision in the matter of Mr. Bunting's petition.

AGENDA ITEM I: UPDATE AND DISCUSSION OF NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Summary

1. Update and Discussion of Committee Meetings

Attachment

1. NCARB Draft Governance Concepts



NCARB Governance Workgroup

Working Draft Concepts

For Member Review and Comment



A note to our fellow NCARB members,

This slide deck summarizes our first four months of work on your behalf, including revisions to our work in response to initial feedback from the community. We will continue to listen, learn, and refine this work in the coming months.

There are bold ideas in these proposals, and we know that will be exciting to some and concerning to others. Our goal is clear and consistent: NCARB needs strong governance that represents all our members and their interests. Regional leaders have been the backbone of our National Board and they will continue to be integral to our leadership. We're proposing opening pathways to Board service so that our incredible NCARB Committee members can serve. And so our Member Board Members can serve. And so others with knowledge and experience can serve.

NCARB should be governed by all, for all.

We look forward to your thoughts – comments, concerns and questions are all welcome.

Sincerely,
NCARB Governance Workgroup
Jennifer, Jon, Cathy, Coffee and Alfred

■ Table of Contents

- Rationale for Governance Review
- Governance Workgroup Charge & Timeline
- Proposed Regional Alignment
- Proposed National Board Structure
- Proposed Process to Select Board
- Transition Planning
- Appendix
- Not-For-Profit Governance Best Practices



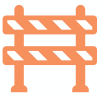
Rationale For This Governance Review



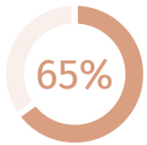
The Board is not representative of the gender and racial diversity of society or the profession



The leadership pathway is unnecessarily long



There are barriers to an equitable and inclusive path to leadership



Believe at least moderate or significant change is needed (n=157)



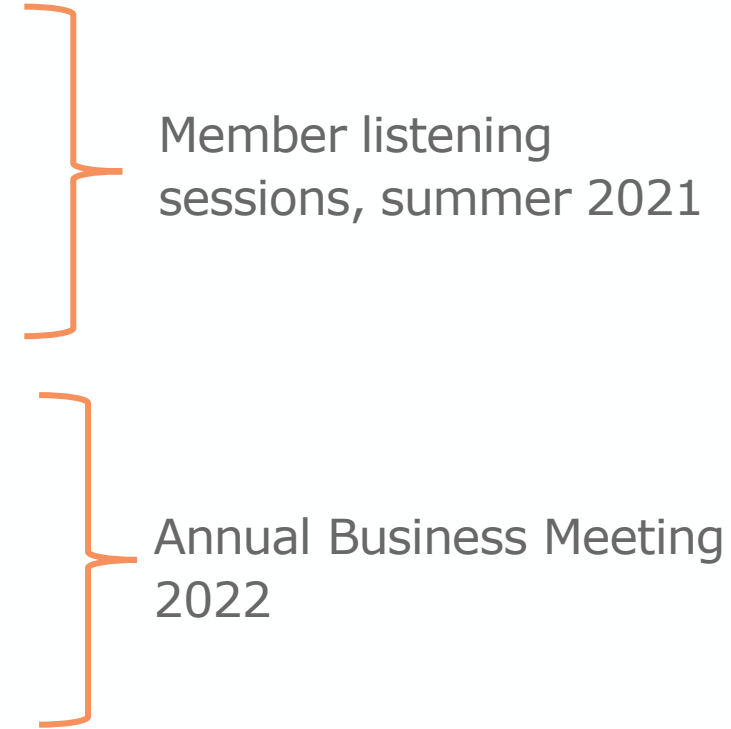
Believe NCARB governance does not reflect the communities we serve. (n=151)



Discussions about Regional Realignment have been underway for many, many years



A resolution proposing governance changes was tabled in 2021 with a commitment to further examine the issue





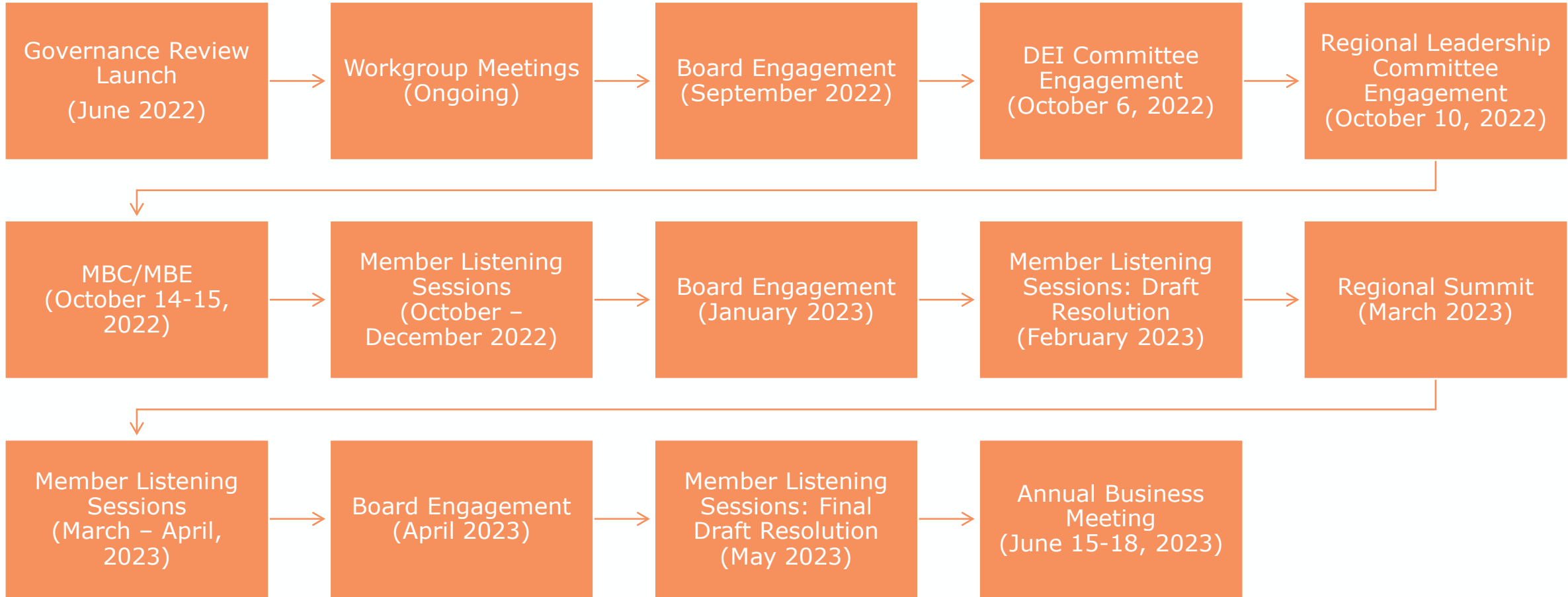
Governance Workgroup Charge

To assess the current NCARB governance structure; identify opportunities to evolve in alignment with best governance practices and with an eye to diversity, equity and inclusion.



Governance Review Timeline

Note: this is a dynamic timeline; additional milestones will be added as needed





Initial member feedback encouraged the Workgroup to provide more specific details on Regional Realignment. Those are included on the next slide.

Proposed Regional Realignment

Regions are important for many reasons and will remain an essential part of our governance. Among the many benefits of our regional structure are:

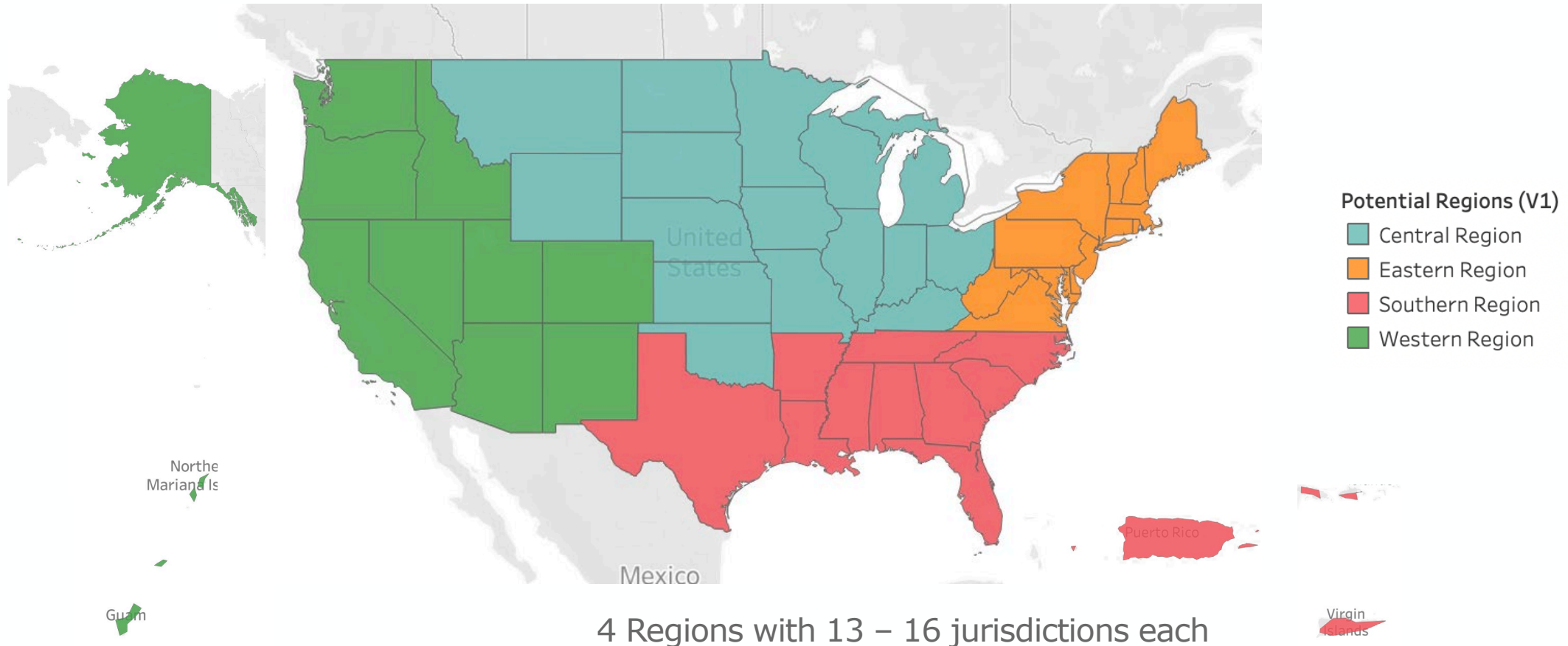
- Creation of a community of peers
- Leadership development opportunities
- Development of a volunteer pipeline for NCARB

The current Region structure does have limitations, including:

- Significantly different numbers of jurisdictions in some Regions
- Limited pool of volunteers in some Regions
- Distribution of racial/ethnic diversity differs by geography



Proposed Regional Realignment



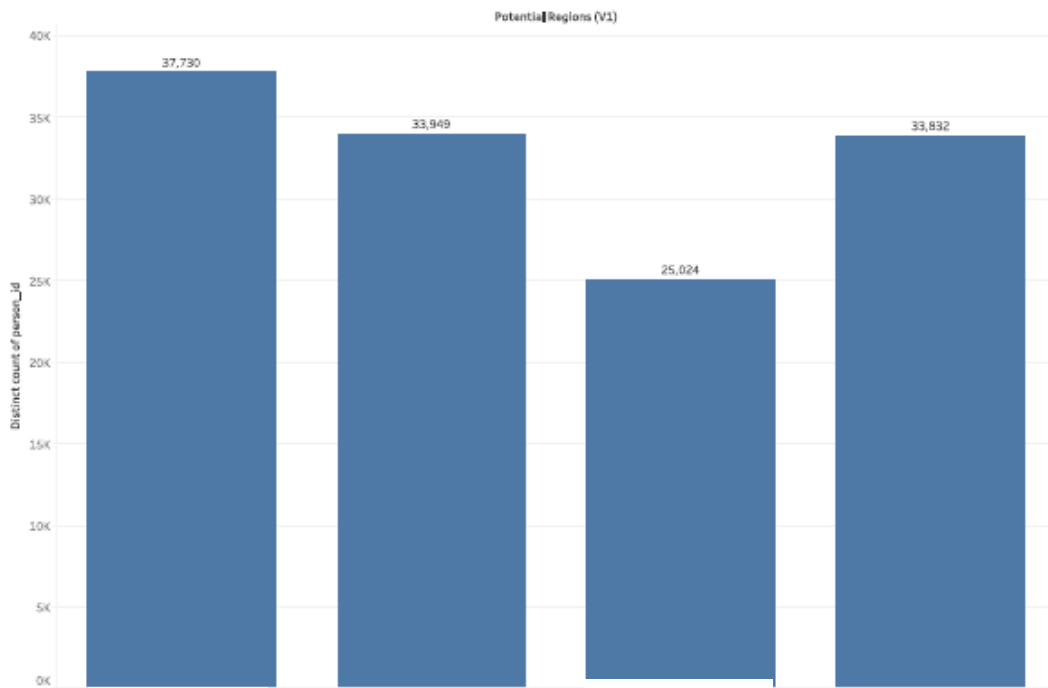
Regions 1 and 2 are combined to create the Eastern Region

Regions 4 and 5 are combined to create the Central Region

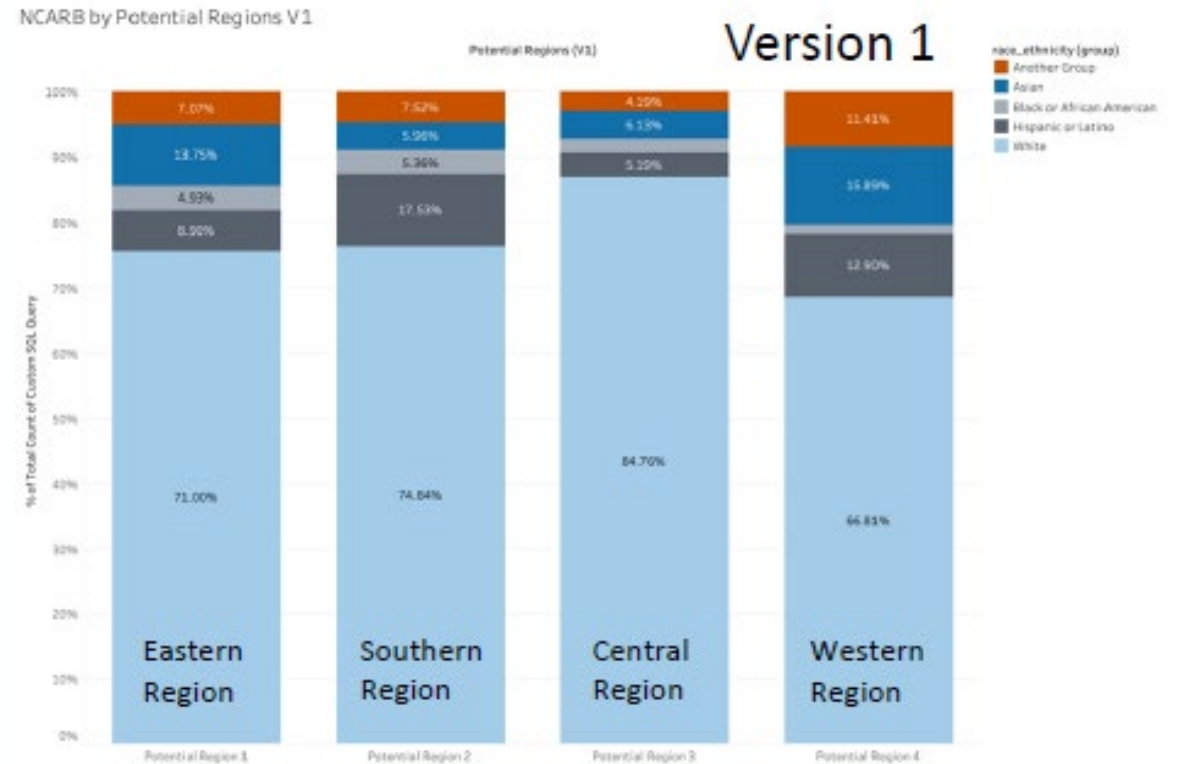


Regional Realignment Impacts

Volume of NCARB Record Holders



Improved distribution of underrepresented racial and ethnic identities



Members had questions on the roles of Regions on the Board. Additional potential structures have been added for consideration. Note: if the membership opts not to make changes to the Region structure, that will impact Board structure options.

