

California Architects Board

Board Meeting

February 22, 2024





Board Members

Charles "Sonny" Ward, III,
President
Ron Jones, Vice President
Malcolm "Brett" Gladstone,
Secretary
Tian Feng
Mitra Kanaani
Sylvia Kwan
Leonard Manoukian
Robert C. Pearman, Jr.
Nilza Serrano
Fuad Sweiss

NOTICE OF PUBLIC MEETING

The California Architects Board

February 22, 2024

**Los Angeles City Hall
200 N. Spring Street Room #350
Los Angeles, CA 90012**

The California Architects Board (Board) will hold a meeting as
noted above.

10:00 a.m., on Thursday, February 22, 2024

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. Presentation from Jeanine Centuori, Director of the Agency for Civic Engagement at Woodbury University
- D. Public Comment on Items Not on the Agenda

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

- E. Review and Possible Action on December 1, 2023 Board Meeting Minutes
- F. Presentation from Sara Bronin, Chair, Advisory Council on Historic Preservation on the Role of Architects in Sustainable Housing Policies

(Continued)

- G. Review, Discussion and Possible Action on a Proposal to Increase the Statutory Fee Caps
- H. Update and Discuss National Council of Architectural Registration Boards (NCARB):
 - 1. Update and Discuss Committee Meetings
- I. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
- J. Discuss and Possible Action on Proposed Regulatory Text Amendments for California Code of Regulations (CCR), title 16, division 2, article 2, section 109 (Filing of Applications)
- K. Discuss and Possible Action on Proposed Regulatory Text Amendments for California Code of Regulations (CCR), title 16, division 2, article 8, section 154 (Disciplinary Guidelines)
- L. Review and Discussion of Proposed Commercial Interior Design Designation
 - 1. Review, Discussion and Possible Action on Titling Proposal
- M. Review of Future Board Meeting Dates
- N. Closed Session - Pursuant to Government Code Sections 11126(a)(1) and (c)(3), the Board Will Meet in Closed Session to:
 - 1. Approval of December 1, 2023 closed session minutes
 - 2. Deliberate and Vote on Disciplinary Matters
- O. 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.

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

The Board plans to webcast the meeting on its website at www.cab.ca.gov. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. Meeting adjournment may not be webcast if 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).

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

Leonard Manoukian

Robert C. Pearman, Jr.

Nilza Serrano

Fuad Sweiss

DRAFT

MEETING MINUTES CALIFORNIA ARCHITECTS BOARD

December 1, 2023
TELECONFERENCE

Some of the Agenda Items were taken out of order and are reported in the order they were presented during the meeting.

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

On December 1, 2023, Board President Sonny Ward called the meeting to order at 10:10 a.m. and Secretary Brett Gladstone called the roll.

Board Members Present

Charles "Sonny" Ward, President
Ronald A. Jones, Vice President (arrived 10:06 a.m.)
Malcolm "Brett" Gladstone, Secretary
Tian Feng (arrived at 10:47 a.m.)
Mitra Kanaani
Sylvia Kwan
Leonard Manoukian
Nilza Serrano
Robert Pearman
Fuad Sweiss

Six members of the Board present constitutes a quorum; a quorum was established.

Board Staff Present

Laura Zuniga, Executive Officer
Jesse Laxton, Assistant Executive Officer,
Alicia Kroeger, Enforcement Manager
Kim McDaniel, LATC Program Manager
Marccus Reinhardt, Examinations & Licensing Manager
Tim Rodda, Regulations Manager
Nicholas Barnhart, LATC Examination Analyst
Natalia Diaz, Enforcement Technician
Kourtney Fontes, LATC Special Projects Analyst
Drew Liston, Board Liaison
Coleen Galvan, CAB Communications Analyst

DCA Staff Present

David Bouilly, SOLID Moderator
Karen Halbo, Regulations Counsel

Korinna Moreno, DCA CIC Manager
Harmony DeFilippo, DCA Budget Analyst
Veronica Hernandez, DCA Budget Analyst
Judi Buccairelli, Manager of Board and Bureau Relations
Alex Cristescu, DCA Webcaster
Helen Geoffroy, DCA Legal Affairs Attorney III

Landscape Architects Technical Committee (LATC) Members Present

Pamela Brief, LATC Committee Chair

Guests Present

Scott Terrell, AIA CA
Glenn Gall, AIA
Cary Bernstein, AIA
Alejandra Lamarque, Full Moon Strategies

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

President Ward opened the meeting by welcoming LATC Chair, Pamela Brief, for attending. President Ward also welcomed new Board Counsel Helen Geoffroy to her first meeting as our new Counsel. President Ward stated that all motions and seconds will be repeated for the record and votes on motions will be taken by roll call.

President Ward continued by announcing that the meeting is being held via WebEx events, and state, “Pursuant to the provisions of Government Code section 11133, a physical meeting location is not being provided. Anyone interested in participating in the meeting must join the WebEx meeting. Information and instructions to join are attached to the agenda, posted on our website. Due to resource limitations, DCA is unable to webcast this meeting.”

PUBLIC COMMENT: There were no public comments.

C. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

There were no public comments.

**E. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS – Judi Buccairelli,
Manager of Board and Bureau Relations**

Ms. Buccairelli reviewed DCA’s Diversity, Equity and Inclusion (DEI) efforts and said the steering committee will be holding its quarterly meeting on December 15, 2023, to discuss employee engagement, cultural events and services, training, etc. The Committee will review a draft DEI intranet webpage that is currently being developed, elect a 2024 Chairperson and Vice Chairperson, and discuss DEI training as it remains a committee priority. Once operational, the DEI intranet page will provide all DCA employees information and resources, including DEI hiring principles, which will serve as a guide for those involved in the hiring process.

Ms. Buccairelli mentioned that DCA continues to support DCA boards and bureaus in expanding culturally competent communications and promote the importance of meeting the needs of all California consumers, licensees, and applicants.

Ms. Buccairelli said On November 29, the Department successfully launched a new process and portal in support of servicemembers and their families, following new federal and state laws passed this year. Known as the Federal Professional License Portability and State Registration portal, this new DCA online portal will allow Boards and Bureaus to accept online requests from military servicemembers and their spouses who currently hold a valid license in good standing in another state, district, or territory to register their practice in California within the same profession or vocation, if they relocate to California because of military orders.

Commencing on January 1, 2024, four meeting options will be available pursuant to the Bagley-Keene Open Meeting Act:

Option #1 -- Traditional single-location option

- This is a meeting where the majority of members are gathered at one publicly noticed and accessible location;
- No members are participating remotely; and
- There is no requirement to allow for remote public participation.

Option #2 -- Traditional teleconference option

- Board Members are located at different, publicly noticed and accessible locations, and they are connected via phone or Webex.
- There is no requirement to allow for remote public participation.

Option #3 -- New teleconference option

- A majority of Board Members are gathered at one publicly noticed and accessible location;
- The extra Board Members above a majority can participate remotely from private, non-public sites; and
- The meeting must allow for remote public participation.

And finally, Option #4 – The new advisory body teleconference option

- All members of an advisory body can participate remotely from private, non-public meeting sites.
- The meeting must have at least one publicly noticed and accessible location where at least one board/bureau staff member is present, and where the public can participate in the meeting.
- Additionally, the meeting must allow for remote public access.

DCA encourages boards to work closely with their board counsels to ensure compliance with the Open Meeting Act. Should you have any concerns or questions, please let us know.

Ms. Buccairelli mentioned that the restricted states travel list has been eliminated and replaced with a new public awareness project that will consult with community leaders to promote California's values of acceptance and inclusion of the LGBTQ+ community across the country.

Over the past years, several out of state trips requested by boards were not authorized because the travel was to a state on the restricted travel list. Now, out of state travel to all states is permitted -- if the trip is critical to the functions and needs of the board. Out of state travel requests must still follow the established process for review and approval by DCA, Agency and the Governor's Office. For questions, please reach out to your Executive Officer or Board and Bureau Relations.

Ms. Buccairelli closed by stating that The BBR Team would like to thank the CA Architects Board and the staff for their hard work and partnership over the past year.

PUBLIC COMMENT: There were no public comments.

F. BUDGET UPDATE FROM DCA BUDGET OFFICE, Veronica Hernandez, DCA Budget Analyst

Ms. Hernandez started by saying that expenditures for fiscal year 22/23, the Board had a beginning budget of \$4.966 million and is projected to spend a total of \$4.55 million, creating a reversion of \$414,000, which is approximately 8.33%.

Ms. Hernandez then reviewed the Board's revenue projections that include receipts through September and projected revenue to years end. and stated the Board began 22/23 with the beginning balance just over \$4.4 million. The Board collected \$3.075 million in revenue, with \$382,000 from initial licensees, just over \$2.5 million from license renewals, and \$138,000 was collected from citations, fines, delinquent fees and other revenue. The Board spent approximately \$4.48 million which includes \$362,000 for statewide pro rata and pension payments. The Board is estimated to close 22/23 with just over \$3.04 million in the reserve balance or 7.3 months in reserve.

For current year (23/24), the Board projects revenue of \$5.820 million with approximately \$482,000 from the initial license fee, \$5.146 million from renewal fees and \$146,000 for citations, fines, delinquent fees and other revenue. The Board will have a fund balance of just over \$3.87 million or 8.5 months in reserve. The budget office will continue to monitor the Board's revenue and expenditures and report back to the Board with monthly expenditure projections.

Board Member Fuad Sweiss asked about the fluctuating nature of the fees and asked if there was any way to make the fee income more stable. Executive Officer

Laura Zuniga answered and discussed the fee procedure and mentioned that a request to do just was included in the Sunset Report.

Secretary Gladstone inquired about the term “revision”. Ms. Hernandez explained the term could be considered a cost savings between projected and actual expenditures.

PUBLIC COMMENT: There were no public comments.

G. REVIEW AND POSSIBLE ACTION ON SEPTEMBER 8, 2023, BOARD MEETING MINUTES.

Nilza Serrano moved to approve the September 8, 2023, minutes.

Ron Jones seconded the motion.

PUBLIC COMMENT: There were no public comments.

Members Gladstone, Jones, Manoukian, Serrano, and Ward voted in favor of the motion. Pearman and Sweiss Abstained and Feng, Kwan and Kanaani were absent. Motion passed 5-0-2.

D. ELECTION OF 2024 BOARD OFFICERS

Mr. Ward invited the Nominating Committee of Nilza Serrano and Mitra Kanaani to present this item. Ms. Serrano stated that the proposed slate is Charles Ward, President; Ron Jones, Vice President; and Brett Gladstone, Secretary.

Member Serrano made the motion to elect the Nominations Committees recommended slate as listed, Charles Ward, President; Ron Jones, Vice President; and Brett Gladstone, Secretary.

Tian Feng seconded the motion.

PUBLIC COMMENT

There was no public comment.

Board Members Feng, Kanaani, Kwan, Jones, Pearman, Sweiss, Manoukian, Gladstone and Serrano voted in favor. President Ward abstained. The motion passed 9-0-1.

H. UPDATE AND DISCUSSION OF NCARB – Laura Zuniga

EO Laura Zuniga indicated that most NCARB Committees will be meeting late in December and early next year and at this time doesn't have anything to report.

Vice President Jones who sits on NCARBs DEI Committee mentioned that he takes great pride in representing California as California sets the example for the rest in

the country when it comes to Diversity, Equity, and Inclusion. California's part in the DEI movement makes it more robust and successful.

Member Kwan took a poll of the Board to see who participates in NCARB Committees and encouraged all Board Member to join an NCARB committee meeting to help increase California's influence on the national architectural stage.

I. LEGISLATION UPDATE – Laura Zuniga, Executive Officer

Assembly Bill (AB) 342 (Valencia)

This bill would authorize the California Architects Board and the Bureau of Real Estate Appraisers to request that a licensee identify their race, ethnicity, sexual orientation, gender, or gender identity when an initial license is issued or at the time of license renewal. The bill would require the Board and Bureau to maintain the confidentiality of the information and would prohibit the Board and Bureau from requiring a licensee to provide the information as a condition of licensure or license renewal. The bill would authorize the Board and Bureau to publish the aggregate demographic data they collect on their websites. The bill, beginning January 1, 2025, would require the Board and the Bureau to submit the aggregate demographic data they collect to the DCA and would require posting on DCA's website. This bill was signed by the Governor.

Senate Bill (SB) 372 (Menjivar)

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. This bill was signed by the Governor.

SB 544 (Laird)

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 will take effect January 1, 2024.

