



California Architects Board

Board Meeting

May 19, 2023

Teleconference





Board Members

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

NOTICE OF PUBLIC TELECONFERENCE MEETING

May 19, 2023

The California Architects Board (Board) will meet by teleconference

10:00 a.m., on Friday, May 19, 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 May 14, 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 May 19, 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. Budget Update from DCA Budget Office, Harmony DeFilippo, Budget Analyst

F. Presentation from the National Organization of Minority Architects (NOMA – San Diego Chapter)

G. Review and Possible Action on February 24, 2023, Board Meeting Minutes

H. Legislation Update

1. AB 342 (Valencia) Architects and Real Estate Appraisers: Applicants and Licensees: Demographic Information
2. SB 372 (Menjivar) Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes
3. SB 544 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing

I. Update and Discuss National Council of Architectural Registration Boards (NCARB):

1. Update and Discuss Committee Meetings
2. Discuss and Take Action on Candidates for 2023 Board of Directors
3. Review and Discuss the 2023 NCARB Annual Business Meeting Agenda
4. Review and Discuss the 2023 Resolutions:
 - a) Resolution 2023-A: NCARB Model Law and Regulations Amendment – Responsible Control
 - b) Resolution 2023-B: Omnibus Sunset of Education Policy Resolutions
 - c) Resolution 2023-C: Omnibus Sunset of Resolutions in Conflict with Current Council Policies
 - d) Resolution 2023-D: NCARB Model Rules of Conduct Amendment – Ethics Update
 - e) Resolution 2023-E: Amendment and Restatement of NCARB Bylaws

J. Update on Committees

1. Landscape Architects Technical Committee (LATC)
 - a) April 21, 2023, LATC Meeting
 1. Discuss having a merged Board with LATC to Provide Better Representation and Increase Efficiency

- K. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
 - 1. Strategic Plan Objective 2.1 - Provide More Information on Decisions Made in Enforcement Cases

- L. 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 Text Amendments for CCR, title 16, division 2, article 3, section 120 (Re-Examination)

 - 3. LATC - Discuss and Possible Action on Proposed Regulatory Text Amendments for CCR title 16, division 26, article 1, section 2614 (Examination Transition Plan)

- M. Review of Future Board Meeting Dates

- 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

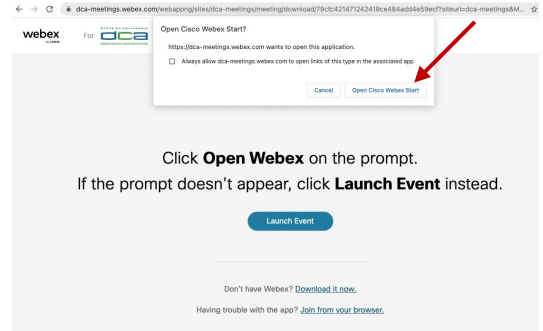
Mailing Address:
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

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

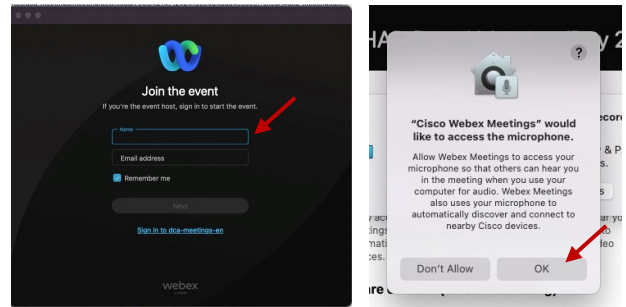
Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions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

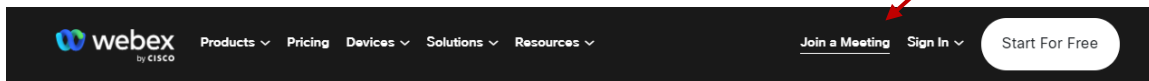


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

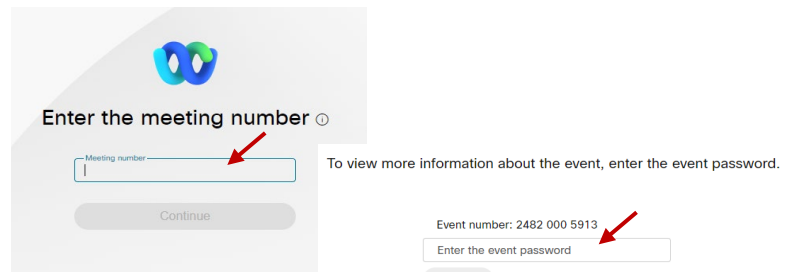
OR

If joining from Webex.com

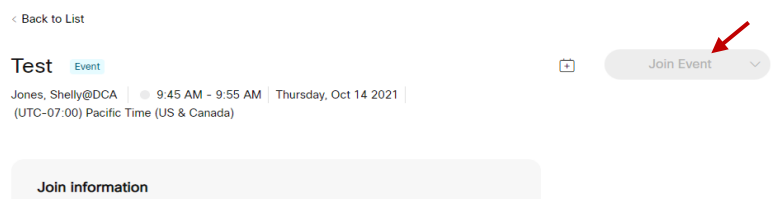
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 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".



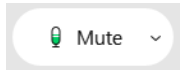
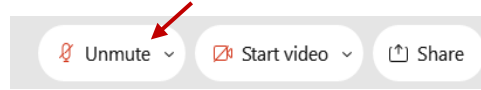
OR

Connect via telephone*:

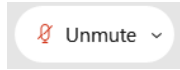
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

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

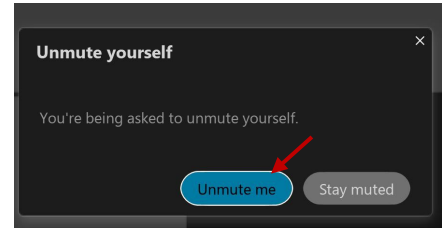


Green microphone = Unmuted: People in the meeting can hear you.



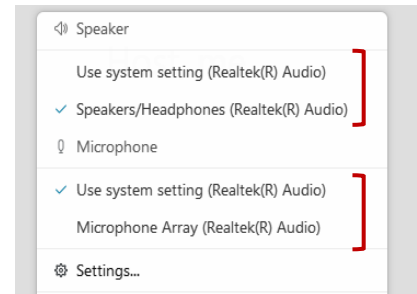
Red microphone = Muted: No one in the meeting can hear you.

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".



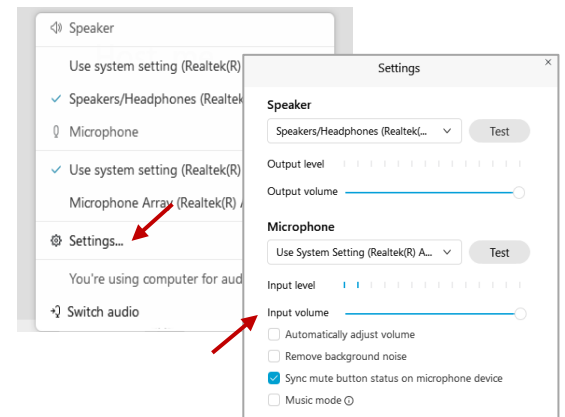
If you cannot hear or be heard

- 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

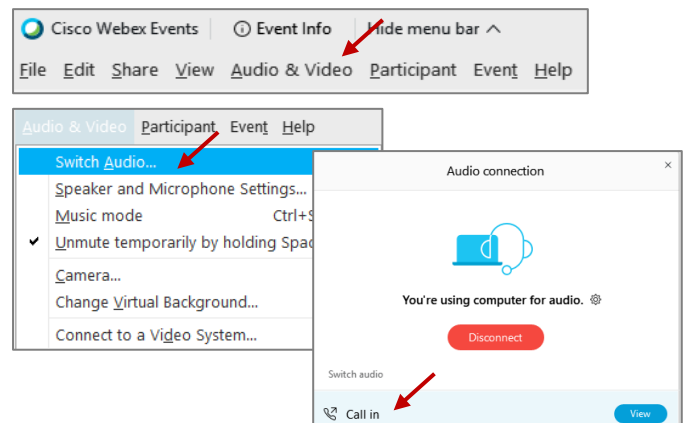
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



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.



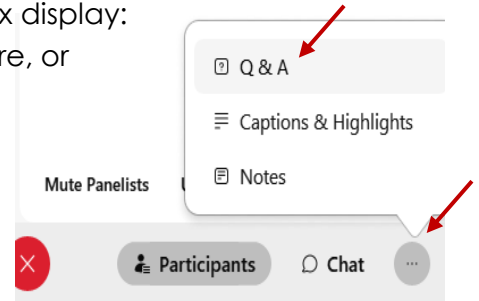
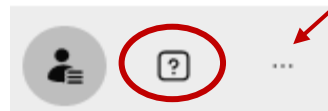
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

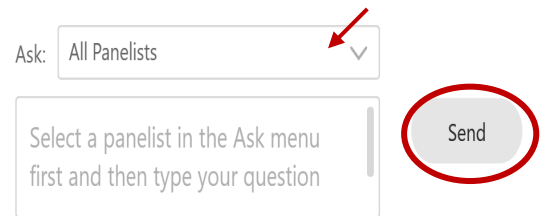
1 Access the Q&A panel at the bottom right of the Webex display:

- 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

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

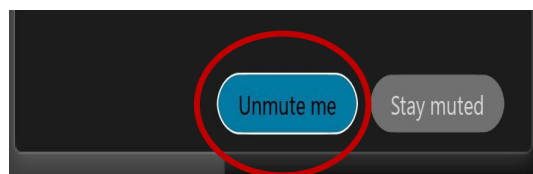
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



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.

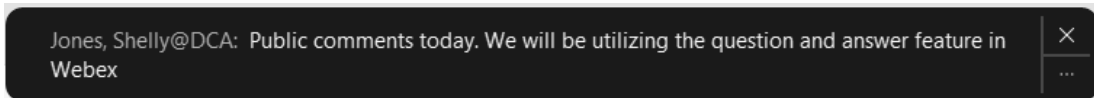


OR

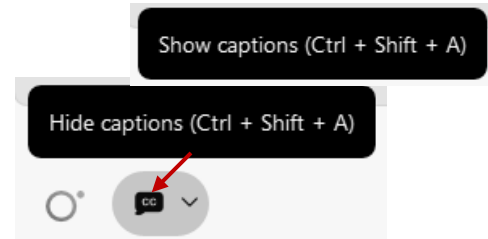
If connected via telephone:

- Press *3 to unmute your microphone.

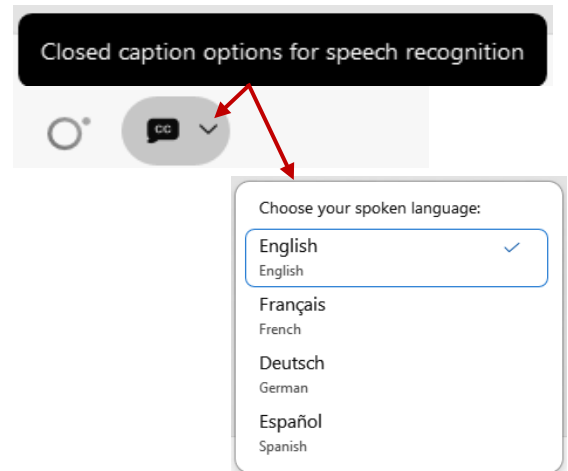
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



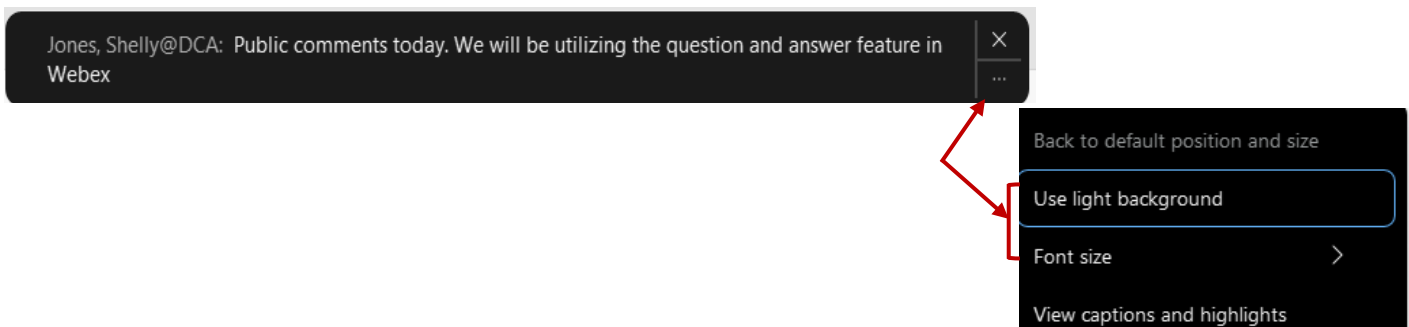
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



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 their absence, by the Board Vice President or, in their 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 L. Ward, III

Ronald A. Jones

Malcolm Gladstone

Tian Feng

Mitra Kanaani

Sylvia Kwan

Ebony Lewis

Leonard Manoukian

Robert C. Pearman, Jr.

Nilza Serrano

Department of Consumer Affairs

Expenditure Projection Report

California Architects Board

Reporting Structure(s): 11110310 Support

Fiscal Month: 9

Fiscal Year: 2022 - 2023

Run Date: 04/21/2023

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	\$0	\$1,435,104	\$1,701,000	\$131,243	\$1,111,724	\$0	\$1,111,724	\$1,504,406	\$196,594
5100	TEMPORARY POSITIONS	\$0	\$49,284	\$0	\$0	\$33,952	\$0	\$33,952	\$33,952	-\$33,952
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$0	\$11,208	\$10,000	\$900	\$2,300	\$0	\$2,300	\$3,500	\$6,500
5150	STAFF BENEFITS	\$0	\$860,000	\$1,040,000	\$84,614	\$702,379	\$0	\$702,379	\$943,121	\$96,879
	PERSONAL SERVICES	\$0	\$2,355,596	\$2,751,000	\$216,756	\$1,850,355	\$0	\$1,850,355	\$2,484,979	\$266,021

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	\$0	\$14,296	\$22,000	\$1,343	\$10,877	\$257	\$11,134	\$16,151	\$5,849
5302	PRINTING	\$0	\$28,803	\$20,000	\$6,496	\$13,569	\$14,166	\$27,735	\$28,112	-\$8,112
5304	COMMUNICATIONS	\$0	\$8,254	\$9,000	\$1,266	\$4,431	\$0	\$4,431	\$8,622	\$378
5306	POSTAGE	\$0	\$12,220	\$70,000	\$1,349	\$3,971	\$0	\$3,971	\$10,730	\$59,270
5308	INSURANCE	\$0	\$45	\$0	\$36	\$36	\$0	\$36	\$36	-\$36
53202-204	IN STATE TRAVEL	\$0	\$2,416	\$96,000	\$1,561	\$4,295	\$0	\$4,295	\$5,795	\$90,205
53206-208	OUT OF STATE TRAVEL	\$0	\$760	\$0	\$0	\$1,351	\$0	\$1,351	\$1,351	-\$1,351
5322	TRAINING	\$0	\$0	\$21,000	\$0	\$0	\$0	\$0	\$1,000	\$20,000
5324	FACILITIES	\$0	\$213,850	\$300,000	\$18,079	\$161,627	\$52,585	\$214,212	\$222,309	\$77,691
53402-53403	C/P SERVICES (INTERNAL)	\$0	\$175,030	\$123,000	\$15,934	\$76,123	\$0	\$76,123	\$119,797	\$3,203
53404-53405	C/P SERVICES (EXTERNAL)	\$0	\$191,367	\$551,000	\$22,454	\$164,065	\$97,702	\$261,767	\$449,663	\$101,337
5342	DEPARTMENT PRORATA	\$0	\$895,193	\$1,076,000	\$0	\$780,750	\$0	\$780,750	\$1,076,000	\$0
5342	DEPARTMENTAL SERVICES	\$0	\$57,216	\$0	\$374	\$46,904	\$0	\$46,904	\$78,306	-\$78,306
5344	CONSOLIDATED DATA CENTERS	\$0	\$8,299	\$14,000	\$4	\$227	\$0	\$227	\$40,296	-\$26,296
5346	INFORMATION TECHNOLOGY	\$0	\$65,904	\$126,000	\$328	\$1,193	\$18,646	\$19,840	\$97,425	\$28,575
5362-5368	EQUIPMENT	\$0	\$28,922	\$0	\$809	\$7,804	\$1,418	\$9,222	\$9,222	-\$9,222
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	\$386	\$0	\$386	\$886	-\$886
57	INTERNAL COST RECOVERY	\$0	-\$26,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	OPERATING EXPENSES & EQUIPMENT	\$0	\$1,679,377	\$2,428,000	\$70,032	\$1,277,607	\$184,774	\$1,462,382	\$2,165,700	\$262,300

OVERALL TOTALS	\$0	\$4,034,973	\$5,179,000	\$286,789	\$3,127,963	\$184,774	\$3,312,737	\$4,650,679	\$528,321
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57 INTERNAL COST RECOVERY	-\$26,000		-\$26,000					-\$26,000	
REIMBURSEMENTS	-\$5,000		-\$5,000					-\$5,000	
OVERALL NET TOTALS	-\$31,000	\$4,034,973	\$5,148,000	\$286,789	\$3,127,963	\$184,774	\$3,312,737	\$4,619,679	\$528,321

10.26%

Department of Consumer Affairs

Revenue Projection Report

Reporting Structure(s): 11110310 Support

Fiscal Month:

Fiscal Year: 2022 - 2023

Run Date: 04/21/2023

Revenue

Fiscal Code	Line Item	Budget	July	August	September	October	November	December	January	February	March	Year to Date	Projection To Year End
	Delinquent Fees	\$25,000	\$1,500	\$2,100	\$3,200	\$1,500	\$1,500	\$1,400	\$1,200	\$900	\$3,600	\$16,900	\$28,200
	Other Regulatory Fees	\$22,000	\$6,045	\$1,921	\$1,205	\$1,294	\$2,327	\$1,650	\$2,370	\$261	\$5,262	\$22,335	\$26,505
	Other Regulatory License and Permits	\$511,000	\$23,475	\$30,505	\$34,140	\$27,450	\$25,955	\$22,745	\$25,505	\$35,330	\$40,635	\$265,740	\$372,655
	Other Revenue	\$37,000	\$800	\$302	\$250	\$13,393	\$2,717	\$25	\$16,027	\$275	\$25	\$33,815	\$42,177
	Renewal Fees	\$2,809,000	\$5,550	\$8,850	\$13,965	\$7,485	\$32,250	\$168,200	\$404,100	\$443,800	\$518,562	\$1,602,762	\$2,804,019
	Revenue	\$3,404,000	\$37,370	\$43,678	\$52,760	\$51,122	\$64,749	\$194,020	\$449,202	\$480,566	\$568,084	\$1,941,552	\$3,273,556

Reimbursements

Fiscal Code	Line Item	Budget	July	August	September	October	November	December	January	February	March	Year to Date	Projection To Year End
	Unscheduled Reimbursements	\$0	\$1,408	\$1,306	\$1,000	\$1,121	\$653	\$1,000	\$0	\$1,121	\$1,753	\$9,362	\$9,362
	Reimbursements	\$0	\$1,408	\$1,306	\$1,000	\$1,121	\$653	\$1,000	\$0	\$1,121	\$1,753	\$9,362	\$9,362

0706 - California Architects Board Fund Analysis of Fund Condition
(Dollars in Thousands)
2023-24 Governor's Budget with FM 9 Projections

Prepared 4.21.2023

	Actuals	CY	BY	BY +1	BY +2
	2021-22	2022-23	2023-24	2024-25	2025-26
BEGINNING BALANCE	\$ 4,509	\$ 4,435	\$ 2,732	\$ 3,054	\$ 757
Prior Year Adjustment	\$ 101	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,610	\$ 4,435	\$ 2,732	\$ 3,054	\$ 757
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 63	\$ 28	\$ 63	\$ 28	\$ 63
4127400 - Renewal fees	\$ 3,904	\$ 2,804	\$ 5,146	\$ 2,804	\$ 5,146
4129200 - Other regulatory fees	\$ 15	\$ 27	\$ 25	\$ 27	\$ 25
4129400 - Other regulatory licenses and permits	\$ 366	\$ 373	\$ 428	\$ 373	\$ 428
4163000 - Income from surplus money investments	\$ 21	\$ 37	\$ 51	\$ 11	\$ 12
4171400 - Escheat of unclaimed checks and warrants	\$ 2	\$ 5	\$ -	\$ -	\$ -
Totals, Revenues	\$ 4,371	\$ 3,274	\$ 5,713	\$ 3,243	\$ 5,674
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	\$ 3,274	\$ 5,713	\$ 3,243	\$ 5,674
TOTAL RESOURCES	\$ 8,801	\$ 7,709	\$ 8,445	\$ 6,297	\$ 6,431
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,025	\$ 4,615	\$ 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	\$ 4,977	\$ 5,391	\$ 5,540	\$ 5,598
FUND BALANCE					
Reserve for economic uncertainties	\$ 4,435	\$ 2,732	\$ 3,054	\$ 757	\$ 833
Months in Reserve	10.7	6.1	6.6	1.6	1.8

NOTES:

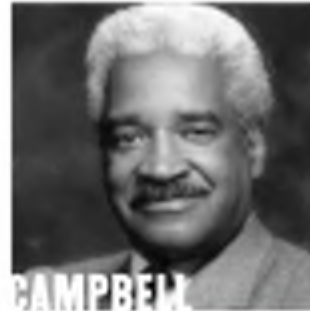
1. Assumes workload and revenue projections are realized in BY +1 and ongoing.
2. Expenditure growth projected at 3% beginning BY +1.