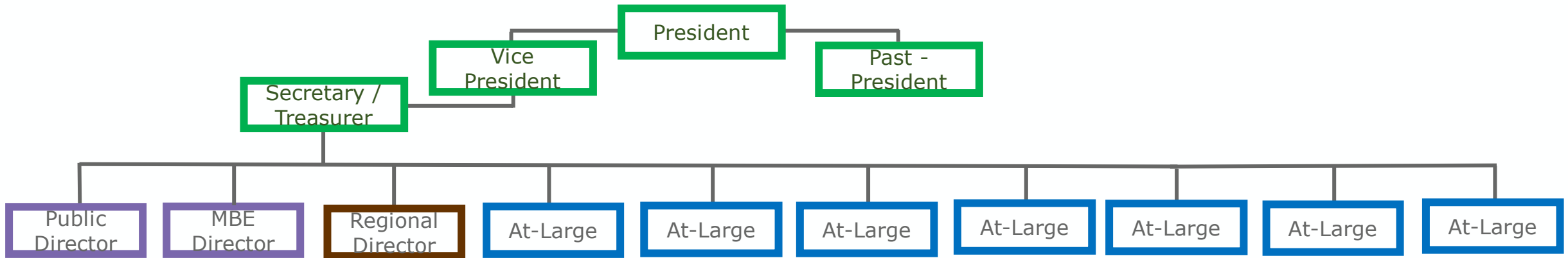
Proposed National Board Structure

- Geographically organized boards is no longer considered a best practice. Instead, structuring a board around knowledge and experience is the most up to date best practice
- More than ten options were considered by the Workgroup before agreeing on an initial proposal
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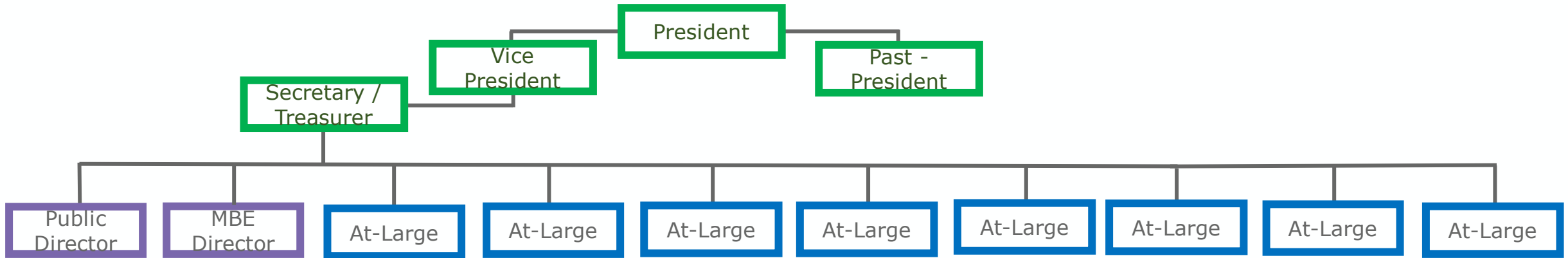


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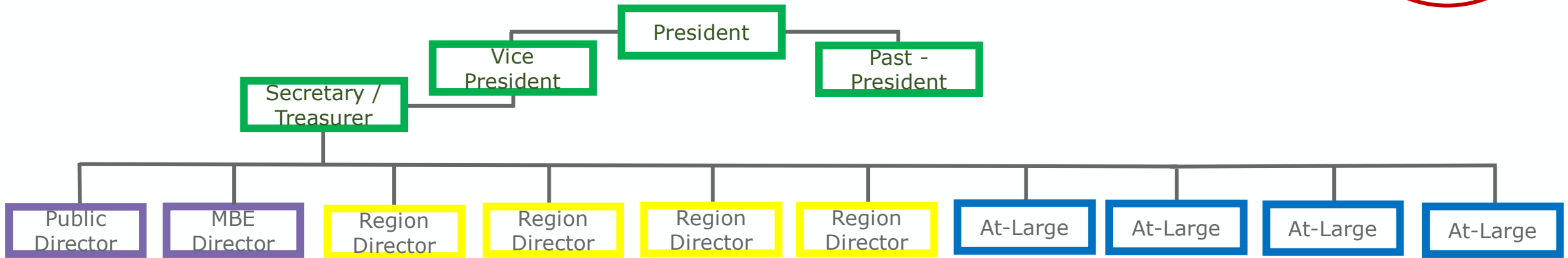


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These pathways apply to all corresponding positions in any of the 3 structure options

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Service on a Region Board – any current position

Regional Director

Service on a Region Board – any position, current or past

At-Large

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No change; public members of Member Boards

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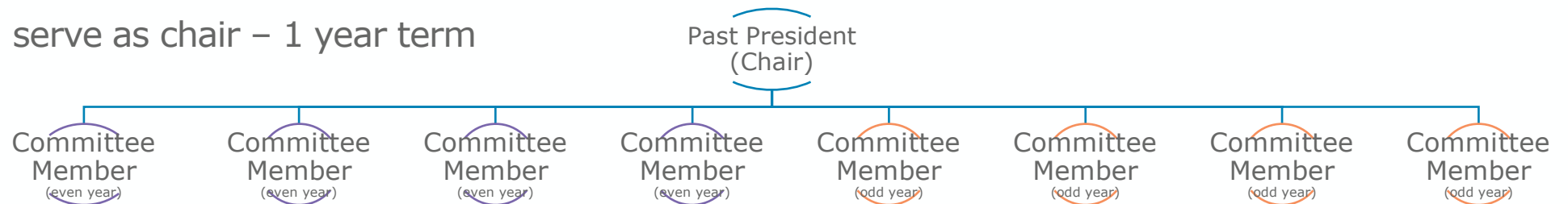
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No member of the LDC may serve on the Board (other than Past President) and may not run for the Board for at least 2 years after completing service.

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Proposed

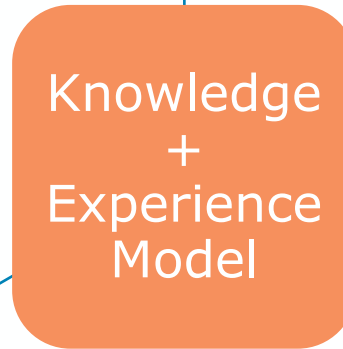
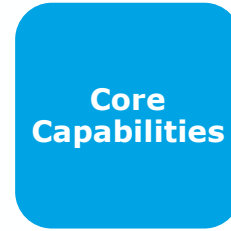
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The NCARB Board will be composed through alignment with the Policy and will result in a Board that is:

- Gender balanced
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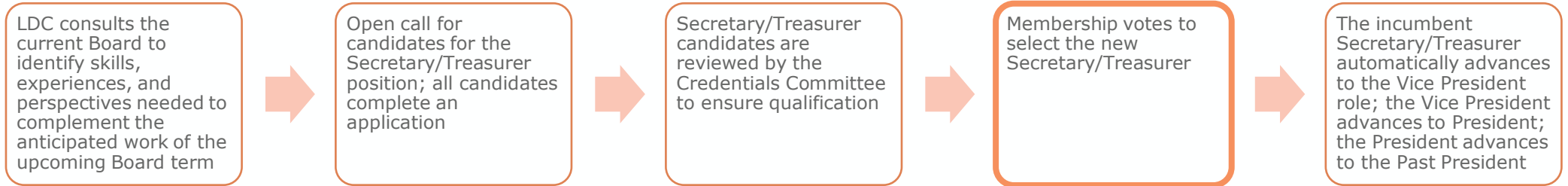
- Other perspectives that bring value to NCARB's mission such as a recently licensed architect, an educator, etc.



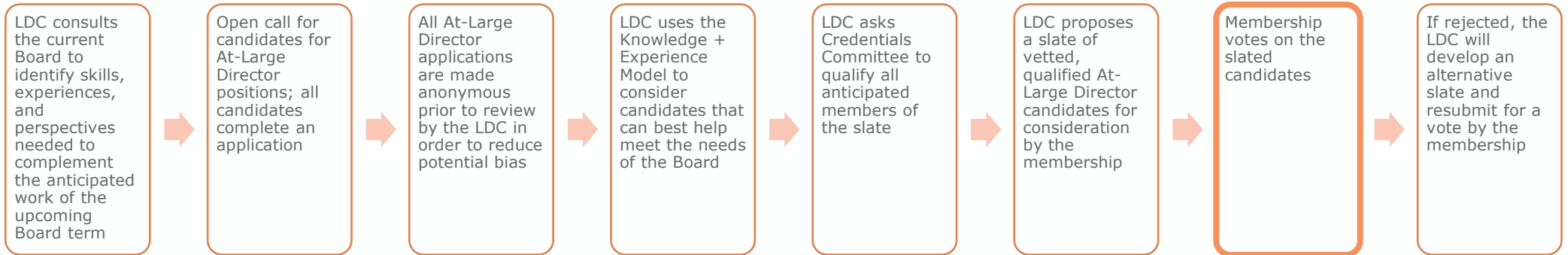
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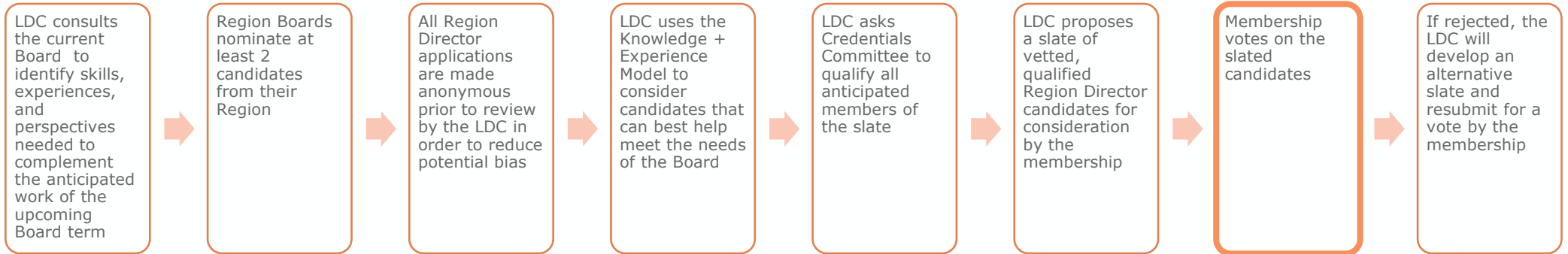
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Transition Planning

- There will be a phased transition over several years



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Reminder: the MBE and Public Directors will not be impacted by any changes.

No changes will impact the 2023 Annual Business Meeting in Tampa

If the membership approves, the Leadership Development Committee will be appointed post-Tampa. They will begin their work for the 2024 Annual Business Meeting

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Please share your feedback:
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NCARB

LET'S GO FURTHER

NCARB Governance Workgroup

Working Draft Concepts

For Member Review and Comment

A note to our fellow NCARB members,

This slide deck summarizes our first four months of work on your behalf, including revisions to our work in response to initial feedback from the community. We will continue to listen, learn, and refine this work in the coming months.

There are bold ideas in these proposals, and we know that will be exciting to some and concerning to others. Our goal is clear and consistent: NCARB needs strong governance that represents all our members and their interests. Regional leaders have been the backbone of our National Board and they will continue to be integral to our leadership. We're proposing opening pathways to Board service so that our incredible NCARB Committee members can serve. And so our Member Board Members can serve. And so others with knowledge and experience can serve.

NCARB should be governed by all, for all.

We look forward to your thoughts – comments, concerns and questions are all welcome.

Sincerely,
NCARB Governance Workgroup
Jennifer, Jon, Cathy, Coffee and Alfred

■ Table of Contents

- Rationale for Governance Review
- Governance Workgroup Charge & Timeline
- Proposed Regional Alignment
- Proposed National Board Structure
- Proposed Process to Select Board
- Transition Planning
- Appendix
- Not-For-Profit Governance Best Practices

Rationale For This Governance Review



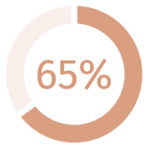
The Board is not representative of the gender and racial diversity of society or the profession



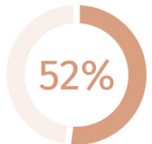
The leadership pathway is unnecessarily long



There are barriers to an equitable and inclusive path to leadership



Believe at least moderate or significant change is needed (n=157)



Believe NCARB governance does not reflect the communities we serve. (n=151)



Discussions about Regional Realignment have been underway for many, many years



A resolution proposing governance changes was tabled in 2021 with a commitment to further examine the issue

Member listening sessions, summer 2021

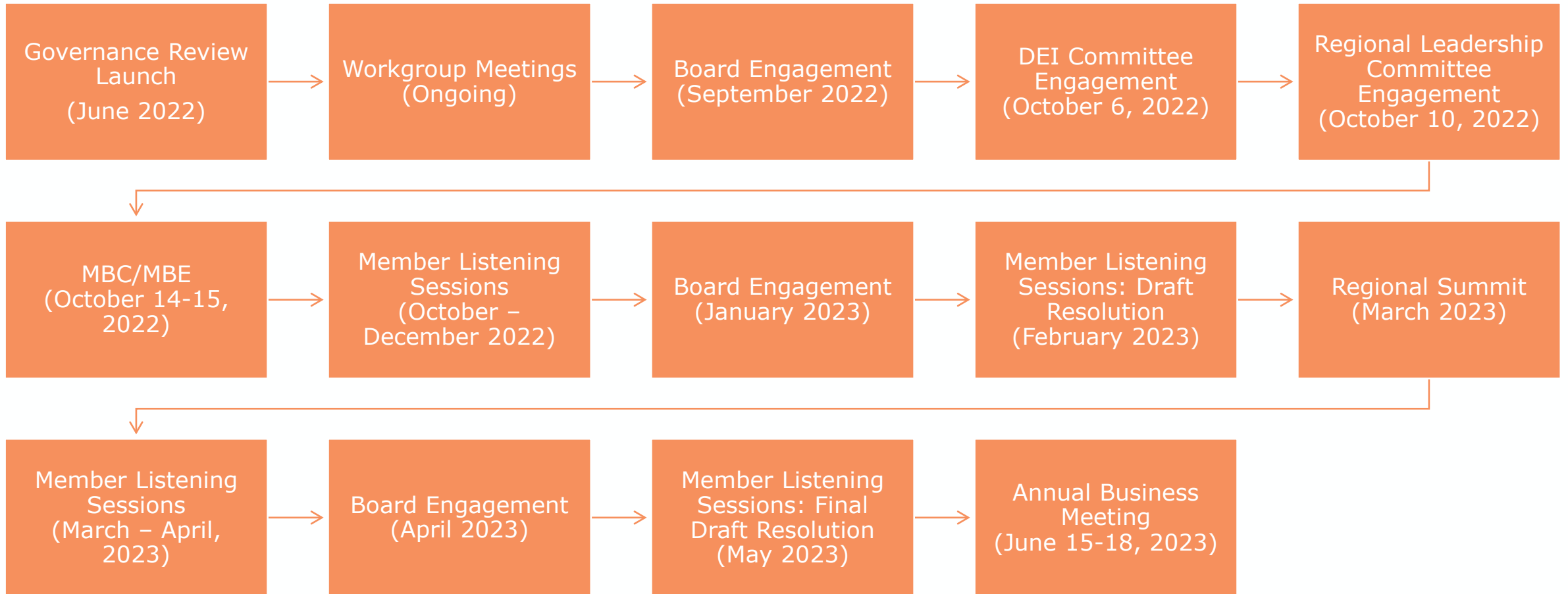
Annual Business Meeting 2022

Governance Workgroup Charge

To assess the current NCARB governance structure; identify opportunities to evolve in alignment with best governance practices and with an eye to diversity, equity and inclusion.