SB 816 (Roth)

The bill makes the following changes to the Landscape Architects Technical Committee: Sets the application fee for reviewing an applicant's eligibility to take any section of the examination at \$100. Sets the fee for the California Supplemental

Examination at \$350. Authorizes the California Architects Board to adopt regulations to set the fee at a higher amount, up to a maximum of \$400. Sets the fee for an original license at \$700 and authorizes the California Architects Board to adopt regulations to set the fee at a higher amount, up to a maximum of \$800. Sets the fee for a duplicate license at \$300. Sets the renewal fee at \$700 and authorizes the California Architects Board to adopt regulations to set the fee at a higher amount, up to a maximum of \$800. The bill passed and was signed by the Governor.

SB 877 (Committee on Business Professions and Economic Development)

SB 887, as it pertains the California Architects Board (Board), modifies the Board's existing regulation on exam score validity for divisions of the Architect Registration Examination (ARE), to reflect NCARB's recently updated exam validity policy.

Background: As of May 1, of this year, NCARB eliminated its prior rolling clock policy, which placed a five-year expiration date on passed divisions of the ARE. Under the new policy, 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. SB 887's proposed change will allow the Board to implement the new test validity policy. The Governor signed this bill.

PUBLIC COMMENT: There were no public comments.

J. UPDATE ON COMMITTEES- Ron Jones and LATC Manager Kim McDaniel.

Vice President Ron Jones discussed the October 26, 2023 Regulations and Enforcement Committee meeting. Mr. Jones began by praising the Staff for their work on reaching the Strategic Planning goals set forth by this Body. The work that they have done thus far is exemplary and he commends them for that hard work.

Kim McDaniel, LATC Program Manager provided an overview the of the November 17, 2023, meeting. She shared that LATC and CAB meetings cover similar items such as the DCA Update, Legislative Update, EO Report, and Budget Report. Ms. McDaniel shared that Veronica Hernandez, new DCA budget analyst, presented an LATC Budget update. The Committee discussed Agenda Item, I.2 2022-2024 Strategic Plan - 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. After discussion, the Chair determined that a special sub-committee is warranted – the Structure and Operations Subcommittee to assess and make recommendations. Specifically, the subcommittee's charge will be to review the legislative and administrative history and make recommendations on how in the future LATC could be structured to best meet the committee's mission within budget constraints.

Ms. McDaniel thanked Kourtney Fontes and Nicholas Barnhart for their flexibility and patience as LATC transitions roles and responsibilities due to recent staff vacancy and strives to achieve greater coordination with CAB and operational efficiency.

Ms. McDaniel shared that Pamela Brief was elected as the new Chair and Patricia Trauth as the Vice Chair and she looks forward to working them. She thanked Jon Wreschinsky for serving as the LATC Chair and supporting the leadership transition.

Ms. McDaniel highlighted that there were a few modifications made to the LATC Sunset Report which is Agenda Item M on today's agenda. The Board is asked to approve the LATC Sunset report. Future LATC meeting dates are to be determined.

PUBLIC COMMENT: There were no public comments.

K. EXECUTIVE OFFICER'S REPORT

Ms. Zuniga summarized the report and highlighted the following:

- The Business Modernization Plan has been extended a year.
- She welcomed back Kim McDaniel, who was the Regulations Manager, and has returned as the LATC's Manager. The Board also welcomed back Rey Castro to the Enforcement Unit.
- Outreach has had 3 informational Webinars this year.
- Then Ms. Zuniga mentioned examination pass rates and referred to page 6 of the EO Report.

President Ward asked how well the Webinars were attended. Ms. Zuniga 30 to 50 people per Webinar.

Vice President Jones asked Ms. Zuniga about the re-certification process and the auditing of continuing education. In the near future, the applicants would be allowed to upon audit it's just to provide this certification digitally. Has it been an analysis as to whether the cost benefit analysis of requiring all renewals to just include those documentation from the inception of renewal? Ms. Zuniga replied that it's digital, and they can submit electronically, that is something that is included in the sunset report recommendation.

PUBLIC COMMENT: There were no public comments.

M. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE, (LATC) 2023 SUNSET REVIEW REPORT - Laura Zuniga, Executive Officer

Ms. Zuniga stated that during LATC's August meeting, several changes were made to the report. The changes are non-substantive and have more to do with reference citations required by law.

N. REGULATIONS UPDATE – Tim Rodda, Regulations Manager

1. DISCUSS AND POSSIBLE ACTION ON PROPOSED REGULATORY TEXT AMENDMENTS FOR CCR, TITLE 16, DIVISION 2, ARTICLE 3, SECTIONS 117 (EXPERIENCE EVALUATION)

Mr. Rodda explained that the proposal to amend CCR Section 117 (Experience Evaluation) This regulatory package is related to experience evaluation, which is how the board determines when a candidate is ready for examination and licensure Most of the changes are structural and elimination of duplicative language.

Mr. Feng asked if all CAB's licensing files were digitized. Mr. Rodda replied no, that was being done as part of the Business Modernization project. Mr. Feng requested a timeline when the files would be digitized. Laura Zuniga replied that she will report on the timeline at the next Board Meeting.

Ms. Zuniga then read the proposed motion.

Tian Feng moved that "The Board approve the proposed regulatory text for 16 CCR section 117, 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 117 as noticed."

Board Member Leonard Manoukian seconded the motion.

PUBLIC COMMENT: There was no public comments.

Members Gladstone, Jones, Kanaani, Serrano, Pearman, Manoukian, Ward, Kwan, Feng, and Sweiss voted in favor of the motion.

Motion passed 10-0.

2. DISCUSS AND POSSIBLE ACTION ON PROPOSED REGULATORY TEXT AMENDMENTS FOR CCR, TITLE 16, DIVISION 2, ARTICLE 3, SECTION 121 (FORMS OF EXAMINATIONS: RECIPROCITY) AND 124 (CALIFORNIA SUPPLIEMTAL EXAMINATION),

During a review of the Board's regulations, staff identified CCR title 16, division 2, article 3, section 121 (Form of Examinations; Reciprocity) as requiring updating. As currently written, the title of the regulation does not accurately represent the content, the content requires clarification to more concisely state what is required, and references to obsolete programs must be removed.

The proposed change to the title of 16 CCR section 121 strikes “Form of Examinations;” and adds “California” and “Licensure Requirements” to clearly identify that this section pertains to obtaining a California license through reciprocal licensure. Additionally, subparagraph (a)(2) is being clarified to list the documentation and California Supplemental Examination (CSE) requirements. An additional requirement has been added, specifically requiring a license verification from jurisdictions where the architect has held a license.

As part of the modification to 16 CCR section 121, a cross-reference is made to 16 CCR section 124 (California Supplemental Examination). Because OAL will review that section when reviewing this rulemaking, Board staff reviewed that regulation and found it lacks a clear definition of what the CSE application requires. Therefore, language was added to clearly identify the fee and the information required for candidates to apply to take the CSE.

Brett Gladstone moved “To approve the proposed regulatory text for 16 CCR sections 121 and 124, as amended, 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 sections 121 and 124 as noticed.”

Mitra Kanaani seconded the motion.

PUBLIC COMMENT: There were no public comments.

Members Gladstone, Sweiss, Feng, Kwan, Pearman, Jones, Kanaani, Manoukian, Serrano, and Ward voted in favor of the motion.

Motion passed 10-0.

3. UPDATE ON CCR TITLE 16, DIVISION 2, ARTICLE 10, SECTION 166 (ZERO NET CARBON DESIGN CONTINUING EDUCATION)

Mr. Rodda indicated that this is still under review at the Office of Legal Affairs and that the review will end December 28, 2023.

PUBLIC COMMENT: There were no public comments.

P. REVIEW OF FUTURE MEETING DATES

- February 22, 2024- Board Meeting-Los Angeles

The rest of the 2024 meeting schedule has yet to be determined.

PUBLIC COMMENT: There were no public comments.

O. CLOSED SESSION

Q. MEETING ADJOURNMENT

The meeting adjourned at 2:36 p.m.

AGENDA ITEM H: UPDATE AND DISCUSS NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB):

Summary

1. Update and Discuss Committee Meetings

Quarterly Report of the Executive Officer

Administrative/Management

Board. The Board met by teleconference on December 1.

Meetings. The Regulatory and Enforcement Committee met by teleconference on October 26.

LATC met by teleconference on November 17 and will meet by teleconference on March 22.

Newsletter

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

Budget

The Board's fund condition was discussed at the last Board and LATC meetings. CAB increased its initial license and renewal fees in July 2023 from \$300 to \$400. LATC's fund is unsustainable; its initial and renewal fees increased from \$400 to \$700 in January 2024.

Business Modernization

The Business Modernization Cohort 2 Project's second release is scheduled for spring 2024 and will include automation of the Certification of Experience and Reciprocity Applications, as well as online license renewal.

Outreach

The Licensing Unit hosted a webinar on November 28 regarding implementation of the NCARB ARE Score Validity Policy and another webinar on January 18 regarding Continuing Education (CE) requirements.

Social Media

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

CAB	Posts Oct. – Dec.	Followers 12/31/23		LATC	Posts Oct. – Dec.	Followers 12/31/23
Twitter	26	1,415		Twitter	40	278
Instagram	27	1,346		Instagram	40	100
Facebook	26	448		LinkedIn	0	21
LinkedIn	3	535				

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. Proposed language was approved at the May 2023 Board meeting. Further changes were made to language, which was then approved by the Board at its September meeting. Staff developed the Notice, Initial Statement of Reasons (ISR), and 399 (fiscal analysis) and submitted them to DCA for initial review.

At its September 8, 2023 meeting, the Board approved the language and 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. The regulatory package was submitted to DCA for review on September 14, 2023, where minor edits were made to the language. On November 17, 2023, the package was sent to Agency, where additional technical modifications were made. The rulemaking file was submitted to OAL and was noticed for public comment on January 5, 2024.

Status: Awaiting the 45-day public comment period to close on February 21, 2024.

CCR Sections 121 (Form of Examinations; Reciprocity) and 124 (California Supplemental Examination). During a review of the Board's regulations, staff identified CCR title 16, division 2, article 3, section 121 (Form of Examinations; Reciprocity) as requiring updating. As currently written, the title of the regulation does not accurately represent the content, the content requires clarification to more concisely state what is required, and references to obsolete programs must be removed. As part of the modification to 16 CCR section 121, a cross-reference is made to 16 CCR section 124 (California Supplemental Examination). Because OAL will review that section

when reviewing this rulemaking, Board staff reviewed that regulation and found it lacks a clear definition of what the CSE application requires. Therefore, language was added to clearly identify the fee and the information required for candidates to apply to take the CSE.

At its December 1, 2023 meeting, the Board approved the language and 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. The regulatory package was submitted to DCA for review on January 5, 2024.

Status: Under review by DCA who will then send to Agency. Upon Agency review, proposal will be sent to OAL for noticing.

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. The Board reviewed and approved the *Disciplinary Guidelines* at its September 2023 meeting and staff sent the regulatory package to DCA for review. DCA completed its review and sent the package to Agency for review on September 26, 2023. On November 14, 2023, Agency approved the initial rulemaking file for submittal to the Office of Administrative Law (OAL). LAD submitted the documents to OAL on behalf of the Board and the 45-day comment period began on November 24, 2023. The 45-day public comment period closed on January 9, 2024, and the Board received one comment. In response to the comment, Board staff updated the language. Modified text was noticed on January 10, 2024 which began a 15-day comment period that ended on January 25, 2024. One comment was received during this comment period.

Status: Pending Board approval of modified text and response to comments, then compilation of the final rulemaking file.

CCR Section 166 (Zero Net Carbon Design Continuing Education). This proposal is complete and was effective on December 28, 2023 when it was filed with the Secretary of State.

Landscape Architects

Legislative Proposal BPC section 5659 (Approval of Plans). 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.

At its February 28, 2020 meeting, the Board approved LATC's recommended proposed language to amend BPC section 5659. Staff submitted the proposal 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 included this proposal in the 2023 Sunset Review Report.

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. On May 19, 2023, the Board approved 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 LARE prior to the format change in December 2023.

Status: The final rulemaking package was submitted to OAL on October 5, 2023 and approved on October 11, 2023. The amendments became effective on October 11, 2023.

CCR Section 2615 (Form of Examinations). This regulatory proposal aligns California's regulations with the new LARE format by removing outdated references to LARE Sections 1-4 and allows 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. At its meeting on February 24, 2023, the Board approved the proposed regulatory language.