SD NOMA



History

Twelve African-American architects from different parts of the country met, some for the first time, during the AIA National Convention in Detroit in 1971. What these professionals recognized was the desperate need for an organization dedicated to the development and advancement of minority architects.



SAN DIEGO ARCHITECTURE CENSUS

TYPE	COUNT	SOURCE
PROFESSIONAL	1,415	California Architect's Board
INTERN	978	NCARB
STUDENT 4-YEAR	482	New School, Woodbury
STUDENT 2-YEAR	165	Miracosta and Southwestern College
INTERIOR DESIGN	148	SDSU, Design Institute SD, Palomar College
TOTAL	3,188	

\$7,500 SCHOLARSHIP TO SAN DIEGO STUDENT



BLOG

DAVID RICE

MICHAEL ROBINSON

JANENE CHRISTOPHER

JOIN

SPONSOR

VOLUNTEER

New Scholarship Will Promote Diversity in Architecture

After George Floyd's death and the protests against police brutality that followed, the San Diego Architectural Foundation (SDAF) expressed its support for the Black Lives Matter movement and a desire to do more to support diversity in architecture.

As a first step toward bringing those commitments to life, SDAF is collaborating with the currently forming San Diego chapter of [the National Organization of Minority Architects \(SDNOMA\)](#) to create a scholarship for a minority architectural student. SDAF's Orchids & Onions event, coming up on Oct. 1, will give attendees the opportunity to participate in a live fundraising drive to support [the new scholarship fund](#).

PROJECT PIPELINE



PROJECT PIPELINE

Avery Caldwell, MA, MFA



NOMA NATIONAL Q2 MEETING AND TOWN HALL





NOMA

UNPLUGGED

20 NASHVILLE 22



BLACK WOMEN AND THE PATH TO LICENSURE

People of color, women, and candidates over 40 are **less likely to pass exam divisions** compared to their peers.



Black/African American candidates are **27-38 percentage points less likely** to pass each ARE 5.0 division than white candidates.



B – 3. Women Testing

Race	Percentage
American Indian or Alaska Native	0.2%
Asian	22.6%
Black or African American	5.2%
Native Hawaiian or Other Pacific Islander	0.5%
Other	10.5%
White	60.9%
Grand Total	100.0%



12.3 YEARS

Time to complete the path to licensure



COLLEGE TO
LICENSURE

African American candidates ready for licensure latest at

15.2 YEARS

Time to Complete Exam Increases

2.6
YEARS

+13%

DISCUSSION

CHAPTER PROFILE

SONOMA





**DRAFT
MEETING MINUTES
CALIFORNIA ARCHITECTS BOARD**

February 24, 2023
Teleconference Meeting

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

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

On February 24, 2023, Board President Charles “Sonny” Ward called the meeting to order at 10:04 a.m. and Secretary Brett Gladstone called roll.

Board Members Present

Charles L. Ward III, President
Ronald Jones, Vice President
Malcolm “Brett” Gladstone, Secretary
Tian Feng
Mitra Kanaani
Sylvia Kwan
Ebony Lewis
Robert Pearman
Nilza Serrano

Six members of the Board present constitute a quorum. Nine members were present at the time of roll call; therefore, a quorum was established.

Guests Present

Jessica Wall, Administrative Law Judge
Anahita Crawford, Deputy Attorney General
Jodi Till, Court Reporter
Jacob Bunting, Petitioner
Erin Persky, National Organization of Minority Architects, San Diego Chapter
Jennifer Swedell, National Organization of Minority Architects, San Diego Chapter

Board Staff Present

Laura Zuniga, Executive Officer (EO)
Alicia Kroeger, Enforcement Manager
Jane Kreidler, Administrative Manager
Marccus Reinhardt, Examinations & Licensing Manager
Kim McDaniel, Regulations Manager
Trish Rodriguez, LATC Manager
Drew Liston, Board Liaison

Kourtney Nation, LATC

DCA Staff Present

Michael Kanotz, Board Counsel
Melissa Gear, Board and Bureau Relations
Harmony DeFilippo, Budget Analyst
Ann Fisher, SOLID Moderator
Trisha St. Claire, SOLID Co-Moderator
Bryce Penny, Office of Public Affairs

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

President Ward opened the meeting by stating the meeting is being webcast, and all motions and seconds will be repeated for the record and votes on motions will be taken by roll call.

PUBLIC COMMENT

There were no comments from the public.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no comments from the public.

**D. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA) – Melissa
Gear, Deputy Director, Board and Bureau Relations**

Melissa Gear provided the following DCA update:

- The Diversity, Equity, and Inclusion (DEI) Steering Committee (comprised of DCA Board and Bureau leadership) held its second meeting January 27 to establish the Committee’s Charter, discuss changes to the strategic planning process and develop a fact sheet. Additional resources will be forthcoming to implement the Governor’s Executive Order issued in September 2022 directing State departments to embed DEI into strategic plans. SOLID and the DEI Steering Committee will develop related questions for inclusion, an environmental scan survey, and a SWOT analysis. Sample objectives will also be available to assist boards and bureaus.
- There are two necessary board member trainings this year-- Sexual Harassment Prevention and Information Security Awareness training, (Information Security Awareness is not required for CAB Board members). Ms. Gear also reminded the Board members to file their annual Statement of Economic Interest (Form 700) by March 15, 2023. Additionally, Board members are required to file a Form 700 within 30 days of their appointment and when they leave the Board.

PUBLIC COMMENT

There were no comments from the public.

F. REVIEW AND POSSIBLE ACTION ON DECEMBER 9, 2022, BOARD MINUTES

Mr. Gladstone noted a discrepancy in one of his statements during a conversation about the Presentments Regulation. The minutes state the following: *Mr. Gladstone commented as a licensed attorney that he is required to put his number on all of his advertisement and presentations.* Mr. Gladstone said that he said the opposite. The correction was made.

Nilza Serrano moved to approve the December 9, 2022, minutes as amended.

Ron Jones seconded the motion.

PUBLIC COMMENT

There were no comments from the public.

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

G. BUDGET UPDATE FROM DCA BUDGET OFFICE, Harmony DeFilippo

Harmony DeFilippo, DCA Budget Analyst provided the following update:

- During 2021/22, cost increases were partially due to the Board's business modernization efforts. The Board is projected to spend approximately \$4,721,000 in 2022/23.
- The Board began 2021/22 with a fund balance of \$4,610,000 and collected \$4,371,000 in revenue. For 22/23, current year, the Board is projecting revenues at \$3,264,000. Costs are projected to increase due to business modernization. The Board already began taking action to rectify the structural imbalance by voting to approve increasing the initial and renewal license fees from \$300 to \$400 through the regulatory process.

Currently, there are no concerns with the fund, and as always, the Budget Office will continue to monitor and provide regular updates to the Board's EO.

PUBLIC COMMENT

There were no comments from the public.

H. HEARING ON PETITION FOR RESINSTATMENT OF LICENSE – JACOB SLATER BUNTING

Former licensee, Jacob Slater Bunting, petitioned to get his license reinstated after being convicted of a crime substantially related to the duties of the profession. Board members asked questions and went into closed session to deliberate.

M. CLOSED SESSION (11:52pm)

The Board deliberated Jacob Slater Bunting's petition to reinstate his license.

RECONVENE OPEN SESSION (1:58pm)

A quorum was established with six members present: President Ward, Members Kanaani, Serrano, Kwan, Jones and Pearman.

J. EXECUTIVE OFFICERS REPORT

Laura Zuniga, Executive Officer, provided the quarterly EO Report and highlighted the following:

- The following agenda items have been postponed until the next meeting because of scheduling issues: Item E, NOMA Presentation; Item I, NCARB Update; and Item J1, Enforcement Presentation.
- Business Modernization is close to completion, and the User Acceptance testing phase is currently happening. The system should roll out in March. DCA will begin training our staff next month.
- The open Assistant EO position has been advertised and interviews will be held in March.
- Outreach continued for the new zero net carbon design continuing education requirement that became effective January 1, 2023. Information has been disseminated on social media, the *California Architects* newsletter, and sent to the licensee email list. In addition, LATC staff provided an overview of the importance of licensure and the examination process to 28 landscape architecture students at UC Davis.
- The retired license regulation is complete, and retired licenses are being issued. The Board has received a lot of interest, and the fee increase regulation was approved and will take effect July 1, 2023.
- Ms. Zuniga mentioned the ARE and CSE test results for the last quarter.
- Ms. Zuniga then displayed a chart with Common Violations for both CAB and LATC. Board Member Ron Jones asked if the violations track consistently

between the two Boards. Ms. Zuniga replied that a study has not been completed, and she would have more information at the next Board Meeting.

PUBLIC COMMENT

There were no comments from the Public

K. REGULATIONS UPDATE

Ms. Zuniga began by stating that Item K1 will be postponed until the next Board meeting. Ms. Zuniga turned the update over to Trish Rodriguez, LATC Program, Manager to discuss Title 16, division 26, article 1, section 2615. The regulatory proposal would allow candidates with an accredited landscape architect degree or an extension certificate and a degree to sit for all four sections of the Landscape Architect Registration Examination (LARE). Currently, these candidates are permitted to take sections 1 and 2 only (Project & Construction Administration and Inventory & Analysis). Candidates presently pursuing this path are required to complete two years of training experience before taking current LARE Sections 3 (Design) and 4 (Grading, Drainage and Construction Documentation). The proposed regulation would instead 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. This proposal will also align California's regulations with the new LARE format by removing references to LARE Sections 1- 4 which will no longer be administered after December 2023. These proposed amendments are in response to the California Landscape Architects Registration Board's (CLARB) recent change which goes into effect in December. Approximately 220 candidates are approved to take the LARE under this pathway; 45 of which have already passed section 1 with the approved changes. These candidates will have an opportunity to attempt sections 3 and 4 and receive credit.

Sylvia Kwan moved to Approve the Proposed Regulatory Language to amend 16 CCR, Division 2, Article 1, section 2615 (LATC Form of Examinations)

Nilza Serrano seconded the motion.

PUBLIC COMMENT

There were no comments from the public

Members Ward, Kanaani, Serrano, Kwan, Pearman and Jones voted in favor. Motion passes 6-0

L. REVIEW OF FUTURE MEETING DATES

DATE	EVENT	LOCATION
• April 14	LATC Meeting	TBD
• May 19	Board Meeting	Teleconference
• August 11	LATC Meeting	TBD

- September 8 Board Meeting TBD
- November 3 LATC Meeting TBD
- December 1 Board Meeting TBD

PUBLIC COMMENTS

There were no comments from the public.

N. ADJOURNMENT

The meeting adjourned at 2:47 pm

AGENDA ITEM H.1: AB 342 (VALENCIA) ARCHITECTS AND REAL ESTATE APPRAISERS: APPLICANTS AND LICENSEES: DEMOGRAPHIC INFORMATION

SUMMARY

[AB 342](#) would authorize the California Architects Board and the Bureau of Real Estate Appraisers to request that a licensee identify their race, ethnicity, gender, or gender identity when an initial license is issued or at the time of license renewal. The bill would require the board and the bureau to maintain the confidentiality of the information and would prohibit the board and the bureau from requiring a licensee to provide the information as a condition of licensure or license renewal. The bill would authorize the board and the bureau to publish the aggregate demographic data they collect on their internet websites. The bill, beginning January 1, 2025, would require the board and the bureau to submit the aggregate demographic data they collect to the department and would require the department to post the information on the department's internet website.

Background

This bill is sponsored by the American Institute of Architects California (AIACA). According to the Author, it is important that those in the architectural profession, who design and build our communities, reflect the diversity of the communities being served. This bill will give the California Architects Board the authority to request demographic information from licensees, which will help promote diversity, equity, and inclusion (DEI). The disclosure of this information will not be mandatory, but the new authority will allow for better assessment, support, and promotion of diversity, equity, and inclusion in the architectural industry. Collecting demographic information is critical to understanding recruitment and attrition patterns. This will enable the industry to develop strategies to address these barriers and create a more diverse and inclusive profession. These values are shared among other industries in the State and is essential for the architectural industry's long-term success.

On September 13, 2022, Governor Gavin Newsom issued Executive Order N-16-22 directing state agencies and departments to ensure that their strategic plans include policies and practices that promote DEI. More specifically, the executive order requires to state agencies and departments to consult with historically disadvantaged and underserved communities that have been impacted by the agency or department's policies or programs and to incorporate the use of data analysis and inclusive practices to promote equity and address disparities.

If enacted, the Board would become the first non-healing arts board authorized to request demographic information from licensees.

Comments

The National Council of Architectural Registration Boards (NCARB) publishes extensive demographic data about ARE candidates and NCARB certificate holders. It is not clear that the Board would be able to collect significantly more or different data than is collected by NCARB. Additionally, the Board cannot meet the January 1, 2025 deadline for reporting this information, as the Board would first need to amend its regulations to include the request for this information on its applications.

Action Requested

None.

AGENDA ITEM H.2: SB 372 (MENJIVAR) DEPARTMENT OF CONSUMER AFFAIRS: LICENSEE AND REGISTRANT RECORDS: NAME AND GENDER CHANGES

SUMMARY

[SB 372](#) would require a board to update a licensee's or registrant's records, including records contained within an online license verification system, to include the licensee's or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. The bill would require the board to remove the licensee's or registrant's former name or gender from its online license verification system and treat this information as confidential. The board would be required to establish a process to allow a person to request and obtain a licensee's or registrant's current name or enforcement action record linked to a former name, as prescribed. The bill would require the board, if requested by a licensee or registrant, to reissue specified documents conferred upon, or issued to, the licensee or registrant with their updated legal name or gender. The bill would prohibit a board from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee it charges for reissuing a document with other corrected or updated information.

Background

According to the Author, "deadnaming occurs when someone intentionally or unintentionally refers to a trans or non-binary person by the name they previously used. This practice can both negatively impact the mental health as well as the physical safety of all licensees under DCA who are identified by their deadname online.

When transgender or non-binary people transition or come out, they may choose a new name to affirm their identity. Research has shown that referring to someone using their chosen name can reduce depressive symptoms and even suicidal ideation and behavior for transgender people. It is imperative that the state take every step to uplift and protect trans and non-binary Californians. DCA can help protect its over 3.4 million licensed professionals by ensuring that trans and non-binary licensees who have legally changed their names have their identities reflected on their online system."

Action Requested

None.

AGENDA ITEM H.3: SB 544 (LAIRD) BAGLEY-KEENE OPEN MEETING ACT: TELECONFERENCING

SUMMARY

[SB 544](#) removes certain teleconference requirements of the Bagley-Keene Open Meeting Act including that each teleconference location be identified in a meeting notice and agenda and that each teleconference location be accessible to the public. This bill requires state bodies to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely.

This bill deletes the requirement that an agenda provide an opportunity for members of the public to address the state body directly at each teleconference location and requires that at least one member of the state body be physically present at the location specified in the notice of the meeting.

This bill requires a procedure for receiving and swiftly resolving requests from members of the public with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

This bill requires a member of a state body who attends a meeting by teleconference from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with any such individuals.

Background

According to the Author, this bill codifies the Governor's Executive Order allowing state boards and commissions the opportunity to continue holding virtual meetings without being required to list the private addresses of each remote member or providing public access to private locations.

The additional flexibility and safeguards may also help attract and retain appointees, who provide invaluable perspective. This bill will promote equity and public participation by removing barriers to Californians that experience challenges attending physical meetings, such as people with disabilities, caretakers, seniors, low-income individuals, and those living in rural or different areas of the state.

Action Requested

Support.

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



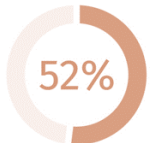
The leadership pathway is unnecessarily long



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

Member listening sessions, summer 2021

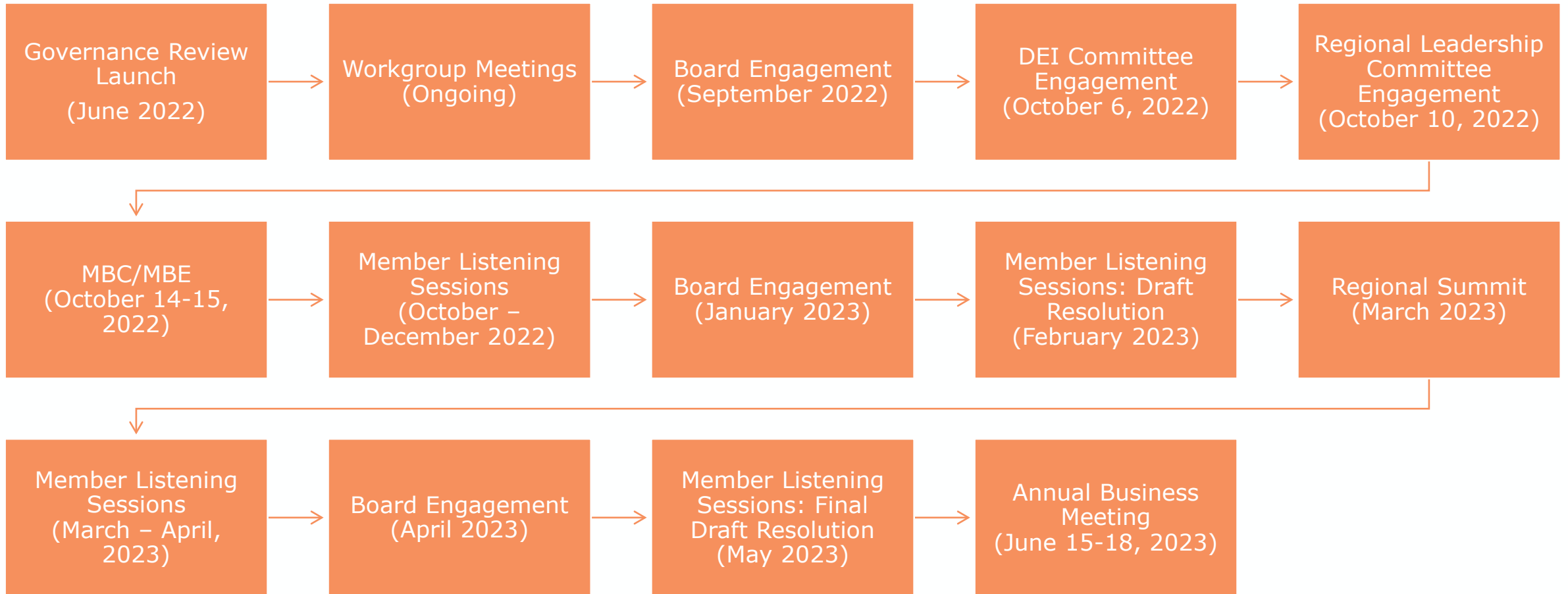
Annual Business Meeting 2022

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

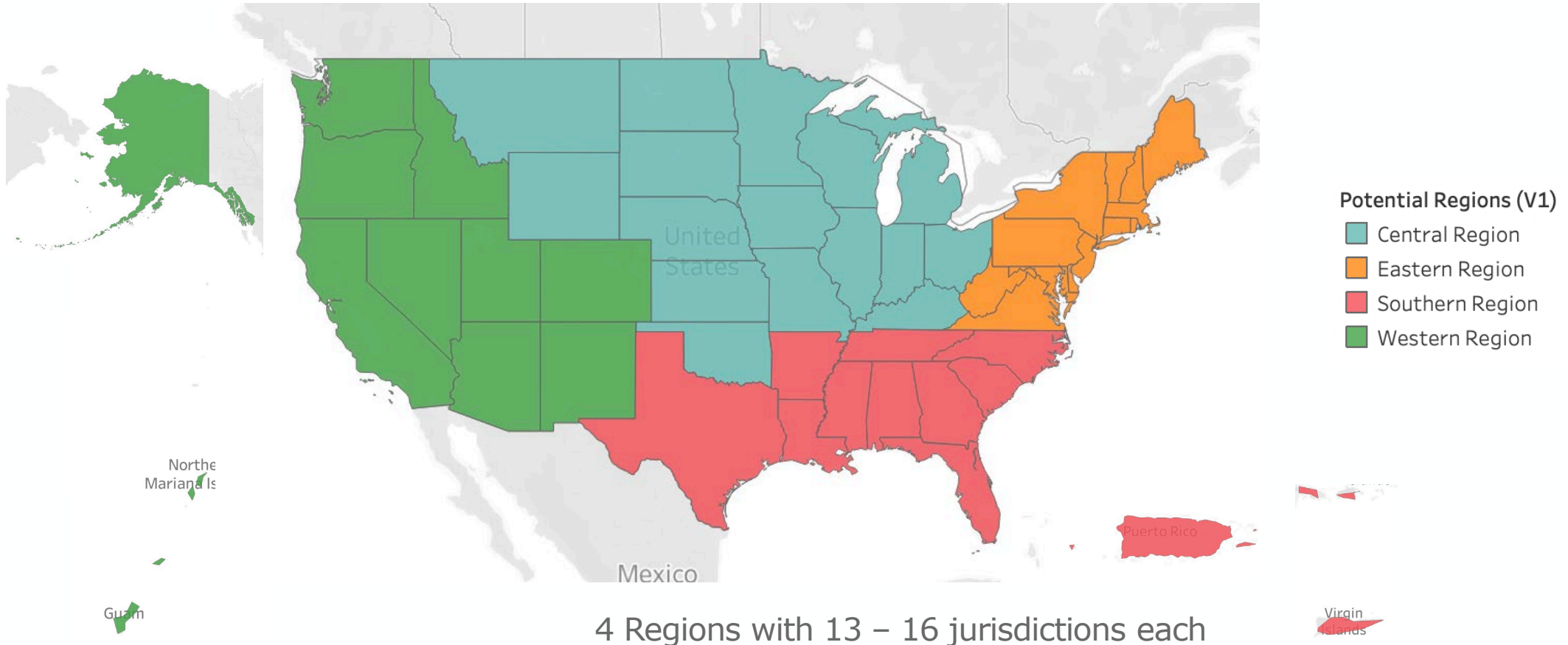
Regions are important for many reasons and will remain an essential part of our governance. Among the many benefits of our regional structure are:

- 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

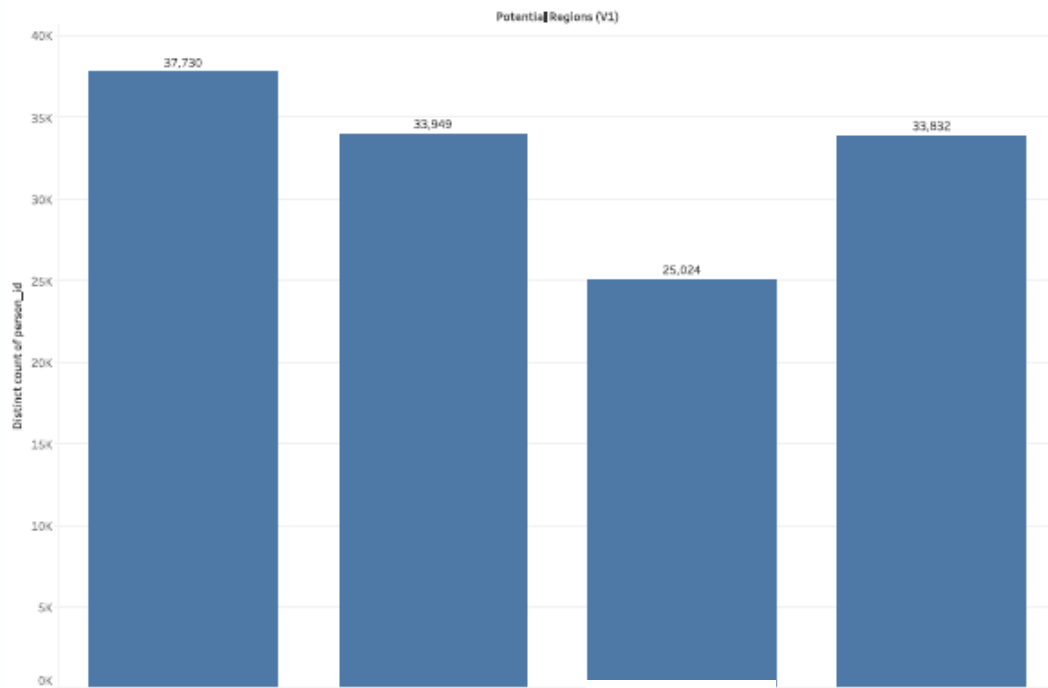


Regions 1 and 2 are combined to create the Eastern Region

Regions 4 and 5 are combined to create the Central Region

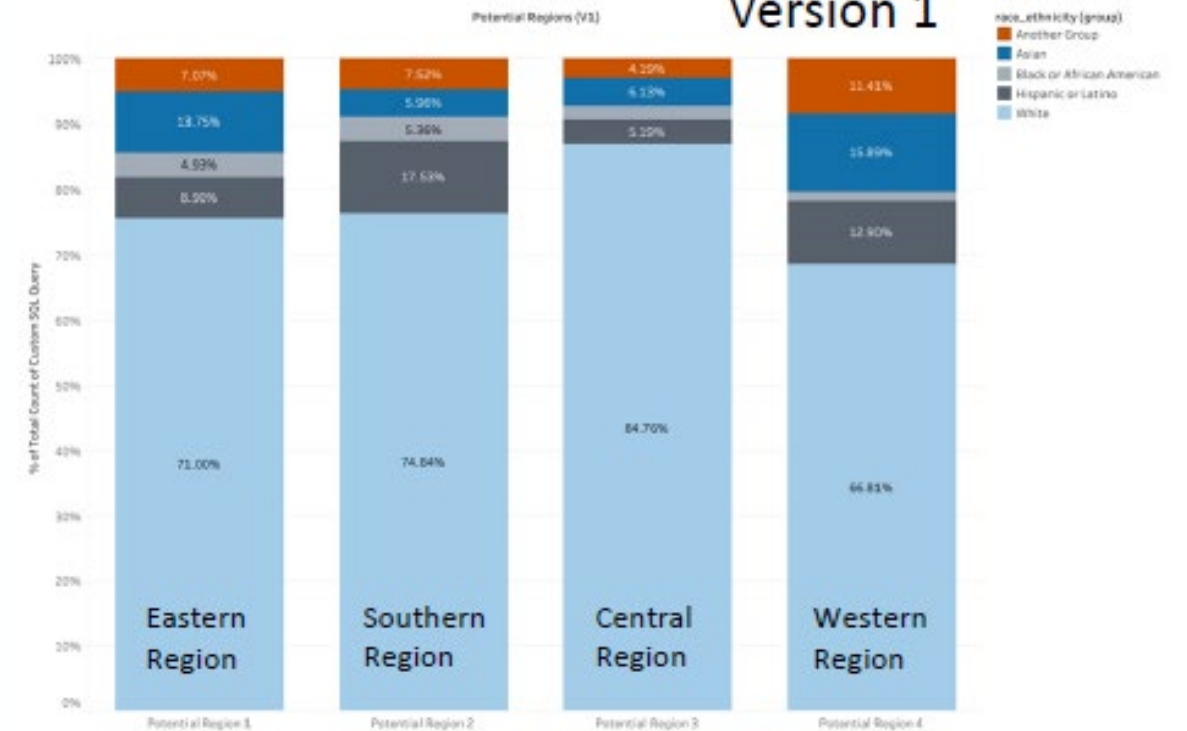
Regional Realignment Impacts

Volume of NCARB Record Holders



Improved distribution of underrepresented racial and ethnic identities

NCARB by Potential Regions V1



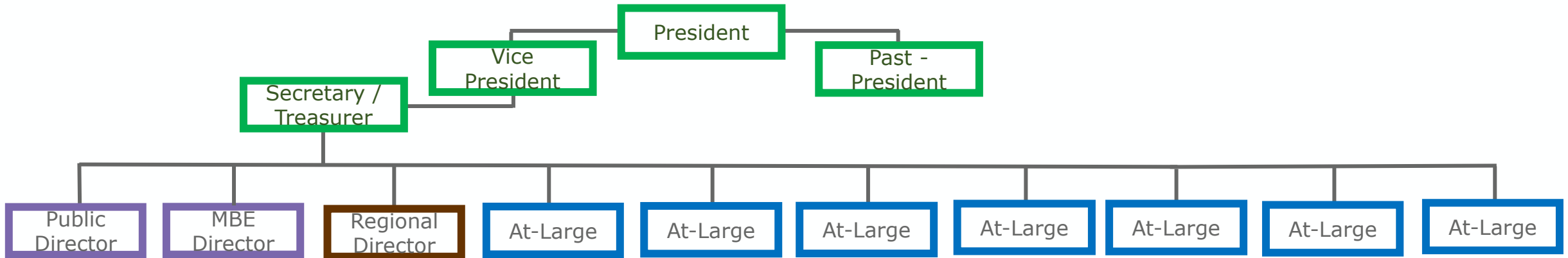
Members had questions on the roles of Regions on the Board. Additional potential structures have been added for consideration. Note: if the membership opts not to make changes to the Region structure, that will impact Board structure options.

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
- Governance benchmarking was done with many other organizations such as the American Hospital Association, American Society of Interior Designers, Canadian Bar Association, and American Association of Physician Leadership
- Based on member feedback received between September 24 and October 15, 2022, three options are presented in the following slides

NCARB Board Structure – Option A

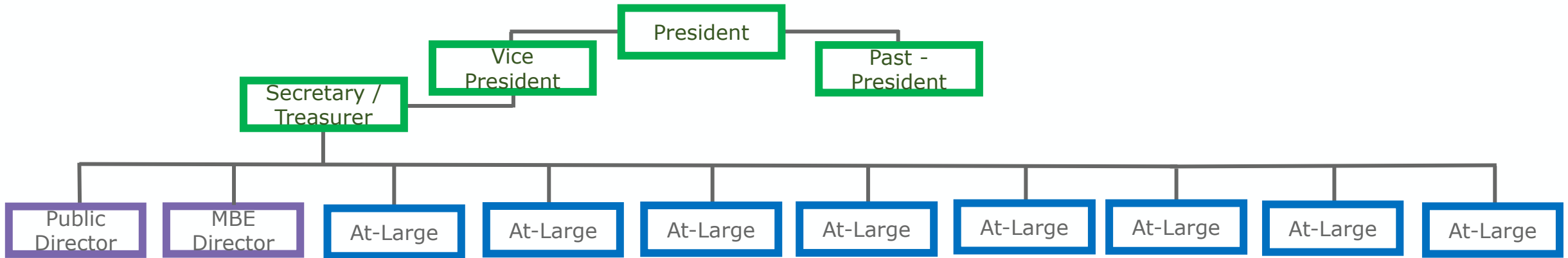
Note: this is the option presented between September 24 and October 15



- Officer positions are 1-year terms. The Secretary-Treasurer is elected by the membership and automatically advances to the next position in subsequent years – as currently happens with the Vice President position today. Existing provisions for removing and/or replacing an officer will be retained.
- Regional Director and At-Large Directors are 2-year terms with a 1-term limit. Must wait 2 years before running for the Board again. Terms will be staggered.
- Public Director and MBE Director will not be changed - 1-year terms with a 3-term limit

NCARB Board Structure – Option B

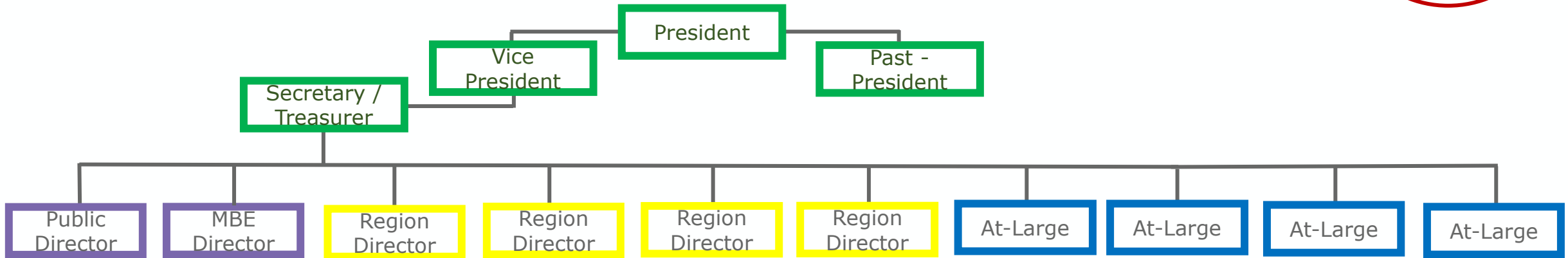
The Regional Director has been changed to be an 8th At-Large Director



- Officer positions are 1-year terms. The Secretary-Treasurer is elected by the membership and automatically advances to the next position in subsequent years – as currently happens with the Vice President position today. Existing provisions for removing and replacing an officer will be retained.
- At-Large Directors are 2-year terms with a 1-term limit. Must wait 2 years before running for the Board again. Terms will be staggered.
- Public Director and MBE Director will not be changed - 1-year terms with a 3-term limit

NCARB Board Structure – Option C

4 Region Directors and 4 At-Large Directors. This option is dependent upon approval of Regional Realignment.



- Officer positions are 1-year terms. The Secretary-Treasurer is elected by the membership and automatically advances to the next position in subsequent years – as currently happens with the Vice President position today. Existing provisions for removing and replacing an officer will be retained.
- Region Directors and At-Large Directors are 2-year terms with a 1-term limit. Must wait 2 years before running for the Board again. Terms will be staggered.
- Public Director and MBE Director will not be changed - 1-year terms with a 3-term limit

Pathways to Service

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

Any officer position

Service on the National Board any two of the past four years

Region Director

Service on a Region Board – any current position

Regional Director

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

At-Large

Service on a Member Board or NCARB Committee or other NCARB appointment – any position, current or past

Public Director

No change; public members of Member Boards

MBE Director

No change; MBE Community

Members have stressed the desire to retain their vote. While that was always the Workgroup's intent, explicit language to that effect has been added.

Proposed Process to Select Board

- Every person joining or becoming an officer of the NCARB Board will be approved by a vote of the membership
- The Credentials Committee will have a modified charge and a Leadership Development Committee is proposed to complement their work

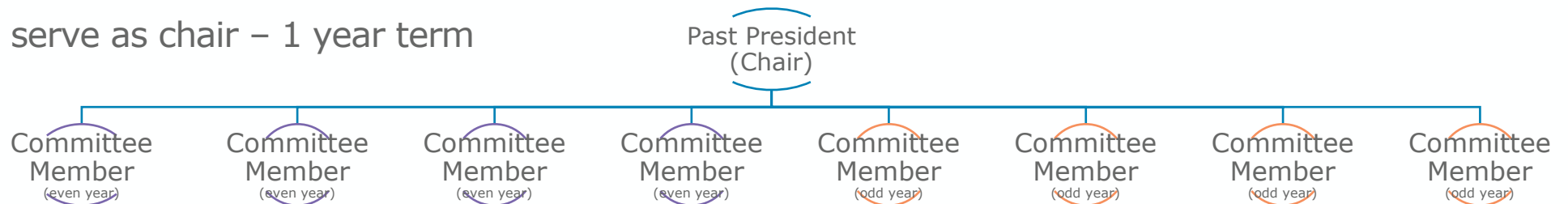
Proposed Leadership Development Committee (LDC)

Responsibilities

- Identify and recruit potential future leaders
- Ensure NCARB provides development opportunities for potential future leaders
- Determine the expertise, experiences and backgrounds needed by the NCARB Board for the coming term
- Develop a transparent, open process for creating a slate of candidates that will be voted on by the membership
- Will work in collaboration and coordination with the Credentials Committee

Composition

- NCARB Committee appointment process: open call for volunteers. Vice President will appoint four people to two-year terms. Terms are staggered, so balance of LDC will have been appointed by the previous Vice President.
- 2-year, staggered terms
- Past President will serve as chair – 1 year term



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.

The slate developed by the LDC must win a majority vote of the membership.

Proposed

NCARB Policy on Diversity and Inclusion

(excerpt):

NCARB is committed to creating a diverse, inclusive, and equitable organization where customers, volunteers, and employees, whatever gender, race, ethnicity, national origin, age, sexual orientation or identity, experience, backgrounds, perspectives, education, or disability, feel valued and respected. We respect and value diverse life experiences and heritages and want to ensure that all voices are valued and heard.

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

- Gender balanced
- Racially/ethnically inclusive
- Has multiple pathways to service
- Reflects multiple pathways to licensure
- Representative of different practice settings and scale

Diversity & Inclusion

Core Capabilities

Knowledge + Experience Model

Specific Capabilities

Every member of the Board will demonstrate:

- Knowledge and experience with architectural licensing and understanding of the matters and historical nature of issues of importance to NCARB
- Understanding of issues of concern to jurisdictions, including experience serving on Member Boards or as an NCARB volunteer
- Familiarity with NCARB programs and services
- Strong ethics, integrity, and professionalism

Some members of the Board will demonstrate:

- Knowledge and experience related to NCARB's strategic initiatives

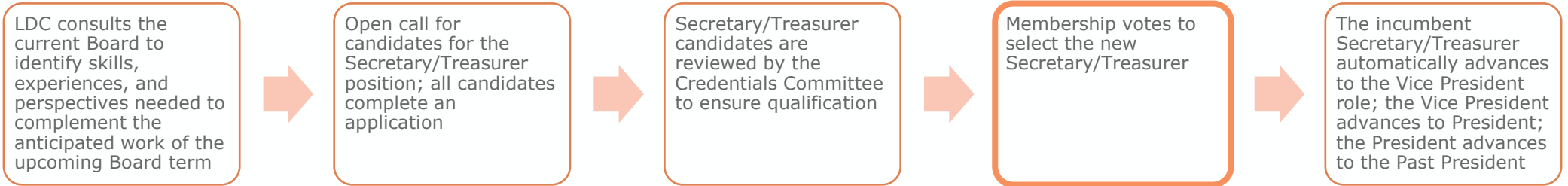
And/or

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

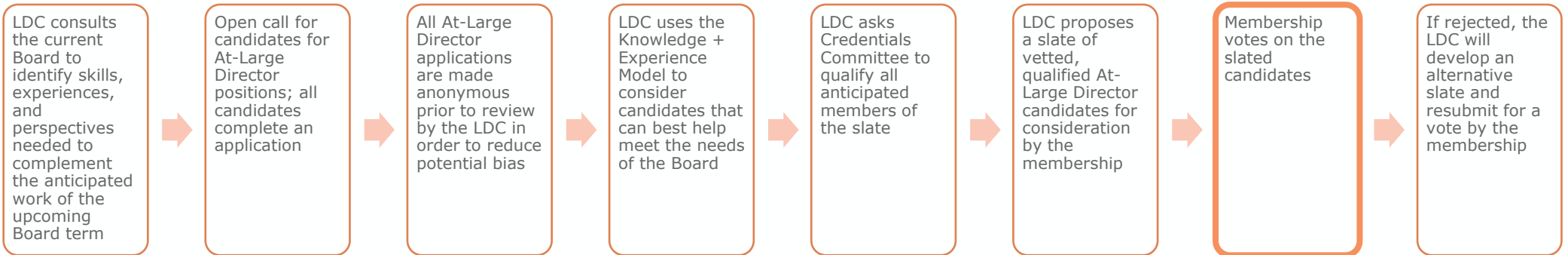
Proposed Election Process

Existing process for electing MBE and Public Director are unchanged

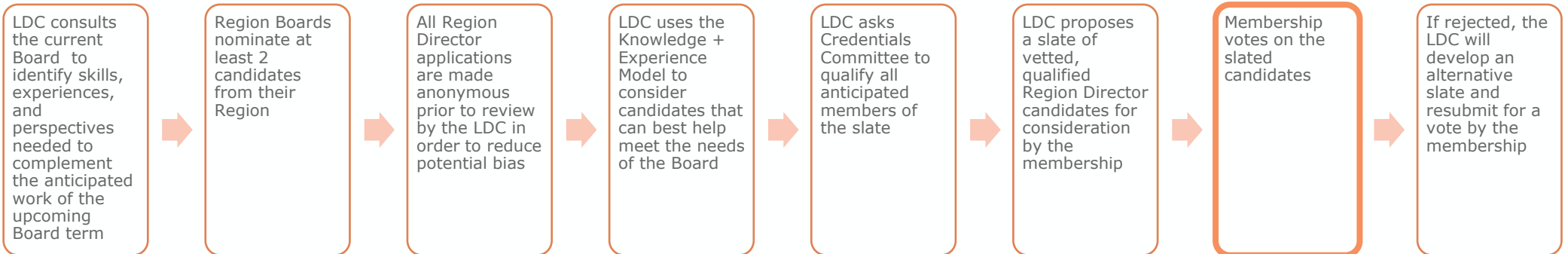
Officers



At-Large Directors



Region Directors (if Structure Option C advances)



Members have many questions about how all of this will work. Additional details have been added here. Precise and complete procedures will be developed in conjunction with any draft resolution(s)

Transition Planning

- There will be a phased transition over several years

Transition Planning

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

The LDC will work over the course of 2023-2024 to propose a slate of candidates for a vote of the membership at the 2024 Annual Business Meeting. They will only slate candidates for Director positions where the incumbent is terming out in 2024

National Board members will complete the terms for which they have been elected prior to 2024. Any Director representing a Region that has been combined with another Region may stay on the National Board through the remainder of their term.

In 2024, the Secretary/Treasurer position will be combined. One person will be elected to that position in 2024. The 2nd Vice President, 1st Vice President and President will stand for election by the membership in 2024. Those elected will automatically advance to the next position in 2025

If the membership approves Regional Realignment, the change will be effective July 1, 2024

Existing Region Boards that are impacted by Region consolidation will determine how their Boards will combine. One option: temporarily create a 'mega-board' comprised of all current board members. As terms expire, shrink the board to pre-consolidation size

Please share your feedback:
GovernanceWorkGroup@ncarb.org

Governance Workgroup

Jennifer R. Arbuckle

AIA, NCARB, LEED AP
Vermont

Chair, Region 1
Chair, FY23 Policy Advisory
Committee
Original Chair, DEI Collaborative

Catherine “Coffee” Polk

AIA, NCARB
Nevada

Member, FY23 Exam Committee
Former Member, Re-Think Tank

Jon Baker

FAIA, NCARB, LEED AP
California

First Vice President/President-elect,
NCARB Board of Directors

Alfred Vidaurri, Jr.