Governance Review Timeline

Note: this is a dynamic timeline; additional milestones will be added as needed



Initial member feedback encouraged the Workgroup to provide more specific details on Regional Realignment. Those are included on the next slide.

Proposed Regional Realignment

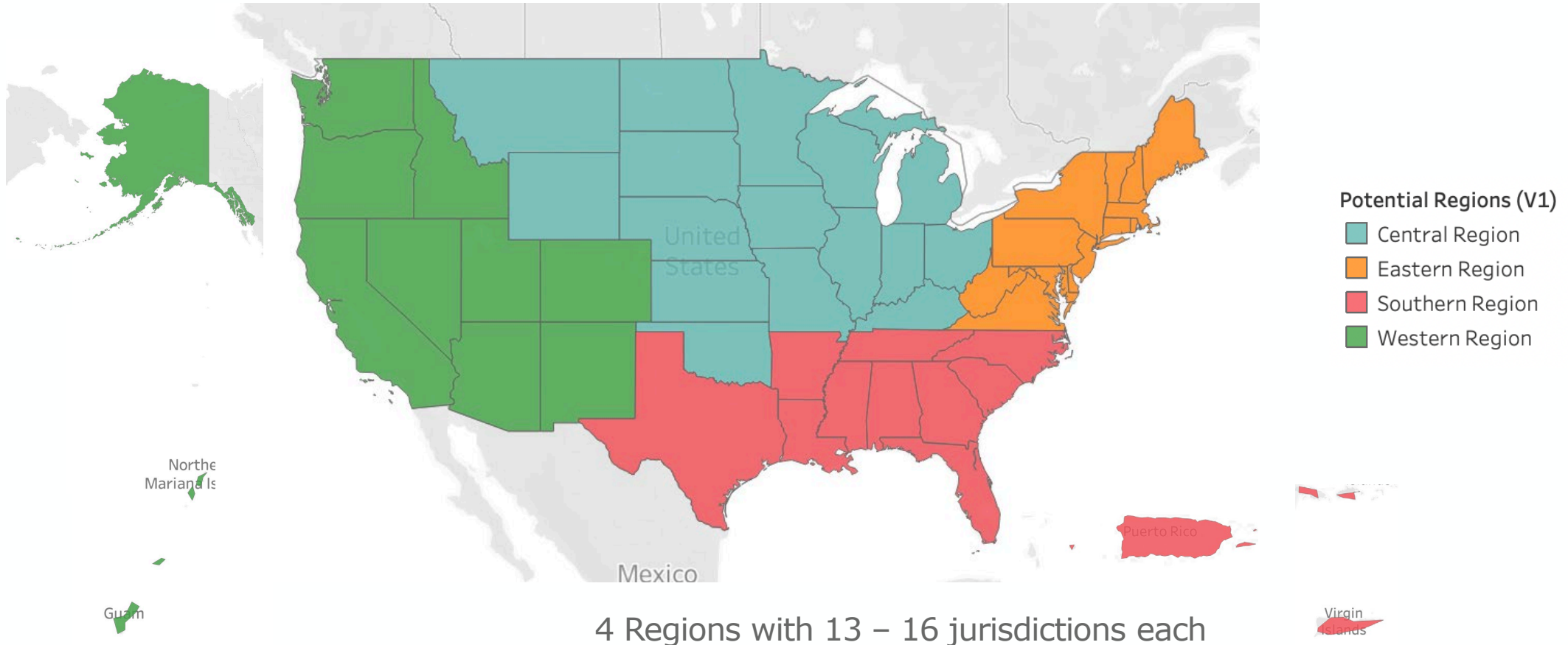
Regions are important for many reasons and will remain an essential part of our governance. Among the many benefits of our regional structure are:

- Creation of a community of peers
- Leadership development opportunities
- Development of a volunteer pipeline for NCARB

The current Region structure does have limitations, including:

- Significantly different numbers of jurisdictions in some Regions
- Limited pool of volunteers in some Regions
- Distribution of racial/ethnic diversity differs by geography

Proposed Regional Realignment

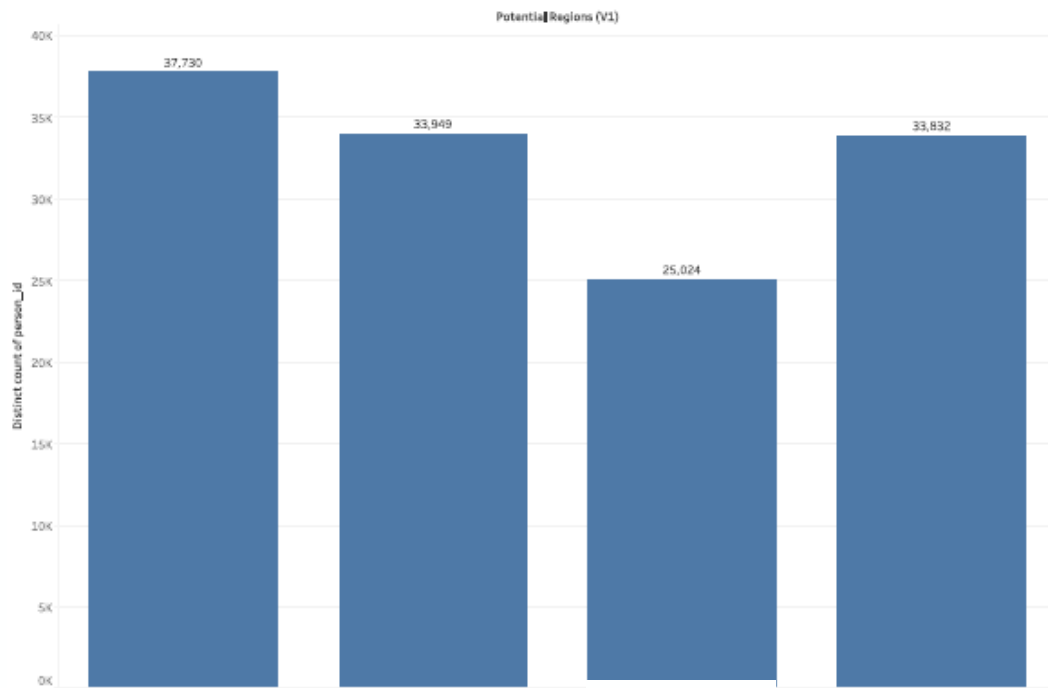


Regions 1 and 2 are combined to create the Eastern Region

Regions 4 and 5 are combined to create the Central Region

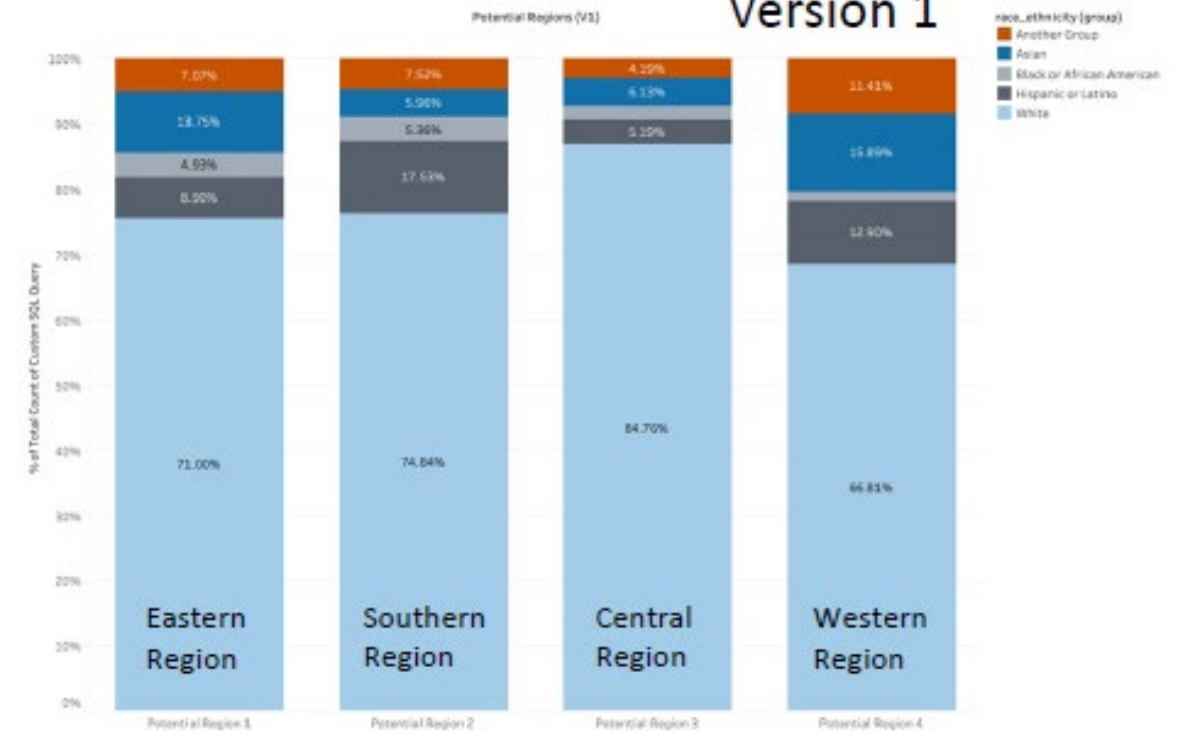
Regional Realignment Impacts

Volume of NCARB Record Holders



Improved distribution of underrepresented racial and ethnic identities

NCARB by Potential Regions V1



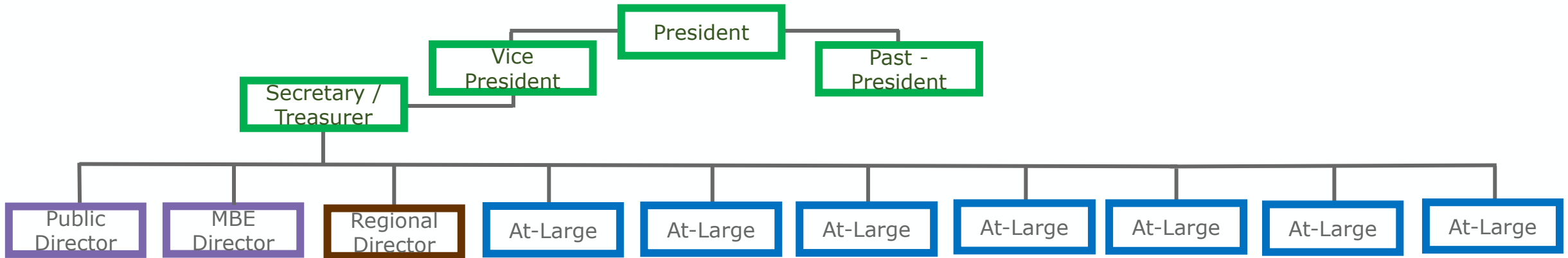
Members had questions on the roles of Regions on the Board. Additional potential structures have been added for consideration. Note: if the membership opts not to make changes to the Region structure, that will impact Board structure options.

Proposed National Board Structure

- Geographically organized boards is no longer considered a best practice. Instead, structuring a board around knowledge and experience is the most up to date best practice
- More than ten options were considered by the Workgroup before agreeing on an initial proposal
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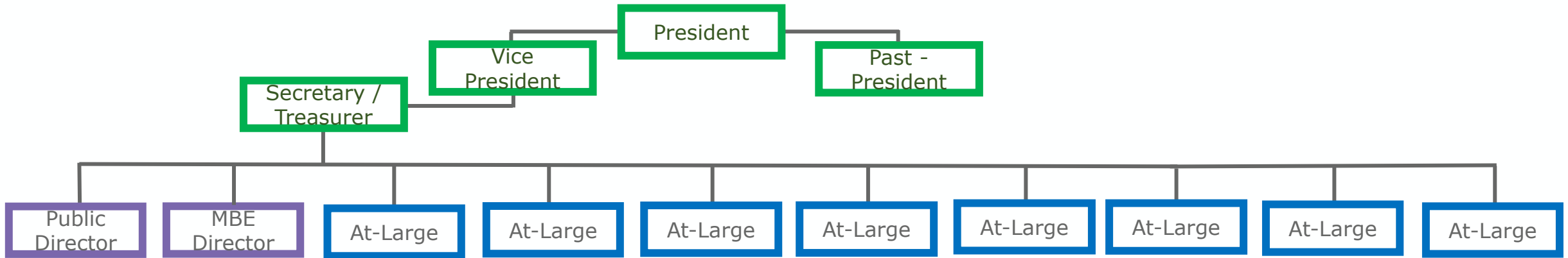
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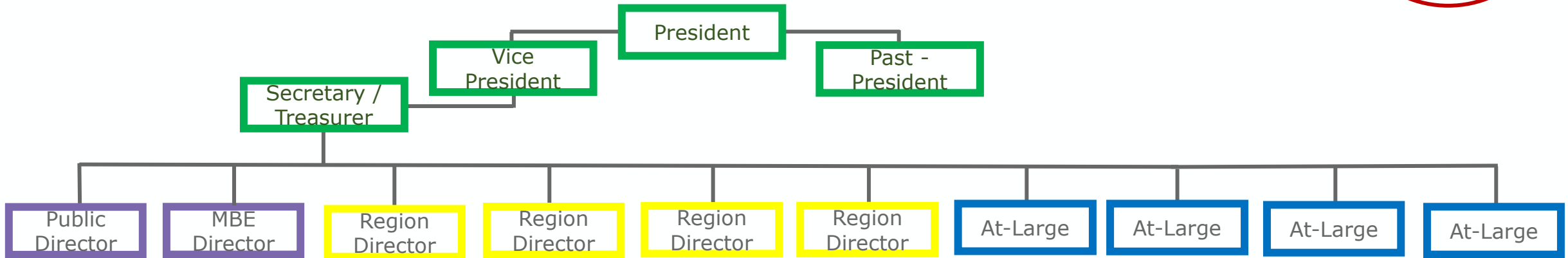
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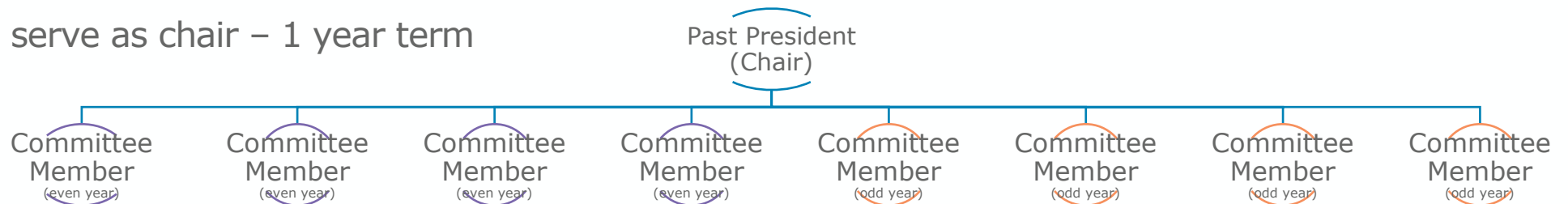
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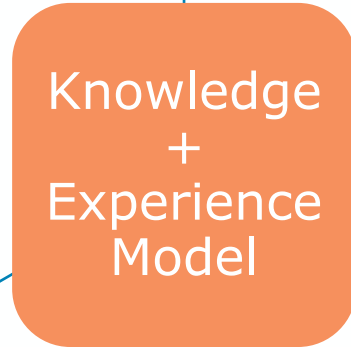
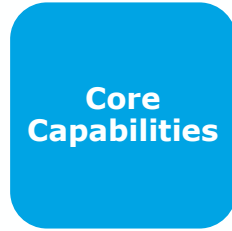
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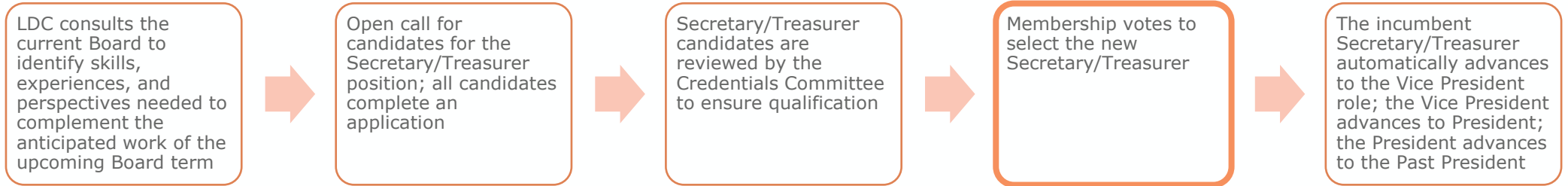
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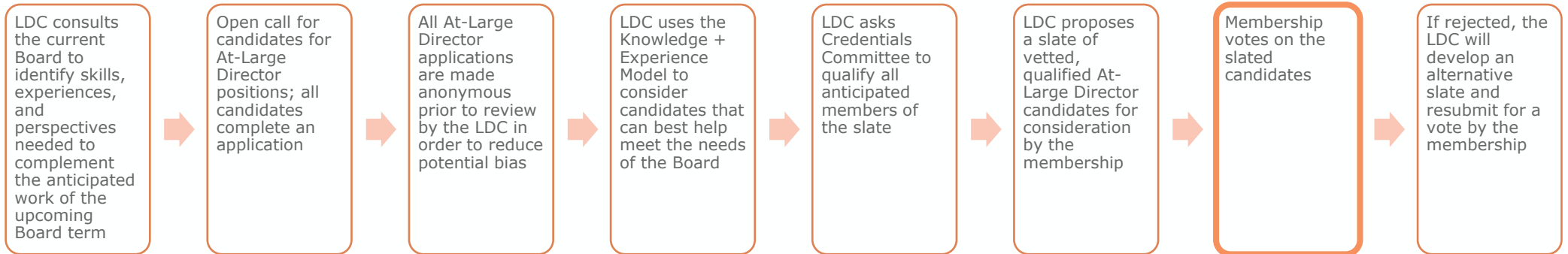
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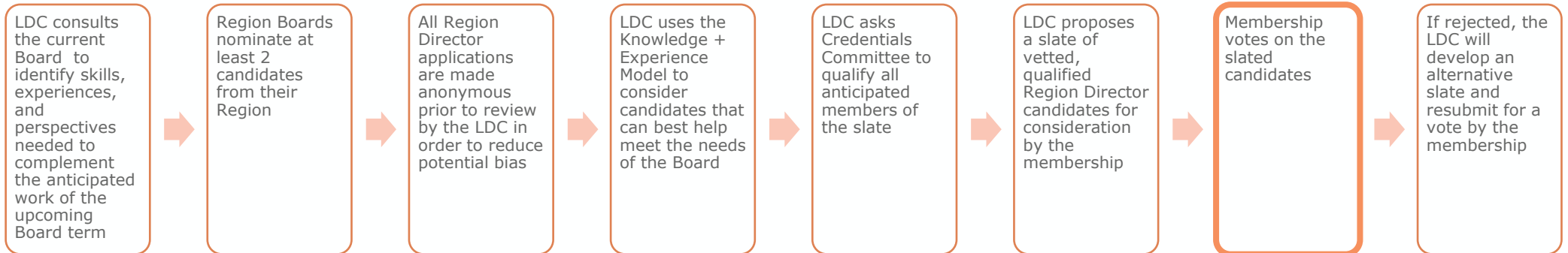
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NCARB