Status: The final rulemaking package was submitted to OAL on September 14, 2023 and approved on October 12, 2023. The amendments became effective on October 12, 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 FY 2023/24 are presented in Tables A and B.

Table A
Architect CSE Examinee Performance: October 1 – December 31, 2023

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
Instate First-time	105	79%	28	21%	133
Instate Repeat	23	72%	9	28%	32
Reciprocity First-time	29	67%	14	33%	43
Reciprocity Repeat	7	64%	4	36%	11
Total	164	75%	55	25%	219

Table B
California ARE 5.0 Examinee Performance by Division: October 1 – December 31, 2023

ARE Division	Pass	Rate	Fail	Rate	Total Exams
Construction and Evaluation	143	58%	103	42%	246
Practice Management	163	49%	172	51%	335
Programming and Analysis	138	55%	113	45%	251
Project Development and Documentation	131	47%	149	53%	280
Project Management	166	63%	97	37%	263
Project Planning and Design	132	46%	153	54%	285

Table C
California and NCARB ARE 5.0 Performance Comparison
(Q2 FY 2023/24)

ARE Division	Q2 FY 23/24		
	CA Pass	Natl. Pass	▲ %
Construction and Evaluation	58%	62%	-4%
Practice Management	49%	52%	-3%
Programming & Analysis	55%	57%	-2%
Project Development & Documentation	47%	53%	-6%
Project Management	63%	66%	-3%
Project Planning & Design	46%	48%	-2%

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

Landscape Architects

Performance data for the Landscape Architect California Supplemental Examination (CSE) and Landscape Architect Registration Examination (LARE) for California candidates during the second quarter of FY 2023/24 are presented in Tables D and E.

Table D
Landscape Architect CSE Examinee Performance: October 1 – December 31, 2023

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
First-time	24	75%	8	25%	32
Repeat	8	89%	1	11%	9
Total	32	78%	9	22%	41

Table E**California LARE Examinee Performance by Section/Topic: October 1 – December 31, 2023**

Topic	Pass	Rate	Fail	Rate	Total Examinees
October 2023					
Grading, Drainage and Construction Documentation	15	21%	56	79%	71
New LARE Blueprint Implemented December 2023*					
Inventory, Analysis, and Project Management	DNA	DNA	DNA	DNA	DNA
Planning and Design	DNA	DNA	DNA	DNA	DNA
Construction Documentation and Administration	DNA	DNA	DNA	DNA	DNA
Grading, Drainage, and Stormwater Management	DNA	DNA	DNA	DNA	DNA

*December 2023 LARE scores will be provided by CLARB in February 2024.

Table F**California and CLARB LARE Performance Comparison
(Q2 FY 2023/24)**

LARE Section	Q2 FY 23/24		
	CA Pass	Natl. Pass	▲ %
October 2023			
Grading, Drainage & Construction Documentation	21%	36%	-15%
New LARE Blueprint Implemented December 2023*			
Inventory, Analysis, and Project Management	DNA	DNA	DNA
Planning and Design	DNA	DNA	DNA
Construction Documentation and Administration	DNA	DNA	DNA
Grading, Drainage, and Stormwater Management	DNA	DNA	DNA

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

*December 2023 LARE scores will be provided by CLARB in February 2024.

Enforcement

Architects

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

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

Table G
Architects Complaints and Enforcement Actions

Category	Current Quarter Oct. – Dec. 2023	Prior Quarter July – Sept. 2023	FY 23–24
Complaints			
Received	53	128	181
Opened	53	129	182
Closed	62	67	119
Average Days to Close	105	173	139
Pending	185	195	185
Citations			
Issued	16	7	23
Final	3	4	7
Discipline			
Pending Attorney General	3	2	5
Final	0	0	0

Landscape Architects

Table H
Landscape Architects Complaints and Enforcement Actions

Category	Current Quarter Oct. – Dec. 2023	Prior Quarter July – Sept. 2023	FY 23–24
Complaints			
Received	10	11	21
Opened (Reopened)	10	11	21
Closed	7	7	9
Average Days to Close	52	73	62
Pending	12	9	12
Citations			
Issued	0	0	0
Final	0	1	1
Discipline			
Pending Attorney General	0	0	0
Final	0	1	1

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

Philip Cudaback (San Diego) - The Board issued a one-count citation, including an administrative fine in the amount of \$900 to Philip Cudaback, architect license number C-25598, for an alleged violation of Business and Professions Code (BPC) 5536.22(a).

Cudaback was hired to design a one-bedroom addition to a home in San Diego. His client reported late responses, poor communication, and an uncorrected typo in the plans. The Board did not find a violation of professional misconduct for these allegations, but it did find that Cudaback failed to utilize a written contract containing the terms required by BPC 5536.22. Cudaback relied instead on an email outlining only the service price.

Cudaback's failure to include all the required elements in his written contract for professional services contributed to the communication issues and misunderstanding between him and his client and constituted a violation of Business and Professions Code section 5536.22(a). The citation became final on September 3, 2023.

Mir Emad Mousavi (San Diego) - The Board issued a two-count citation, including a total fine of \$3,000 to Mir Emad Mousavi, an unlicensed person, dba Architectural Gig, for alleged violations of Business and Professions Code (BPC) 5536(a) and California Code of Regulations, title 16, sections 134(a).

On or around February 17, 2023, the Board investigated a complaint alleging possible violations of the Architects Practice Act. Respondent owns a company named "Architectural Gig" that offers architectural services in California. Respondent used the business name "Architectural Gig," without an architect who is in management control of the services that are offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. Such conduct constitutes a violation of California Business and Professions Code section 5536(a) and California Code of Regulations, Title 16, section 134(a).

Respondent's personal LinkedIn profile also offers "Architecture" services in San Diego, California and lists himself as the founder of Architectural Gig under *Experience*. Respondent's company LinkedIn profile, doing business as Architectural Gig, offers architectural services in San Diego, California for residential and commercial projects. Respondent's company Ethical Community profile offers "Architectural Design" and "Architect" services in San Diego, California. Respondent's company website offers architectural services and states, "Architectural Gig works with a diversity of clients to build a big data-archive in multiple geographic regions from California to Florida and from Texas to New York. We lead a design team including architects and data scientists to offer architectural solutions based on available data in each region by incorporating performance metrics, low-carbon design methodologies and sustainable building materials..." Respondent's company Facebook profile categorizes him as an "Architectural Designer," specifically offering services in

California, and states, “Architectural Gig is a professional team of experienced Architects, Engineers, and Builders.”

Respondent’s website and online profiles, wherein Respondent described his 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 Business and Professions Code section 5536(a) and Title 16, California Code of Regulations section 134(a). The Board sent notice of these violations and requests for a response to the address found on the Respondent’s company website. The Respondent failed to respond to any of Board requests, or to cease his conduct and correct his advertising. The citation became final on November 3, 2023.

Susan T. Tam (San Bruno) - The Board issued a two-count citation with a \$750 administrative fine to Susan T. Tam, architect license number C-31263, for alleged violations of Business and Professions Code (BPC) sections 5536.22(a)(4), (5), and (8) (Missing Contract Elements) and California Code of Regulations (CCR) title 16, section 160(c)(1) (Timely Response to Board).

On August 29, 2022, the Board received a complaint alleging possible violations of the Architects Practice Act (Act) regarding the Respondent’s involvement with a project located on Loomis Street in San Francisco, California. On September 30, 2022, the Board sent the Respondent an initial request for a written response to the allegations, project documentation, and any other information which the Respondent believed could help the Board resolve the matter. The Board’s initial request letter also reminded the Respondent of a licensee’s duty to cooperate with the Board’s investigation under CCR 160(c)(1).

On or about October 30, 2022, the Respondent provided the Board with a written letter refuting the allegations of professional misconduct but did not provide the requested underlying documentation. The Respondent was not willing to provide the executed contracts, project drawings, and project correspondence requested by the Board, without the Client’s authorization due to concerns over “maintaining Client confidentiality.”

Once a citation was issued, the Respondent provided the requested documents to the Board on October 24, 2023. Respondent’s failure to respond to the Board’s requests for information regarding an investigation within 30 days constituted a violation of California Code of Regulations, title 16, section 160(c)(1).

The Respondent’s architectural services contract lacked specific elements required by the Architects Practice Act, including the Respondent’s license number, a description of the procedure that the architect and the client will use to accommodate additional services and contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment, and a statement in at least 12-point type that reads: “Architects are licensed and regulated by the California Architects Board located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834.” Respondent’s failure to include the required elements in her contract for the above-referenced project constituted a violation of Business and Professions Code sections 5536.22(a)(4), (5), and (8). Tam paid the citation, which became final on November 21, 2023.

CATIE T. VUONG (Westminster) - The Board issued a two-count citation with a \$2,000 administrative fine to Catie T. Vuong, an unlicensed person, dba Artwave Design Studio, for alleged violations of Business and Professions Code section 5536(a).

Between March 13, 2023, and August 11, 2023, the Board received two complaints alleging possible violations of the Architects Practice Act by Vuong. The first involved a residential project located on Anabel Avenue in Garden Grove, California, where she had been hired to provide construction documents for a new 1,200 square foot accessory dwelling unit (ADU) with an 80 square foot porch, one car garage and an extension to the main garage for a fixed fee of \$16,000. The second involved a residential project located on Salada Road in La Mirada, California, where she had been hired to provide construction documents for a 400 square foot room addition and covered patio for a fixed fee of \$4,500. She was paid in full for both projects.

Vuong's contracts for both projects included the terms "Architect Contract," "Architectural set," "...will provide a standard of care equal to, or superior to, care use by Architect's similar to ARTWAVE on similar project," and "Architect Signature." Vuong was contacted by the Board but did not make the requested corrections.

Vuong's contracts, wherein she described her services as "Architecture" and "Architectural," are devices that might indicate to the public that she is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a). The citation became final on December 16, 2023.

DANNY YAMNITSKI (Los Angeles) – The Board issued a one-count citation with a \$1,500 administrative fine to Danny Yamnitski, an unlicensed person, dba LA CCS, Inc., for alleged violations of Business and Professions Code section 5536(a) and Title 16, California Code of Regulations section 134(a).

On or about October 14, 2021, Yamnitski provided a contract to Mr. T.S. (client) to create and design a full set of design plans for a detached accessory dwelling unit (ADU) located on East 121st Place in Los Angeles, California. The total cost of the contract was \$7,300.

The contract specifically stated "LA CCS shall perform create and design full set of architectural plans..." An invoice for the project dated October 15, 2021, requested payment for "Architectural Plans." Yamnitski had been previously issued a letter of advisement regarding his violations of Business and Professions Code section 5536(a) and Title 16, California Code of Regulations section 134(a).

Yamnitski's contract and billing invoice, wherein he described his services as "Architecture" and "Architectural," are devices that might indicate to the public that he is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a) and Title 16, California Code of Regulations section 134(a). The citation became final on December 19, 2023.

Administrative Actions

GREGORY BENNETT (Santa Ana) - Effective December 3, 2023, Gregory Bennet's architect license number C-17136 was revoked for violations of Business and Professions Code section 5584, California Code of Regulations (CCR), title 16, section 150 (Willful Misconduct) and CCR 160(c)(1) (Failure to Respond).

The Board filed an Accusation against Mr. Bennett on August 9, 2023, for possible violations of the Architects Practice Act involving his work on a project located at Fairhaven Extension in Santa Ana, California. Bennett had been hired on January 24, 2020, to design a new accessory dwelling unit at that location for \$21,570. Despite his assurances that the plans would be ready in three to five months, and receiving \$23,000 in payment, the plans remained incomplete after two years. In April 2022, Bennett demanded an additional \$1,500 without providing a change order or notice of termination. The Board's requests for a response to the allegations and relevant documents, sent on July 20 and September 9, 2022, were not answered.

Bennett was subject to disciplinary action under Business and Professions Code section 5584, and California Code of Regulations (CCR), title 16, section 150 for willful misconduct, failing to complete contracted services despite full payment, and demanding additional fees. Bennett also failed to respond to the Board's investigation requests, violating California Code of Regulations, title 16, section 160 (c)(1). The Board's Decision became effective on December 3, 2023.

Landscape Architects

None

**AGENDA ITEM J: Discuss and Possible Action on Proposed
Regulatory Text Amendments for California Code of
Regulations (CCR), title 16, division 2, article 2,
section 109 (Filing of Applications)**

Summary

At its September 8, 2023 meeting, the Board approved language to amend 16 CCR section 109 (Filing of Applications) and directed the Executive Officer to take all steps necessary to initiate the rulemaking process. Board staff worked with the Legal Affairs Division (LAD) to draft a notice, initial statement of reasons, and fiscal impact document. On December 21, 2023, Agency approved the initial rulemaking file for submittal to the Office of Administrative Law (OAL).