NCARB, NOMA, FAIA
Texas

Past President, NCARB Board of
Directors

Cathy Morrison

AIA, LEED AP BD+C, NCARB
North Carolina

President, North Carolina Board of
Architecture and Registered Interior
Designers
Secretary/Treasurer, Region 3
Chair, FY23 NCARB Credentials
Committee



N C A R B

LET'S GO FURTHER

AGENDA ITEM J: UPDATE ON COMMITTEES

1. Landscape Architects Technical Committee (LATC)

A meeting was held on April 21, 2023. The subject of whether LATC should merge with CAB was discussed, with the Committee deciding that the Board should consider the matter at the next meeting.



**NOTICE OF MEETING
Landscape Architects Technical Committee**

LATC MEMBERS

Jon S. Wreschinsky, Chair
Pamela S. Brief, Vice Chair
Andrew C. N. Bowden
Susan M. Landry
Patricia M. Trauth

April 21, 2023

**Department of Consumer Affairs
1625 North Market Blvd.
First Floor Hearing Room
Sacramento, CA 95834**

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

The Landscape Architects Technical Committee (LATC or Committee) will hold a meeting as noted above.

Teleconference Information to Register/Join Meeting for Members of the Public via WebEx: To access the WebEx event, attendees will need to click the following link and enter their first name, last name, and email. Instructions to connect to the meeting can be found at the end of this agenda.

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m6e4ef7db803c7c9fa87447fbfc6694df>

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 a 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

AGENDA

10:30 a.m. to 5 p.m.
(or until completion of business)

Action may be taken on any item listed below.

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair’s Procedural Remarks and Committee Member Introductory Comments

(Continued)

- C. Public Comment on Items Not on the Agenda
The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).
- D. Update from the Department of Consumer Affairs (DCA) – Board and Bureau Relations, DCA
- E. Review and Possible Action on November 4, 2022, LATC Meeting Minutes
- F. Program Manager's Report – Update on Committee's Administrative/Management, Examination, Licensing, and Enforcement Programs
- G. Review and Discuss 2023 Legislation
 - 1. Assembly Bill (AB) 342 (Valencia) Architects and Real Estate Appraisers: Applicants and Licensees: Demographic Information
 - 2. Senate Bill (SB) 372 (Menjivar) Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes
 - 3. SB 544 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing
- H. Discuss and Possible Action on 2022-2024 Strategic Plan Objectives to:
 - 1. Conduct a Review of the Landscape Architect Registration Examination (LARE) and Linkage Study to Determine Areas Not Covered in the LARE that Need to be Covered in the California Supplemental Exam (CSE) to Ensure the CSE Reflects the Content that is Unique to California
 - 2. Identify and Analyze the Causes of Low Pass Rates Among California Exam Candidates in Comparison to National Pass Rates to Determine Areas of Concern and Develop a Plan of Action to Decrease Deficiencies
 - 3. Research the Economic and Consumer Protection Impact of Re-Establishing the Landscape Architects Board or Establishing a Merged Board with the California Architects Board to Provide Better Representation, Strengthen the Distinction Between the Two Entities, and Increase Efficiency
- I. Presentation on American Society of Landscape Architects Diversity x Landscape Architecture Program
- J. Review of Future Committee Meeting Dates
- K. Closing Comments
- L. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a

time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

The LATC plans to webcast this meeting, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/. The meeting will not be cancelled if webcast is not available.

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

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

Person: Kourtney Nation

Telephone: (916) 575-7230

Email: Kourtney.Nation@dca.ca.gov

Telecommunication Relay Service: Dial 711

Mailing Address:

Landscape Architects Technical Committee

2420 Del Paso Road, Suite 105

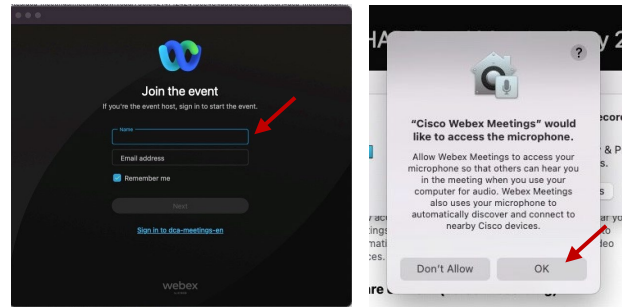
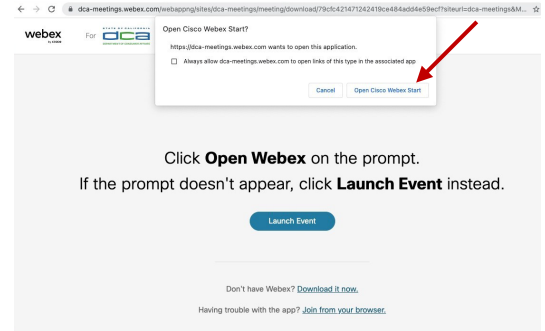
Sacramento, CA 95834

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

Protection of the public shall be the highest priority for the Committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5620.1).

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.

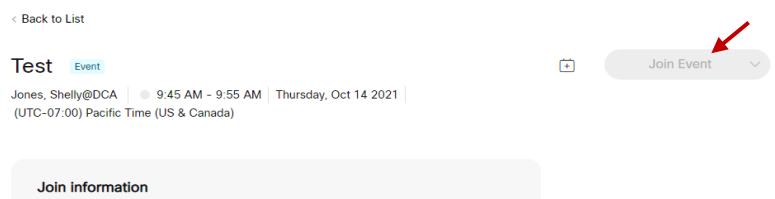
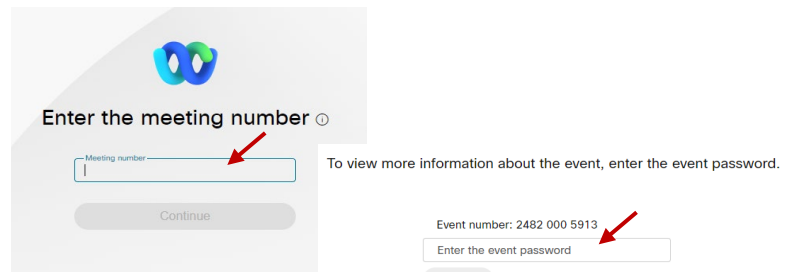
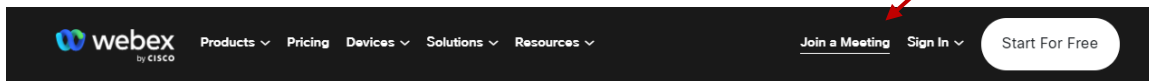


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

OR

If joining from 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".



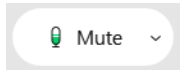
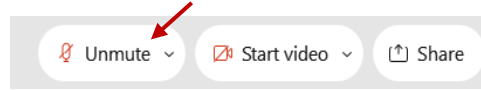
OR

Connect via telephone*:

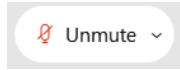
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

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

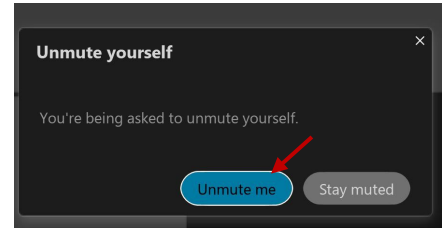


Green microphone = Unmuted: People in the meeting can hear you.



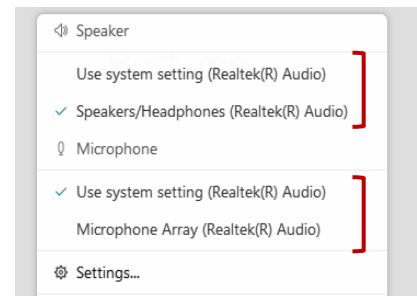
Red microphone = Muted: No one in the meeting can hear you.

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".



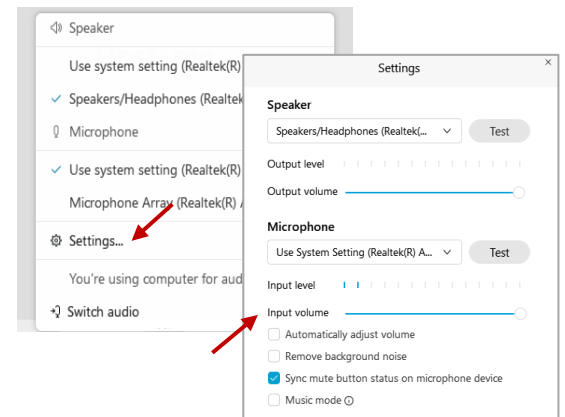
If you cannot hear or be heard

- 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

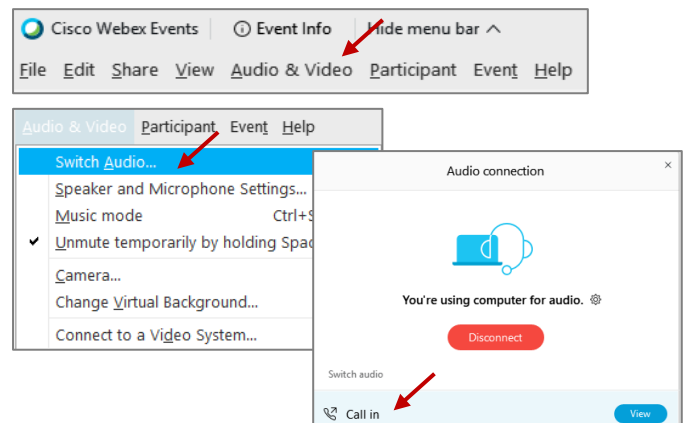
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



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.



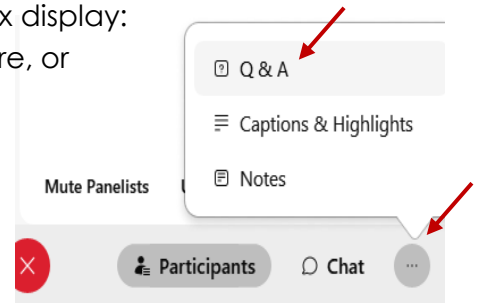
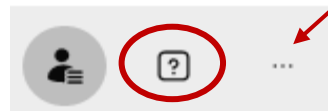
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

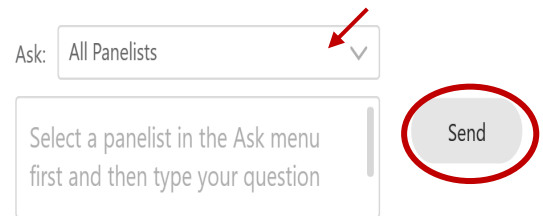
1 Access the Q&A panel at the bottom right of the Webex display:

- 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

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

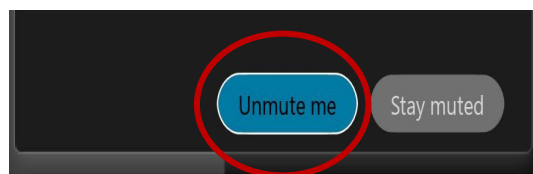
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



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.

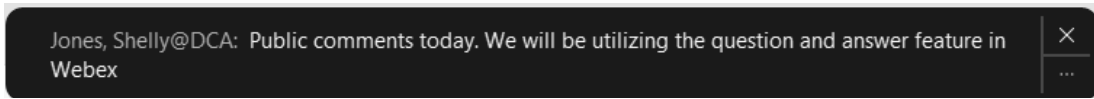


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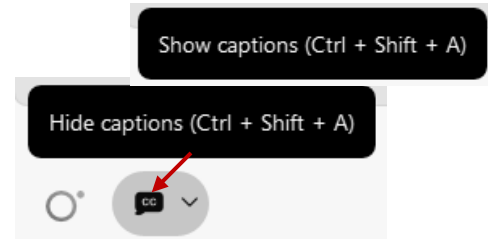
If connected via telephone:

- Press *3 to unmute your microphone.

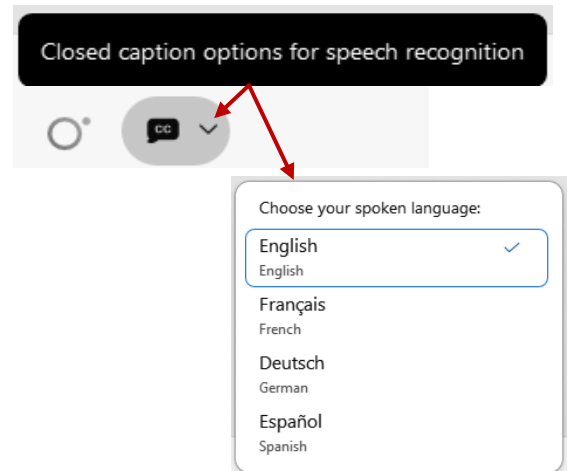
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



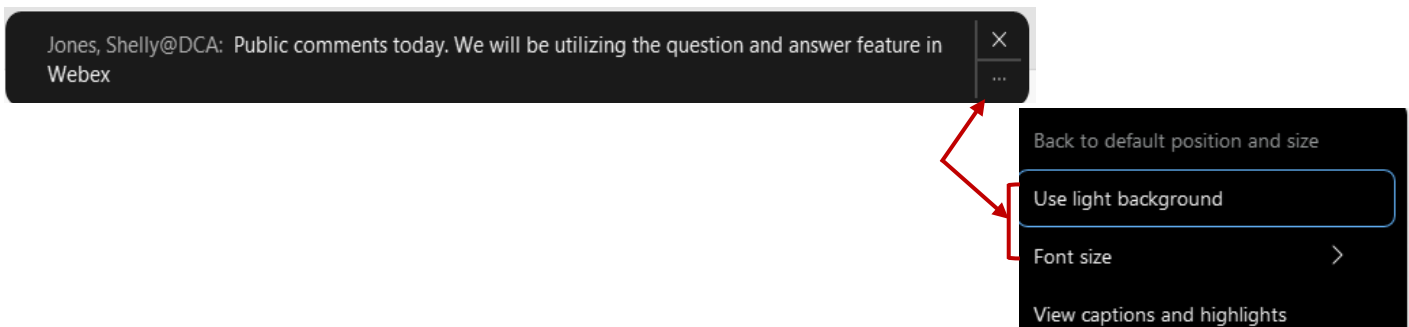
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



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.



Quarterly Report of the Executive Officer

Administrative/Management

Board. The Board met by teleconference on February 24.

Meetings. LATC's next meeting is scheduled for April 21 in Sacramento.

Newsletter

The spring issue of the *California Architects* newsletter was finalized in March and will be distributed in April.

Budget

The Board's fund condition was discussed at the last Board and LATC meetings. CAB's fund is generally stable; the fee increase beginning in July 2023 will bolster the budget. LATC's fund is unsustainable without a large increase in fees.

Business Modernization

The Business Modernization Cohort 2 Project 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 originally 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

Interviews were held to replace the Office Technician in the Exams and Licensing Unit and George Tarifa was hired, and his start date is April 10. Interviews continue for the Assistant EO position. Kimberly McDaniel, Regulations Manager, accepted a position with the California Community Colleges Board of Governors effective April 12, 2023. Interviews for the position will take place in April. Blake Clark, LATC Licensing Analyst, promoted to a position in the Department of Consumer Affairs' Office of Information Technology. Nick Barnhart, LATC's Licensing Technician, was promoted to fill the position on March 6, 2023.

Outreach

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

Social Media

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

CAB	Posts Jan.-March	Followers 3/31/23	LATC	Posts Jan.-March	Followers 3/31/23
Twitter	37	1,404	Twitter	9	260
Instagram	38	1,256	Instagram	2	68
Facebook	38	433	LinkedIn	2	11
LinikedIn	0	478			

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 DCA's Legislative Affairs Division (LAD) to prepare regulatory text for Board approval during the May 19, 2023 Board meeting.

CCR Section 120 (Re-Examination). This regulatory proposal amends 16 CCR section 120 in response to NCARB's new score validity policy effective May 1, 2023, that states a passed exam division of the ARE shall remain valid throughout the delivery of the exam version under which it was taken, as well as the next exam version. Passed divisions will expire after two revisions of the exam. For example, passed ARE 4.0 divisions will remain valid throughout the delivery of

ARE 5.0 and will be retired after the next version of the exam is introduced. When a new version of the ARE is developed (i.e., ARE 6.0), NCARB will provide at least 18 months' notice prior to retiring any version of the exam.

In addition, the regulatory proposal removes outdated requirements, the 5-year conditional credit, and shifts the responsibility for the rules about passing the Architect Registration Examination (ARE), which is the national exam required for licensure in California, over to NCARB, the test administrator. Going forward, if NCARB changes the NCARB standards again, then with the proposed simplified language, those new rules will apply to all candidates.

Status: Staff worked with LAD to prepare regulatory text for Board approval during the May 19, 2023 Board meeting.

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.

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 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: Completed. Effective 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 took place from September 23 through November 8, 2022.

Status: Completed. Effective July 1, 2023.

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 the Office of Administrative Law (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.

Status: Completed. Effective January 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) continuing education (CE) through the creation of a new CCR section 166. [Assembly Bill 1010](#) (Berman, Chapter 176, Statutes of 2021) which 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 section 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 LAD and BO on March 20, 2023. Staff made recommended changes and resubmitted initial draft documents to LAD on April 11, 2023. 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 resubmitted the proposal on November 4, 2022 to the Senate Business and Professions Committee.

CCR Section 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 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. Amendments became effective on April 1, 2023. Staff are pursuing a secondary regulatory proposal to extend the transition date from August 2023 to November 2023 to accommodate an additional LARE administration date announced by CLARB. This new administration was added to allow affected candidates another opportunity to pass the current LARE prior to the format change in December 2023.

Status: The proposed regulatory package was submitted to LAD for initial analysis on March 22, 2023.

CCR Section 2615 (Form of Examinations). The Board approved proposed regulatory language at its February 24, 2023 meeting. This proposal updates CCR Section 2615 to 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. This proposal will also align California's regulations with the new LARE format by removing references to LARE Sections 1- 4 which will no longer be administered after December 2023. The package was submitted to LAD for initial analysis on February 6, 2023, and the package was provided to DCA's Director to review on March 17, 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 and approved on February 8, 2023. The amendments became effective on April 1, 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 BO 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. The Board approved the modified text at its December 9, 2022 meeting.

Status: The regulatory package was resubmitted to OAL on March 23, 2023.

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: January 1 – March 31, 2023

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
Instate First-time	94	79%	25	21%	119
Instate Repeat	28	68%	13	32%	41
Reciprocity First-time	30	68%	14	32%	44
Reciprocity Repeat	8	53%	7	47%	15
Total	160	73%	59	27%	219

Table B
California ARE 5.0 Examinee Performance by Division/Topic: January 1 – March 31, 2023

ARE Division	Pass	Rate	Fail	Rate	Total Exams
Construction and Evaluation	142	69%	65	31%	207
Practice Management	133	46%	155	54%	288
Programming and Analysis	122	54%	103	46%	225
Project Development and Documentation	133	51%	126	49%	259
Project Management	131	65%	70	35%	201
Project Planning and Design	120	46%	140	54%	260

Table C
California and NCARB ARE 5.0 Performance Comparison (Q3 FY 2022/23)

ARE Division	Q3 FY 22/23		
	CA Pass	Natl. Pass	▲%
Construction and Evaluation	69%	69%	0%
Practice Management	46%	53%	-7%
Programming & Analysis	54%	61%	-7%
Project Development & Documentation	51%	56%	-5%
Project Management	65%	68%	-3%
Project Planning & Design	46%	51%	-5%

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

Table D
California and National Pass Rates Using NCARB’s Practice Exam for ARE 5.0
(June 2022 – April 2023)

Group	Demographic Group	Pass Rate for Candidates Using Practice Exams	Pass Rate for Candidates NOT Using Practice Exams
All Candidates	Asian or Asian American	58%	43%
All Candidates	Another Group	50%	35%
All Candidates	Black or African American	42%	26%
All Candidates	Hispanic or Latino	49%	32%
All Candidates	White	68%	56%
All Candidates	Men	65%	51%
All Candidates	Women	59%	46%
All Candidates	Overall	62%	49%
California Candidates	Asian or Asian American	59%	41%
California Candidates	Another Group	47%	31%
California Candidates	Black or African American	49%	33%
California Candidates	Hispanic or Latino	50%	35%
California Candidates	White	65%	50%
California Candidates	Men	62%	43%
California Candidates	Women	58%	44%
California Candidates	Overall	60%	44%



Landscape Architects

Table E
Landscape Architect CSE Examinee Performance: January 1 – March 31, 2023

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
First-time	16	70%	7	30%	23
Repeat	7	88%	1	12%	8
Total	23	74%	8	26%	31

The LARE examination was not held during this time.