LET'S GO FURTHER

Quarterly Report of the Executive Officer

Administrative/Management

Board. The Board met at Stanford University on December 9.

Meetings. The Landscape Architects Technical Committee (LATC) met at UC Davis on November 4, 2022. The Regulatory & Enforcement Committee (REC) met by teleconference on November 18, 2022.

Newsletter

The winter issue of the *California Architects* newsletter was distributed in December.

Budget

Both the Board and LATC's budgets were discussed at their respective meetings.

Business Modernization

The Business Modernization Cohort 2 Project programs consisting of CAB/LATC, Structural Pest Control Board, Cemetery and Funeral Bureau, and the Bureau of Household Goods and Services began on May 16, 2022. The 18-month project has incremental releases to the public, with the first release scheduled for March 2023. Through InLumon's Connect platform, the examination, licensing and enforcement processes will be automated. The first release will include automation of the Eligibility Application, California Supplemental Exam Application, and Initial License Application. The second release is scheduled for July 2023 and will include automation of the Certification of Experience and Reciprocity Applications. The online license renewal will also be incorporated into Connect.

Personnel

Amy Cernicky was promoted from an office technician in the Exams and Licensing Unit to the Architectural Registration Examination (ARE) analyst. Work has begun to refill the Assistant EO position.

Outreach

Outreach continued for the new zero net carbon design continuing education requirement that becomes effective January 1, 2023. Information has been disseminated on social media, the *California Architects* newsletter, and sent to the licensee email list.

Staff attended a virtual outreach presentation on the licensure process on November 28, coordinated by NCARB with Cal Poly San Luis Obispo.

An informational video for consumers and architects was produced (Senate Bill 9, Chapter 162, Statutes of 2021). SB 9 gives homeowners options when modifying property and streamlines the process to create a duplex, accessory dwelling unit, or subdivide a lot. The video will be finished in January 2023 and posted to the website.

LATC staff provided an overview of the importance of licensure and the examination process to 28 students at the University of California, Davis on October 20, 2022.

Social Media

CAB and LATC's social media account information is noted in the chart below.

CAB	Posts Oct. – Dec.	Followers 12/31/22	LATC	Posts Oct. – Dec.	Followers 12/31/22
Twitter	43	1,432	Twitter	7	253
Instagram	41	1,250	Instagram	4	46
Facebook	40	426	LinkedIn	4	7
LinkedIn	0	453			

Regulatory Proposals

Architects

CCR Section 109 (Application Update). This regulatory proposal provides updates to the Application for Eligibility reference to address AB 496, AB 2113, AB 2138, aligns with current Board practices and the National Council of Architectural Registration Boards (NCARB) current requirements, and makes non-substantive changes to the text to increase understanding.

Status: Staff is working with LAD to prepare regulatory text for Board approval during the February 24, 2023 Board meeting.

CCR Section 135 (Architectural Advertising). This regulatory proposal establishes the requirement for architect licensees to include their name and license number on any public advertisement or presentment.

The Board considered REC's recommendation at its February 28, 2020 meeting to adopt a regulation to require architects to include their license number on all forms of advertisement solicitation or other presentments to the public in connection with the rendition of architectural services. During the meeting, staff presented proposed regulatory text for CCR section 135 (Presentment and Advertising Requirements) for the Board's consideration. The Board expressed concern about the regulation's implementation and whether it would protect consumers, and asked the issue be returned to the REC to research how such a regulation would increase consumer protection. At the November 5, 2020 REC meeting, staff presented research addressing the Board's concerns and the committee discussed the regulatory package. The Board approved the proposed regulatory language for CCR section 135 at its December 11, 2020 meeting. The initial regulatory package was submitted to LAD in April 2021. LAD's suggested changes were presented and approved at the September 10, 2021 Board meeting. The 45-day public comment period ended February 15, 2022. A public hearing was requested and held February 18, 2022. Staff worked with LAD to prepare proposed modified text to address concerns raised in the public comments, and a memo to the Board responding to adverse public comments, both of which were on the February 18, 2022 Board meeting agenda. The Board decided to postpone consideration of this item to the June 8, 2022 Board meeting. During the June 8, 2022 meeting, the Board voted to postpone this item to the September 16, 2022 Board meeting.

At the September Board meeting, members discussed the proposed regulatory amendments and did not have enough members present for a voting quorum. As the Board was unable to direct staff to either modify the text or file the final documents, the final rulemaking documents cannot be filed with the Office of Administrative Law (OAL) by December 31, 2022. On that date, under Government Code Section 11346.4(b), the notice for this rulemaking is no longer effective. If at a later date the Board wishes to proceed with a rulemaking on this topic, new text will need to be adopted and published for a 45-day public comment period (starting the rulemaking process over again from the beginning).

Status: At the December 9, 2022 meeting, the Board voted not to move forward with this regulatory proposal.

CCR Section 144 (Fees [Retired License]) and CCR Section 109.1 (Retired License Application). 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 a retired license fee of \$40 at its December 11, 2019 meeting. They delegated the authority to the EO to adopt the regulation, provided no adverse comments were received during the public comment period, and to make minor technical or non-substantive changes, if needed. Some of the initial documents of the regulatory package were submitted to LAD on December 19, 2019. After review, discussion, and revision, staff submitted the regulation package in March 2021. In September 2021, LAD sent the package back to CAB with questions about the \$40 fee and required staff to add new text to the package to establish, in regulation, a retired license application. Staff worked with the Budget Office (BO) to justify a \$40 fee and added a retired license application section (new CCR 109.1).

CCR Section 109.1 (Retired License Application). This new CCR section incorporates the Retired Architect License Application and defines the term. During the regulatory process, LAD recommended a corresponding regulation to codify the application. The new CCR section 109.1 establishes and defines the application for a retired license and specifies the requirements for a retired architect to restore their license to active status. The Board approved the language for CCR 109.1 at the September 10, 2021 Board meeting. Staff revised the initial documents to address BO's concerns and added CCR section 109.1, resubmitted the documents to LAD, and worked with LAD on further revisions. The 45-day public comment period ran from June 3-19, 2022. The Board adopted the proposed responses to the comments at the September 16, 2022 Board meeting. LAD required the following non-substantive edit for clarity: the Board is adding to the end of the second sentence in 16 CCR section 109.1 (c)(2)(A) the phrase: "except for the education requirements of that section". The 15-day public comment period for the modified text ended October 25, 2022.

Status: Filed with the Office of Administrative Law (OAL) December 29, 2022. OAL approved the rulemaking file on February 9, 2023; the effective date is February 9, 2023.

CCR Section 144 (Fees – Increase). The fees of the Board are required to be sufficient to support the functions of the Board. The fees, as they are currently set, do not adequately support the functions of the Board as they relate to regulating the profession. At the December 10, 2021 Board meeting, the BO's 2020-24 budget presentation projected that the fund condition would change from having an 11-month reserve to -0.6 at the end of FY 23-24. The Board discussed the budget and options including a fee increase. To prevent the projected fiscal structural imbalance in its budget and remain viable, at the February 18, 2022 Board meeting, the Board approved proposed regulatory text to increase fees to the statutory maximums as follows:

- Increase the fee for an original license from \$300 to \$400
- Increase the fee for an original license that is issued less than one year before the date on which it will expire from \$150 to \$200
- Increase the biennial renewal fee from \$300 to \$400

The 45-day public comment period ran from September 23 through November 8, 2022.

Status: Filed with OAL December 27, 2022, OAL approved the rulemaking file on February 6, 2023. Effective 7/1/2023.

CCR Section 152 (Citations). This regulatory proposal amends CCR section 152 to enhance the Board's authority to issue citations to unlicensed individuals. The 45-day public comment period commenced on November 12 and ended on December 27, 2021, and the Board received no adverse comments. The final documents of the regulatory package were filed with OAL on December 31, 2021. Within 30 working days, OAL must review and issue either an approval or disapproval of a filed rulemaking. OAL requested substantive and non-substantive edits to the text. The package was withdrawn on February 8, 2022 (the final day of OAL's review period).

Modified proposed regulatory text addressing OAL's concerns was sent out for a 15-day public comment period from March 24 to April 8, 2022. New rulemaking that incorporated by reference all documents in the previous rulemaking was filed and approved by OAL on August 29, 2022.

Status: Effective 10/1/2022.

CCR Section 154 (Disciplinary Guidelines). Initial documents for the regulatory package were submitted to LAD on September 19, 2019. Staff incorporated LAD's feedback and the initial budget document was approved by the BO on October 19, 2020. On November 18, 2020, LAD forwarded the initial documents to the next level of review in the process and edits were required. Staff sent documents to LAD on September 8 and October 10, 2021. LAD is currently reviewing the regulatory language due to edits recommended by OAL to LATC's *Disciplinary Guidelines* rulemaking to ensure the language in the two regulatory packages is better aligned, and to expedite the review of the Board's *Disciplinary Guidelines* rulemaking when the final documents are submitted to OAL.

Status: Modifications to the proposed regulatory text and submission of the regulation is anticipated in 2023.

CCR Section 165 (Disability Access Continuing Education). This regulatory proposal seeks to establish requirements for disability access continuing education (CE) courses and providers by January 1, 2023. The Board approved the proposed regulatory language and delegated authority to the EO, provided no adverse comments were received during the public comment period, to adopt the regulation and to make minor technical or non-substantive changes, at the June 5, 2020 Board meeting. The proposed text was sent out for a 45-day public comment period commencing on November 12, 2021 and ending on December 27, 2021. Staff worked with LAD and prepared a Board memo proposing responses to adverse public comments. This memo was presented to the Board at the February 18, 2022 Board meeting where the decision was made not to vote on the matter but bring it back to the next Board meeting. At the June 8, 2022 Board meeting the Board voted to approve (1) the proposed modified text as amended and (2) proposed responses to the public comments received during the 45-day public comment period. Modified proposed regulatory text addressing public comments was sent out for a 15-day public comment period from June 27 to July 13, 2022, and additional public comments were received. The Board adopted the proposed responses to the additional comments at the September 16, 2022 Board meeting and approved the proposed second modified text. The second modified text public comment period closed October 4, 2022. At the December 9, 2022 Board meeting, the Board considered comments received during the 15-day public comment period for the second modified text and made no further changes to the proposed regulatory text. Filed with OAL December 1, 2022. OAL approved the rulemaking file on January 17, 2023.

Status: Effective 1/17/2023.

CCR Section 166 (Zero Net Carbon Design Continuing Education). This is a regulatory proposal to establish requirements for zero net carbon design (ZNCD) CE through the creation of a new CCR section 166. [Assembly Bill 1010](#) (Berman, Chapter 176, Statutes of 2021) amended the Business & Professions Code (BPC) requiring architects to complete five hours of CE coursework on ZNCD for all renewals occurring on or after January 1, 2023. BPC 5600.05 requires the Board to promulgate regulations by July 1, 2024, that would establish qualifications for ZNCD CE courses and course providers. Proposed regulatory text was presented and discussed during the March 30, 2022 Professional Qualifications Committee (PQC) meeting.

After considerable discussion on the topic of ZNCD CE, the Board approved proposed amended regulatory language during the June 8, 2022 Board meeting. The Board also delegated the authority to the EO, provided no adverse comments were received during the public comment

period, to adopt the regulation and to make minor technical or non-substantive changes, if needed. Staff are preparing the documents for initial submission.

Status: Initial draft documents submitted to OAL in November 2022. Rulemaking is on schedule to meet legislative deadline.

Landscape Architects

Legislative Proposal BPC section 5659 (Inclusion of License Number—Requirement). 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 worked with LAD 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 fact 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 LATC on February 5, 2020 and the Board approved LATC's recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal and submitted it to legislative staff in mid-March, 2020; however, the bill proposal was late and not accepted. The bill was resubmitted to legislative staff in January 2021; however, proposed language in the omnibus bill would delay review for other programs, so it was removed.

Status: LATC submitted the proposal on November 4, 2022 to the Senate Business and Professions Committee.

CCR Sections 2614 (Examination Transition Plan). On August 25, 2022, the Council of Landscape Architectural Registration Boards (CLARB) announced changes to the content and structure of the Landscape Architectural Registration Examination (LARE) effective December 2023. At its September 16, 2022 meeting, the Board approved proposed regulatory language to establish a plan to grant examination credit toward the new LARE sections to candidates who passed sections of the previously administered LARE. The package was submitted to LAD for initial analysis on September 15, 2022. The 45-day comment period from November 10 through December 27, 2022; no comments were received.

Status: Filed with OAL December 28, 2022. OAL approved the rulemaking file on February 10, 2023.