During Agency review, non-substantive changes were made to the language. These changes included restructuring portions of the military application expedition, language clarification, and clarification related to the fingerprinting requirement for licensure. The changes to the language are attached, with highlights.

LAD submitted the documents to OAL on behalf of the Board and the 45-day comment period began on January 5, 2024 and ended on February 21, 2024. An update will be provided at the meeting on the status of the package.

Action Requested

No action is needed.

Attachments

1. 16 CCR section 109 (Filing of Applications) – with Highlighted Changes
2. 16 CCR section 109 (Filing of Applications) as Noticed with OAL

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. CALIFORNIA ARCHITECTS BOARD

PROPOSED REGULATORY LANGUAGE

Filing of Applications

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend section 109 of Article 2 of Division 2 of Title 16 of the California Code of Regulations to read 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~~ their first application to the Board for eligibility evaluation for the Architect Registration Examination (ARE) or one who had previously submitted an application but had been determined by the Board to be ineligible.
- (2) An “inactive candidate” shall mean a candidate who:
 - (A) has not taken an examination as a candidate of the Board for five or more years, or
 - (B) has been determined by the Board to be eligible but who has not taken any examination since the Board's determination and five or more years have passed.
- (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) Examination Application Process:

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

~~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) ~~A new or inactive candidate applying to the Board for eligibility evaluation for the ARE shall, prior to licensure, complete the IDP of the NCARB administered experience-based program, as defined in the most recent edition of 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 IDP/IAP requirement 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) the non-refundable fee specified in Section 144,

(B) an Application for Eligibility Evaluation, 19C-1 (rev. 3/2015), as provided by the Board and certified under penalty of perjury, which shall be accepted on a continuous basis and contain:

- (i) the applicant's NCARB record number,
- (ii) the legal name of the applicant and any other known names,
- (iii) the applicant's address and email address,
- (iv) the applicant's home and work telephone numbers, and
- (v) the applicant's date of birth and social security number or individual taxpayer identification number, and accompanied by such

(C) supporting documents required herein. Such supporting documents which shall may include, if appropriate applicable:

- (i) the candidate's ~~current and valid IDP file~~ NCARB Record transmitted by from NCARB or current and valid verification of completion of the requirements of Canada's IAP,
- (ii) certified original transcripts sent directly to the Board by the college or university, or included as part of an NCARB Record,
- (iii) Employment Verification Form(s), 19C-12 (95/20062023), and,
- (iv) if appropriate, proper foreign education evaluations and self-employment documentation.

~~(D)~~ (4) An applicant who has served as an active-duty member of the Armed Forces of the United States, was honorably discharged, and who provides a copy of their DD-214 (Certificate of Release or Discharge from Active duty), shall have the review of their application expedited pursuant to Section 115.4 of the Codecode.

(5) Applicants who meet the requirements of Section 115.5 of the code shall have the review of their application expedited and fee waived if they submit the following satisfactory evidence with their application:

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

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

(C) Written verification from the applicant's issuing agency/licensing jurisdiction that the applicant's license in another state, district or territory of the United States is current in that jurisdiction. The verification shall include all of the following: (1) the full legal name of the applicant and any other name(s) the applicant has used or has been known by, (2) the license type and number issued to the applicant by the original licensing agency/entity, (3) the name and location of the licensing agency/entity, and, (4) the issuance and expiration date of the license.

~~(E)~~ (6) An applicant who was admitted to the United States as a refugee pursuant to Section 1157 of Title 8 of the United States Code, or was granted asylum by the Secretary of Homeland Security or the United States Attorney General pursuant to Section 1158 of Title 8 of the United States Code, or has a special immigrant visa and was granted a status pursuant to Section 1244 of Public Law 110-181, Public Law 109-163, or Section 602(b) of Title VI of Division F of Public Law 111-8, relating to Iraqi and Afghan translators/interpreters or those who worked for or on behalf of the United States government, and provides evidence of that status shall have the review of their application expedited pursuant to Section 135.4 of

the Codecode. The Board may assist such an applicant with the initial licensure process.

~~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) (7) A new or inactive candidate receiving notification that he or she is they are ineligible for examination eligibility as defined in Section 116 shall submit supporting documentation as identified in subsection (b)(3) to meet eligibility requirements. ~~based on insufficient education and/or employment verification as evaluated by the Board and/or failure to enroll in IDP by establishing an NCARB Council Record shall submit such additional education and/or employment verification and/or verification of enrollment in IDP.~~

(5) (8) Upon the Board's determination of a candidate's eligibility for the ARE based upon ~~the Board's education requirements and evidence of the candidate's enrollment in IDP requirements set forth in Section 116,~~ the Board shall transmit ~~the candidate's eligibility information to NCARB or its authorized representative for entry into the candidate to test through 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 e~~Eligibility shall be retained while the candidate is active in the examination process.

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

(7) (10) 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 IDP, or IAP, the requirements as referenced in subdivision (b)(2) or follow the requirements set forth in Section 121; or

(B) submit to the Board:

- (i) ~~1-~~proof of licensure in the qualifying foreign country,
- (ii) ~~2-~~an Employment Verification Form ~~on his or her~~ their own behalf documenting five years of practice of architecture as a licensed architect in the qualifying foreign country,
- (iii) ~~3-~~an Employment Verification Form documenting at least one year of experience under the direct supervision of an architect(s) licensed in a United States jurisdiction ~~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

(iv) 4. documentation of five years of education equivalents as defined in Section 117. ~~Both documents referred to in subdivision (b)(7)(A) are hereby incorporated by reference.~~

~~(8)~~ (11) Effective January 1, 2005, a ~~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 subdivisions (b)(1) and b(2) of this section, or follow the requirements set forth in Section 121.

~~(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.~~

~~(d) 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 IDP.~~

~~(e) 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 first enrolling in IDP by establishing an NCARB Council Record.~~

~~(f) The Board shall retain the file of a candidate who is active in the examination process as a candidate of the Board. The Board may purge the candidate file of an inactive candidate. An inactive candidate who wishes to reapply to the Board shall be required to apply in accordance with this section by submitting the required documents to allow the Board to determine the candidate's current eligibility. For a candidate applying for the ARE, the eligibility review fee specified in Section 144(a) shall be required~~ follow the requirements set forth in subsection (b)(3).

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

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

- (f) Candidates must complete the California Supplemental Examination (CSE) prior to licensure and follow the requirements as set forth in Section 124.
- (g) Upon completion of the CSE, each person desiring licensure as an architect shall furnish ~~the Board~~ a full set of fingerprints as prescribed by Section 5552.1 of the code and file a completed Application for Licensure with the Board which shall contain the following:
- (1) Fee specified in Section 144 for an original license;
 - (2) Social Security Number or Individual Tax Identification Number;
 - (3) First, middle, last name and suffix (if applicable) as they want it printed on their license. Only the applicant's legal name or initials are permitted and nicknames are not permitted;
 - (4) Contact information including applicant's address of record, daytime and evening telephone numbers, and email address (if any);
 - (5) A disciplinary question requiring the applicant disclose whether they have had a registration denied, suspended, revoked, or if the applicant has otherwise been disciplined by a public agency in any state or country. If yes, the applicant may attach a statement of explanation; and
 - (6) A statement signed under penalty of perjury that the information provided on the application is true and correct.
- ~~(h) Applicants who meet the requirements of Section 115.5 of the code shall submit the following satisfactory evidence with their application:~~
- ~~(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 applicant's issuing agency/licensing jurisdiction that the applicant'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 applicant and any other name(s) the applicant has used or has been known by;~~
 - ~~(B) the license type and number issued to the applicant 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.~~

~~(i) Applicants who meet the requirements of Section 135.4 of the code and provide evidence of that status shall have review of their application expedited and may contact the Board for assistance with the application process.~~

Credits

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

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. CALIFORNIA ARCHITECTS BOARD

PROPOSED REGULATORY LANGUAGE

Filing of Applications

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend section 109 of Article 2 of Division 2 of Title 16 of the California Code of Regulations to read 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~~ their first application to the Board for eligibility evaluation for the Architect Registration Examination (ARE) or one who had previously submitted an application but had been determined by the Board to be ineligible.
- (2) An “inactive candidate” shall mean a candidate who:
 - (A) has not taken an examination as a candidate of the Board for five or more years, or
 - (B) has been determined by the Board to be eligible but who has not taken any examination since the Board's determination and five or more years have passed.
- (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) Examination Application Process:

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

~~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) A new or inactive candidate applying to the Board for ~~eligibility evaluation for the ARE~~ shall, prior to licensure, complete the IDP of the NCARB administered experience-based program, as defined in the most recent edition of 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 IDP/IAP requirement 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) the non-refundable fee specified in Section 144,

(B) an Application for Eligibility Evaluation, 19C-1 (rev. 3/2015), as provided by the Board and certified under penalty of perjury, which shall be accepted on a continuous basis and contain:

- (i) the applicant's NCARB record number,
- (ii) the legal name of the applicant and any other known names,
- (iii) the applicant's address and email address,
- (iv) the applicant's home and work telephone numbers, and
- (v) the applicant's date of birth and social security number or individual taxpayer identification number, and accompanied by such

(C) supporting documents required herein. Such supporting documents which shall may include, if applicable:

- (i) the candidate's ~~current and valid IDP file~~ NCARB Record transmitted by from NCARB or current and valid verification of completion of the requirements of Canada's IAP,
 - (ii) certified original transcripts sent directly to the Board by the college or university, or included as part of an NCARB Record,
 - (iii) Employment Verification Form(s), 19C-12 (~~95/2006~~2023), and,
 - (iv) if appropriate, proper foreign education evaluations and self-employment documentation.
- (4) An applicant who has served as an active-duty member of the Armed Forces of the United States, was honorably discharged, and who provides a copy of their DD-214 (Certificate of Release or Discharge from Active duty), shall have the review of their application expedited pursuant to Section 115.4 of the code.
- (5) Applicants who meet the requirements of Section 115.5 of the code shall have the review of their application expedited and fee waived if they submit the following satisfactory evidence with their application:
- (A) Certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,
 - (B) A copy of the military orders establishing their spouse's or partner's duty station in California and,
 - (C) Written verification from the applicant's issuing agency/licensing jurisdiction that the applicant's license in another state, district or territory of the United States is current in that jurisdiction. The verification shall include all of the following: (1) the full legal name of the applicant and any other name(s) the applicant has used or has been known by, (2) the license type and number issued to the applicant by the original licensing agency/entity, (3) the name and location of the licensing agency/entity, and, (4) the issuance and expiration date of the license.
- (6) An applicant who was admitted to the United States as a refugee pursuant to Section 1157 of Title 8 of the United States Code, or was granted asylum by the Secretary of Homeland Security or the United States Attorney General pursuant to Section 1158 of Title 8 of the United States Code, or has a special immigrant visa and was granted a status pursuant to Section 1244 of Public Law 110-181, Public Law 109-163, or Section 602(b) of Title VI of Division F of Public Law 111-8, relating to Iraqi and Afghan translators/interpreters or those who worked for or on behalf of the United States government, and provides evidence of that status shall have the review of their application expedited pursuant to Section 135.4 of

the code. The Board may assist such an applicant with the initial licensure process.