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 F
Architects Complaints and Enforcement Actions**

Category	Current Quarter Jan. – March 2023	Prior Quarter Oct. – Dec. 2022	FY 22–23
Complaints			
Received	65	81	218
Opened	65	81	218
Closed	73	71	240
Average Days to Close	136	115	195
Pending	124	133	124
Citations			
Issued	8	7	17
Final	5	4	17
Attorney General			
Pending Attorney General	4	3	4
Final	1	0	1

Landscape Architects

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

Category	Current Quarter Jan.–March 2023	Prior Quarter Oct.-Dec. 2022	FY 22–23
Complaints			
Received	7	12	24
Opened	7	12	24
Closed	8	11	28
Average Days to Close	44	64	81
Pending	5	5	5
Citations			
Issued	1	1	4
Final	0	1	2
Enforcement Actions			
Pending Attorney General	0	0	0
Final	0	0	0

LATC’s most common violations mirror the Board’s with the exception of continuing education, signature/stamp on plans, unauthorized practice, and negligence or willful misconduct. LATC does not typically see egregious violations and more commonly receives complaints regarding the Rules of Professional Conduct and the standards of practice within the profession.

The most common violations within the practice of landscape architecture have stayed consistent over the past four years, and are as follows:

- Misuse of the term “landscape architect”
- Practice without a license
- Written Contract violations
- Rules of Professional Conduct violations

Enforcement Actions

Architects

Citations

Wade D. Ellenberger (Walnut Creek) – The Board issued a one-count citation that included a \$1,000 administrative fine to Wade D. Ellenberger, architect license number C-29201, for alleged violations of Business & Professions Code (BPC) section 5584 and California Code of Regulations (CCR), title 16, section 160(a)(2) (Negligence). The action alleged that Ellenberger was hired between 2015 and 2016 to provide complete construction documents and construction administration, including assisting the contractor with Requests for Information (RFIs), for a travel plaza in Sacramento.

After a permit was issued for the project, the design required a total of 105 RFIs, including more than 30 before Ellenberger was terminated from the project. Ellenberger did not respond to the RFIs in a timely manner, causing delays to the project and falling below the standard of care for a qualified architect in similar circumstances. The citation became final on January 8, 2023.

Lily Remoundos (San Francisco) - The Board issued a one-count citation that included a \$1,500 administrative fine to Lily Remoundos, an unlicensed individual dba RE: Design, for alleged violations of BPC section 5536(a). The action alleged that, on or about November 8, 2020, Remoundos executed a contract to prepare design documents for the renovation of a three-story residence located in San Francisco, a project which is not exempt from licensing requirements under BPC section 5537(a)(1). Such conduct therefore constitutes the practice of architecture as defined in BPC section 5500.1 and a violation of BPC section 5536(a). Remoundos paid the fine, satisfying the citation. The citation became final on January 3, 2023.

Nasrin Sesar (Orange) – The Board issued a three-count citation in the amount of \$9,000 to Nasrin Sesar, an unlicensed person, for alleged violations of BPC sections 5536(a) (Holding Self Out as an Architect), 5537 and 5538 (Design of Non-Exempt Project), and CCR, title 16, section 134 (Use of the Term Architect in Business Name).

The Board received a complaint alleging that the Respondent presented herself as an architect and charged and accepted payments totaling \$64,043.12 for her services. The project involved additions to a three-story hilltop home, which is not exempt from licensing requirements under BPC sections 5537 or 5538. Her as-built plans dated December 30, 2020, referred to Levels 1, 2, and 3 of the building and included the business name Utopia Architect in the title block.

The Respondent executed a written contract with the homeowners including “architecture designs” in the description of services. Her business website at UtopiaArchitect.com, and other social media and advertising profiles referred to her as an architect and offered Architecture and Architectural Services.

Respondent's website, social media profiles, contract, and plans, wherein Respondent uses the business name Utopia Architect, describes herself as an architect, and describes her services as "Architecture" and "Architectural," are devices that might indicate to the public that Respondent is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of BPC section 5536(a) and CCR, title 16, sections 134. The Respondent offered and provided design services for a project that required an architect's license, in violation of BPC section 5536(a). The citation became final on February 22, 2023.

Administrative Actions

Donald Lee Holtz (Los Angeles) - Effective January 8, 2023, and in accordance with a stipulated settlement, Donald Lee Holtz's architect license number C-21677 was revoked. However, the revocation was stayed, and he was placed on probation for three years beginning January 8, 2023, or until completion of both projects referenced in the First Amended Accusation, whichever is shorter, and fulfillment of specific terms and conditions, including reimbursing the Board in the amount of \$12,640 for investigative costs and \$500 for an administrative fine.

The Accusation alleged that on or about February 23, 2018, Holtz was hired to obtain Ready-To-Issue permits for a new multi-story apartment building on Sawtelle Boulevard in Los Angeles (Sawtelle project) in return for architectural fees of \$53,000, of which the client paid Holtz the sum of \$33,000. The work was to be completed within six months to a year.

On or about April 23, 2018, Holtz contracted with the same client to provide professional services to obtain Ready-To-Issue permits for a new multi-story apartment building on Coventry Place in Los Angeles (Coventry project) in return for architectural fees of \$38,500, of which the client paid Holtz the sum of \$28,000. The work was to be completed within six months to a year.

Holtz prepared plans for the Sawtelle and Coventry Place projects and submitted them for plan check in May 2018 and June 2018, respectively. Both were returned for corrections and Holtz provided revised plans for both projects but never obtained the permits. Beginning in or around January 2019, Holtz became less responsive to both emails and calls requesting status updates from his client and the structural engineer working in partnership on the projects. Holtz ultimately failed to complete his contractual obligations, a violation of BPC 5584 and CCR, title 16, section 150 (Willful Misconduct). On or about October 29, 2020, the Board requested information from Holtz responding to the allegations, and he failed to respond, a violation of CCR 160(b)(2). Holtz entered into a stipulated settlement and the Board adopted the Proposed Disciplinary Order which became effective on January 8, 2023.

Landscape Architects

There are no disciplinary actions to report.

**AGENDA ITEM K.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

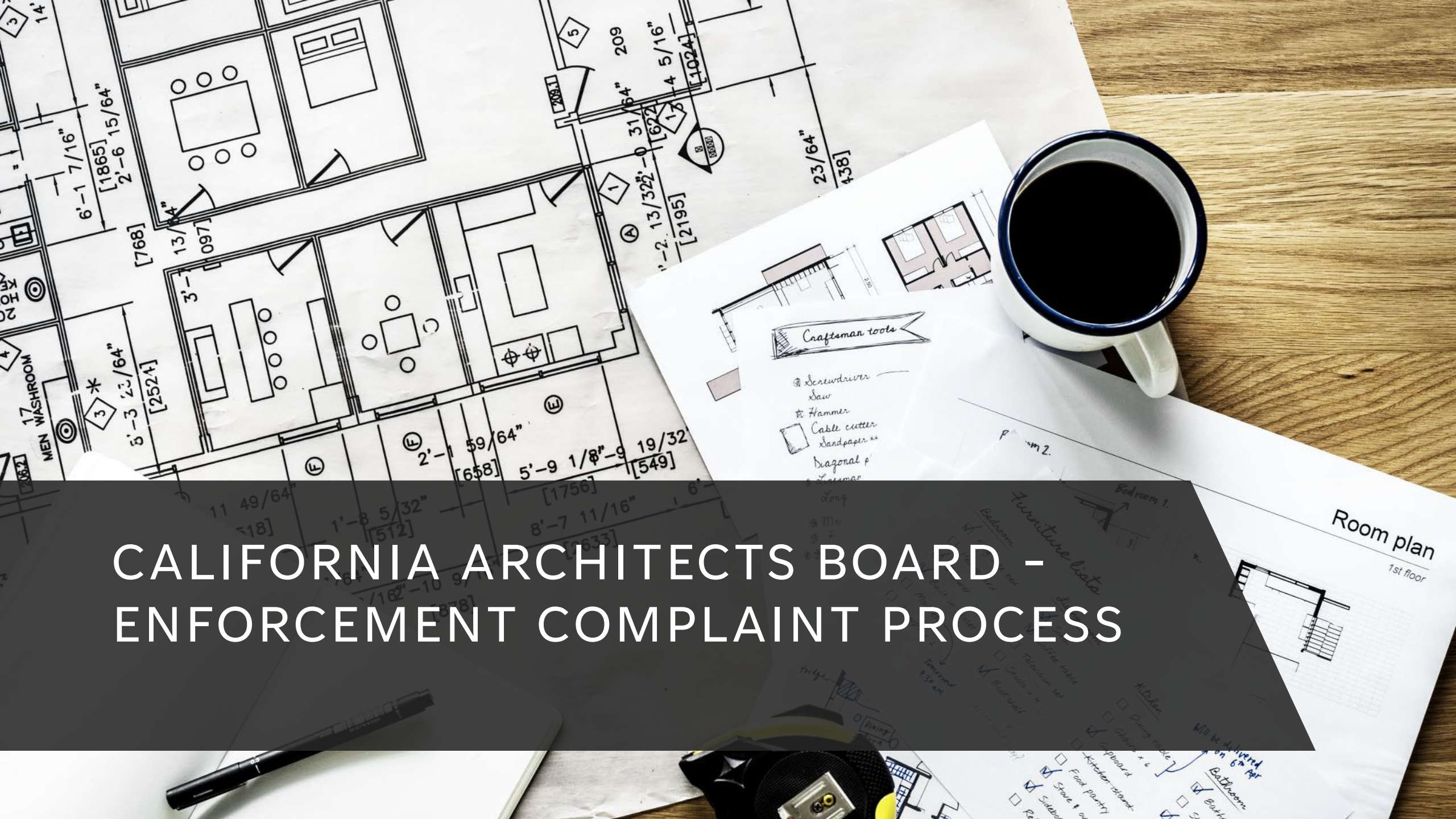
Analyst Michael Sganga will describe the Enforcement Unit’s complaint process, from intake through outcome, focusing on the major decision points, common Architect Practice Act violations, and other factors considered in recommending Enforcement Actions.

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. CAB Complaint Process Overview
2. DCA Complaint Prioritization Guidelines
3. Elements of Practice Act Violations
4. Current Board website information



CALIFORNIA ARCHITECTS BOARD - ENFORCEMENT COMPLAINT PROCESS

OVERVIEW OF THE COMPLAINT PROCESS

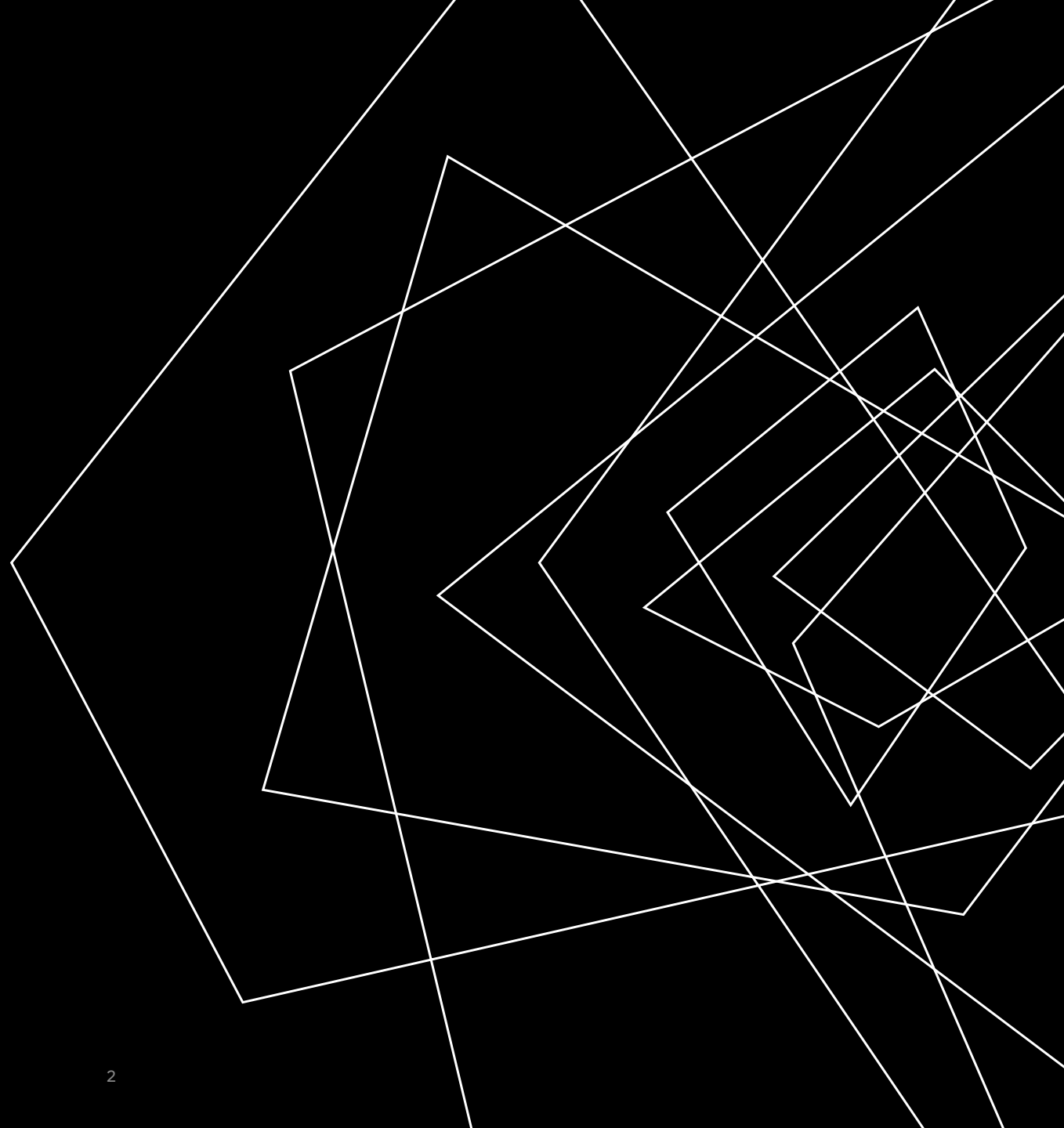
Introduction

Intake

Analysis

Action

Outcome



INTRODUCTIONS

Alicia Kroeger

Mike Sganga

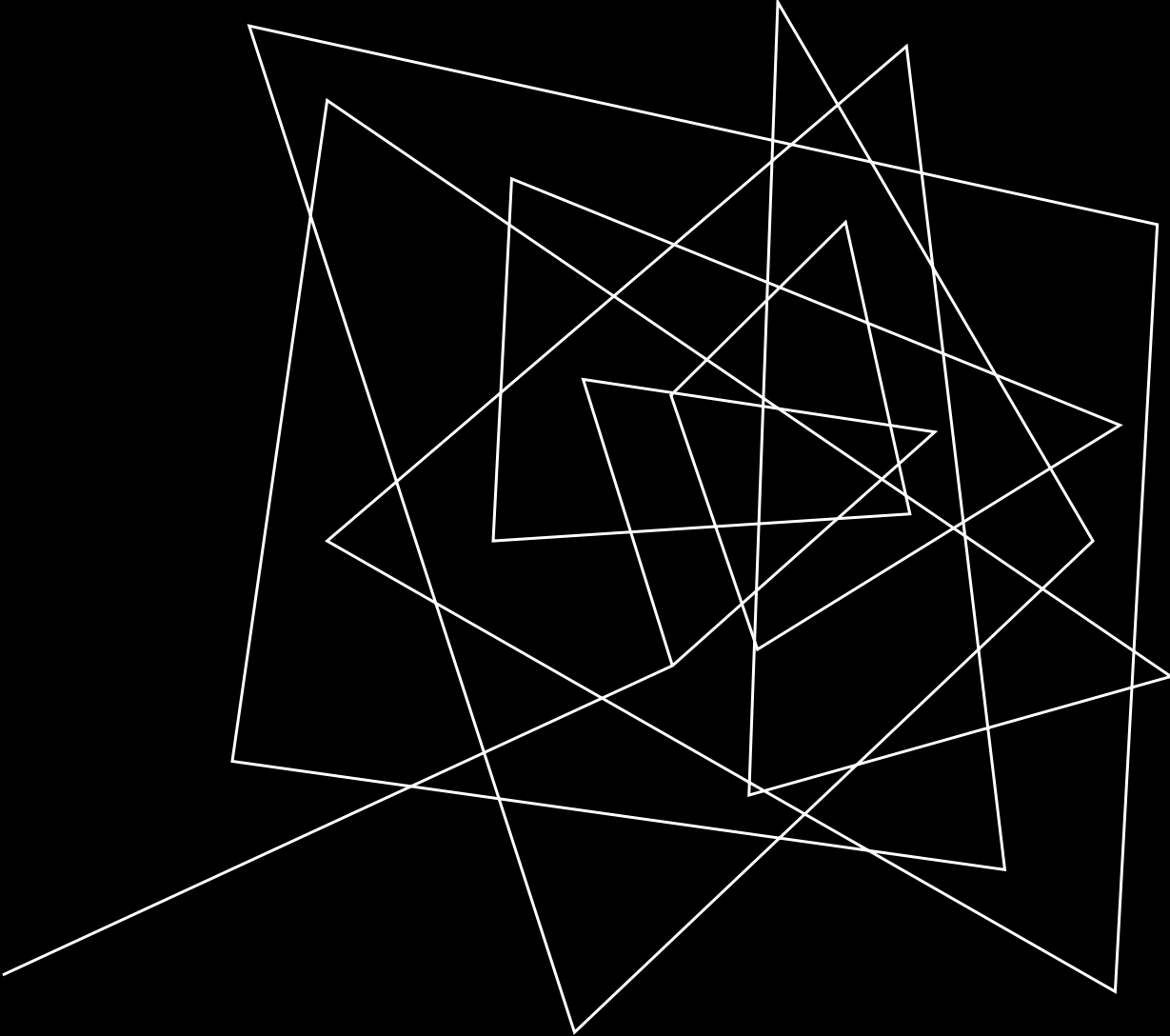
Idris Ahmed

Jasmine Steinwert

Katie Wiley

Reynaldo Castro

Natalia Diaz



CASE INTAKE

Sources

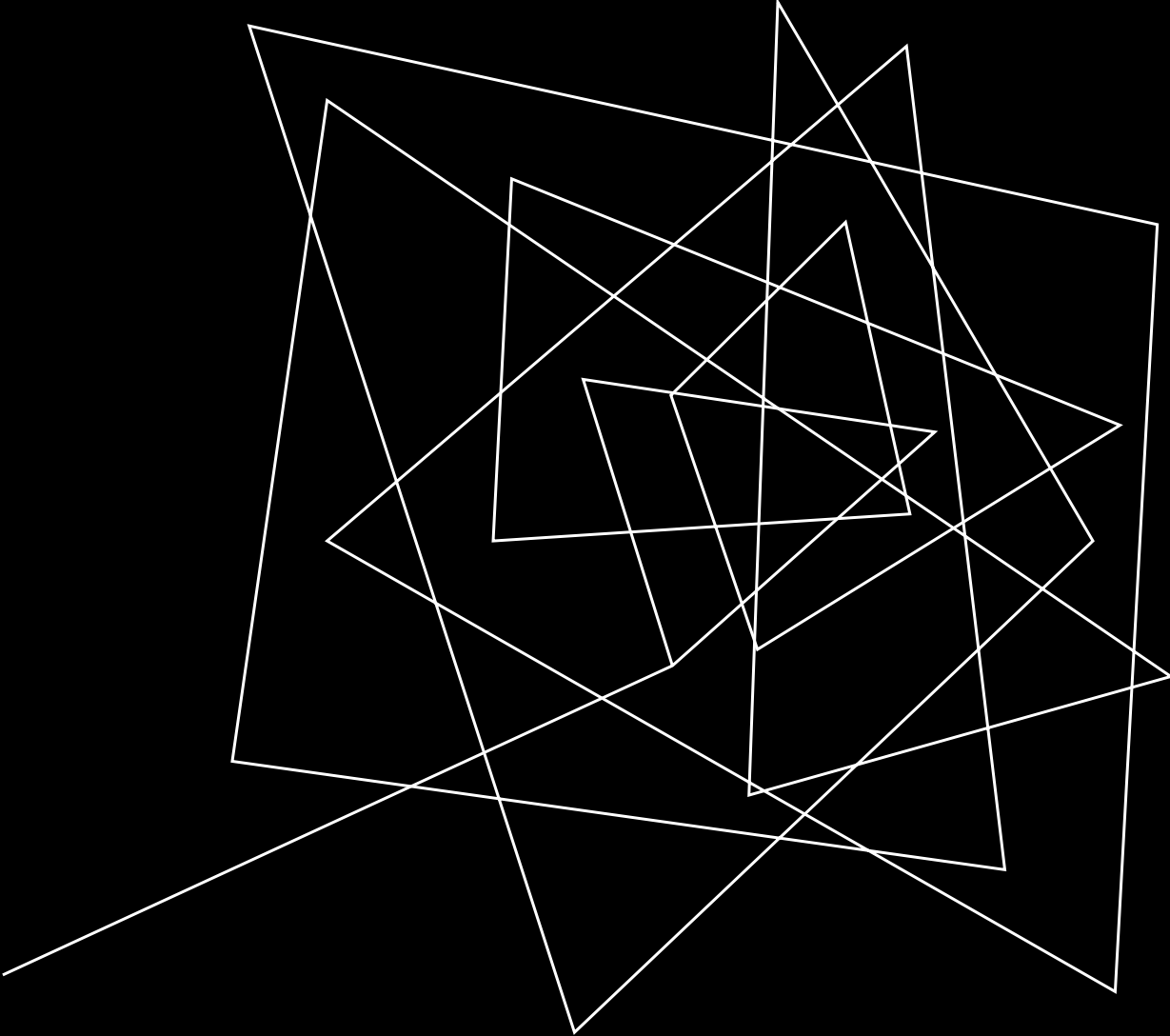
Preliminary Review

Assignment

CASE INTAKE

Sources:

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

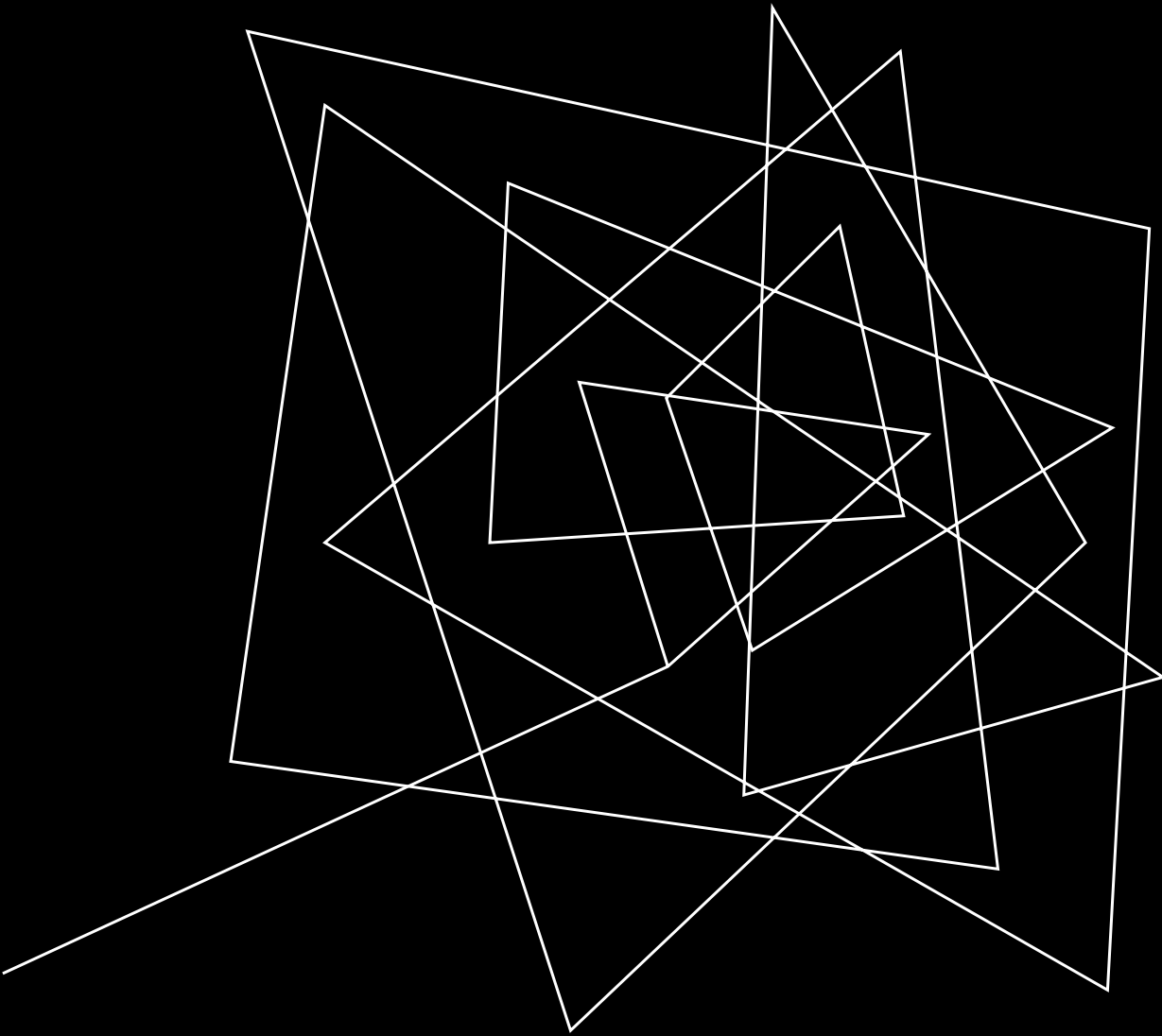


CASE INTAKE

Preliminary Review:

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

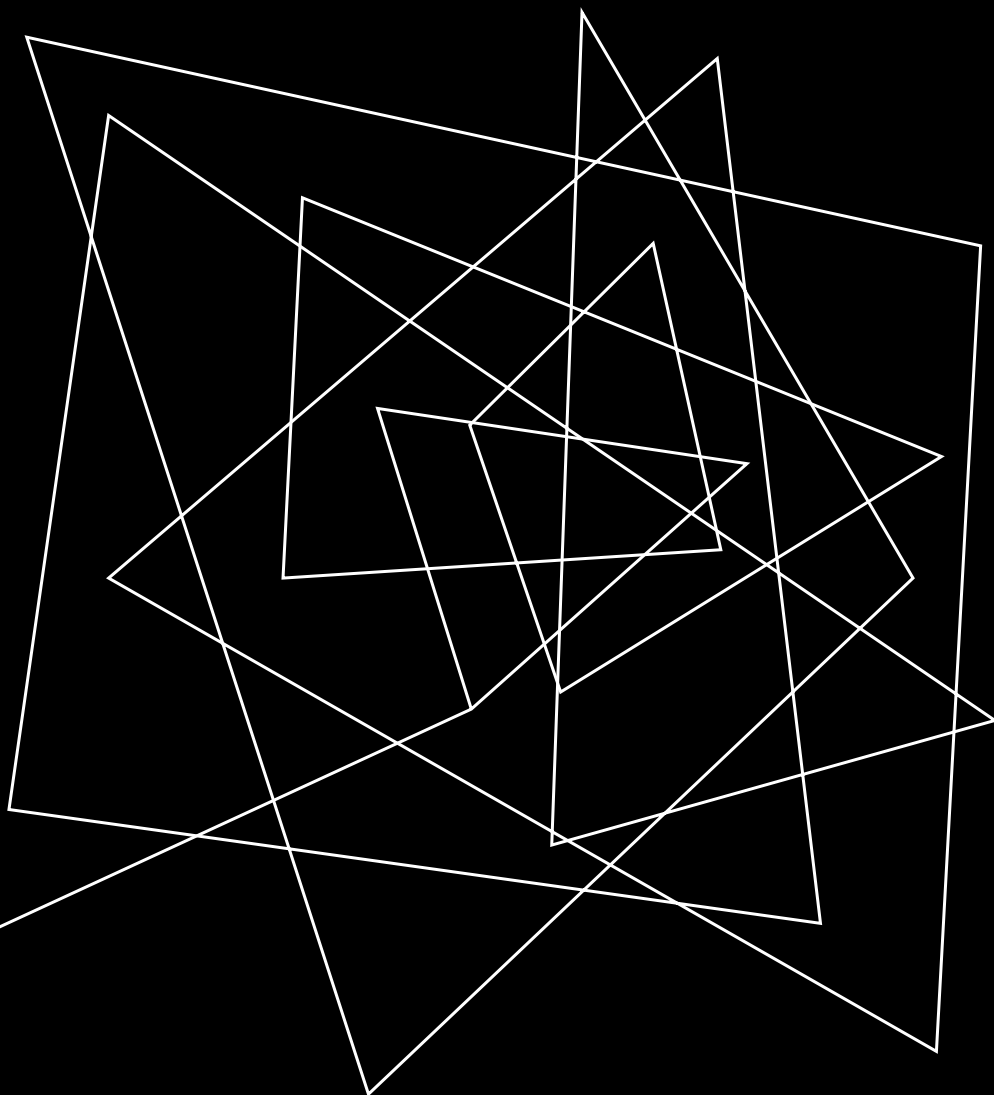
Potential APA Violation



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
- Prioritization

Collect Documents:

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

ANALYSIS

Further Investigation:

- Interviews
- SME Opinion
- DOI Officers

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 OUTPUT

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

CAB Complaint Process Overview

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

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

COMPLAINT PRIORITIZATION & REFERRAL GUIDELINES*

COMPLAINTS IN CATEGORIES 1 & 2 ARE REFERRED TO DIVISION OF INVESTIGATION

CATEGORY 1 • URGENT

- Acts of serious patient/consumer harm, great bodily injury, or death
- Mental or physical impairment of licensee with potential for public harm
- Practicing while under the influence of drugs/alcohol
- Repeated allegations of drug/alcohol abuse
- Narcotic/prescription drug theft; drug diversion; other unlawful possession
- Sexual misconduct with a patient
- Physical/mental abuse of a patient
- Over-prescribing
- Gross negligence/incompetence resulting in serious harm/injury
- Media/politically sensitive cases

CATEGORY 2 • HIGH

- Prescribing/dispensing without authority
- Unlicensed practice/unlicensed activity
- Aiding and abetting unlicensed activity
- Criminal violations including but not limited to prescription forgery, selling or using fraudulent documents and/or transcripts, possession of narcotics, major financial fraud, financial elder abuse, insurance fraud, etc.
- Exam subversion where exam is compromised
- Mandatory peer review reporting (B&P 805)
- Law enforcement standby/security (subject to staff availability)

COMPLAINTS IN CATEGORIES 3 & 4 ARE INVESTIGATED BY BOARD/BUREAU STAFF

CATEGORY 3 • ROUTINE

- General unprofessional conduct and/or general negligence/incompetence resulting in no injury or minor harm/injury (non-intentional act, non-life threatening)
- Subsequent arrest notifications (no immediate public threat)
- Exam subversion (individual cheating where exam is not compromised)
- Medical malpractice reporting (B&P 801) cases unless evaluated as category 1 or 2
- Serving subpoenas for hearings and for records (non DOI investigations)
- Patient abandonment
- False/misleading advertising (not related to unlicensed activity or criminal activity)
- Applicant misconduct

CATEGORY 4 • ROUTINE

- Unsanitary conditions
- Project abandonment
- Failure to release medical records
- Recordkeeping violations
- Continuing education violations
- Declaration and record collection (e.g., licensee statements, medical records, arrest and conviction records, employment records)
- Complaints of offensive behavior or language (e.g., poor bedside manner, rude, abrupt, etc.)
- Quality-of-service complaints
- Complaints against licensee on probation that do not meet category 1 or 2
- Anonymous complaints unless Board is able to corroborate that it meets category 1 or 2
- Non-jurisdictional issues

*Complaint prioritization is statutory for some clients and supersedes these Guidelines. See Business and Professions Code sections 2220.05 (Medical Board/Board of Podiatric Medicine) and 4875.1 (Veterinary Medical Board).

(Rev 12/2017)

**DIVISION OF INVESTIGATION
CASE ACCEPTANCE GUIDELINES (CPEI MODEL)**

CATEGORY	HEALING ARTS BOARDS	PROFESSIONAL SERVICES BOARDS/BUREAUS
<p align="center">URGENT</p> <p align="center">CATEGORY 1</p>	<p>ISO/PC 23</p> <p>Media/politically sensitive cases</p> <p>Cases where there has been intentional violations, great bodily injury or death (i.e. abuse that constitutes a felony, any violent misdemeanor, severe injury with likely reoccurrence or continuance of the activity)</p> <p>Unlicensed practice in healing arts/health care professions</p> <p>Sexual misconduct with a patient</p> <p>Actively practicing while under the influence of drugs/alcohol or while impaired</p> <p>Repeated acts of over-prescribing</p>	<p>ISO/PC 23</p> <p>Allegations that pose an immediate danger to public safety including unlicensed activity with potential for substantial harm</p> <p>Felony criminal activity (ongoing)</p> <p>Multiple complaints of substantial fraud (i.e. selling counterfeit or falsified training certificates, financial elder abuse)</p>
<p align="center">HIGH</p> <p align="center">CATEGORY 2</p>	<p>Criminal violations (i.e. theft of controlled substances, diverting narcotics, possession of narcotics, prescription forgery, major fraud [financial - monetary loss, no consumer injury or harm], insurance fraud, etc.)</p> <p>High potential for consumer harm such as repeated narcotic abuse (multiple case offender)</p> <p>Medication tampering</p> <p>Narcotic diversion - diversion drop out and deemed a public safety risk</p> <p>Exam subversion (where exam is compromised)</p>	<p>Unlicensed practice - no apparent harm</p> <p>Fraud</p> <p>Exam subversion (where exam is compromised)</p> <p>Aiding/abetting unlicensed activity</p>

Michael Gomez

Michael Gomez
Deputy Director Division of Investigation and Enforcement Programs

**DIVISION OF INVESTIGATION
CASE ACCEPTANCE GUIDELINES (CPEI MODEL)**

CATEGORY	HEALING ARTS BOARDS	PROFESSIONAL SERVICES BOARDS/BUREAUS
<p style="text-align: center;">ROUTINE CATEGORY 3</p>	<p>Narcotic diversion - diversion drop out for other than successful completion not deemed a public risk. Minor injury/harm - no intentional act, non-life threatening related to the licensee's practice Falsified financial records Misdemeanor - non-violent violation Negligence/incompetence without injury (multiple incidents) Exam subversion (individual cheating where exam is not compromised) Law Enforcement Security/Safety standby only Request for serving subpoenas for hearings</p>	<p>Minor advertising violations (unlicensed or misleading) Non-compliance with administrative citations Recordkeeping violations (meeting criminal violations) Project abandonment Arrest convictions substantially related to practice Exam subversion (individual cheating where exam is not compromised) Law Enforcement Security/Safety standby only Law Enforcement assist with sting operations (CSLB SWIFT or other Bureaus) Request for serving subpoenas for hearings</p>
<p style="text-align: center;">ROUTINE CATEGORY 4</p>	<p>Request for serving investigative subpoenas for records Negligence/incompetence without injury (single incident) Minor departure from standard of care with administrative remedy 801 Cases (that don't meet category 1 or 2) Administrative recordkeeping violations Other general unprofessional violation - (admin only) Complaints of "poor bedside manner" Additional complaint against license on probation for only an administrative violation Anonymous complaints (unless Board is able to corroborate with preliminary information to be in category 1 or 2; or there is significant details in the complaint assuring that the allegations will meet category 1 or 2) Unsanitary conditions</p>	<p>Request for serving investigative subpoenas for records Unsanitary conditions Collect medical records, send out declaration for complaints, send out declarations for establishment owners, requesting employment records and identify subject Administrative recordkeeping violations Other general unprofessional violation - (admin only) Additional complaint against licensee on probation for only an administrative violation Anonymous complaints (unless Board/Bureau is able to corroborate with preliminary information to be in category 1 or 2; or there is significant details in the complaint assuring that the allegations will meet category 1 or 2) Quality of service</p>

Michael A. Horn
 Michael 1EZ
 Deputy Director Division of Investigation and Enforcement Programs

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.

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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

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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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AGENDA ITEM L.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 amend the name of the section and replace references to the National Council of Architectural Registration Boards (NCARB) Intern Development Program 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, and place in regulation the information required on the Application For California Supplemental Examination and the Application for Licensure. 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. The versions of both forms last approved by the Office of Administrative Law follow the proposed new forms.

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. Amended Application for Eligibility Form
3. Existing Application for Eligibility Form in strike out
4. Amended Employment Verification Form
5. Existing Employment Verification Form in strike out

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PROPOSED REGULATORY LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend Section 109 of Article 10 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 109. Requirements for Licensure and Filing of Applications.

(a) Definitions:

(1) A "new candidate" shall mean a candidate who is submitting ~~his or her~~ a first application to the Board for eligibility evaluation for the Architect Registration Examination (ARE) or one who had previously submitted an application but had been determined by the Board to be ineligible.

(2) An "inactive candidate" shall mean a candidate who (A) has not taken an examination as a candidate of the Board for five or more years, or (B) has been determined by the Board to be eligible but who has not taken any examination since the board's determination and five or more years have passed.

(3) "Active in the examination process" shall mean that there has not been a period of five or more years since (A) the candidate last took an examination as a candidate of the board, or (B) the candidate has been determined by the board to be eligible.

~~(4) A "re-examinee" shall mean a candidate who has previously been determined by the Board to be eligible for the ARE and who is active in the examination process as a candidate of the Board.~~

(b) Application Process:

(1) Effective July 1, 2008, prior to a new or inactive candidate applying to the Board for eligibility for the ARE, ~~the candidate shall prior to eligibility for the examination enroll in the Intern Development Program (IDP) by establishing and maintain an active a Council Record with the National Council of Architectural Registration Boards (NCARB) Record while active in the examination process.~~

The requirement to establish an NCARB Council-Record does not apply to a candidate who was determined by the board to be eligible on or before June 30, 2008 and who is active in the examination process.

(2) Prior to licensure, ~~a~~ A new or inactive candidate applying to the Board for eligibility evaluation for the ARE shall ~~prior to licensure complete the NCARB IDP-~~ administered experience-based program as defined in the most recent edition of

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~~NCARB's *Intern Development Program Guidelines* (currently the July 2015 edition), or the Internship in Architecture Program (IAP) of Canada (currently the January 2012 edition). Both documents referred to in the preceding sentence are hereby incorporated by reference.~~

The NCARB-administered experience-based program~~IDP/~~ or IAP requirements does not apply to a candidate who (A) was determined by the Board to be eligible on or before December 31, 2004, and who is active in the examination process; or (B) has completed all of the necessary education equivalents prior to January 1, 2005, who has submitted a completed application for eligibility evaluation to the Board that is postmarked on or before December 31, 2004, and who has been determined by the Board to be eligible.

(3) A new or inactive candidate shall submit:

(A) an Application for Eligibility Evaluation, 19C-1 (rev. 35/20152023), as provided by the Board and certified under penalty of perjury.

(B) Unless the candidate meets the requirements for waiver of the fee specified in subsection (j), the fee specified in Section 144(a), accompanied by such

(C) supporting documents required herein.

Such sSupporting documents shall ~~may~~ include:

(i) the candidate's current and valid IDP file transmitted by NCARB Record transmitted by from NCARB or current and valid verification of completion of the requirements of the Canadian's IAP.

~~certified original transcripts sent directly to the Board by the college or university,~~

(ii) Employment Verification Form(s), 19C-12 (95/20062023), and,

(iii) if appropriate, proper foreign education evaluations and self-employment documentation.

(iv) certified original transcripts sent directly to the board from the college or university.

Applications for Eligibility Evaluation shall be accepted on a continuous basis throughout the year. ~~For a candidate applying for eligibility for the ARE, the eligibility review fee specified in Section 144(a) shall be required.~~

(4) A new or inactive candidate receiving notification that the candidate~~he or she~~ is ineligible based on insufficient education and/or employment verification as evaluated by the Board and/or failure to establish an NCARB Record by enrolling in IDP an NCARB-administered experience-based program by establishing an NCARB Council

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~~Record~~ shall submit such additional education ~~and/or~~ employment verification ~~and/or~~ verification of said enrollment in IDP.

(5) Upon the ~~B~~board's determination of a candidate's eligibility for the ARE based upon the ~~B~~board's education requirements and evidence of the candidate's enrollment in an NCARB-administered experience-based program~~IDP~~, the ~~B~~board shall transmit the candidate's eligibility information to NCARB or its authorized representative for entry into NCARB's database. For a candidate whose application is submitted on or after July 1, 1999 and who has been determined to be eligible, such eligibility shall be retained while the candidate is active in the examination process.

(6) As a candidate acquires additional work experience, it is the candidate's responsibility to ensure that the employer(s) complete Employment Verification Forms covering the work experience gained with that employer and that the forms are submitted to the ~~B~~board.

(7) A new or inactive candidate who is a licensed architect in a qualifying foreign country, as defined in Section 117(c)(2), shall prior to licensure:

(A) complete an NCARB-administered experience-based program~~IDP~~, or IAP, as referenced in subdivision (b)(2); or

(B) complete an NCARB-administered experience-based program~~IDP~~, or IAP, as referenced in subdivision (b)(2); or

(C) submit to the ~~B~~board:

~~(v)~~ 1- proof of licensure in the qualifying foreign country,

~~(vi)~~ 2- an Employment Verification Form on the candidate's~~his or her own~~ behalf documenting five years of practice of architecture as a licensed architect in the qualifying foreign country.

~~(vii)~~ 3- an Employment Verification Form documenting at least: ~~one~~ year of experience under the direct supervision of an architect licensed in a United States jurisdiction granted at 100% credit or, ~~at least two~~ years of experience under the direct supervision of an architect(s) registered in a Canadian province granted at 50% credit, ~~and~~

~~(viii)~~ 4- documentation of five years of education equivalents. ~~Both documents referred to in subdivision (b)(7)(A) are hereby incorporated by reference.~~

(8) Effective January 1, 2005, a new or inactive candidate who is a licensed architect in a non-qualifying foreign country and one who is a licensed architect in a qualifying foreign country but who does not submit all of the items prescribed in subdivision (b)(7) shall apply as a new candidate and meet the requirements prescribed in

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subdivisions (b)(1) and (b)(2) of this section.