CCR Sections 2630 (Issuance of Citations) and 2630.2 (Appeal of Citations). To be more in line with the Board's procedures for the appeal of citations, staff proposed edits to LATC's appeal of citations regulation. Legal counsel advised additional edits were needed. Language has been added to clarify the Board's existing ability to issue orders of corrections to cease unlawful advertising under BPC section 149, clarifying that the 30-day deadlines are counted as calendar days, amending the appeal of citations process. The proposed language was presented to LATC on December 2, 2020 and adopted by the Board at its December 11, 2020 meeting. LAD completed the pre-review on April 5, 2021. In September 2021, amendments were made while in the initial analysis phase. The substantial amendments were approved by the Board at its December 10, 2021 meeting. Staff revised the necessary documents and submitted to LAD on January 4, 2022

and resubmitted on July 15, 2022. The BO approved the regulatory package on August 19, 2022, and it was submitted to OAL on September 12, 2022 to publish the Notice of the 45-day comment period beginning September 23 through November 8, 2022. No comments were received.

Status: Filed with OAL December 23, 2022. OAL's 30 working day review period ends on February 6, 2023.

CCR Section 2651 (Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency). Effective January 1, 2020, section 11009.5 of the Government Code allows state licensing entities to reduce or waive licensing fees for people affected by a proclaimed or declared emergency in the previous year. Licensing programs within DCA may, but are not required to, establish a process for reducing or waiving the licensing fees of those impacted by federal, state, or local emergencies.

In February 2021, staff prepared a draft regulatory proposal that would implement an emergency fee waiver by adopting CCR, title 16, division 26, article 1, section 2651 Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency. The proposed language was presented to LATC on April 29, 2021, adopted by the Board at its June 11, 2021. This regulatory package is on hold while a fee study is conducted to analyze the fiscal impact. Budget review was presented at LATC's November 4, 2022 meeting.

Status: LATC staff are working with LAD and the Budget Office to propose a legislative change amending the Committee's fee schedule during the 2022-23 legislative session to be effective January 1, 2024.

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 to review and update its *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. DCA guidance due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation), required staff to revise the *Disciplinary Guidelines*. 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*. During initial analysis, LAD found that additional amendments were necessary. LATC and the Board approved the additional amendments to the proposed regulatory language at their meetings on August 4, 2021 and September 10, 2021, respectively. After the Committee's approval and in anticipation of the Board's approval, staff revised documents for the regulatory proposal to incorporate the additional amendments and submitted them to LAD for review on August 26, 2021. A revised fiscal impact statement was sent to the BO on January 10, 2022. LAD completed its review on March 4, 2022, and revised documents based on LAD's recommendations were resubmitted to LAD on March 25, 2022. The package was submitted to OAL to publish the Notice of the 45-day comment period which commenced on May 20 and ended on July 5, 2022. No written comments were received.

The final documents were submitted to DCA for review on July 27, 2022. The final regulatory package was submitted to OAL on August 11, 2022. The regulatory package was withdrawn on September 20, 2022 due to concerns from OAL regarding license surrender while on probation and continuing education courses and providers. Staff worked with LAD to address the concerns and the 15-day comment period of the modified text began on October 14 and ended on October 31, 2022.

Status: The Board approved the modified text at its December 9, 2022 meeting.

Licensing and Examination Program

Architects

Performance data for the Architect California Supplemental Examination (CSE) and Architect Registration Examination (ARE) 5.0 for California candidates during the second quarter of 2022 are presented in Tables A and B.

**Table A
Architect CSE Examinee Performance: October 1 – December 31, 2022**

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
Instate First-time	113	77%	34	23%	147
Instate Repeat	30	56%	24	44%	54
Reciprocity First-time	31	65%	17	35%	48
Reciprocity Repeat	7	64%	4	36%	11
Total	181	70%	79	30%	261

**Table B
California ARE 5.0 Examinee Performance by Division/Topic: October 1 - December 31, 2022**

ARE Division	Pass	Rate	Fail	Rate	Total Exams
Construction and Evaluation	112	60%	75	40%	187
Practice Management	119	50%	120	50%	239
Programming and Analysis	119	55%	99	45%	218
Project Development and Documentation	113	57%	85	43%	198
Project Management	109	57%	81	43%	190
Project Planning and Design	134	53%	121	47%	255

Table C
California and NCARB Performance Comparison (FY 2022/23)

ARE Division	FY 22/23		
	CA Pass	Natl. Pass	▲%
Construction and Evaluation	60%	68%	-8%
Practice Management	50%	52%	-2%
Programming & Analysis	55%	59%	-4%
Project Development & Documentation	57%	56%	+1%
Project Management	57%	64%	-7%
Project Planning & Design	53%	51%	+2%

▲% is the difference in the California and national (NCARB) performance.

Landscape Architects

Table D
Landscape Architect CSE Examinee Performance: October 1 – December 31, 2022

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
First-time	44	92%	4	8%	48
Repeat	9	69%	4	31%	13
Total	53	87%	8	13%	61

Table E
California LARE Examinee Performance by Division/Topic: October 1 - December 31, 2022

Topic	Pass	Rate	Fail	Rate	Total Examinees
Project and Construction Management	25	57%	19	43%	44
Inventory and Analysis	38	57%	29	43%	67
Design	19	49%	20	51%	39
Grading, Drainage, and Construction Documentation	41	48%	44	62%	65

Table F
California and CLARB Performance Comparison (FY 2022/23)

LARE Division	FY 22/23		
	CA Pass	Natl. Pass	▲ %
Property and Construction Management	57%	66%	-9%
Inventory & Analysis	57%	62%	-5%
Design	49%	60%	-11%
Grading, Drainage and Construction	48%	58%	-10%

▲ % is the difference in the California and national (CLARB) performance.

Enforcement

Architects

The most common violations have stayed consistent over the past four years, and are as follows:

- Misuse of the term “Architect”
- Practice without a license/device
- Continuing Education Audit Incompliance
- Written contract violations
- Signature/Stamp on plans and unauthorized practice
- Negligence or Willful Misconduct



Table G
Architects Complaints and Enforcement Actions

Category	Current Quarter Oct. – Dec. 2022	Prior Quarter July – Sept. 2022	FY 22–23
Complaints			
Received	81	72	153
Opened	81	72	153
Closed	71	96	167
Average Days to Close	115	392	254
Pending	133	123	134
Citations			
Issued	7	2	9
Final	4	8	12
Attorney General			
Pending Attorney General	3	3	3
Final	0	1	1

Landscape Architects

**Table H
Landscape Architects Complaints and Enforcement Actions**

Category	Current Quarter Oct. – Dec. 2022	Prior Quarter July – Sept. 2022	FY 22–23
Complaints			
Received	12	5	17
Opened	12	5	17
Closed	11	9	20
Average Days to Close	64	134	99
Pending	5	6	6
Citations			
Issued	1	2	3
Final	1	2	3
Enforcement Actions			
Pending Attorney General	0	0	0
Final	0	0	0

Enforcement Actions

Architects

Citations

Joseph Aragon (Moreno Valley) - The Board issued a one-count citation that included a \$1,500 administrative fine to Joseph Aragon, an unlicensed individual, doing business as Paragon Design, Inc., for alleged violations of Business and Professions Code (BPC) section 5536(a).

The action alleged that Aragon agreed to provide J.K. with blueprints for his restaurant conversion located in Murrieta. Aragon was paid a total of \$4,000 but the plans he submitted to the city of Murrieta were never approved. The title block on the Aragon’s plans included a reference to commercial services and stated, “International Associate Member of the American Institute of Architects.” His company website stated, “The mission of Aragon Construction, Inc. is to deliver high-quality and practical glazing and architectural solutions to the public and private sectors,” and

included a portfolio of residential apartments and commercial buildings, which are not exempt from licensing requirements under BPC section 5537. Aragon's company Houzz profile was also categorized under Architects.

Aragon was served with notice of the violations, but he did not respond to multiple requests to make corrections. His title block, company websites, and Houzz profile are devices that might indicate to the public that he is an architect or qualified to engage in the practice of architecture in California. The citation became final on October 27, 2022.

Ali R. Pourhassan-Zonouz (Irvine) – The Board issued a one-count citation that included a \$750 administrative fine to Ali R. Pourhassan-Zonouz, an unlicensed individual, doing business as A2Z Architecture, for alleged violations of BPC section 5536(a) and title 16, California Code of Regulations (CCR) section 134(a).

The action alleged that Pourhassan-Zonouz drafted a proposal for the design of a residential project located in Costa Mesa. His title block included the business name "A2Z Architectures." Pourhassan-Zonouz drafted plans for another residence, located in San Clemente using the same business name. Pourhassan-Zonouz's company website included the word "Architectures" in its URL, which stated, "A2Z Architectures is a full-service architecture and structural engineering practice," and offered "architectural design." Pourhassan-Zonouz's Home Advisor profile listed him as an Architect under *Areas of Expertise*. His company Houzz profile was categorized under Architects and offered architectural services. His company Local Biz Network profile stated, "Our architects work to understand your family and lifestyle as well as your individual needs for a home," and offered architectural services. His Yelp profile was categorized under "Architects," and stated, "At A2Z Architectures we provide you with architectural designing ranging from simple remodels to complete new construction, interior desing [sic] and structural engineering."

Pourhassan-Zonouz's business name, title block, website, and online profiles, wherein he described himself as an "Architect," and his services as "Architectural," and "Architecture," are devices that might indicate to the public that he is an architect or qualified to engage in the practice of architecture in California. Pourhassan-Zonouz's use of the business name "A2Z Architectures," without an architect who was in management control of the services offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity constitutes a violation of CCR, title 16, section 134(a). The citation became final on September 23, 2022.

Dawn Ma (San Francisco) – The Board issued a two-count citation that included a \$1,000 fine to Dawn Ma, an unlicensed individual, doing business as Q-Architecture, for alleged violations of BPC section 5536(a) and CCR title 16, section 134(a).

The action alleged that Ma executed a design contract with homeowners P.F. and P.K which identified Q-Architecture as the Designer and included architecture, engineering, landscape and urbanism in their description of services. The terms of the contract offered architectural documentation services, architectural design, and architectural detailing for a residential project in San Francisco. Additional services were to be provided at an hourly rate for Q-Architecture's personnel, including their "Sr. Project Manager/Architect & Engineer," and their "CAD3 Senior Architect & Engineer." Dawn Ma is a licensed professional engineer--not an architect. However, her

signature block included the term “Cal Arch. Bd. No. C9278.” Architect license number C-9278 belongs to Kevin Stong, who has been licensed since 1977. He has reported his association with Q-Architecture to the Board since 2009. However, he is not mentioned in the contract, and when asked for a response to the allegations, stated that he was semi-retired and knew nothing about the project.

By including the term “Cal Arch. Bd. No. C9278” in her signature line, Dawn Ma represented herself as a licensed architect. The engineer’s exemption in BPC section 5537.4 does not apply because a professional engineer may not use the title “architect.” By using the business name Q-Architecture and a description of services including “architecture,” without an architect who was in management control of the company’s professional services, Dawn Ma violated CCR title 16, section 134(a). Ma paid the fine, satisfying the citation. The citation became final on October 22, 2022.

Kevin Stong (San Pablo) - The Board issued a one-count citation that included a \$500 fine to Kevin Stong, architect license number C-9278, for an alleged violation of BPC section 5582.1(b) (Permitting Misuse of Name).

The action alleged that the principal of a firm Stong was associated with, Q-Architecture, executed a design contract with homeowners P.F. and P.K which identified Q-Architecture as the Designer and included architecture, engineering, landscape and urbanism in their description of services. The terms of the contract offered architectural documentation services, architectural design, and architectural detailing for a residential project in San Francisco. Additional services were to be provided at an hourly rate for Q-Architecture’s personnel, including their “Sr. Project Manager/Architect & Engineer,” and their “CAD3 Senior Architect & Engineer.” The principal is a licensed professional engineer, not an architect. However, her signature block included the term “Cal Arch. Bd. No. C9278.” Architect license number C-9278 belongs to Stong, who has been licensed since 1977. He has reported his association with Q-Architecture to the Board since 2009. However, he is not mentioned in the contract, and when asked for a response to the allegations, stated that he was semi-retired and knew nothing about the project.

By including the term “Cal Arch. Bd. No. C9278” in her signature line, the principal represented herself as a licensed architect in violation of BPC section 5536(a). By using the business name Q-Architecture and a description of services including “architecture,” without an architect who was in management control of the company’s professional services, the principal violated CCR title 16, section 134(a). Since he was the only licensed architect associated with Q-Architecture, Stong was responsible for exercising general oversight of the professional services rendered. By allowing his name to be used to violate the Architects Practice Act, Stong violated BPC section 5582.1(b). Stong paid the fine, satisfying the citation. The citation became final on October 22, 2022.

Landscape Architects

Citations

Julianne Frizzell (Palo Alto)

The Board issued a two-count citation that included a \$250 administrative fine to Julianne Frizzell, landscape architect license number LA 4077, for alleged violations of BPC section 5616 (Landscape Architecture Contract-Contents, Notice Requirements) and CCR title 16, section 2670, subsection (d)(5) (Rules of Professional Conduct – Conflict of Interest). The action alleged that Frizzell failed to include all requirements in the executed contract for a project and did not secure faithful performance of all parties to the construction contract. Frizzell paid the fine, satisfying the citation. The citation became final on November 2, 2022.

**AGENDA ITEM J.1: DISCUSSION OF STRATEGIC PLAN OBJECTIVE 2.1 –
PROVIDE MORE DETAIL ON ENFORCEMENT CASES IN
THE EXECUTIVE OFFICER REPORT DURING BOARD
MEETINGS REGARDING DECISIONS ON CASES, TO
MAKE INFORMATION MORE ACCESSIBLE AND INFORM
CONSUMERS.**

Summary

Analyst Michael Sganga will describe the Enforcement Unit's complaint process, from intake through outcome, focusing on the major decision points, common Architect Practice Act violations, and other factors considered in recommending Enforcement Actions.

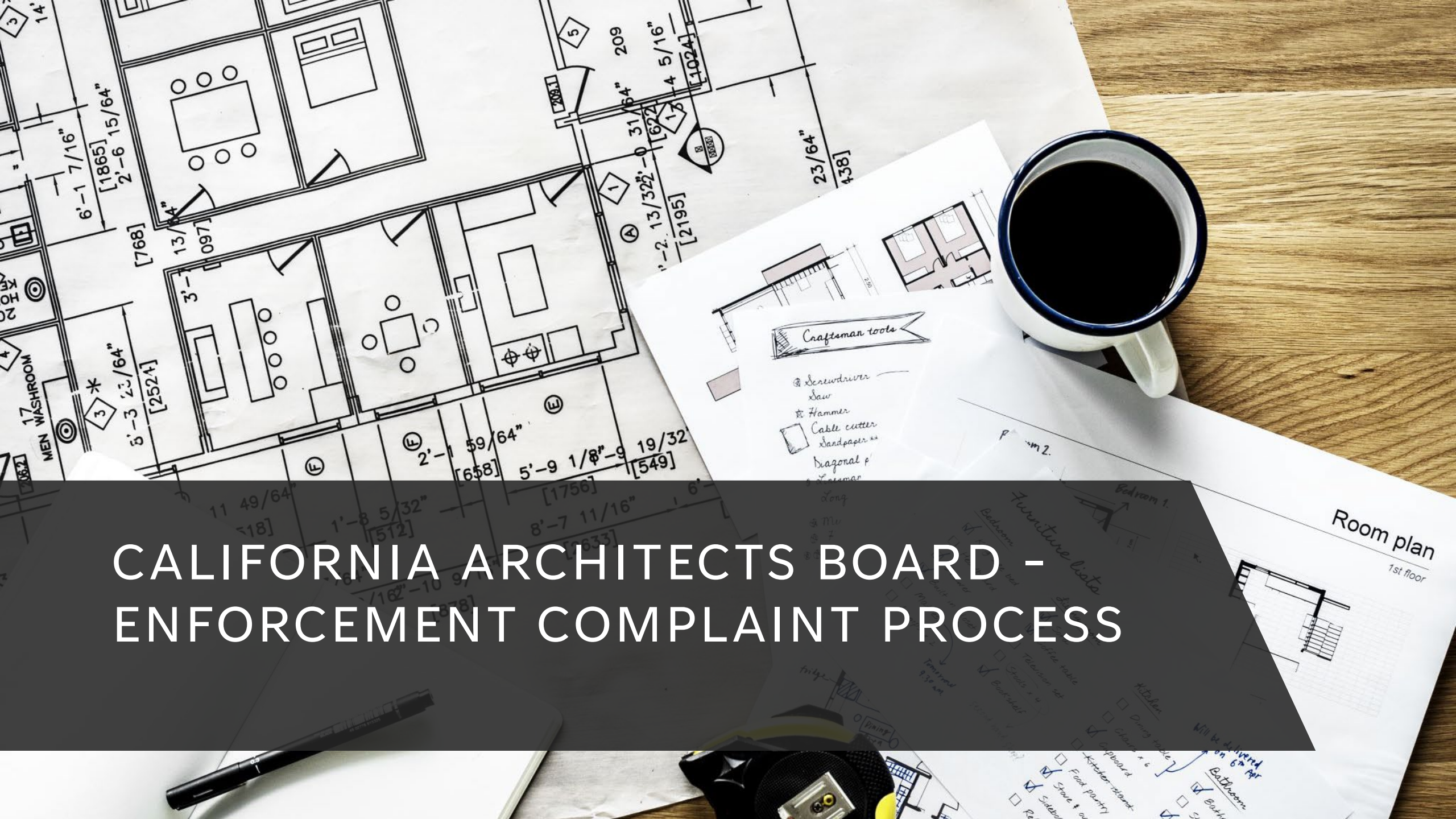
Action Requested

Discuss points related to the Strategic Plan Objective and recommend methods for presenting the information to Board members, architects, and consumers.