~~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.~~

~~(47) A new or inactive candidate receiving notification that he or she is they are ineligible for examination eligibility as defined in Section 116 shall submit supporting documentation as identified in subsection (b)(3) to meet eligibility requirements. based on insufficient education and/or employment verification as evaluated by the Board and/or failure to enroll in IDP by establishing an NCARB Council Record shall submit such additional education and/or employment verification and/or verification of enrollment in IDP.~~

~~(58) Upon the Board's determination of a candidate's eligibility for the ARE based upon the Board's education requirements and evidence of the candidate's enrollment in IDP requirements set forth in Section 116, the Board shall transmit the candidate's eligibility information to NCARB or its authorized representative for entry into the candidate to test through 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 eEligibility shall be retained while the candidate is active in the examination process.~~

~~(69) As a candidate acquires additional work experience, it is the candidate's responsibility to ensure that the employer(s) complete Employment Verification Forms covering the work experience gained with that employer and that the forms are submitted to the Board.~~

~~(710) 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 IDP, or IAP, the requirements as referenced in subdivision (b)(2) or follow the requirements set forth in Section 121; or~~

~~(B) submit to the Board:~~

- ~~(i) 4-proof of licensure in the qualifying foreign country,~~
- ~~(ii) 2-an Employment Verification Form on his or her their own behalf documenting five years of practice of architecture as a licensed architect in the qualifying foreign country,~~
- ~~(iii) 3-an Employment Verification Form documenting at least one year of experience under the direct supervision of an architect(s) licensed in a United States jurisdiction 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~~

- (iv) ~~4. documentation of five years of education equivalents as defined in Section 117. Both documents referred to in subdivision (b)(7)(A) are hereby incorporated by reference.~~

~~(811) Effective January 1, 2005, a 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 subdivisions (b)(1) and b(2) of this section, or follow the requirements set forth in Section 121.~~

~~(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.~~

~~(d) 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 IDP.~~

~~(e) 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 first enrolling in IDP by establishing an NCARB Council Record.~~

~~(fc) The Board shall retain the file of a candidate who is active in the examination process as a candidate of the Board. The Board may purge the candidate file of an inactive candidate. An inactive candidate who wishes to reapply to the Board shall be required to apply in accordance with this section by submitting the required documents to allow the Board to determine the candidate's current eligibility. For a candidate applying for the ARE, the eligibility review fee specified in Section 144(a) shall be required follow the requirements set forth in subsection (b)(3).~~

~~(d) The Board shall retain for a twoseven-year period, transcripts, Employment Verification Forms, and other supporting documents received from individuals who have not submitted an Application for Eligibility Evaluation. Thereafter, the Board may purge these documents.~~

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

- (f) Candidates must complete the California Supplemental Examination (CSE) prior to licensure and follow the requirements as set forth in Section 124.
- (g) Upon completion of the CSE, each person desiring licensure as an architect shall furnish a full set of fingerprints as prescribed by Section 5552.1 of the code and file a completed Application for Licensure with the Board which shall contain the following:
- (1) Fee specified in Section 144 for an original license;
 - (2) Social Security Number or Individual Tax Identification Number;
 - (3) First, middle, last name and suffix (if applicable) as they want it printed on their license. Only the applicant's legal name or initials are permitted and nicknames are not permitted;
 - (4) Contact information including applicant's address of record, daytime and evening telephone numbers, and email address (if any);
 - (5) A disciplinary question requiring the applicant disclose whether they have had a registration denied, suspended, revoked, or if the applicant has otherwise been disciplined by a public agency in any state or country. If yes, the applicant may attach a statement of explanation; and
 - (6) A statement signed under penalty of perjury that the information provided on the application is true and correct.

Credits

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

**AGENDA ITEM K: Discuss and Possible Action on Proposed
Regulatory Text Amendments for CCR, title 16,
division 2, article 8, section 154 (Disciplinary
Guidelines)**

Summary

At its September 8, 2023 meeting, the Board approved language to amend 16 CCR section 154 (Disciplinary Guidelines) and directed the Executive Officer to take all steps necessary to initiate the rulemaking process. Board staff worked with the Legal Affairs Division (LAD) to draft a notice, initial statement of reasons, and fiscal impact document. On November 14, 2023, Agency approved the initial rulemaking file for submittal to the Office of Administrative Law (OAL). LAD submitted the documents to OAL on behalf of the Board and the 45-day comment period began on November 24, 2023. The 45-day public comment period closed on January 9, 2024, and the Board received one comment, from Carole Bookless. The comment was asking for clarification regarding the tolling provision, which was answered; however, it was discovered that the Board inadvertently had a reference to “landscape architecture” rather than “architecture.” Due to this typo, the Board revised the Disciplinary Guidelines document to remove the word “landscape” in its tolling provision under Section VI, Conditions of Probation, Subsection A, Standard Conditions, Standard Condition 7 (Tolling for Out-of-State Practice, Residence or In-State Non-Practice).

The Modified Text was sent out for public comment from January 10, 2024 to January 25, 2024. During this comment period, the Board received one substantive comment requesting removal of ambiguity related to mitigating circumstances, and instead to list all mitigating circumstances.

An update on any additional comments will be provided at the meeting.

Summary of Concerns and Proposed Board Responses

In accordance with Government Code section [11346.9](#), subdivision (a)(3), the Board, in its final statement of reasons supporting the rulemaking, must summarize each objection or recommendation made regarding the specific adoption, amendment, or repeal proposed, together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation, or the reasons for making no change.

Comment from Douglas Roberts, Architect

Mr. Roberts commented that the mitigating circumstances, Section II, General Considerations, Subsection F, Mitigation and Rehabilitation Evidence, held too much ambiguity as it currently reads “...among mitigating circumstances that may be taken

into account...” He proposed the Board “eliminate this ambiguity, and list *all* mitigating circumstances that may be (and probably should be) considered, to establish clear criteria within which those making judgements can work.”

Proposed Response: The purpose of the mitigating circumstances is to provide the Administrative Law Judge with guidelines to follow along with allowing them to interpret possible factors when making a decision. Having a prescriptive list would remove that ability. Consequently, the Board chooses not to create a comprehensive list of all mitigating circumstances.

Action Requested

The Board is asked to consider the modified regulatory text for 16 CCR section 154 and the proposed Board responses to the written comments and entertain a motion to approve the modified regulatory text and proposed responses, direct staff to take all steps necessary to complete the rulemaking process, delegate to the Executive Officer the authority to make any technical or non-substantive changes to the modified regulations that may be required to complete the rulemaking file and adopt the proposed regulatory changes as noticed.

Attachments

1. Amended 16 CCR section 154 (Disciplinary Guidelines)
2. Draft California Architects Board *Disciplinary Guidelines* (Revised 2024)
3. Public Comment from Carole Bookless
4. Public Comment from Douglas Roberts

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 2. CALIFORNIA ARCHITECTS BOARD

PROPOSED REGULATORY LANGUAGE

Disciplinary Guidelines

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

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

Amend Section 154 of Article 8 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

ARTICLE 8 DISCIPLINARY PROCEEDINGS

§ 154. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the ~~B~~board shall consider the disciplinary guidelines entitled “Disciplinary Guidelines and Model Orders” ~~[2000]~~(Revised [OAL to insert year]) which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation -- for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 481, 493, 5510.1 and 5526, Business and Professions Code; and Section ~~11425.50(e)~~11400.20, Government Code. Reference: Sections 125.3, 125.6, 140, 141, 143.5, 480(a), 481, 482, 490, 493, 496, 499, 5536, 5536.1, 5536.22, 5536.4, 5536.5 5553, 5558, 5560, 5561.5, 5565, 5577, 5578, 5579, 5580, 5582, 5582.1, 5583, 5584, and 5585, 5586, 5588, and 5600.05 Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

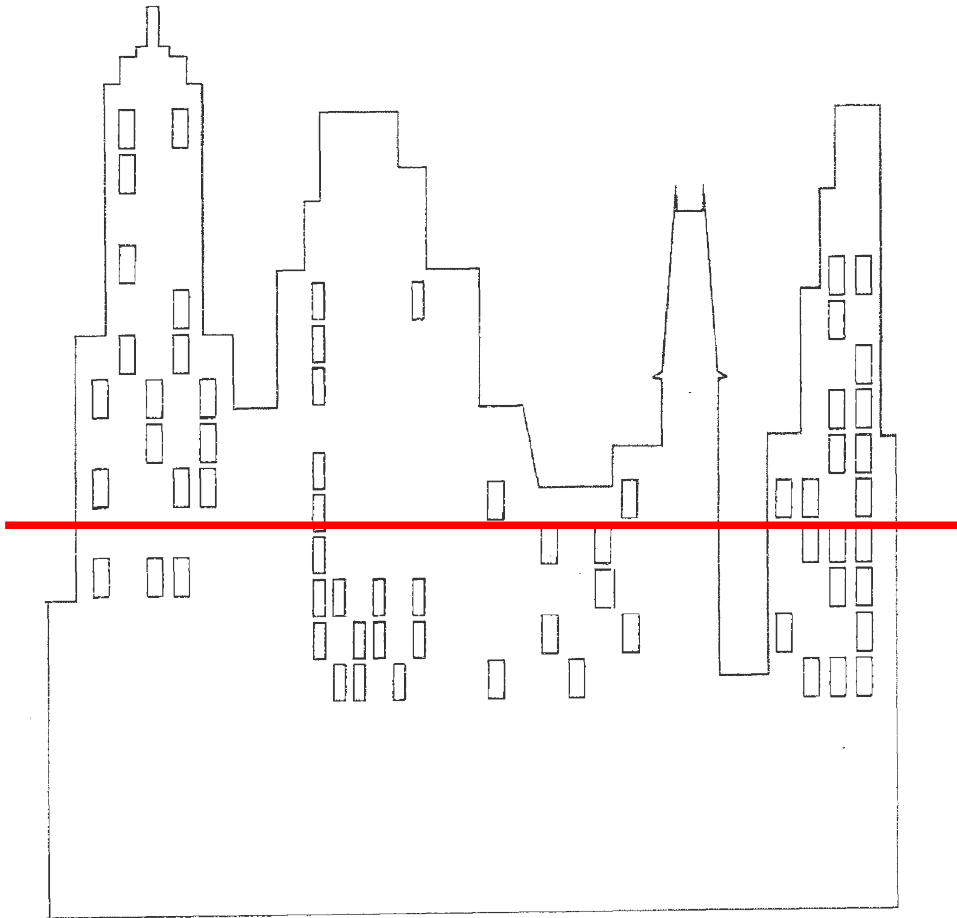
1aPENDING REGULATORY CHANGE

California Architects Board
*Public Protection Through
Examination, Licensure, and Regulation*



DISCIPLINARY GUIDELINES

~~DISCIPLINARY~~ ~~GUIDELINES~~



~~CALIFORNIA~~
~~ARCHITECTS~~
~~BOARD~~

~~Public Protection Through Examination, Licensure, and Regulation~~

~~2000~~

CALIFORNIA ARCHITECTS BOARD DISCIPLINARY GUIDELINES AND MODEL ORDERS

Public Protection Through Examination,
Licensure, and Regulation



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~~© Disciplinary Guidelines amended and
approved by the California Architects Board in 2000~~

© Disciplinary Guidelines and Model
Orders, 2023

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I. INTRODUCTION

To establish consistency in disciplinary penalties for similar offenses on a statewide basis, the California Architects Board (~~BoardCAB hereinafter referred to as the Board~~) has adopted these uniform disciplinary guidelines for particular violations. This document, designed for use by Administrative Law Judges, attorneys, ~~architects~~~~Board licensees~~, others involved in the disciplinary process, and ultimately the Board, ~~shall~~may be revised from time to time and will be distributed to interested parties upon request.

These guidelines include general factors to be considered, probationary terms, and guidelines for specific offenses. The guidelines reference the statutory and regulatory provisions ~~for specific offenses are referenced to the statutory and regulatory provisions.~~

For purposes of this document, terms and conditions of probation are divided into two general categories: (1) Standard Conditions are those conditions of probation which will generally appear in all cases involving probation ~~as a standard term and condition~~; and (2) Optional Conditions are those conditions which address the specific circumstances of the case and require discretion to be exercised depending on the nature and circumstances of a particular case.

The Board recognizes ~~that~~ these recommended penalties and conditions of probation are merely guidelines, ~~and that~~ mitigating or aggravating circumstances ~~and/or~~ other factors may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken. All disciplinary actions will be published on the Internet to facilitate access under the California Public Records Act.

Additional copies of this document may be obtained by contacting the ~~BoardCAB~~ at its office in Sacramento, California or accessing the document on-line at www.cab.ca.gov. There may be a charge assessed for providing paper copies sufficient to cover the direct costs of duplication~~production and distribution of copies.~~

II. GENERAL CONSIDERATIONS

A. Citations

This document covers considerations of disciplinary restrictions or penalties following the filing of an Accusation. For standards related to citations, please consult the Board's regulations commencing at Section 152 of Title 16 of the California Code of Regulations. The Board may issue a citation pursuant to Section 125.9 or 148 of the Business and Professions Code, and in accordance with Section 152 of Article 8 of Division 2 of Title 16 of the California Code of Regulations, as an alternate means to address relatively minor violations not necessarily warranting discipline.

B. Proposed Decisions - General Considerations

The Board requests that proposed decisions following administrative hearings include the following:

- a. Specific code sections violated, along with their descriptions~~definitions~~.
- b. Clear description of the underlying facts demonstrating the violation committed.
- c. Respondent's explanation of the violation if ~~he or she is~~ they are present at the hearing.
- d. Findings regarding aggravation, mitigation, and rehabilitation where appropriate.
- e. When suspension or probation is ordered, the Board requests that the disciplinary order include terms within the recommended guidelines for that offense unless the reason for departure from the recommended terms is clearly set forth in the findings and supported by the evidence.

