

DEPARTMENT OF CONSUMER AFFAIRS  
**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS**  
**SECTION 152 OF ARTICLE 8 OF DIVISION 2**  
**CALIFORNIA ARCHITECTS BOARD**

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
**§152 CITATIONS**

**NOTICE IS HEREBY GIVEN** that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

**WRITTEN COMMENT PERIOD**

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than Monday, December 27, 2021**, or must be received by the Board at the hearing, should one be scheduled.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by sections 125.9, 148, and 5526 of the Business and Professions Code (BPC) and to implement, interpret, or make specific BPC sections 5536, 5536.1, 5536.4, and 5536.5, the Board is considering amending section 152 of title 16 of the California Code of Regulations (CCR).

**INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW**

This regulatory proposal will revise CCR section 152, subsection (c)(1), to additionally specify violations of BPC sections 5536.1 (Signature and Stamp on Plans and Documents; Unauthorized Practice; Misdemeanor), 5536.4 (Instruments of Service—

Consent), 5536.5 (State of Emergency; Practice Without License or Holding Self Out as Architect; Penalty), and CCR section 134 (Use of the Term Architect; Responsible Control within Business Entity). All of these sections of the BPC and CCR encompass actions by unlicensed individuals commonly reported in the complaints received and investigated by the Board. Since the current language of CCR section 152, subsection (c)(1) does not include these sections, the Board is currently unable to issue citations and fines for the specific type of unlawful conduct outlined in these sections of the BPC and CCR. These sections to be added each encompass slightly different violations of the practice act by unlicensed individuals. The proposed changes would broaden the scope of section 152 citations and enable the Board to implement more robust consumer protection and effective disciplinary actions against unlicensed individuals who violate the Architects Practice Act.

Additionally, the Authority and Reference citations in the regulation's Note are being updated to show the authority to cite unlicensed individuals and the types of violations referenced which the regulation, consistent with the current references.

### **Anticipated Benefits of Proposal**

The Board anticipates that consumers will benefit from this regulatory proposal, which clarifies the Board's authority to cite unlicensed persons acting in the capacity of an architect or engaged in the practice of architecture. By adding the violations set out in BPC sections 5536.1, 5536.4, and 5536.5 and CCR section 134, the public will be better informed as to the types of conduct and exact violations that may result in the Board's citations containing orders of abatement and/or administrative fines against unlicensed individuals. The changes to CCR section 152 would allow the citations to be more specific and accurate by being able to include the violations of multiple sections in the citation. A citation would be able to include all of the possible violations of the Architects Practice Act and will be more inclusive of the violations involved in a specific citation when displayed on the Enforcement Actions Summary on the Board's website. In turn, the citations issued could be for a more substantial amount of money. Sharing this information with consumers works to protect them from potential future harm. The amendment will also help the Board be able to distinguish a pattern of behavior if an unlicensed individual continues to take the same illegal actions in the future. It will make the Board's case stronger if a case needs to be referred to the District Attorney's office for further criminal charges.

This regulatory proposal would benefit the health and welfare of California residents because the proposal updates CCR section 152 to clarify the BPC and CCR sections for which the Board has the authority to issue citations, but which were not originally included in CCR section 152. This, in turn, provides increased protection to the health and welfare of the public by ensuring the Board's recommendations for citations are

more accurate and may include violations of multiple sections within a citation. The citation will include all of the possible violations of the Architects Practice Act and will be more inclusive of the violations in a citation when displayed on the Enforcement Actions Summary online. It could also impact worker safety because the changes could deter an unlicensed person from stamping plans when they are not a licensed architect, resulting in safer working conditions.

### **Consistency and Compatibility with Existing State Regulations**

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither duplicative, inconsistent, nor incompatible with existing state regulations.

### **DISCLOSURES REGARDING THIS PROPOSED ACTION**

The Board has made the following initial determinations:

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None

### **FISCAL IMPACT ESTIMATES**

The proposed regulations do not result in a fiscal impact to the state.

Current law authorizes the Board to issue a citation and fine for violations against the Architects Practice Act. Because the amendments provide clarity consistent with current law, the Board does not anticipate an increase in citations issued per year. As a result, no additional workload costs or citation fee revenues are anticipated.

**Nondiscretionary Costs/Savings to Local Agencies:** None

**Local Mandate:** None

**Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement:** None

## **RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS: BUSINESS IMPACT ESTIMATES**

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

### **Impact on Jobs / Businesses**

The Board has determined that this regulatory proposal will not impact on the creation of jobs or new businesses, or the elimination of jobs or existing businesses, or the expansion of businesses in the State of California. The proposed regulation should not impact businesses because it relates solely to unlicensed individuals. Unlicensed individuals were already subject to citations for violations of BPC section 5536.

### **Business Reporting Requirements**

The regulatory action does not require businesses to file a report with the Board.

### **Effect on Small Business**

For the reasons state above, the Board has determined that the proposed regulations will not likely affect small businesses.

### **Cost Impact on Representative Private Person or Business**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Significant Effect on Housing Costs:** None

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2420 Del Paso Road, Suite 105, Sacramento, California 95834.

## **AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

## **CONTACT PERSONS**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Katie Wiley  
Address: Enforcement Unit  
2420 Del Paso Road., Suite 105  
Sacramento, CA 95834  
Telephone No.: (916) 575-7208  
Fax No.: (916) 575-7283  
E-Mail Address: katie.wiley@dca.ca.gov

The backup contact person is:

Name: Alicia Kroeger  
Address: Enforcement Unit  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Telephone No.: (916) 575-7216  
Fax No.: (916) 575-7283  
E-Mail Address: alicia.kroeger@dca.ca.gov

## **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Actions the Initial Statement of Reasons, and the text of the regulations can be accessed through the Board's website at [https://cab.ca.gov/news/laws/proposed\\_legislation.shtml#proposed](https://cab.ca.gov/news/laws/proposed_legislation.shtml#proposed).