Attachments

1. Consumer Complaint Form
2. Board website information on the Complaint Process
3. Elements of Practice Act Violations

CALIFORNIA ARCHITECTS BOARD - ENFORCEMENT COMPLAINT PROCESS



OVERVIEW OF THE COMPLAINT PROCESS

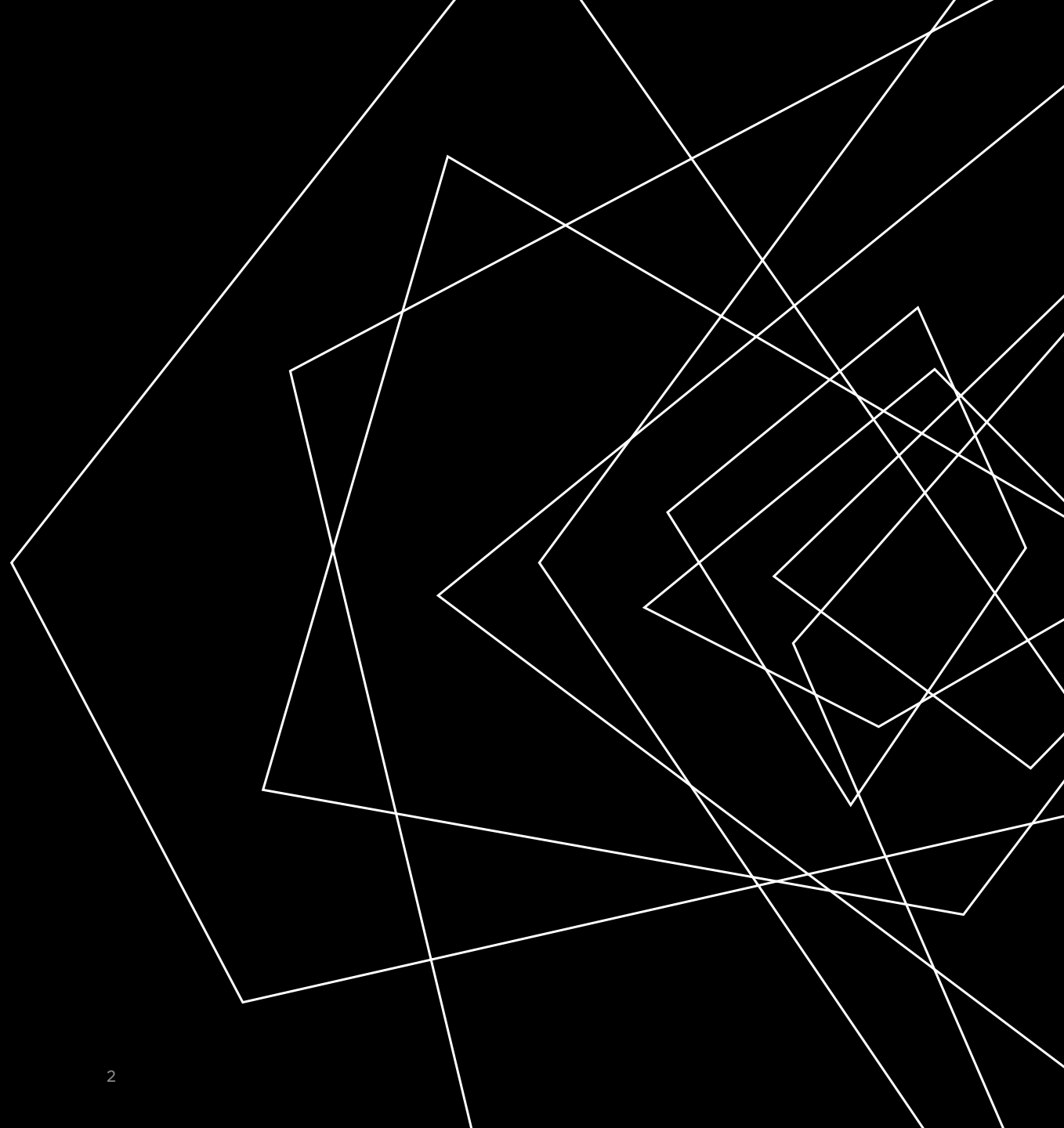
Introduction

Intake

Analysis

Action

Outcome



INTRODUCTIONS

Alicia Kroeger

Mike Sganga

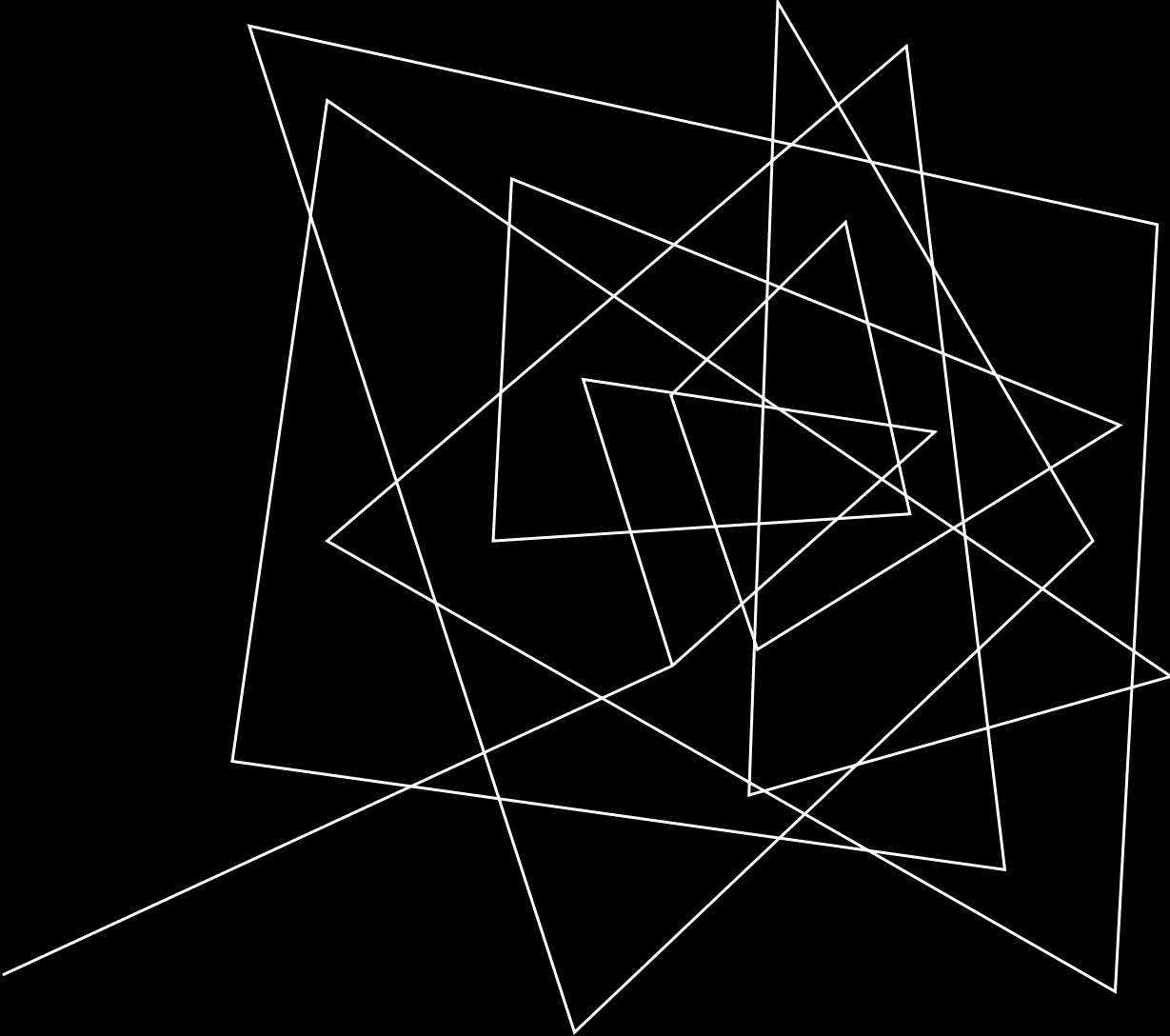
Idris Ahmed

Jasmine Steinwert

Katie Wiley

Reynaldo Castro

Natalia Diaz



CASE INTAKE

Sources

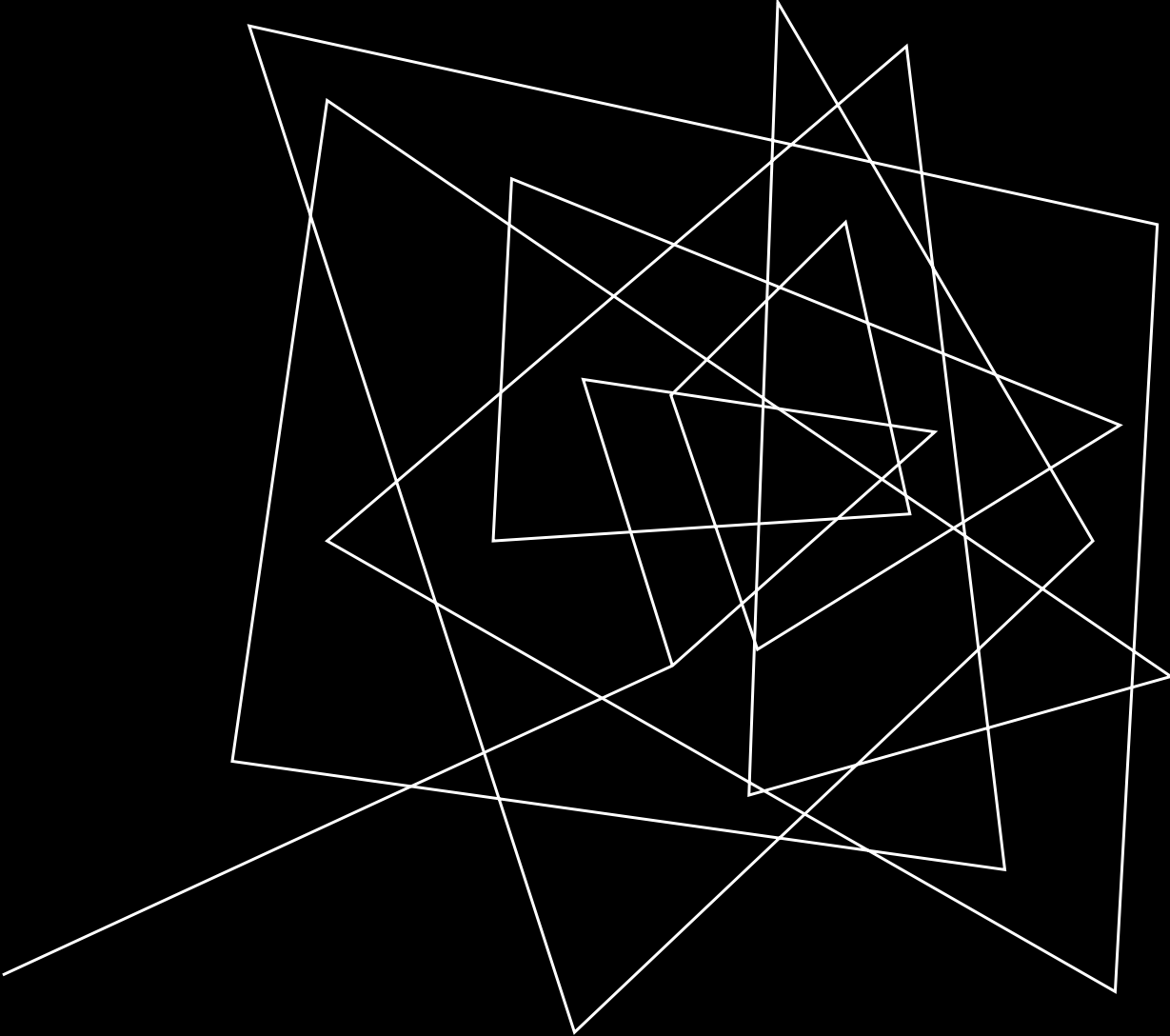
Preliminary Review

Assignment

CASE INTAKE

Sources:

- Mail [complaint form attachment]
- E-mail
- Fax
- DCA Portal
- Referral
- Applications
- Renewal
- Settlement Reports [attachment]

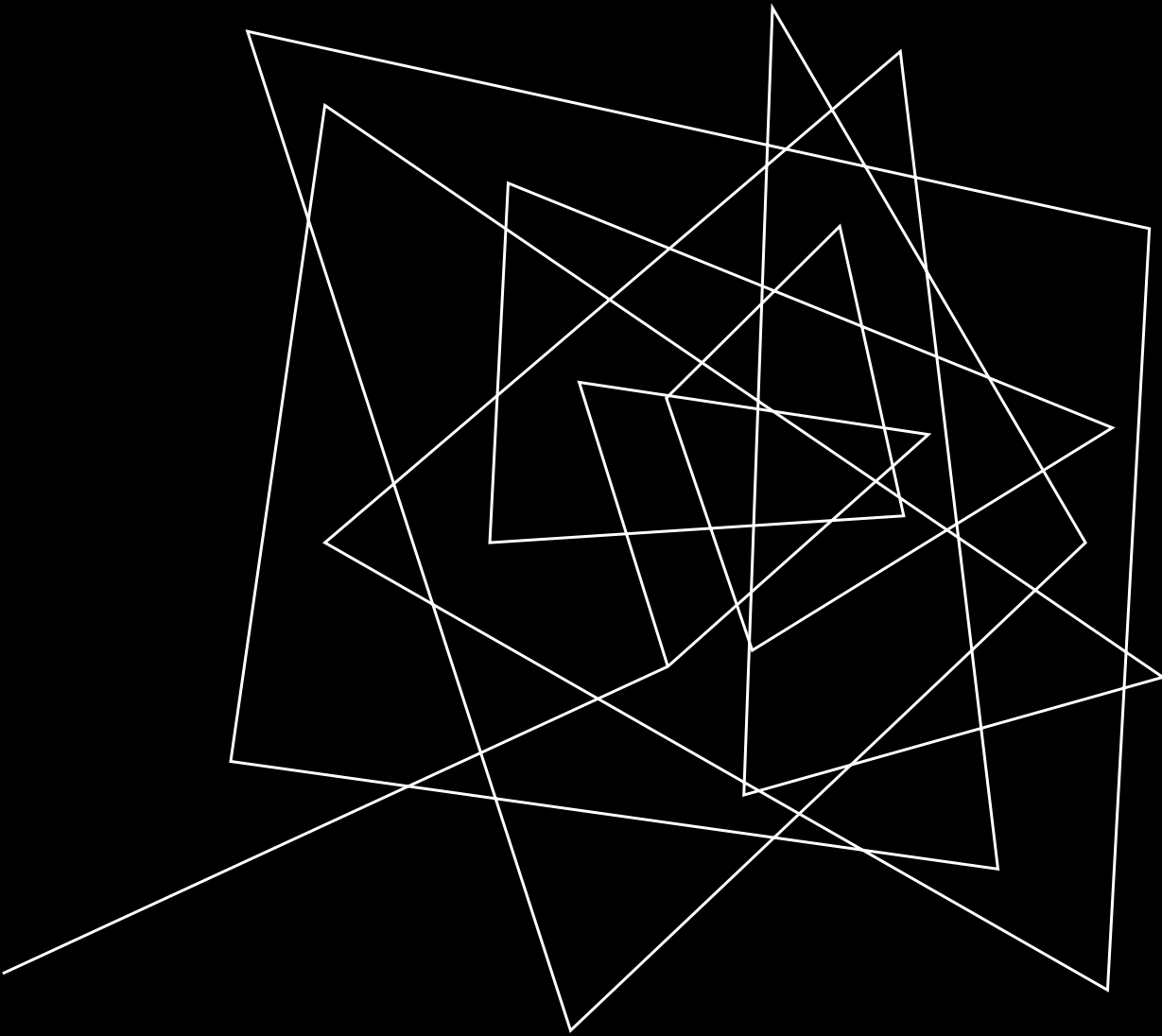


CASE INTAKE

Preliminary Review:

- Subject
 - Name
 - US physical address
 - Company Owner / BERF
- Complainant
 - Anonymous
 - Confidential
 - Clients
 - Building Officials
 - Architects
- Jurisdiction

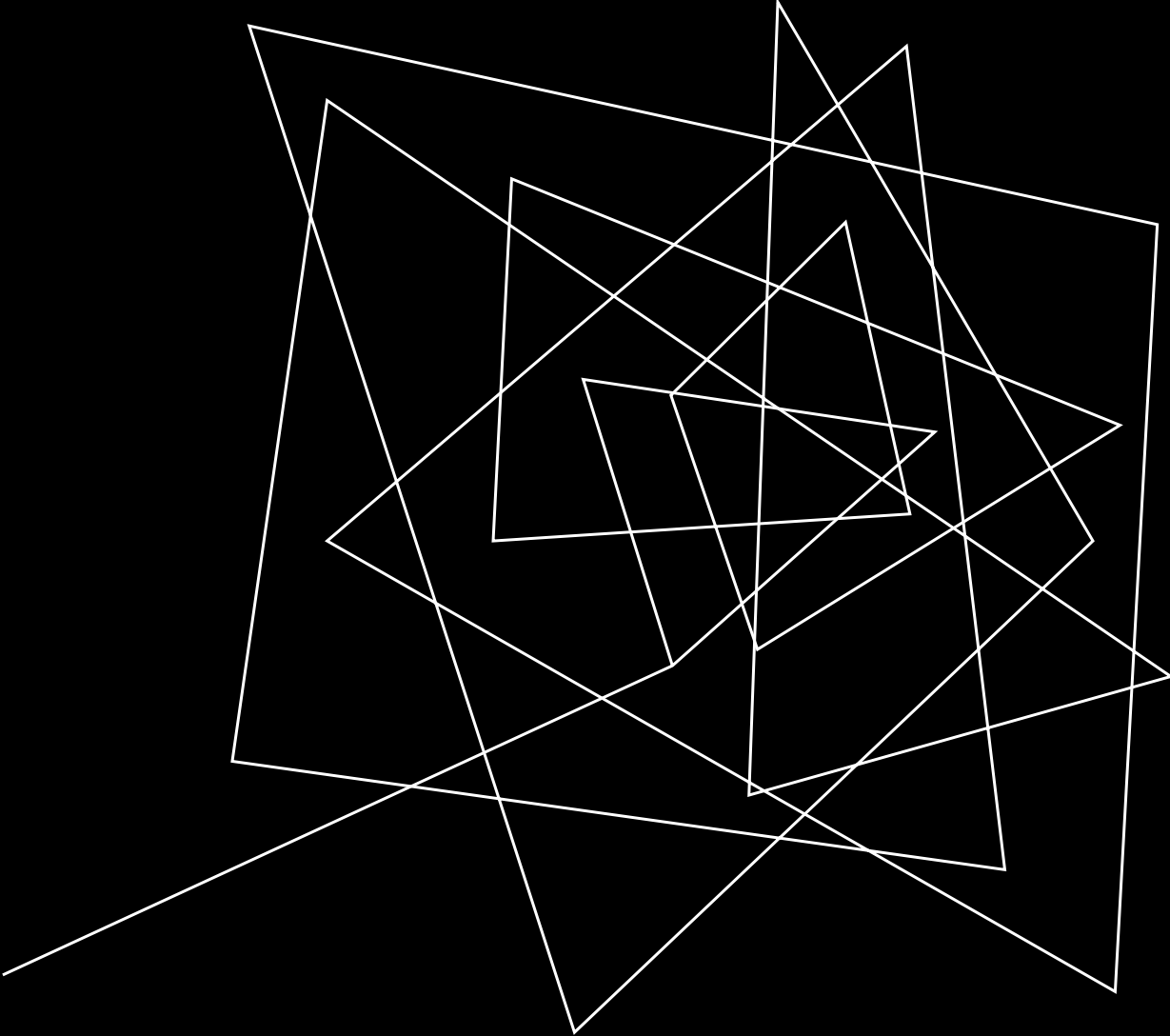
Potential APA Violation



CASE INTAKE

Assignment:

- Advertising
- Unlicensed Practice
- Professional Misconduct
- Candidates
- Convictions
- Other Agency Discipline
- Settlement Reports



ANALYSIS

Identify Potential Violations

Collect Documents

Further Investigation

Penalty Considerations

ANALYSIS

Identify Potential Violations:

- Architects Practice Act
- [attachment – elements]

Collect Documents:

- A/S Contract
- Design Plans
- Communications
- Invoices
- Court Docs
- Subject Response

ANALYSIS

Further Investigation:

- Interviews
- SME Opinion

ANALYSIS

Penalty Considerations:

- Consumer Harm
- Aggravation/Mitigation [see F.5 CCR 152]
- Cooperation



ENFORCEMENT ACTIONS

Closure Codes

Citations

Discipline / Denial

ENFORCEMENT ACTIONS

Closure Codes

CC16 – No Violation
CC17 – Insufficient Evidence
CC26 – Cease/Desist Compliant
CC33 – No Jurisdiction
CC34 – Letter of Advisement
CCIT – Citation
CRRD - Discipline

Citations

- Findings of Fact
- Service
- Informal Conference
- Administrative Hearing
- Superior Court Writ

Discipline / Denial

- Referral to DAG
- Accusation / SOI
- Service
- Settlement
- Administrative Hearing
- Superior Court Writ



ENFORCEMENT OUTCOMES

BOARD

Statistics
Packet Summaries
Proposed Decisions
Settlements
Disciplinary Guidelines

PUBLIC

Website Summaries
DCA License Search
CPRA Requests
Informational Bulletins
Professional Outreach

ACTION REQUESTED

The REC was asked to discuss these points as related to Strategic Plan Objective 2.1 and propose methods for presenting the information to the Board, architects and the public, such as:

- Annual presentation to the Board
- Public information on Board website
- Additions to the Board packet



THANK YOU

- Enforcement Staff



CONSUMER COMPLAINT FORM

The filing of this complaint does not prohibit you from filing a civil action.

Subject (Person Complaint is Against)

Last Name:	Suffix:	Architect License Number (If Known): C-
First Name:	Middle Name:	
Business Name:		
Business Address:		

City:	State/Province:	ZIP/Postal Code:
Country:	Email (If Known):	
Business Phone:	Home Phone (If Known):	

Complainant (Person Making the Complaint)

Last Name:	Suffix:	First Name:	Middle Initial:
Address:			
City:	State/Province:	ZIP/Postal Code:	
Country:	Email:		
Daytime Phone:	Evening Phone:	Best Time of Day to Contact:	

PRIOR TO SIGNING THIS FORM, REVIEW ALL INFORMATION.

I certify and declare under penalty of perjury under the laws of the State of California that all of my representations on this Consumer Complaint Form (including reverse and attachments) are true, correct, and contain no material omissions of fact to the best of my knowledge and belief. If called upon, I will assist in the investigation or in the prosecution of the subject of this complaint or other involved parties, and will, if necessary, swear to a complaint, attend hearings, and testify to facts.

Signature

Date

CONSUMER COMPLAINT FORM

General Information

1. What is the property address of the project?

2. Did you and the Subject sign a written agreement before any services were rendered? YES NO

If **YES**, please attach a copy.

If you do not have a written contract or agreement, please provide a detailed description of the scope of services the Subject was to provide for this project.

3. Do you have copies of canceled checks or other evidence of payment to the Subject? YES NO

If **YES**, please provide copies.

4. Do you have design plans prepared by the Subject? YES NO

If **YES**, please provide copies.

5. What is the current status of the project?

6. Did the building department require an architect or other licensed professional for this project? YES NO

7. Did the Subject explain the construction process and terms of the contract for services prior to starting work on the project?
 YES NO

8. Indicate thy type of structure involved in this project:

- | | |
|---|---|
| <input type="checkbox"/> Single-family residential | <input type="checkbox"/> Nonresidential over 100,000 square feet |
| <input type="checkbox"/> Multi-unit residential | <input type="checkbox"/> Specialized structure, such as essential services buildings, hospitals, schools. |
| <input type="checkbox"/> Nonresidential less than 100,000 square feet | |

9. What is/was the estimated cost of construction for the project?

10. Have you discussed your complaint with the Subject? YES NO

11. Have you contacted an attorney regarding this matter? YES NO

If **YES**, please completed the information below:

Name: _____ Phone Number: _____

Address: _____

12. Have you filed a claim in any court regarding this complaint? YES NO

If **YES**, please complete the information below:

Name of Court: _____

Hearing Date (if scheduled): _____

13. Please describe (on a separate sheet of paper and attach) the events which led to your complaint and specify pertinent dates, monies paid, balances owed, amounts claimed by third parties, etc. Please attach any documentation that will help support your complaint.

CONSUMER COMPLAINT FORM

Additional Information

The following questions are optional; however, the California Architects Board (Board) would appreciate your cooperation in completing the questions. The information is confidential and will be used for statistical purposes to guide the Board in future decisions.

14. How did you choose the architect you hired for your project (e.g., personal recommendation, research, phone book listing, etc.)?

15. Have you ever used the services of an architect prior to this project?

- No, I have not used the services of an architect prior to this project.
- Yes, I have worked with the same architect on _____ (indicate number) of past projects.
- Yes, I have worked with a different architect(s) on _____ (indicate number) of past projects.

16. How many architects did you interview before you made a selection? _____

17. What is your occupation?

18. Did you read the Board's *Consumer's Guide to Hiring an Architect* prior to beginning the project? YES NO
If **YES**, did you find the publication helpful?

19. Did you contact the Board to verify the architect's license status and check on any history of complaints prior to beginning the project? YES NO

Strategic Plan 2.1 - Complaint Process

<u>Sources</u>	<u>Intake</u>	<u>Assignment</u>	<u>Analysis</u>	<u>Action</u>	<u>Board</u>
Mail	<u>Preliminary Review</u>	Advertising	<u>APA Violations</u>	<u>Closure Codes</u>	Stats
Email	<u>Subject:</u>	ULP	Elements	CC16 - No Violation	
Fax	Name	Professional Misconduct	Investigation	CC17 - Insufficient Evidence Incl. pending litigation	
DCA Portal	Physical Address (US)	Candidates	Documents:	Letter of Advisement	
Referral	Company - Owner / BERF	Convictions	Contract	CC26 - C/D compliant	
Application	<u>Complainant:</u>	Discipline	Plans	CC33 - No jurisdiction	
Renewal	Anonymous	SR	Communications		
Settlement Report	Confidential		Invoices	<u>Citation</u>	Summaries
	Clients		Court Docs	Service	
	Building Officials		Written Response	Informal Conference	
	Architects		Interviews	Administrative Hearing (Settlement?)	
	<u>Jurisdiction:</u>		SME Opinion	Writ	
	Potential APA Violation		Consumer Harm	<u>Discipline</u>	Summaries
	SOL		Aggravation	Accusation by DAG	Disciplinary Guidelines
			Mitigation	Service	
				Administrative Hearing	Proposed Decision
				Settlement	Approval
				Writ	
				<u>Application Denial</u>	
				Statement of Issues by DAG	
				Administrative Hearing	Proposed Decision
				Collections	
				Retention dates	

Attachments:
 Complaint Form
 SR Form
 CAB Website Info
 APA Elements

[Fraud Alert – July 8, 2021](#) ✕[Have Questions About the Coronavirus? Click Here.](#) ✕[License Search](#)[Google™ Translation](#)[Settings](#)[Consumers](#) [Candidates](#) [Licensees](#) [News](#) [General](#) [About Us](#) [Contact Us](#) [Search](#)

Complaint

- ▶ [Against an Architect or Unlicensed Individual](#)
- ▶ [Against the Board](#)
- ▶ [Process](#)

Process

Through its enforcement staff, contracted architect consultants, the Division of Investigation (DOI), and the California Office of the Attorney General (AG), the California Architects Board (Board) identifies and takes appropriate action against licensees who, through their conduct, expose themselves to disciplinary action. The purpose of the disciplinary process is to ensure the health, safety, and welfare of consumers of the State of California and to preserve high standards of practice in this jurisdiction.

All complaints are reviewed by the Board's enforcement staff and if the complaint is technical in nature, a Board contracted architect consultant. Complaints containing allegations that, if proven, constitute grounds for disciplinary action, may be sent to the DOI (DIVISION OF INVESTIGATION). If the investigation (whether referred to the DOI (DIVISION OF INVESTIGATION) or not) confirms the alleged misconduct, the matter may be submitted to the AG (ATTORNEY GENERAL)'s Office to determine whether sufficient evidence exists to pursue disciplinary action against the subject. If it is determined that sufficient evidence exists, an accusation is prepared and served upon the subject, and he or she is given the opportunity to request a hearing to contest the charges against him or her.

Acts which are subject to disciplinary action (revocation, suspension, or probationary status of a license) include, but are not limited to: unprofessional conduct, negligence, willful misconduct, conviction of a substantially related crime, fraud, aid and abetting unlicensed practice, incompetency, recklessness, etc.

After an Accusation is filed, the case may be resolved by a stipulated settlement. Stipulations are written agreements between the parties in which the person charged admits to certain violations and agrees that a particular disciplinary order may be imposed. Stipulations are subject to adoption by the Board.

If a stipulated settlement cannot be negotiated, a hearing is held before an Administrative Law Judge of the Office of Administrative Hearings. After the hearing is concluded, the judge issues a proposed decision which is submitted to the Board for adoption as its decision in the matter. If the Board chooses not to adopt the proposed decision, a transcript of the hearing is obtained and reviewed by the Board members who then decide the matter based upon the administrative record. The respondent may petition for reconsideration if dissatisfied with the decision or proceed to file a writ of mandate in the appropriate Superior Court to contest the decision.

Accusations and Final Decisions are a matter of public record and are available upon request by [contacting the Board](#). The complainant will be notified of the outcome of the case. The disciplinary process, from the receipt of the complaint until a final decision is rendered generally takes one to two years if a case goes to hearing.

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Enforcement Actions

- ▶ [Overview](#)
- ▶ [Enforcement Pages](#)
- ▶ [Most Recent Enforcement Actions](#)

Enforcement Pages

Using the first letter of the individual’s last name, select the letter group below that corresponds. This will display enforcement actions for the corresponding letter group.

Enforcement Actions Form

Last Name Starts with a(n):

Overview

The rules and regulations relating to architects, including the authority of the California Architects Board (Board), are set forth in the [Architects Practice Act \(Act\)](#) and the Board’s implementing regulations. All citations refer to the version in effect at the time of the violation.

The Board has an active enforcement program designed to ensure that the laws governing the practice of architecture are enforced in a fair and judicious manner. The program entails consumer education publications, a local building official support program, and professional information outreach designed to prevent and assist in the early detection of violations.