C. Stipulated Settlements

The Board will consider stipulated settlements to promote cost effectiveness and to expedite disciplinary decisions if such agreements achieve its disciplinary objectives. Deputy Attorneys General should inquire as to respondent's interest in stipulated settlement promptly after receipt of a notice of defense. If stipulated settlement appears unlikely, the case should be set for hearing. It is the Board's policy that matters resolved by stipulation include cost recovery.

D. Cost Reimbursement

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases in which the licensee is found to have committed a violation. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

E. Criteria~~Factors~~ to be Considered

Substantially Related Criteria. The Board may deny, suspend, or revoke a license if the applicant or licensee has been convicted of a crime, professional misconduct, or act that is substantially related to the qualifications, functions, or duties of the profession, based on the criteria specified in section 110 of article 2 of division 2 of title 16 of the California Code of Regulations.

Rehabilitation Criteria. When considering the denial, revocation, or suspension of a license on the ground that the applicant or licensee has been convicted of a crime, or disciplined for professional misconduct, the denial is based on one or more of the grounds specified in Business and Professions Code section 5578, a suspension or revocation of a licensee on the grounds of a disciplinary action as described in Business and Professions Code section 141, or one or more of the grounds specified in Business and Professions Code Article 5 of Chapter 3.5 of Division 3 of the Code, the Board shall consider whether the applicant or licensee has made a showing of rehabilitation based on the criteria specified in section 110.1 of article 2 of division 2 of title 16 of the California Code of Regulations.

~~In determining whether revocation, suspension or probation is to be imposed in a given case, factors such as the following should be considered:~~

- ~~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. Mitigation evidence.~~
- ~~6. Rehabilitation evidence.~~
- ~~7. In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.~~
- ~~8. Overall criminal record.~~
- ~~9. Time passed since the act(s) or offense(s) occurred.~~
- ~~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 respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.~~

F. Mitigation and Rehabilitation Evidence

The following are among mitigating circumstances that may be taken into account by ALJs in providing for penalties in proposed decisions:

- The licensee has cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.
- The passage of considerable time since an act of professional misconduct occurred with no evidence of recurrence or evidence of any other professional misconduct.
- Convincing proof of rehabilitation
- Demonstration of remorse by the licensee.
- Recognition by licensee of their wrongdoing and demonstration of corrective action to prevent recurrence.
- Violation was corrected without monetary losses to consumers and/or restitution was made in full.

The following are examples of types of evidence which the licensee/applicant (respondent) may submit to the Board to demonstrate their rehabilitative efforts and competency and the Board will review the evidence submitted:

- Recent, dated, written statements and/or performance evaluations from persons in positions of authority who have on-the-job knowledge of the respondent's work as an architect that include the period of time and capacity in which the person worked with the respondent. Such reports must be signed under penalty of perjury and will be subject to verification by Board staff.
- Recent, dated, letters from counselors regarding the respondent's participation in a rehabilitation or recovery program, which should include at least a description and requirements of the program, a therapist or mental health professional's diagnosis of the condition and current state of recovery, and the therapist or mental health professional's basis for determining rehabilitation. Such letters and reports will be subject to verification by Board staff.
- Recent, dated letters describing the respondent's participation in support groups, (e.g., Alcoholics Anonymous, Narcotics Anonymous, professional support groups, etc.). Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from probation or parole officers regarding the respondent's participation in and/or compliance with terms and conditions of probation or parole, which should include at least a description of the terms and conditions, and the officer's basis for determining compliance. Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from persons familiar with respondent in either a personal or professional capacity regarding their knowledge of: the respondent's character; the respondent's rehabilitation, if any; the conduct of which the respondent is accused; or any other pertinent facts that would enable the Board to better decide the case. Such letters must be signed under penalty of perjury and will be subject to verification by Board staff.

III. DEFINITION OF PENALTIES

Revocation: Loss of a license as the result of any one or more violations of the California Architects Practice Act. Revocation of a license is permanent, unless the respondent takes affirmative action to petition the Board for reinstatement of his/her license and demonstrates to the Board's satisfaction that they are rehabilitated.

Suspension: Invalidation of a license for a fixed period of time, not to exceed a period of one year.

Stayed Revocation: Revocation of a license, held in abeyance pending respondent's compliance with the terms of their probation.

Stayed Suspension: Suspension of a license, held in abeyance pending respondent's compliance with the terms of their probation.

Probation: A period during which a respondent's sentence is suspended in return for respondent's agreement to comply with specified conditions relating to improving their conduct or preventing the likelihood of a reoccurrence of the violation.

Public Reproof: A form of written censure or reprimand placed in a public document that is served on the licensee. It is considered part of the licensee's disciplinary history and public record with the Board.

IV. DISCIPLINARY GUIDELINES

The offenses are listed by section number in the Business and Professions Code or California Code of Regulations. The standard terms of probation as stated herein shall be included for all probations. The optional conditions of probation as stated herein are to be considered and imposed along with any other optional conditions if facts and circumstances warrant. The number(s) in brackets listed after each condition of probation refers to the specific standard or optional conditions of probation listed on pages 15-19.

A. Business and Professions Code Sections

Section 5536: Practice Without License or Holding Self Out as Architect

<u>Maximum:</u>	<u>Revocation or denial of license application</u>
<u>Minimum:</u>	<u>Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:</u>
	a. <u>Ethics course [#15]</u>
	b. <u>Restitution [#17] (if applicable)</u>

Section 5536.1: Signature and Stamp on Plans and Documents; Unauthorized Practice

<u>Maximum:</u>	<u>Revocation or denial of license application</u>
<u>Minimum:</u>	<u>Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:</u>
	a. <u>Ethics course [#15]</u>
	b. <u>Restitution [#17] (if applicable)</u>

Section 5536.22: Written Contract

<u>Maximum:</u>	<u>Revocation</u>
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Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11] and the following optional conditions:

a. Restitution [#17] (if applicable)]

Section 5536.4: Instruments of Service – Consent

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11] and the following optional conditions:

a. Restitution [#17] (if applicable)]

Section 5536.5: State of Emergency Following Natural Disaster – Penalty for Practice Without License or Holding Self Out as Architect

Maximum: Revocation or denial of license application

Minimum: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

a. Ethics course [#15]

b. Restitution [#17] (if applicable)]

Section 5558: Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services; Filing Requirements

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11].

Section 5577: Conviction of a Crime Substantially Related to the Qualifications, ~~Duties~~Functions, and ~~Functions~~Duties of an Architect

Maximum: Revocation or denial of license application and \$5,000 fine

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

a. All standard conditions of probation [#1-#7]

- ~~b. Cost reimbursement [#12]~~
- ~~ea. Criminal probation reports [#14-18]~~
- ~~b. Fine - Maximum \$5,000 [#20]~~

Section 5578: Acts in Violation of the Architects Practice Act

The appropriate penalty depends on the nature of the offense.

<u>Maximum:</u>	Revocation
<u>Minimum:</u>	<u>Stayed revocation and 3 years' probation on all standard conditions [#1-11] and the following optional conditions:</u>
	a. <u>Restitution [#17] (if applicable)]</u>

Section 5579: Fraud or Misrepresentation in Obtaining Architect License

<u>Maximum/Minimum:</u>	Revocation
<u>Minimum:</u>	<u>Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:</u>
	a. <u>Restitution [#17] (if applicable)]</u>

Section 5580: Impersonation or Use of Assumed or Corporate Name

<u>Maximum:</u>	Revocation
<u>Minimum:</u>	<u>Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:</u>
	a. All standard conditions of probation [#1-7]
	ba. Continuing education courses <u>Ethics course</u> [#11-15]
	c. Cost reimbursement [#12]
	db. Restitution [#13-17] (if applicable)

Section 5582: Aiding and Abetting the Unlicensed Practice of Architecture

<u>Maximum:</u>	Revocation
<u>Minimum:</u>	<u>Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:</u>

- ~~a. All standard conditions of probation [#1-7]~~
- ~~ba. Continuing education courses~~Ethics course
[#1115]
- ~~c. Cost reimbursement [#12]~~
- ~~db. Restitution [#1317]~~ (if applicable)

Section 5582.1: Signing Others' Instruments of Service or Permitting Misuse of Name to Evade Provisions of Architects Practice Act

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension
 [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- ~~a. All standard conditions of probation [#1-7]~~
- ~~ba. Continuing education courses~~Ethics course
[#1115]
- ~~c. Cost reimbursement [#12]~~
- ~~db. Restitution [#1317]~~ (if applicable)

Section 5583: Fraud or Deceit in the Practice of Architecture

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension
 [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- ~~a. All standard conditions of probation~~Ethics course
[#1-715]
- ~~b. Continuing education courses~~ [#1116]
- ~~c. Cost reimbursement [#12]~~
- ~~dc. Restitution [#1317]~~ (if applicable)

Section 5584: Negligence in the Practice of Architecture

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension
 [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- ~~a. All standard conditions of probation [#1-7]~~
- ~~b. California Supplemental Examination [#9]~~
- ~~ea. Continuing education courses~~ [#1116]
- ~~c. Cost reimbursement [#12]~~

eb. Restitution [~~#13~~17] (if applicable)

Section 5584: Willful Misconduct in the Practice of Architecture

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [~~#12~~], and 5 years' probation on all standard conditions [~~#1-11~~] and the following optional conditions:

- a. ~~All standard conditions of probation~~ Ethics course [~~#1-7~~15]
- b. Continuing education courses [~~#14~~16]
- c. ~~Cost reimbursement~~ [~~#12~~]
- dc. Restitution [~~#13~~17] (if applicable)

Section 5585: Incompetency or Recklessness in the Practice of Architecture

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [~~#12~~], and 5 years' probation on all standard conditions [~~#1-11~~] and the following optional conditions:

- a. ~~All standard conditions of probation~~ [~~#1-7~~]
- ba. California Supplemental Examination [~~#9~~13]
- eb. Continuing education courses [~~#14~~16]
- d. ~~Cost reimbursement~~ [~~#12~~]
- ec. Restitution [~~#13~~17] (if applicable)

Section 5586: Disciplinary Action by a Public Agency for an Act Substantially Related to the Qualifications, Functions, or Duties as an Architect

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [~~#12~~], and 5 years' probation on all standard conditions [~~#1-11~~] and the following optional conditions:

- a. Continuing education courses [~~#16~~]
- b. Restitution [~~#17~~] (if applicable)]

Section 5588: Failure to Report Settlement or Arbitration Award

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11].

Civil Penalty: In lieu of revocation, assess civil penalty of not less than \$100 and not more than \$1,000. If knowing and intentional failure to report, in lieu of revocation, assess civil penalty up to \$20,000.

Section 5600.05: License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11] and the following optional condition:

a. Continuing education courses [#16]

B. General Provisions of Business and Professions Code

Section 125.6: Licensee's Discrimination Against Individuals Based upon Personal Characteristics by Licensee

Maximum: Revocation
Minimum: Stayed revocation, ~~60~~ 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11].
~~a. All standard conditions of probation [#1-7]~~
~~b. Cost reimbursement [#12]~~

Section 140: Failure to Record Transactions Involving Wages or Make Those Records Available

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11].