~~(c) Effective July 1, 1999, a re-examinee applying for eligibility for the ARE shall submit a Test Application Form, 19C-11 (3/2006), and accompanied by the eligibility review fee specified in Section 144(a). Upon determination that the candidate is eligible, the Board shall transmit the candidate's eligibility information to NCARB or its authorized representative for entry into NCARB's database. For a candidate whose application is submitted on or after July 1, 1999 and who has been determined to be eligible, such eligibility shall be retained while the candidate is active in the examination process. Test Application Forms shall be accepted on a continuous basis throughout the year.~~

~~(dc)~~ A candidate who had a valid eligibility on file with the Board on or before June 30, 2008 may schedule with NCARB or its authorized representative to take one or more division(s) of the ARE without first enrolling in an NCARB-administered experience-based program.

~~(ed)~~ A candidate who did not have a valid eligibility on file with the Board on or before June 30, 2008 may only schedule with NCARB or its authorized representative to take one more division(s) of the ARE after establishing an NCARB Record first and enrolling in an NCARB-administered experience-based program~~DP~~ by establishing an NCARB Council Record.

~~(fe)~~ The Board shall retain the file of a candidate who is active in the examination process as a candidate of the Board. The Board shall purge the candidate file of an inactive candidate. An inactive candidate who wishes to reapply to the Board shall submit:

~~(1) be required to apply in accordance with this section by submitting the required documents to allow the board to determine the candidate's current eligibility.~~

~~(2) For a candidate applying for the ARE, the eligibility review fee specified in Section 144(a) shall be required. The Board shall retain for a two-year period, transcripts, Employment Verification Forms, and other supporting documents received from individuals who have not submitted an Application for Eligibility Evaluation for seven years and, thereafter, the Board shall may purge ~~these~~those documents.~~

(f) Upon passing the ARE, a candidate shall submit a completed Application for California Supplemental Examination and the fee as specified in section 144. If a candidate does not pass the California Supplemental Examination (CSE), they must wait ninety (90) days to take the CSE again. After not passing the CSE, if a candidate wishes to take the CSE again, the candidate shall submit a completed Application for California Supplemental Examination and the fee as specified in section 144.

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(g) A completed Application for California Supplemental Examination submitted to the board shall include:

(1) Unless the candidate meets the requirements for waiver of the fee specified in subsection (j), a fee as specified in section 144.

(2) Personal information including the candidate's social security number or individual tax identification number, their board-issued identification number, candidate's first, middle, and last names and suffix, other known name(s), and date of birth.

(3) Contact information including candidate's address of record, daytime and evening telephone numbers, email address (if any).

(4) Applications shall provide this information on Reasonable Accommodations: "The Board recognizes its responsibilities under Title II of the Americans with Disabilities Act to provide reasonable, appropriate, and effective testing accommodations. For more information and the testing accommodations request form please visit the Reasonable Testing Accommodations page of our website."

(5) Applications shall provide this Social Security Number Disclosure: "Disclosure of your Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) is mandatory. Business and Professions Code (BPC) sections 30 and 5550.5, and Public Law 94-455. (42 USCA 405(c)(2)(C)) authorize collection of your SSN or ITIN. Your SSN or ITIN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with section 17520 of the Family Code or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where license is reciprocal with the requesting state. If you failed to disclose your SSN or ITIN you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you."

(6) The candidate shall certify that all of the information provided in the Application For California Supplemental Exam is true and correct under penalty of perjury under the laws of the state of California, and the candidate shall acknowledge receipt of the complete provisions of Sections 123, 123.5, and 497 of the code and that the candidate is not allowed to discuss the CSE content with anyone other than board staff.

(h) Upon passing the CSE, each person desiring licensure as an architect shall file a completed Application for Licensure with the board. Upon receipt of an Application for Licensure from a candidate, the board will review the application and notify the candidate of its approval or disapproval. Failure to comply with the requirements of this section renders any application incomplete and the license will not be issued until the candidate demonstrates compliance with all requirements.

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(i) A completed Application For Licensure submitted to the board shall include:

(1) Unless the candidate meets the requirements for waiver of the fee specified in subsection (i), a fee as specified in Section 144.

(A) An architect's license is renewed every two years, in the candidate's birth month. Each candidate's original license fee shall be adjusted to reflect the candidate's birth month and the time remaining before the license will expire, with the largest possible original license fee being four hundred dollars (\$400).

(2) Personal information including the candidate's social security number or individual tax identification number, their board-issued identification number, candidate's first, middle, and last names and suffix, other known name(s), and date of birth

(3) Contact information including candidate's address of record, daytime and evening telephone numbers, email address (if any);

(4) A disciplinary question requiring that the candidate shall disclose whether the candidate has had a registration denied, suspended, revoked, or if the candidate has otherwise been disciplined by a public agency in any state or country. If yes, the candidate shall explain the details on a separate paper and attach that to the application.

(5) Applications shall provide this Social Security Number Disclosure: "Disclosure of your Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) is mandatory. Business and Professions Code (BPC) sections 30 and 5550.5, and Public Law 94-455. (42 USCA 405(c)(2)(C)) authorize collection of your SSN or ITIN. Your SSN or ITIN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with section 17520 of the Family Code or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where license is reciprocal with the requesting state. If you failed to disclose your SSN or ITIN you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you."

(6) The candidate shall state their first, middle, and last name and suffix as they want it printed on their wall certificate. Only the candidate's legal name or initials are permitted, and nicknames are not permitted.

(7) The candidate shall furnish to the Department of Justice (DOJ) a full set of fingerprints for the purpose of the DOJ conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the DOJ. With the application for license, the candidate shall certify that their fingerprints have been furnished to the DOJ in

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compliance with section 5552.1 of the code. If a candidate is unable to complete the classifiable sets of fingerprints, the board will work with the DOJ to obtain a criminal history record check on the candidate.

(8) The candidate shall certify that all of the information provided in the Application for Licensure and any attachments is true and correct under penalty of perjury under the laws of the state of California, and the candidate shall certify that a full set of their fingerprints were submitted to the DOJ in accordance with the provisions of Section 5552.1 of the code.

(j) The board shall waive the fee specified in subsection (b) for a candidate who meets the requirements set forth in Section 115.5 of the Code and submits the following satisfactory evidence with the application set forth in this section:

(1) Certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(2) A copy of the military orders establishing their spouse or partner's duty station in California and,

(3) written verification from the candidate's issuing agency/licensing jurisdiction that the candidate's license in another state, district or territory of the United States is current in that jurisdiction. The verification shall include all of the following:

(A) the full legal name of the candidate and any other name(s) the candidate has used or has been known by,

(B) the license type and number issued to the candidate by the original licensing agency/entity,

(C) the name and location of the licensing agency/entity, and,

(D) the issuance and expiration date of the license.

Note: Authority cited: Sections 115.4, 5526, and 5552.5 Business and Professions Code. Reference: Sections 115.4, 115.5, 115.6 135.4, 144, 144.5, 5550, 5550.5, 5551, 5552, and 5552.1 and 5552.5 Business and Professions Code.



APPLICATION FOR ELIGIBILITY EVALUATION

This application is for individuals seeking eligibility for the National Council of Architectural Registration Boards' (NCARB) Architectural Registration Examination (ARE). Fee: \$100 nonrefundable check or money order made payable to the California Architects Board (Board) and mailed to the address above. If you are currently licensed to practice architecture in another U.S., Canadian, or foreign jurisdiction, do not complete this form, complete the [California Architect Reciprocity Application](#). Please read the attached instructions and disclosures.

NCARB RECORD NUMBER:

LAST NAME FIRST NAME

MIDDLE NAME SUFFIX

OTHER KNOWN NAME(S):

ADDRESS

CITY STATE/PROVINCE ZIP/POSTAL CODE

COUNTRY

HOME PHONE WORK PHONE

EMAIL

BIRTHDATE (MONTH/DAY/YEAR) INDIVIDUAL TAXPAYER IDENTIFICATION # OR SOCIAL SECURITY#

1. Do you have a degree in architecture accredited by the National Architectural Accrediting Board from a school of architecture approved by the Board? If yes, complete the table below: YES NO

University or College Name and Address	Course of Study	Type of Degree, Diploma or Certificate awarded	Date Conferred (MM/DD/YYYY)

1. Do you have at least sixty (60) net months of architectural training experience under the direct supervision of a licensed or registered architect as specified in title 16 of the California Code of Regulations (CCR) section 117? YES NO

2. Do you have a combination of training and educational experience as specified in 16 CCR section 117 that totals sixty (60) net months? YES NO

If you answered **YES** to question #2 or #3 above, your training (work) experience must be documented by completing the [Employment Verification Form](#) (EVF). Forms are available upon request from the Board and available on the Board's website at: www.cab.ca.gov.

3. Have you ever served or are you currently serving in the U.S. military? YES NO

If you answer **YES**, you may qualify for expedited application processing by providing a copy of your DD-214 (Certificate of Release or Discharge from Active Duty) with this application.

4. Are you a spouse / domestic partner of an active-duty military member of the U.S. Armed Forces who is assigned to a duty station in California under official active-duty military orders? YES NO

If you answer **YES**, you may qualify for a fee waiver and expedited application processing by attaching to this application proof of marriage or domestic partnership (or other legal union) and you hold a current architect license in another state, district, or territory of the U.S.

Business and Professions Code (BPC) section 135.4 provides that with evidence, the Board must expedite, and may assist, the initial licensure process for applicants who are refugees, asylees, or special immigrant visa holders as described below. Refer to Instructions and Disclosures on page 3.

5. Were you admitted to the United States as a refugee pursuant to section 1157 of Title 8 of the United States Code? YES NO

6. Were you granted asylum by the Secretary of Homeland Security or the United States Attorney General pursuant to section 1158 of Title 8 of the United States Code? YES NO

7. Do you have a special immigrant visa and were you granted a status pursuant to section 1244 of Public Law 110-181, Public Law 109-163, or section 602(b) of title VI of division F of Public Law 111-8, relating to Iraqi and Afghan translators/interpreters or those who worked for or on behalf of the United States government? YES NO

INSTRUCTIONS AND DISCLOSURES

Reasonable Accommodations: If you are requesting reasonable accommodations pursuant to the Americans with Disabilities Act, please call or visit the Board's website at:

<https://www.cab.ca.gov>.

Disclosure Regarding Collection of Personal Information

The information requested on this application is mandatory pursuant to BPC sections 5550 and 5552.5.5 and 16 CCR section 109. The information provided will be used by the CAB to determine qualifications for examination and licensure. Failure to provide all information requested shall result in the application being returned as deficient or incomplete (16 CCR section 111). The information may be provided to other governmental agencies, or in response to a court order, subpoena, or public records request. You have a right of access to records containing personal information unless the records are exempted from disclosure, including as provided in Civil Code section 1798.40. Individuals may obtain information regarding the

location of their records by contacting the Board's Licensing Manager at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834 or (916) 574-7220. Disclosure of your Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) is mandatory. BPC sections 30 and 5550.5 and Public Law 94-455 (42 USCA 405(c)(2)(C)) authorize collection of your SSN or ITIN. Your SSN or ITIN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Family Code section 17520, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN or ITIN, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

Refugee, asylee, or special immigrant visa holder expedited Application processing

If you answered YES to questions 6-8, the Board will expedite your application. Individuals eligible for this option **must attach to the application** evidence of your status as a refugee, asylee, or special immigrant visa holder. Acceptable evidence examples are on the Department of Consumer Affairs website at https://www.dca.ca.gov/about_us/ab2113.shtml. Failure to provide evidence supporting your status may result in application review delays.

REVIEW ALL INFORMATION PRIOR TO PRINTING AND SIGNING THIS APPLICATION.

I declare under penalty of perjury under the laws of the State of California that all my representations on this Application for Eligibility Evaluation (including attachments) are true and correct.

Signature

Date

For Office Use Only: CAB ID Date Paid: Amount Paid: Receipt #: License#:



CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION
2420 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
MAIN (916) 574-7220 FAX (916) 575-7283
WWW.CAB.CA.GOV
CAB@DCA.CA.GOV

Edmund G. Brown Jr.
GOVERNOR

APPLICATION FOR ELIGIBILITY EVALUATION

For candidates seeking eligibility to take the
National Council of Architectural Registration Boards' (NCARB) Architect Registration Examination (ARE)

Fee: \$100 (Check or money order) **non-refundable**

Last Name:		Suffix:	SSN or ITIN:	NCARB Record Number:
First Name:		Middle Name:		
Address:				
City:		State/Province:	ZIP/Postal Code:	
Country:		Email:		
Home Phone:		Work Phone:		
Birthdate: ____/____/____ <small>—(Month)—(Day)—(Year)</small>	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Other Known Name(s):		

Before Answering, Read Page 3

- (A) Have you ever submitted an application or been determined ineligible for the ARE in California?
If yes, provide date of application: _____ YES NO
-
- (B) Have you previously been determined eligible to take the ARE?
If yes, list the U.S. or Canadian jurisdiction: _____ YES NO
-
- (C) Would you like your information (name and address) shared with other individuals or organizations offering to provide education information regarding the examination? YES NO
- (D) Have you served as an active duty member of the U.S. Armed Forces **and** were honorably discharged?
If yes, you may qualify for expedited application processing by providing a copy of your DD214 (Certificate of Release or Discharge from Active Duty). YES NO
- (E) Have you ever had a registration denied, suspended, revoked, or otherwise been disciplined by a public agency in any state or country? If yes, explain the details on a separate sheet of paper and attach. YES NO
- (F) Have you ever been convicted of a crime in any state, the U.S. and its territories, federal jurisdiction, military court, or other country, which involved a plea or verdict of guilty or a conviction following a plea of nolo contendere? YES NO

APPLICATION FOR ELIGIBILITY EVALUATION

(G) List the names of all states, foreign countries, providences, or territories from which you have received a license to practice architecture. If you need additional space, please use a separate sheet and attach.

State/Country	License Number	Date Granted	Expiration Date	Requirements for Licensure

Education

(A) Have you completed high school/received a GED? YES NO

University or College— Name and Location:	Course of Study	Units Completed		Diploma or Degree Certificate Obtained	Date Completed
		Semester	Quarter		

Experience

From (M/D/Y):	To (M/D/Y):	Employer Name and Address:	Employer Licensed as:
Hours Per Week:	Total Worked (Y/M):		<input type="checkbox"/> Architect
Supervisor's Name:			<input type="checkbox"/> Contractor
			<input type="checkbox"/> Engineer
			<input type="checkbox"/> Landscape Architect
			<input type="checkbox"/> Other:
From (M/D/Y):	To (M/D/Y):	Employer Name and Address:	Employer Licensed as:
Hours Per Week:	Total Worked (Y/M):		<input type="checkbox"/> Architect
Supervisor's Name:			<input type="checkbox"/> Contractor
			<input type="checkbox"/> Engineer
			<input type="checkbox"/> Landscape Architect
			<input type="checkbox"/> Other:
From (M/D/Y):	To (M/D/Y):	Employer Name and Address:	Employer Licensed as:
Hours Per Week:	Total Worked (Y/M):		<input type="checkbox"/> Architect
Supervisor's Name:			<input type="checkbox"/> Contractor
			<input type="checkbox"/> Engineer
			<input type="checkbox"/> Landscape Architect
			<input type="checkbox"/> Other:
From (M/D/Y):	To (M/D/Y):	Employer Name and Address:	Employer Licensed as:
Hours Per Week:	Total Worked (Y/M):		<input type="checkbox"/> Architect
Supervisor's Name:			<input type="checkbox"/> Contractor
			<input type="checkbox"/> Engineer
			<input type="checkbox"/> Landscape Architect
			<input type="checkbox"/> Other:
From (M/D/Y):	To (M/D/Y):	Employer Name and Address:	Employer Licensed as:
Hours Per Week:	Total Worked (Y/M):		<input type="checkbox"/> Architect
Supervisor's Name:			<input type="checkbox"/> Contractor
			<input type="checkbox"/> Engineer
			<input type="checkbox"/> Landscape Architect
			<input type="checkbox"/> Other:

APPLICATION FOR ELIGIBILITY EVALUATION

Discipline/Conviction Questions E and F

Check yes, if you have been disciplined by a public agency or convicted of a crime.

"Conviction" includes a plea or verdict of guilty or a conviction following a plea of nolo contendere and any conviction that has been set aside or deferred pursuant to Penal Code sections 1000 or 1203.4, including infractions, misdemeanors, and felonies. You do not need to report a conviction of an infraction with a fine of less than \$1,000 unless the infraction involved alcohol or a controlled substance. You must, however, disclose any convictions in which you entered a plea or no contest and any convictions that were subsequently set aside or deferred pursuant to Penal Code sections 1000 or 1203.4. "License" includes permits, registrations, and certificates. "Discipline" includes, but is not limited to, suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license held by you.

Please explain details on a separate sheet of paper and attach. Indicate the date and place of arrest, name of court, court case number, code section violated, brief explanation of the offense, and the sentence imposed; or if applicable, indicate the date and nature of the disciplinary action, name and location of public agency, and the fine or sentence imposed. If convicted under another name, please indicate other name(s).

Check no, if you have not been disciplined by a public agency, **and** you have not been convicted of a crime.

Additional Information

Review the ARE Requirements at cab.ca.gov and Complete all Information Prior to Submission—The information requested on this application is required under Business and Professions Code sections 5526, 5550, 5551, and 5552. All items are mandatory. The information provided will be used to determine qualifications for licensure.

Social Security Number (SSN) or Individual Tax Identification Number (ITIN)—Disclosure of your SSN or ITIN is mandatory. Business and Professions Code sections 30 and 5550.5 and Public Law 94 455 (42 USCA 405(e)(2)(C)) authorize collection of your SSN or ITIN. Your SSN or ITIN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN or ITIN, your application will not be processed AND you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

Reasonable Accommodations—If you are requesting reasonable accommodations pursuant to the Americans with Disabilities Act, please call or visit the Board's website, download, print, and submit a completed Reasonable Accommodation Request for the Architect Registration Examination (ARE) form.

PRIOR TO SIGNING THIS APPLICATION, REVIEW ALL INFORMATION. I declare under penalty of perjury under the laws of the State of California that all of my representations on this Application for Eligibility Evaluation (including attachments) are true, correct, and contain no material omissions of fact to the best of my knowledge and belief.		FOR BOARD USE ONLY	
_____		RECEIPT NO.: _____	
_____		FEE PAID: _____	
_____		DATE: _____	
_____		ID NO.: _____	
_____		LICENSE NO.: _____	
_____		ISSUE DATE: _____	
Signature		Date	

EMPLOYMENT VERIFICATION FORM (EVF)

INSTRUCTIONS

<u>Reciprocity Candidates</u>	<u>Initial Licensure Candidates</u>
<ul style="list-style-type: none"> • <u>A reciprocity candidate is defined as an individual licensed as an architect in another U.S. or foreign jurisdiction and seeking an architect license in California.</u> • <u>Do not complete this form if you have requested transmittal of your NCARB* Certificate to California.</u> • <u>U.S. architects with less than three years of licensure must have their NCARB Certificate transmitted to the Board as proof Architect Experience Program (AXP) completion.</u> • <u>Eight (8) full-time (at 40 hours per week) years of training (work) and educational experience is required for California Supplemental Examination (CSE) eligibility.</u> • <u>All EVFs must contain the original signature of the employer. Copies, rubber stamps, or other reproductions of the signature will not be accepted. In addition, forms containing strikeouts or corrections will not be accepted.</u> 	<ul style="list-style-type: none"> • <u>An initial licensure candidate is defined as an individual who is seeking their first license as an architect.</u> • <u>Do not fill out this form if any of the following apply:</u> <ul style="list-style-type: none"> ▪ <u>You earned a degree from a NAAB* program</u> ▪ <u>Earned a degree from a CACB* program</u> ▪ <u>Have an approved NAAB-EESA*</u> • <u>All others must submit this form to document training (work) experience under the direct supervision of a licensed architect. Work experience not performed under the direct supervision of a licensed architect will not be considered for Architect Registration Examination (ARE) eligibility.</u> • <u>Work experience submitted to NCARB for AXP credit cannot also be submitted to the Board for ARE eligibility.</u>

PROJECT LIST REQUIREMENT—SUBMITTING WORK EXPERIENCE FOR YOURSELF

If you are submitting work experience for yourself as a licensed individual, you must include a project list. The project list must be presented in a table that includes all of the following:

- | | |
|---|---|
| <ul style="list-style-type: none"> • <u>Name(s) and Address(es) of the Client(s)</u> • <u>Type of Project(s)</u> • <u>Construction Cost(s)</u> | <ul style="list-style-type: none"> • <u>Start Date of Project(s)</u> • <u>Completion Date of Project(s)</u> • <u>All Services Provided</u> |
|---|---|

LIMITS ON TRAINING EXPERIENCE

Verifiable experience from licensed foreign architects in a qualifying foreign country (listed on the CAB* website) may be granted training experience at 50% credit. A maximum of one year may be granted for work experience under a California general building contractor or certified California building official. A candidate will not receive more than two years total at 50% credit in any combination under a licensed/registered civil or structural engineer, licensed/registered landscape architect, California general building contractor, or certified California building official. (See 16 CCR Section 117).