The Board’s enforcement program attempts to address three main goal areas articulated in its mission statement and set as specific goals:

- ▶ Establishing regulatory standards of practice for those licensed as architects
- ▶ Increasing public awareness of the Board’s mission, activities, and services
- ▶ Protecting consumers by preventing violations, and effectively enforcing laws, codes, and standards when violations occur

The Board is responsible for receiving and screening complaints against licensees and performing some of the investigation into these complaints. The Board also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Every effort is made to ensure that enforcement information is correct. You should [contact the Board](#) to inquire if a licensee has had disciplinary action prior to July 1997, to obtain further information on specific violations for a person listed, or before making any decision based upon this information.

In addition to Board’s database, the National Council of Architectural Registration Boards (NCARB) also has a [disciplinary actions database](#).

Most Recent Enforcement Actions

Citations:



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Elements of Architects Practice Act Violations

Advertising [BPC 5536(a), (5536.5 if under state of emergency)]

1. Person not licensed;
2. Uses any term confusingly similar to the word architect; or
3. Advertises or puts out any device that might indicate to the public that he or she
 - a. is an architect,
 - b. is qualified to engage in the practice of architecture*, or
 - c. is an architectural designer.

Business Name [BPC 5536(a), CCR 134]

1. Any person;
2. Uses a business name that includes as part of its title or description of services the term "architect" or a confusingly similar variation; and
3. An architect is not an owner, part-owner, officer or employee of the business and in management control of all the architectural services offered

Unlicensed Practice [BPC 5536(a), 5536.1(c), (5536.5 if under state of emergency)]

1. Person not licensed;
2. Practices architecture* (non-exempt per BPC 5537, CCR 153); or
3. Prepares plans, specifications, or instruments of service for any non-exempt building;
4. Uses the stamp of a licensed architect; or
5. Affixes a stamp or seal that
 - a. Bears the legend "State of California"; or
 - b. Words or symbols that represent or imply that the person is licensed

Signature and Stamp on Plans [BPC 5536.1(a)]

1. Any person;
2. Prepares plans or is in responsible control over preparing plans for others; and
3. Fails to sign those plans, specifications, and instruments of service and all contracts therefor.
 - a. If licensed, must also affix their stamp as described in CCR 136; and
 - b. Does not apply to employees of a licensed person within the course of their work

Written Contract [BPC 5536.22]

1. An architect;
2. Fails to use a written contract to provide professional services;
 - a. Executed by the architect and the client;
 - b. Prior to commencing work unless waived in writing; and
 - c. Including items 1-8.

Use of Architect's Instruments of Service [BPC 5536.4(a)]

1. Any person;
2. Uses an architect's instruments of service;
3. Without written consent.

Withholding Consent [BPC 5536.4(b)]

1. An architect;
2. Unreasonably withholds consent to use instruments of service;
 - (Reasonable: client failure to pay or breach of contract)

Mailing Address / Business Entity [BPC 5558]

1. Holder of a license;
2. Fails to file current mailing address; or
3. Business Entity through which they provide architectural services.

Conviction of Certain Crimes [BPC 5577]

1. An architect;
2. Convicted of a crime substantially related to the qualifications, functions, and duties of an architect per CCR 110.

Fraud in Obtaining License [BPC 5579]

1. Holder of a license;
2. Obtains license by fraud or misrepresentation.
 - (Fraud = deception intended to result in financial or personal gain)
 - (Misrepresentation = giving a false or misleading account of the nature of something)

Impersonation [BPC 5580]

1. Holder of a license;
2. Impersonates an architect, or former architect, of the same or similar name; or
3. Practices under an assumed name.

Aiding Unlawful Practice [BPC 5582]

1. Holder of a license;
2. Aids or Abets in the practice of architecture (by signing any instrument of service** prepared by an unauthorized person per CCR 151); or
3. Any person not authorized to practice.

Signing Other's Plans [BPC 5582.1(a)]

1. Holder of a license; or
2. Signs plans not prepared by them or under their responsible control per CCR 151.

Permitting Misuse of Name [BPC 5582.1(b)]

1. Holder of a license;
2. Permits his or her name to be used;
3. For the purpose of evading provisions of the Act.

Fraud in Practice [BPC 5583]

1. Holder of a license;
2. Guilty of fraud or deceit;
 - (Fraud = deception intended to result in financial or personal gain)
 - (Deceit = concealing or misrepresenting the truth)
3. In the practice of architecture.

Negligence [BPC 5584, CCR 160(b)(1)]

1. Holder of a license; and
2. Guilty of negligence in the practice of architecture: (Failure to apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in this state under similar circumstances and conditions, CCR 160(b)(1)).

Willful Misconduct [BPC 5584, CCR 150]

1. Holder of a license; and
2. Guilty of willful misconduct in the practice of architecture
 - a. Breach of contract together with failure to inform the client of the breach (CCR 150).

Incompetency [BPC 5585, CCR 160(a)]

1. Holder of a license or those engaged as consultants; and
2. Not qualified by education, training, and experience in the specific technical areas involved. (CCR 160(a)(1)); or
3. Knowingly designs a project in violation of applicable building laws, codes, and regulations (CCR 160(b)(1)).

Recklessness [BPC 5585]

1. Holder of a license; and
2. Guilty of recklessness in the practice of architecture: (Recklessness = Conduct that is short of actual intent to cause harm, but greater than simple negligence).

Disciplinary Action by another Public Agency [BPC 5586]

1. Holder of a license; and
2. Fails to report disciplinary action taken by any public agency; and
3. For an act substantially related to practice of architecture per CCR 110

Failure to Report Settlement [BPC 5588]

1. A licensee;
2. Knows of a judgment, settlement, or arbitration award against them;
3. In a civil or administrative action (with a docket number);
4. Alleging fraud, deceit, negligence, incompetence, or recklessness in the practice of architecture;
5. In an amount of \$5,000 or greater; and
6. Fails to report it or respond to the Board within 30 days.

Continuing Education (CE) Audit – Failure to complete [BPC 5600.05(a)]

1. A licensee;
2. Fails to complete required CE coursework prior to renewal
 - (Five hours Accessibility Disability Access (ADA) + five hours Zero Net Carbon Design (ZNCD) within previous two years); or
3. Fails to maintain records of the required coursework for two years;
4. Provides false or misleading information related to CE requirements.

Architectural Corporation Requirements [BPC 5610.2]

1. A licensee;
2. Assists in violation of the Moscone-Knox Professional Corporation Act.

Rules of Professional Conduct [CCR 160] – for licensees

2. Incompetence (see BPC 5585).
3. Standard of Care / Negligence (see BPC 5584).
4. Failure to respond to Board investigation within 30 days.
5. Conflict of Interest:
 - a. Failure to disclose substantial interests;
 - b. Accepting payment from suppliers;
 - c. Business under their inspection; or
 - d. Impartial interpretation of construction contracts.
6. Full Disclosure:
 - a. Accurate representation of qualifications and scope of responsibility.
 - b. Accurate response and report regarding candidate recommendations.
7. Copyright infringement
 - a. Found by court.
8. Informed Consent
 - a. Failure to inform client before materially altering the scope or objective of a project.

[***The practice of architecture** within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures. BPC5500.1(a)]

[** **“Instruments of Service”** are defined as representations of creative work performed by the Architect and the Architect’s consultants. AIA A201-2007 General Conditions]

Potential Actions

Any violation of the Act by a license holder can be grounds for discipline [BPC 5578]

Any violation of the Act or its regulations can result in citation and fine [CCR 152(a)]

- Licensees pursuant to BPC 125.9
- Unlicensed pursuant to BPC 148

Recommended Penalties

Factors to be Considered

In determining whether revocation, suspension, or probation is to be recommended in a given case, factors such as the following should be considered (CCR 154 / Disciplinary Guidelines):

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.
2. Actual or potential harm to any consumer, client, or the general public.
3. Prior disciplinary record.
4. Number and/or variety of current violations.
5. Aggravating evidence.
6. Mitigating evidence.
7. Evidence, if any, of rehabilitation submitted by the respondent.
8. Time passed since the act(s) or offense(s) occurred.
9. Any financial benefit to the respondent from his or her misconduct.
10. Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.
11. Recognition by the respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.

Citations and Fines

The Board may issue a citation in accordance with CCR 152, as an alternate means to address relatively minor violations not necessarily warranting discipline, or in accordance with BPC 148, against an unlicensed person.

Citations that include an assessment of an administrative fine are classified according to the nature of the violation as follows:

- Class "A" violations are violations that involve an unlicensed person who has violated Business and Professions Code section 5536 (Advertising), 5536.1 (Signature on plans), 5536.4 (Consent to use instruments of service), 5366.5 (Fire zone) or CCR 134 (Business name) \$750 - \$2,500 for each and every violation.
- Class "B" violations are violations that involve a person who, while engaged in the practice of architecture, has caused physical damage or monetary damage, or
- a person who has committed a class "C" violation and has one or more prior, separate class "C" violations. \$1,000 - \$2,500 for each and every violation.
- Class "C" violations are violations that involve a person who, while engaged in the practice of architecture, has not caused injury or damage. \$250 - \$1,000 for each and every violation.

Notwithstanding the administrative fine amounts listed above, a citation may include a fine between \$2,501 and \$5,000 if one or more of the following circumstances apply:

- The citation involves a violation that has an immediate relationship to the health and safety of another person.
- The cited person has a history of two or more prior citations of the same or similar violations.
- The citation involves multiple violations that demonstrate a willful disregard of the law.
- The citation involves a violation or violations perpetrated against a senior citizen or disabled person.

AGENDA ITEM K.1: Discuss and Possible Action on Proposed Regulatory Text for CCR Title 16, Division 2, Article 2, Section 109 (Filing of Applications)

Summary

This regulatory proposal amends 16 CCR section 109 to update references to the National Council of Architectural Registration Boards (NCARB) Intern Development Program and replaces those references with the phrase “Architectural Experience Program (AXP)” (**Attachment 1**). The amendments update, by incorporating by reference, the Application for Eligibility form, (changes required to address [AB 2113](#), and [AB 2138](#)) and the Employment Verification Form. The changes align the regulation with current Board practices and forms, current NCARB requirements, and make non-substantive changes to improve clarity.

Regarding the Application for Eligibility Form and the Education Verification Form, given the structural changes, the entire Application for Eligibility and the Education Verification forms were struck and new forms were created. Both forms follow the proposed modified text.

Action Requested

The Board is asked to consider a motion to approve the proposed regulatory text for 16 CCR section 109, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR section 109 as noticed.

Attachments

1. Amended 16 CCR section 109 (Filing of Applications)
2. Existing 16 CCR section 109 (Filing of Applications)

AGENDA ITEM K.2: DISCUSS AND POSSIBLE ACTION ON PROPOSED REGULATORY LANGUAGE TO AMEND CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2615 (FORM OF EXAMINATIONS)

Summary

Beginning December 2023, the Council of Landscape Architectural Registration Boards (CLARB) will administer a new format of the Landscape Architects Registration Examination (LARE). To receive transitional credit for the new LARE section titled “Construction Administration and Documentation,” candidates must have passed current LARE Sections 1 (Project and Construction Management) and 4 (Grading, Drainage and Construction Documentation).

Around 200 California candidates have qualified for early entrance to take current LARE Sections 1 (Project and Construction Management) and 2 (Inventory and Analysis), in accordance with 16 California Code of Regulations (CCR) section 2615 (Form of Examinations). Candidates pursuing this path presently are required to complete two years of training experience before taking current LARE Sections 3 (Design) and 4 (Grading, Drainage and Construction Documentation). These California candidates may not have sufficient time to complete the required training experience before the LARE transition in December 2023. It is possible that some candidates who have passed current LARE Section 1 will need to retest if they are unable to meet the training experience requirement and pass current LARE Section 4 prior to the LARE transition in December 2023.

To provide California candidates with additional opportunities to pass LARE Section 4 prior to implementation of the new LARE format, LATC staff worked with the LATC Chair and DCA Regulations Counsel to prepare emergency Proposed Regulatory Language amending 16 CCR section 2615 which was presented to the LATC at its November 4, 2022 meeting. After the November LATC meeting, DCA Regulations Counsel advised staff that LATC could not proceed with the emergency regulatory proposal because it would not meet the emergency criteria required for approval from the Office of Administrative Law (OAL).

As a result, LATC staff worked with the LATC Chair and DCA Regulations Counsel to prepare the attached Proposed Regulatory Language amending 16 CCR section 2615. If approved by the Board, the new proposal will be submitted to OAL as a regular

rulemaking and would allow California candidates to take any section of the LARE if they hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board or an approved extension certificate in landscape architecture along with a four-year degree. These candidates would need to complete the two-year training experience requirement prior to obtaining a landscape architect license (even if they have passed all sections of the LARE). This proposal would also align California's regulations with the new LARE format by removing references to LARE Sections 1 and 2 which will no longer be administered after December 2023.

Action Requested

Approve the Proposed Regulatory Language to amend 16 CCR section 2615 (Form of Examinations).

Attachment

Proposed Regulatory Language to amend 16 CCR section 2615 (Form of Examinations)

CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
PROPOSED REGULATORY LANGUAGE

Legend: Additions are shown in <u>underline</u> . Deletions are shown in strikethrough

Amend Section 2615 in Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2615. Form of Examinations

(a) (1) A candidate who has a combination of six years of education and training experience as specified in section 2620 shall be eligible and may apply for the Landscape Architect Registration Examination (LARE).

(2) Notwithstanding subdivision (a)(1), a candidate who has a degree from an accredited program in landscape architecture in accordance with section 2620(a)(1) or an extension certificate in landscape architecture from an Extension Certificate Program that meets the requirements of section 2620.5 and a degree which consists of at least a four-year curriculum ~~Board-approved school~~ in accordance with section 2620(a)(~~78~~) shall be eligible and may apply for ~~Sections 1 and 2 of the Landscape Architect Registration Examination (the LARE)~~. ~~Such candidates shall not be eligible for Sections 3 and 4 of the LARE until the candidate has a combination of six years of education and training experience as specified in section 2620.~~

A candidate's score on the LARE shall not be recognized in this State if at the time the candidate took the LARE, the candidate was not eligible in accordance with California laws and regulations for the examination or sections thereof.

(b) A candidate shall be deemed eligible and may apply for the California Supplemental Examination (CSE) upon passing all sections of the ~~Landscape Architect Registration Examination~~ LARE.

(c) All candidates applying for licensure as a landscape architect shall pass all sections of the ~~Landscape Architect Registration Examination~~ LARE or a written examination substantially equivalent in scope and subject matter required in

California, as determined by the Board, and the ~~California Supplemental Examination~~CSE subject to the following provisions:

- (1) A candidate who is licensed as a landscape architect in a U.S. jurisdiction, Canadian province, or Puerto Rico by having passed a written examination substantially equivalent in scope and subject matter required in California as determined by the Board shall be eligible for licensure upon passing the ~~California Supplemental Examination~~CSE.
- (2) A candidate who is not a licensed landscape architect and who has received credit from a U.S. jurisdiction, Canadian province, or Puerto Rico for a written examination substantially equivalent in scope and subject matter required in California shall be entitled to receive credit for the corresponding sections of the ~~Landscape Architect Registration Examination~~LARE, as determined by the Board, and shall be eligible for licensure upon passing any remaining sections of the ~~Landscape Architect Registration Examination~~LARE and the ~~California Supplemental Examination~~CSE.

NOTE: Authority cited: Section 5630, Business and Professions Code.
Reference: Section 5651, Business and Professions Code.

AGENDA ITEM L: REVIEW OF FUTURE BOARD MEETING DATES

Summary

A schedule of planned meetings and events for 2023 are as follows:

<u>Date</u>	<u>Event</u>	<u>Location</u>
January 27	LATC Meeting (cancelled)	TBD
February 24	Board Meeting	TBD
April 14	LATC Meeting	TBD
May 19	Board Meeting	TBD
August 11	LATC Meeting	TBD
September 8	Board Meeting	TBD
November 3	LATC Meeting	TBD
December 1	Board Meeting	TBD

AGENDA ITEM M: CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(a)(1) AND (c)(3), THE BOARD WILL MEET IN CLOSED SESSION TO:

1. Deliberate and Vote on Disciplinary Matters
2. Approve December 9, 2022 minutes