Section 141: Disciplinary Action Taken Against Licensee by Another State, an Agency of the Federal Government, or Another Country

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Continuing education courses [#16]
- b. Restitution [#17] (if applicable)

Section 143.5 **Settlement Agreements Prohibited Provisions; Regulations; Exemptions**

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

- a. Ethics course [#15]

Section 480 (a): **Grounds for Denial of the License Application of Licenses**

~~An applicant's application may be denied for (1) conviction of a crime; (2) any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; (3) any act which if done by a licensee would be grounds for suspension or revocation of license; or (4) knowingly making a false statement of fact required to be revealed in the application for such license.~~

Maximum/Minimum: Denial of license application

Minimum: Issue initial license, stayed revocation, and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. Restitution [#17] (if applicable)

Section 490: **Grounds for Suspension, Revocation; Conviction of Crime**

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard

conditions [#1-11] and if warranted, the following optional condition:

a. Criminal probation reports [#18]

Section 496: Subversion of Licensing Examinations or Administration of Examinations

RECOMMENDED DISCIPLINE **MAXIMUM:** Denial or ~~revocation~~ or denial of license application

Minimum: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. Restitution [#17] (if applicable)

Section 499: Licensee's False Statement in Support of Application Not Their Own

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

- a. Ethics course [#15]

C. ~~Title 16~~, California Code of Regulations, Title 16, Division 2, Article 9. Professional Conduct

Section 160: Rules of Professional Conduct

a.) Competence

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, on the following optional conditions:

- a. ~~_____ All standard conditions of probation [#1-7]~~
- ba. California Supplemental Examination [#913]

- ~~eb.~~ Continuing education courses [#1116]
- ~~d.~~ Cost reimbursement [#12]
- ~~ec.~~ Restitution [#1317] (if applicable)

b.) Willful Misconduct

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- ~~a.~~ All standard conditions of probation [#1-7]
- ~~ba.~~ California Supplemental Examination Ethics course [#915]
- ~~eb.~~ Continuing education courses [#1116]
- ~~d.~~ Cost reimbursement [#12]
- ~~ec.~~ Restitution [#1317] (if applicable)

c.) Conflict of Interest

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- ~~a.~~ All standard conditions of probation [#1-7]
- ~~ba.~~ Continuing education courses Ethics course [#1115]
- ~~c.~~ Cost reimbursement [#12]
- ~~db.~~ Restitution [#1317] (if applicable)

d.) Full Disclosure

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- ~~a.~~ All standard conditions of probation [#1-7]
- ~~ba.~~ Continuing education courses Ethics course [#1115]

- e. ~~Cost reimbursement~~ [#12]
- db. Restitution [#1317] (if applicable)

e.) Copyright Infringement

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. ~~All standard conditions of probation~~ Ethics course [#1-715]
- b. Continuing education courses [#1416]
- c. ~~Cost reimbursement~~ [#12]
- dc. Restitution [#1317] (if applicable)

f. Informed Consent

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. Restitution [#17] (if applicable)

D. Violation of Probation

Maximum Penalty

Actual suspension; vacate stay order and reimpose penalty that was previously stayed; and/or revoke, separately and severally, for violation of probation and/or for any additional offenses.

Minimum Penalty

Actual suspension and/or extension of probation.

The maximum penalty is appropriate for repeated similar offenses, or for probation violations indicating a cavalier or recalcitrant attitude. If the probation violation is due in part to the commission of additional offense(s), additional penalties shall be imposed according to the nature of the offense; and the probation violation shall be considered as an aggravating factor in imposing a penalty for those offenses.

IV. MODEL ORDERS

A. Licensee

Revocation of License

Architect License No. _____, issued to respondent _____, is revoked.

Respondent shall relinquish and forward or deliver their license to practice architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision. Respondent may not reapply or petition the Board for reinstatement of their revoked license for one (1) year from the effective date of this Decision.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$ _____ within thirty (30) days of the effective date of this Decision.

Option: As a condition precedent to reinstatement of their revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$ _____. Said amount shall be paid in full prior to the reinstatement of their license unless otherwise ordered by the Board.

Revocation Stayed and Licensee Placed on Probation

Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed and respondent is placed on probation for _____ years on the following terms and conditions:

Public Reprimand

Architect License No. _____, issued to respondent _____, is publicly reprimanded. This reprimand constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

Surrender of License in Lieu of Revocation

Respondent _____ surrenders Architect License No. _____ as of the effective date of this Decision. Respondent shall relinquish and forward or deliver their license to practice architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision.

The surrender of respondent's license and the acceptance of the surrendered license and wall certificate by the Board shall constitute the imposition of discipline against respondent. This Decision constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

B. Petition for Reinstatement

Grant Petition with No Restrictions on License

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's architect license shall be fully restored.

Grant Petition and Place Licensee on Probation

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and the petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Grant Petition and Place Licensee on Probation After Completion of Conditions Precedent

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's architect license shall be fully reinstated upon completion of the following conditions precedent (examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take and pass the California Supplemental Examination (CSE), and/or specified sections of the Architect Registration Examination (ARE)):

Upon completion of the conditions precedent above, and satisfaction of all statutory and regulatory requirements for issuance of a license, petitioner's architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of _____ years on the following terms and conditions (list standard and applicable optional conditions of probation):

Deny Petition

The petition for reinstatement filed by petitioner _____ is hereby denied.

C. Petition to Revoke Probation

Revocation of Probation

Architect License No. _____, issued to respondent _____, is revoked. Petitioner is not eligible to apply for reinstatement or reduction of penalty for one year from the effective date of this decision.

Extension of Probation

Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed, and respondent is placed on probation for an additional _____ year(s) on the following terms and conditions:

D. Applicant

(in cases where a Statement of Issues has been filed)

Grant Application with No Restrictions on License

The application filed by respondent _____ for initial licensure is hereby granted, and an architect's license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees.

Grant Application and Place Licensee on Probation

The application filed by respondent _____ for initial licensure is hereby granted, and an architect's license shall be issued to respondent upon successful completion of all licensing requirements, including payment of all fees. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Grant Application and Place Licensee on Probation After Completion of Conditions Precedent

The application filed by respondent _____ for initial licensure is hereby granted, and an architect's license shall be issued to respondent upon the following conditions precedent (examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take the California Supplemental Examination (CSE), and/or specified sections of the ARE):

Upon completion of the conditions precedent above and successful completion of all licensing requirements, including payment of all fees, respondent shall be issued an architect's license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions (list standard and applicable optional conditions of probation):

Deny Application

The application filed by respondent _____ for initial licensure is hereby denied.

Civil Penalty

Respondent shall pay to the Board a civil penalty in the amount of \$ _____ [not less than \$100 and not more than \$1,000; and if there is continued knowing and intentional failure to report, the Board may assess an additional civil penalty up to \$20,000 pursuant to Business and Professions Code section 5588.] Respondent shall make the payments as follows: _____.

[Term only applicable to Business and Professions Code section 5588 violations and used in lieu of revocation.]

VI. CONDITIONS OF PROBATION

A. Standard Conditions

(To be included in all ~~C~~ases of ~~P~~robation)

The Board reserves the discretion to waive any conditions of probation on a case-by-case basis.

1. Obey All Laws

Respondent shall obey all federal, state, and local laws and regulations governing ~~the practice of architecture in California~~ and comply with all conditions of probation.

2. Submit Quarterly Reports

Respondent, within 10 days of completion of the quarter, shall submit completed quarterly written reports to the Board, on a Quarterly Report of Compliance form (1/00) obtained from the Board (Attachment A). Respondent's quarterly written report to the Board shall include the following:

1. Respondent's full legal name, telephone number, and address of record,
2. Name of the firm respondent works for, respondent's title, firm address and telephone number,
3. A statement of all of respondent's architecture activities during this reporting period. The statement shall include: the client's name, address and telephone number, project title/address, project description, project's start and end date and a description of respondent's involvement.
4. A list of any other of respondent's activities related to the practice of architecture by activity and date; and,
5. A certification under penalty of perjury that the information provided in the report is true and correct.

3. Personal Appearances

Upon reasonable notice by the Board, ~~the~~ respondent shall report to and make personal appearances at times and locations as the Board may direct.

4. Cooperate During Probation

Respondent shall cooperate fully with the Board, and with any of its agents or employees in their supervision and investigation of ~~his/her~~ their compliance with the terms and conditions of this probation. Upon reasonable notice, ~~the~~ respondent shall provide the Board, its agents or employees with the opportunity to review all plans, specifications, and instruments of service prepared during the period of probation.

5. Maintain Active and Current License

Respondent shall maintain an active and current license to practice architecture in California for the length of the probation period. Failure to pay all renewal fees and meet applicable coursework requirements prior to respondent's license expiration date shall constitute a violation of probation. If the license is expired at the time the Board's decision becomes effective, the license must be renewed within 30 days of the effective date of the decision.

6. Notification of Changes to Address, Telephone Number, and/or Employment

Respondent shall notify the Board in writing of any and all changes to their address of record, and/or telephone number, and employment within 10 calendar days of such change.

57. Tolling for Out-of-State Practice, Residence or In-State Non-Practice

In the event respondent should leave California to reside or to practice outside the State or for any reason stops practicing ~~landscape~~ architecture in California, respondent shall notify the Board or its designee in writing within ~~10~~^{ten} days of the dates of departure and return, or the dates of non-practice or the resumption of practice within California. Respondent's probation is tolled when they cease practicing in California. Non-practice is defined as any period of time exceeding 30~~thirty~~ days in which respondent is not engaging in any activities defined in Section 5500.1 of the Business and Professions Code. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period. Respondent shall not be relieved of the obligation to maintain an active and current license with the Board. It shall be a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total of five years.

Periods of non-practice do not relieve respondent of the responsibility to comply with the terms and conditions of probation.

All provisions of probation other than the quarterly report requirements, examination requirements, cost reimbursement, restitution, and education requirements, shall be held in abeyance until respondent resumes practice in California.— All other provisions of probation shall recommence on the effective date of resumption of practice in California. ~~Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period.~~

68. Violation of Probation

If respondent violates probation in any respect, the Board, after giving respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order ~~which~~^{that} was stayed. If an accusation or a petition to revoke

probation is filed against respondent during probation, the Board shall have continuing jurisdiction ~~until the matter is final~~, and the period of probation shall be extended until the matter is final.

9. License Surrender While on Probation

Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may request, in writing, the voluntary surrender of respondent's license to the Board. Respondent's written request to surrender their license shall include the following: their name, license number, case number, address of record, and an explanation of the reason(s) why respondent seeks to surrender their license.

The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. The Board will consider whether the request would compromise public protection under the following circumstances: when respondent has (1) an unsatisfied cost recovery, fine, or restitution order, (2) an Accusation or Petition to Revoke Probation that has been served on respondent alleging violations of this probation, or (3) an unresolved complaint or investigation pending with the Board. Respondent shall not be relieved of the requirements of their probation unless the Board or its designee notifies respondent in writing that respondent's request to surrender their license has been accepted.

Upon formal acceptance of the surrender, respondent shall, within 15 days, deliver respondent's wall certificate to the Board or its designee and shall no longer practice as an architect. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license shall be deemed disciplinary action. If respondent re-applies for an architect's license, the application shall be treated as a petition for reinstatement of a revoked license.

710. Completion of Probation

Upon successful completion of probation, respondent's license will be fully restored.

11. Cost Reimbursement

Respondent shall reimburse the Board \$ _____ for its investigative and prosecution costs. The payment shall be made within _____ days/months of the date the Board's Decision is final.

Option: The payment shall be made as follows: _____ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

B. Optional Conditions

812. Suspension

Respondent is suspended from the practice of architecture for _____ days beginning on the effective date of ~~the~~this Decision.

913. California Supplemental Examination

Option 1 (Condition Subsequent)

Within _____ ~~day~~six months of the effective date of this Decision, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board.

If respondent fails to pass said examination within ~~6~~six months, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that ~~he/ or she~~they may resume practice. It is a violation of probation for respondent to be unable to pass the CSE for a period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation. Respondent must comply with tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence, or In-State Non-Practice) of this order while not practicing and is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall pass the California Supplemental Examination (CSE) designated by the Board within two years of the effective date of this Decision.

This probationary period shall not commence until respondent successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that they may resume practice. Respondent is responsible for paying all costs of such examination.

1014. Written Examination

Option 1 (Condition Subsequent)

Within one year of the effective date of this Decision, Respondent shall take and pass (specified) sections of the Architect Registration Examination (ARE).

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that ~~he/she~~they may resume practice. It shall be a violation of probation for respondent to be unable to pass the ARE for a

period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation.—Respondent must comply with the tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence, or In-State Non-Practice) is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass (specified) sections of the Architect Registration Examination (ARE) within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that they may resume practice. Respondent is responsible for paying all costs of such examination.

15. Ethics Course

Within 30 days of the effective date of this Decision, respondent shall submit to the Board's office by mail a written request for prior approval by the Board or its designee of a course in ethics that will be completed within the first year of probation. Respondent shall submit with the written request for approval the name of the course provider and a copy of the course outline, syllabus, or a description for the proposed course. The request shall contain, at a minimum, the following:

- (1) A short, descriptive title of the educational program;
- (2) A statement of educational objectives;
- (3) Length of the educational program;
- (4) Sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured; and,
- (5) Instructional mode or methods.

The Board shall approve any course that is directly relevant to the subject matter of the violation(s) alleged in the Board's decision placing respondent on probation, offered by an approved provider. An approved provider is the American Institute of Architects (AIA). The Board may approve other providers of courses determined equivalent on a case-by-case basis.