REASONS FOR REJECTION OR ZERO CREDIT

If any of the following situations apply, the form will be rejected or granted zero credit:

1. Providing false information
2. Strikeouts or corrections
3. No original signature
4. Work performed under or as an:
 - independent contractor
 - architect in a nonqualifying foreign country
 - unlicensed individual or nonqualifying licensed individual

COMPLETION AND SUBMISSION OF FORM

Note to Candidate: A candidate must complete Section 1 of this form prior to submission of it to their supervisor for completion. The original, completed form must be sent by mail? to the California Architects Board's address, which is located at the top of page 1, please indicate Attn: Licensing Unit.

Note to Supervisors completing Section 2: This candidate is applying for authorization to take the ARE in California. In order to qualify, the applicant is required to provide proof of completion of required work experience in performing architectural duties (see Business and Professions Code (BPC) section 5500.1). Please provide below any work-related experience performing architectural duties that the applicant performed at your firm or business as specified below and sign as indicated below.

***ACRONYMS USED IN EVF INSTRUCTIONS AND FORM:**

NCARB stands for the National Council of Architectural Registration Boards

NAAB stands for National Architectural Accrediting Board

CACB stands for Canadian Architectural Certification Board

NAAB-EESA stands for National Architectural Accrediting Board

CAB stands for the California Architects Board

EMPLOYMENT VERIFICATION FORM

SECTION 1—TO BE COMPLETED BY THE LICENSURE CANDIDATE

<u>NCARB Record:</u>	<u>CAB (Candidate) ID:</u>	<u>Birthdate (Month/Day/Year):</u> / /
<u>Last Name (Include suffix):</u>	<u>First Name:</u>	<u>M.I.:</u>
<u>Telephone Number:</u>	<u>Email Address:</u>	

Check this box if below is a change of address

<u>Address:</u>		
<u>City/Town:</u>	<u>State/Province:</u>	<u>Postal (Zip) Code:</u>
<u>Country (Leave Blank if U.S.A.):</u>		

SECTION 2—TO BE COMPLETED BY THE SUPERVISOR

Please verify the employment for the individual named in Section 1. If more than three entries are needed to cover employment experience, use additional Employment Verification Forms.

Employment Information

The above-named individual in Section 1 performed architectural duties (see BPC section 5500.1) for the following period(s) and worked as indicated:

an employee under my direct supervision an independent contractor

<u>Start Date (Month/Day/Year):</u> / /	<u>End Date (Month/Day/Year):</u> / /	<u>Average Hours Per Week:</u>
--	--	--------------------------------

an employee under my direct supervision an independent contractor

<u>Start Date (Month/Day/Year):</u> / /	<u>End Date (Month/Day/Year):</u> / /	<u>Average Hours Per Week:</u>
--	--	--------------------------------

an employee under my direct supervision an independent contractor

<u>Start Date (Month/Day/Year):</u> / /	<u>End Date (Month/Day/Year):</u> / /	<u>Average Hours Per Week:</u>
--	--	--------------------------------

Licensee Supervisor's Information

I am licensed/registered as (include the jurisdiction where you are licensed):

- | | |
|--|---|
| <input type="checkbox"/> Architect in a U.S. Jurisdiction | <input type="checkbox"/> Landscape Architect in a U.S. Jurisdiction |
| <input type="checkbox"/> Architect in a Qualifying Foreign Country | <input type="checkbox"/> Structural Engineer in a U.S. Jurisdiction |
| <input type="checkbox"/> California General Building Contractor | <u>Jurisdiction (e.g., state) Where Licensed:</u>

 |
| <input type="checkbox"/> Civil Engineer in a U.S. Jurisdiction | |

<u>Issued Date (Month/Day/Year):</u> / /	<u>Expiration Date (Month/Day/Year):</u> / /	<u>License Number:</u>
<u>Last Name (Include suffix):</u>	<u>First Name:</u>	<u>M.I.:</u>
<u>Name of Firm/Business:</u>		
<u>Address:</u>		
<u>City/Town:</u>	<u>State/Province:</u>	<u>Postal (Zip) Code:</u>
<u>Country (Leave Blank if U.S.A.):</u>		

NOTE TO SUPERVISOR COMPLETING THIS FORM: PRIOR TO SIGNING THIS FORM, REVIEW ALL INFORMATION IN THE INSTRUCTIONS AND ON THIS FORM.

I declare under penalty of perjury under the laws of the State of California that all my representations on Section 2 of this form are true and correct.

Signature _____ Date _____

EMPLOYMENT VERIFICATION FORM

APPLICANT MUST COMPLETE SECTIONS I and II ONLY

TYPE OR PRINT CLEARLY IN INK

I. Applicant should complete information below. The address insert will be used to acknowledge receipt of this employment verification form in our office.

Employment Period _____

Name of Employer _____

Name _____

Address _____

City/State/Zip _____

II. Applicant is required to complete sections I and II of this form prior to sending it to the employer. Please remember that making or giving any false information in connection with an application for examination and/or licensure may be grounds for denial, suspension, or revocation of a license to practice architecture.

Name _____ ID# _____
Last First Middle (If known)

Known By Any Other Name _____ Birthdate _____

Address _____

City _____ State _____ Zip _____ Country _____

Work Phone _____ Home Phone _____

CHECK BOX IF ABOVE IS A CHANGE OF ADDRESS

Filing Status – Please Check Appropriate Category Only

WRITTEN EXAM SUPPLEMENTAL EXAM RECIPROCITY PASSED ALL EXAMS

**SECTION III TO BE COMPLETED BY EMPLOYER AND/OR SUPERVISOR ONLY
FORMS CONTAINING STRIKEOUTS OR CORRECTIONS WILL NOT BE ACCEPTED**

III. This will certify that to the best of my knowledge and as indicated in the records of this office, the above named person worked under my direct supervision performing qualified experience for the following time period.

Month/Day/Year Month/Day/Year

From _____ To _____ Full Time Part Time Hours/Week

From _____ To _____ Full Time Part Time Hours/Week

Name of Firm _____ Work Phone (____) _____

Address _____

City _____ State _____ Zip _____ Country _____

During the time period shown above, my professional status was as follows:

Name: _____
Last First Middle

Licensed as _____ State of Registration _____
(architect, civil or structural engineer, landscape architect, California general building contractor*)

Individual License# _____ Original Date Issued _____ Date Expires _____

If applicant performed work in a state other than the one listed above, provide employment period for that project and the following information for that state.

From _____ To _____ Full Time Part Time Hours/Week

Licensed as _____ State of Registration _____
(architect, civil or structural engineer, landscape architect, California general building contractor*)

Individual License # _____ Original Date Issued _____ Date Expires _____

I certify under penalty of perjury under the laws of the state of California that the information on this form is true and correct.

Original Signature _____ Current Date _____

(Please do not sign in black ink)

Print Name _____

* See reverse

AGENDA ITEM L.2: Discuss and Possible Action on Proposed Regulatory Text Amendments for CCR, title 16, division 2, article 3, section 120 (Re-Examination)

Summary

This regulatory proposal amends 16 CCR section 120 in response to the National Council of Architectural Registration Boards (NCARB) new score validity policy (**Attachment 1**) that went into effect May 1, 2023. The revisions to 16 CCR section 120 remove outdated requirements, the 5-year conditional credit, and shift the responsibility for the rules about passing the Architect Registration Examination (ARE), which is the national exam required for licensure in California, over to NCARB, the test administrator. Going forward, if NCARB changes the NCARB standards again, then with the proposed simplified language, those new rules will apply to all candidates.

NCARB's new score validity policy states that effective May 1, 2023, a passed exam division of the ARE shall remain valid throughout the delivery of the exam version under which it was taken, as well as the next exam version. Passed divisions will expire after two revisions of the exam. For example, passed ARE 4.0 divisions will remain valid throughout the delivery of ARE 5.0 and will be retired after the next version of the exam is introduced. When a new version of the ARE is developed (i.e., ARE 6.0), NCARB will provide at least 18 months' notice prior to retiring any version of the exam.

Action Requested

The Board is asked to consider a motion to approve the proposed regulatory text for 16 CCR section 120, 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 120 as noticed.

Attachments

1. NCARB Score Validity Policy
2. Amended 16 CCR section 120 (Re-Examination)

SCORE VALIDITY POLICY

Under NCARB's score validity policy, which will be implemented on May 1, 2023, a passed exam division of the Architect Registration Examination® (ARE®) would remain valid throughout the delivery of the exam version under which it was taken, as well as the next exam version. This means that passed exam divisions:

- Would be valid throughout the delivery of the version of the exam under which they were taken (i.e., ARE 4.0), AND
- Would be used to establish appropriate credits under the next version of the exam (i.e., ARE 5.0)

Passed divisions will expire after two versions of the exam. For example: Passed ARE 4.0 divisions will remain valid throughout the delivery of ARE 5.0 and will be retired after the next version of the exam is introduced.

If a new version of the ARE is developed (i.e., ARE 6.0), NCARB will provide at least 18 months' notice prior to retiring any version of the exam.

Due to the nature of the score validity policy, which is version-bound, NCARB will not offer extensions.

Previous Exam Credits

ARE 4.0 divisions are used to establish credit toward the appropriate ARE 5.0 divisions.

If you have reinstated ARE 4.0 divisions as a result of the score validity policy, you can use the [ARE 5.0 Transition Calculator](#) to better understand how divisions transferred from ARE 4.0 to ARE 5.0. Starting on May 1, 2023, you'll be able to [check your NCARB Record](#) for any reinstated ARE 4.0 divisions.

Exam divisions taken in ARE 3.1 or previous versions of the exam will remain expired.

Because the practice of architecture and the content covered by the exam does evolve over time, the score validity policy is necessary to ensure that candidates becoming licensed are competent in the current practice of architecture.

Rolling Clock Policy (Retiring)

On April 30, 2023, NCARB will retire the rolling clock policy, which placed a five-year expiration date on passed divisions of the ARE. [Learn more about the rolling clock policy.](#)

[Some jurisdictions](#) have a policy similar to the rolling clock written into their statutes and/or rules. If you are seeking licensure in a jurisdiction that has a rolling clock requirement, you will still be subject to your jurisdiction's rolling clock. [If you are considering switching jurisdictions, be sure to review your new jurisdiction's requirements.](#)

NCARB will continue supporting [rolling clock extension requests](#) for candidates who are seeking licensure in a jurisdiction that has a rolling clock requirement.

Questions? [Contact us.](#)

[Blog Guidelines](#)

[Privacy Policy](#)

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[Sitemap](#)

Department of Consumer Affairs
Title 16. California Architects Board

PROPOSED REGULATORY LANGUAGE
Re-Examination

Legend: Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
--

Amend Section 120 of Article 3 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 120. Re-Examination.

(a) Effective May 1, 2023, candidates who have received full credit for all divisions of the ARE shall be deemed to have passed the ARE. ~~Credit for divisions of the Architect Registration Examination (ARE) passed prior to January 1, 2006 shall expire on July 1, 2014 unless all divisions of the ARE have been passed and credited.~~

~~(b) Effective January 1, 2006, candidates for the ARE shall receive conditional credit for each division passed and shall be required to retake only those divisions of the ARE previously failed or those divisions passed on or after January 1, 2006 for which the conditional credit has expired. Conditional credit shall remain valid for five years after the date the division was passed for which conditional credit was granted. Conditional credit shall become full credit only if the conditional credit is within its five-year period of validity and the candidate has passed all remaining divisions of the ARE. Candidates who have received full credit for all divisions of the ARE shall be deemed to have passed the ARE.~~

~~(c) A candidate who has failed a division of the ARE or who has failed to appear for a scheduled division of the ARE shall not be permitted to take any subsequent division of the ARE unless he or she has reapplied properly to NCARB or its authorized representative for the division(s).~~

~~(d) A candidate who has failed a division of the ARE shall not be permitted to reapply to NCARB or its authorized representative for that previously failed division within six (6) months after the date that the candidate last failed the division.~~

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 5550, Business and Professions Code.

AGENDA ITEM L.3: DISCUSS AND POSSIBLE ACTION ON PROPOSED REGULATORY LANGUAGE TO AMEND CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2614 (EXAMINATION TRANSITION PLAN)

Summary

On August 25, 2022, the Council of Landscape Architectural Registration Boards (CLARB) announced that the Landscape Architect Registration Examination (LARE) will transition to a new examination format in December 2023.

On September 16, 2022, the Board approved a regulatory proposal to amend California Code of Regulations (CCR) section 2614 (Examination Transition Plan) by adding subsections (g)(1) – (3), to establish a transition plan for candidates who passed sections of previously administered landscape architect licensing examinations to receive credit toward the upcoming LARE format. The amendments were approved by the Office of Administrative Law (OAL) and became effective on April 1, 2023.

After the regulatory package to amend CCR section 2614 was prepared, CLARB scheduled an extra administration of the current LARE for October 2023 to allow candidates another opportunity to pass the current LARE sections prior to the format change in December 2023.

To include the new October 2023 LARE administration in the examination transition plan, staff prepared a second regulatory proposal to amend CCR section 2614 to extend the transition date from August 2023 to November 2023.

Action Requested

The Board is asked to consider a motion to approve the Proposed Regulatory Language to amend 16 CCR section 2614 (Examination Transition Plan), and if there are no adverse comments received during the 45-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 Regulatory Language.

Attachment

Proposed Regulatory Language to amend CCR, title 16, section 2614 (Examination Transition Plan)

CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
PROPOSED REGULATORY LANGUAGE

Legend: Additions are shown in underline.
Deletions are shown in ~~strikethrough~~.

Amend Section 2614 in Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2614. Examination Transition Plan

- (a) A candidate who has received Board credit for any section of the Uniform National Examination for Landscape Architects (hereafter UNE) shall be given credit for those sections as those sections correspond to the 1992 Landscape Architect Registration Examination (hereafter LARE) sections in accordance with the following transition chart:

<i>Previous Sections Passed UNE</i>	<i>Credit to 1992 LARE</i>
Section 1--Professional Practice	Section 1-- Legal and Administrative Aspects of Practice
Section 2--Design	Section 2-- Programming and Environmental Analysis Section 3-- Conceptualization Section 4-- Design Synthesis
Section 4--Design Implementation	Section 5-- Integration of Technical and Design
Section 5--Grading and Drainage	Section 6-- Grading and Drainage
Section 6--California Section	Section 8-- California Section

- (b)(1) A candidate who has received Board credit for any section of the 1992 LARE shall be given credit for those sections as those sections correspond to sections of the Professional Examination for Landscape Architects (hereafter PELA) in accordance with the following transition chart:

<i>Previous Sections Passed 1992 LARE</i>	<i>Credit To PELA</i>
Section 1-- Legal and Administrative Aspects of Practice Section 2-- Programming and Environmental Analysis Section 7-- Implementation of Design	Section 1-- Objective
Section 4-- Design Synthesis	Section 2-- Design
Section 5-- Integration of Technical Design Section 6-- Grading and Drainage	Section 3-- Construction Documents
Section 8-- California Section	Section 4-- California Section

(2) A candidate who is transferring credit from the UNE or 1992 LARE to the PELA and has not previously received Board credit for Section 8 (California) of the LARE shall be required to take and pass either Section 1 (Objective) or Section 4 (California) of the PELA. A candidate who has been granted transfer credit from the LARE to Section 1 of the PELA may not apply such transfer credit to fulfill his or her requirement to have passed the California Section of the PELA.

(c)(1) A candidate who has received Board credit for any section of the PELA shall be given credit for the corresponding sections of the 1997 through 1998 LARE and the California Section in accordance with the following transition chart:

<i>Previous Sections Passed PELA</i>	<i>Credit to 1997 through 1998 LARE and California Section</i>
Section 1 -- Objective	Section 1 -- Legal and Administrative Aspects of Practice,

	Section 2 (7) -- Analytical and Technical Aspects of Practice, and California Section
Section 2 -- Design	Section 3 -- Conceptualization and Communication Section 4 -- Design Synthesis
Section 3 -- Construction Documents	No Transition Credit
Section 4 -- California Section	California Section
No Transition Credit	Section 5 -- Integration of Technical and Design Requirements Section 6 -- Grading and Drainage

(2) To receive Board credit for Section 2 (7) -- Analytical and Technical Aspects of Practice of the 1997 through 1998 LARE, a candidate shall either have passed Section 1 -- Objective of the PELA or have received credit for both Section 2 -- Programming and Environmental Analysis and Section 7 -- Implementation of Design Through the Construction Process of the pre-1997 LARE, either by having previously passed those sections of the pre-1997 LARE or by having received transition credit from the UNE.

(d)(1) A candidate who has received credit for any section of the LARE which was administered on or before December 31, 1998 shall be given credit for the corresponding sections of the LARE administered on or after June 1999 in accordance with the following transition chart:

<i>Previous Sections Passed 1998 and Prior LARE</i>	<i>Credit to June 1999 through 2005 LARE</i>
Section 1 -- Legal and Administrative Aspects of Practice	Section A -- Legal and Administrative Aspects of Practice
Section 2 -- Analytical and Technical Aspects of Practice	Section B -- Analytical Aspects of Practice

Section 3 -- Conceptualization and Communications; and Section 4 -- Design Synthesis	Section C -- Planning and Site Design
Section 5 -- Integration of Technical and Design Requirements	Section D -- Structural and Materials and Methods of Construction
Section 6 -- Grading and Drainage	Section E -- Grading, Drainage and Stormwater Management

(2) A candidate shall receive credit for Section C of the LARE administered on or after June 1999 only if the candidate has passed both Sections 3 and 4 of the LARE administered on or before December 31, 1998. A candidate who has passed either Section 3 or 4 of the LARE administered on or before December 31, 1998, but not both, shall be required to pass Section C of the LARE administered on or after June 1999.

(e) Effective April 2006 the LARE was reformatted and the sections renamed. Credits and conversions provided for the June 1999 through June 2005 sections remain:

<i>Previous Sections Passed June 1999-2005 LARE</i>	<i>Credit to April 2006 and thereafter LARE</i>
Section A -- Legal and Administrative Aspects of Practice	Section A -- Project and Construction Administration
Section B -- Analytical Aspects of Practice	Section B -- Inventory, Analysis and Program Development
Section C -- Planning and Site Design	Section C -- Site Design
Section D -- Structural and Materials and Methods of Construction	Section D -- Design and Construction Documentation
Section E -- Grading, Drainage and Stormwater Management	Section E -- Grading, Drainage and Stormwater Management

(f)(1) In 2012, the LARE was restructured from five sections to four and the sections renamed.

(2) A candidate who has received credit for any section of the five-section LARE shall be given credit for the corresponding sections of the four-section LARE in accordance with the following transition chart:

<i>Previous Sections Passed of the Five-Section LARE</i>	<i>Credit to the Four-Section and thereafter LARE</i>
Section A -- Project and Construction Administration	Section 1 -- Project and Construction Administration
Section B -- Inventory, Analysis and Program Development	Section 2 -- Inventory and Analysis
Section C -- Site Design; and Section D -- Design and Construction Documentation	Section 3 -- Design
Section D -- Design and Construction Documentation; and Section E -- Grading, Drainage and Stormwater Management	Section 4 -- Grading, Drainage and Construction Documentation

(3) A candidate shall receive credit for Section 3 of the four-section LARE only if the candidate has passed both Sections C and D of the previous five-section LARE. A candidate who has passed either Section C or D of the prior five-section LARE, but not both, shall be required to pass Section 3 of the four-section LARE.

(4) A candidate shall receive credit for Section 4 of the four-section LARE only if the candidate has passed both Sections D and E of the previous five-section LARE. A candidate who has passed either Section D or E of the prior five-section LARE, but not both, shall be required to pass Section 4 of the four-section LARE.

(g) (1) In 2023, the LARE will be restructured and the sections renamed.

(2) A candidate who has received credit for any section of the LARE which was administered on or before ~~August~~November 2023 shall be given credit for the corresponding sections of the LARE administered on or after December 1, 2023 in accordance with the following transition chart:

<i>Previous Sections Passed 2012- August<u>November</u> 2023 LARE</i>	<i>Credit to December 2023 and thereafter LARE</i>
Section 2 -- Inventory and Analysis	Inventory, Analysis, and Project Management
Section 3 -- Design	Planning and Design
Section 1 -- Project and Construction Administration; and Section 4 -- Grading, Drainage and Construction Documentation	Construction Documentation and Administration
Section 4 -- Grading, Drainage and Construction Documentation	Grading, Drainage, and Stormwater Management

(3) A candidate shall receive credit for the “Construction Documentation and Administration” section of the LARE only if the candidate has passed both Sections 1 and 4 of the previous LARE. A candidate who has passed either Section 1 or 4 of the prior LARE, but not both, shall be required to pass the “Construction Documentation and Administration” section of the LARE.

NOTE: Authority cited: Section 5630, Business and Professions Code;
Reference: Sections 5650 and 5651, Business and Professions Code.

AGENDA ITEM M: REVIEW OF FUTURE BOARD MEETING DATES

Summary

A schedule of planned meetings and events for 2023 are provided to the Board.

<u>Date</u>	<u>Event</u>	<u>Location</u>
August 11	LATC Meeting	TBD
September 8	Board Meeting	TBD
November 3	LATC Meeting	TBD
December 1	Board Meeting	TBD