Failure to satisfactorily complete the required course as scheduled or failure to complete the required course within the first year of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board or its designee for approval the specifics of the course required by this condition, and for paying all costs of said course.

1416. Continuing Education Courses

Respondent shall successfully complete and pass professional education courses approved in advance by the Board or its designee, directly relevant to the violation as specified by the Board. The professional education courses shall be completed within a period of time designated by the Board or its designee, which timeframe shall be incorporated as a condition of this probation.

Failure to satisfactorily complete the required courses as scheduled or failure to complete same no later than 400 days one year prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board or its designee for its approval the specifics of each course required by this condition, and for paying all costs of such courses. To obtain prior approval, respondent shall submit a written request by mail to the Board's offices for approval by the Board or its designee of requested professional education courses. Respondent shall submit with the written request for approval the name of the course provider(s) and a copy of the course outline, syllabus, or a description for the proposed course(s). The request shall contain, at a minimum, the following:

- (1) A short, descriptive title of the educational program(s);
- (2) A statement of educational objectives;
- (3) Length of the educational program(s);
- (4) Sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured; and,
- (5) Instructional mode or methods.

The Board shall approve any course directly relevant to the subject matter of the violation(s) alleged in the Board's decision placing respondent on probation and is offered by an approved provider. An approved provider is the AIA. The Board may approve other providers of courses determined equivalent on a case-by-case basis.

12. ~~Cost Reimbursement~~

~~Respondent shall reimburse the Board \$_____ for its investigative and prosecution costs. The payment shall be made within _____ days/months of the effective date the Board's of this dDecision is final.~~

~~Option: The payment shall be made as follows: _____ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).~~

1317. Restitution

Within _____ days of the effective date of this Decision, respondent shall make restitution to _____ in the amount of \$_____ and shall provide the Board

with proof from _____ attesting the full restitution has been paid. In all cases, restitution shall be completed no later than one year before the termination of probation.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

1418. Criminal Probation Reports

If respondent is convicted of any crime, Respondent shall provide the Board with a copy of the standard conditions of the criminal probation, copies of all criminal probation reports, and the name of his/her their probation officer.

15. Relinquish License and Wall Certificate

~~Respondent shall relinquish and shall forward or deliver the license to practice and the wall certificate to the Board within 10 days of the effective date of this decision and order.~~

1619. Notification to Clients/Cessation of Practice

In orders which provide for a cessation or suspension of practice, within 30 days of the effective date of this Decision, respondent shall comply with procedures provided by the Board regarding notification to, and management of, provide all clients with whom they have a current contractual relationship in the practice of architecture with a copy of the Decision and Order of the Board and provide the Board with evidence of such notification, including the name and address of each person or entity required to be notified.

20. Fine

Respondent shall pay to the Board a fine in the amount of \$ _____ [not to exceed \$5,000] pursuant to Business and Professions Code section 5565. Respondent shall make the payments as follows: _____.

[Term only applicable to Business and Professions Code section 5577 violations.]

IV. REHABILITATION CRITERIA

~~California Code of Regulations, Title 16, Division 2, Section 110.1, Criteria for Rehabilitation states:~~

- ~~(a) When considering the denial of an architect's license under Section 480 of the Business and Professions Code, the Board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:~~

- ~~(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.~~
- ~~(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.~~
- ~~(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).~~
- ~~(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.~~
- ~~(5) Evidence, if any, of rehabilitation submitted by the applicant.~~
- ~~(b) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:~~
 - ~~(1) Nature and severity of the act(s) or offense(s).~~
 - ~~(2) Total criminal record.~~
 - ~~(3) The time that has elapsed since commission of the act(s) or offense(s).~~
 - ~~(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.~~
 - ~~(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.~~
 - ~~(6) Evidence, if any, of rehabilitation submitted by the licensee.~~
- ~~(c) When considering the petition for reinstatement of the license of an architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).~~

CALIFORNIA ARCHITECTS BOARD

400 R STREET, SUITE 4000, SACRAMENTO, CALIFORNIA 95814-6238

Telephone: (916) 445-3393

Fax: (916) 445-8524

E-mail: cab@dca.ca.gov

Web: cab.ca.gov

Attachment A

STATE OF CALIFORNIA — STATE AND CONSUMER SERVICES AGENCY — GRAY — DAVIS,
Governor



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA ARCHITECTS BOARD
2420 Del Paso Road, Suite 105, Sacramento, CA 95834
P (916) 574-7220 | F (916) 575-7283 | www.cab.ca.gov



QUARTERLY REPORT OF COMPLIANCE

1. NAME: _____ TELEPHONE #: (____) _____
(Last/First/Middle) (Residence)

RESIDENCE ADDRESS OF
RECORD: _____

CITY: _____ STATE: _____ ZIP CODE: _____

2. NAME OF FIRM: _____ YOUR TITLE: _____

FIRM ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE #: (____) _____

3. On the back second page of this form, detail your architectural activities for the probation period

beginning: _____ and ending: _____
Mo. Day Year Mo. Day Year

4. Site List any other activities related to the practice of architecture:

ACTIVITY	DATE

5. ~~I declare under penalty of perjury under the laws of the State of California that the information contained in this quarterly report regarding my professional practice is true and correct.~~

—Signature: _____

—Date: _____

DATE: _____ QUARTER _____ YEAR _____

CLIENT NAME: _____ TELEPHONE #: ()
(Last/First/Middle)
ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: ()
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: ()
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

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Notes

From: [Carole Bookless](#)
To: [Rodda, Timothy@DCA](mailto:Rodda.Timothy@DCA)
Subject: Re: updated architect regulations
Date: Monday, November 27, 2023 8:02:13 PM

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Thanks.

Just fyi, the new guideline markup refers to landscape architecture which is a bit confusing to me or it could be a typo.

On Nov 27, 2023, at 7:30 AM, Rodda, Timothy@DCA
<Timothy.Rodda@dca.ca.gov> wrote:

Hello Carole:

You can download the current Disciplinary Guidelines from the Board's website [here](#). The tolling provision is not a monetary penalty for nonresident licensees. It refers to a licensee who stops practicing in California, and how the terms of probation are put on pause until the probationer commences work in California again. The current tolling provision states:

5.Tolling for Out-of-State Practice, Residence or In-State Non-Practice

In the event respondent should leave California to reside or to practice outside the State or for any reason stop practicing architecture in California, respondent shall notify the Board or its designee in writing within ten days of the dates of departure and return, or the dates of non-practice or the resumption of practice within California. Non-practice is defined as any period of time exceeding thirty days in which respondent is not engaging in any activities defined in Section 5500.1 of the Business and Professions Code. All provisions of probation other than the quarterly report requirements, examination requirements, and education requirements, shall be held in abeyance until respondent resumes practice in California. All provisions of probation shall recommence on the effective date of resumption of practice in California. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period.

You can find the proposed changes to the tolling provision in the [Proposed Disciplinary Guidelines](#). Proposed added text is in underline, and proposed struck text is in

strikeout.

Please let me know if you have any further questions.

Timothy Rodda
Regulations Manager

<image001.png>

California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
T (279) 895-1246 cab@dca.ca.gov www.cab.ca.gov

[<image002.png>](#)

[<image003.png>](#)

[<image004.png>](#)

 Join the [Board Subscriber List](#)

From: Carole Bookless <carobo@rocketmail.com>

Sent: Wednesday, November 22, 2023 8:15 PM

To: Rodda, Timothy@DCA <Timothy.Rodda@dca.ca.gov>

Subject: updated architect regulations

Can you send me a copy of the actual text of the proposed regulations together with the existing regulations? I am concerned about the “tolling” of nonresident license holders because I am nonresident and I don’t know what this tolling is. It sounds like it would have monetary impact.

Thanks,
Carole Bookless

From: CAB@DCA
To: [Rodda, Timothy@DCA](mailto:Rodda.Timothy@DCA)
Subject: FW: CCR Section 154 - Proposed Disciplinary Guidelines
Date: Thursday, January 11, 2024 3:39:41 PM

From: doug@jhwarch.com <doug@jhwarch.com>
Sent: Wednesday, January 10, 2024 5:30 PM
To: CAB@DCA <CAB@dca.ca.gov>
Subject: CCR Section 154 - Proposed Disciplinary Guidelines

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[Report Suspicious](#)

Please forward as appropriate to whoever is collecting comments regarding the above proposed regulations.

In the Mitigating Circumstances section, the list is noted as “...*among mitigating circumstances that may be taken into account*...”. It is important to eliminate this ambiguity, and list *all* mitigating circumstances that may be (and probably should be) considered, to establish clear criteria within which those making judgements can work. To leave it as stated provides an opening for them to take any and all circumstances into account, including for example, the perception of an individual being a member of an “oppressed” class in the society. If a person commits a wrongful act under the APA, that act must be consistently penalized by the Board regardless, except for mitigating circumstances limited to those that (1) truly lessen the harm done by that wrongful act, and (2) strong evidence showing significant reduction or elimination of possibility of that person committing that same act against the Public or individuals in the future.

Please remove the ambiguity from the language. At best, it opens the door to inconsistent judgements, and at worst, abuse.

Douglas Roberts
Architect C-18606
Monterey, CA

An act to amend Sections 5801.1 and 5811.1 of, and to add Chapter 3.8 (commencing with Section 5700) to Division 3 of, the Business and Professions Code, relating to professions and vocations.

SECURED
COPY



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 3.8 (commencing with Section 5700) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 3.8. REGISTERED COMMERCIAL INTERIOR DESIGNER ACT

Article 1. Definitions

5700. For the purposes of this chapter, the following definitions apply:

(a) "Architect" means a person who is licensed to practice architecture in California, as described in Section 5500.

(b) "Board" means the California Architects Board.

(c) "Commercial Interior Design Technical Committee" or "technical committee" means the committee described in paragraph (1) of subdivision (a) of Section 5701, which may assist the board with respect to regulatory functions under this chapter.

(d) "Commercial interior instruments of service" means the designs, drawings, and specifications that establish the scope of the commercial interior design to be constructed, the standard of quality for materials, workmanship, equipment, and construction systems, and the studies and other technical reports and calculations prepared in the course of the practice of commercial interior design.

(e) "Nonstructural commercial interior construction" means the construction of elements which do not include exterior components of a building such as exterior walls, any load-bearing wall, any load-bearing column or any other load-bearing elements of a building essential to the structural integrity of the building such as wind loads and seismic loads and to any element which must be designed for wind loads and seismic loads.

(f) "Permitting privileges" means the ability for any person registered under this act to submit stamped commercial interior instruments of service as defined in this act, to local planning departments for approval.

(g) (1) "Practice of commercial interior design" means the design of interior spaces as a part of an interior alteration or interior construction project in conformity with public health, safety, and welfare requirements, including the preparation of documents relating to building code descriptions, project egress plans that require no modification to a building's vertical egress system in the space affected, space planning, finish materials, furnishings, fixtures, equipment, coordination of the work of technical and special consultants, and the preparation of documents and commercial interior instruments of service submissions relating to interior construction.

(2) "Practice of commercial interior design" does not include any of the following:

(A) The practice of a professional engineer, as defined in Section 6701, or the practice of a professional land surveyor, as defined in Section 8701.

(B) Services that constitute the practice of architecture, as defined in Section 5500.1, except as otherwise provided in this chapter.



(C) Altering or affecting the structural system of a building, including changing the building's live or dead load on the structural system that does not constitute the practice of a structural engineer, as described in Section 6763.

(D) Changes to the building envelope, including exterior walls, exterior wall coverings, exterior wall openings, exterior windows and doors, architectural trim, balconies and similar projections, bay and oriel windows, roof assemblies and rooftop structures, and glass and glazing for exterior use in both vertical and sloped applications in buildings and structures.

(E) Altering or affecting the mechanical, plumbing, heating, air conditioning, ventilation, electrical, vertical transportation, fire sprinkler, or fire alarm systems.

(F) Changes beyond the exit access component of a means of egress system.

(G) Changes to the construction classification of the building or structure according to the California Building Code.

(h) "Professional engineer" means a person engaged in the professional practice of rendering service or creative work requiring education, training, and experience in engineering sciences and the application of special knowledge of the mathematical, physical, and engineering sciences in such professional or creative work as consultation, investigation, evaluation, planning, or design of public or private utilities, structures, machines, processes, circuits, buildings, equipment, or projects, and supervision of construction for the purpose of securing compliance with specifications and design for any such work.

(i) "Professional land surveyor" means one who practices or offers to practice land surveying, as described in Section 8701.

(j) "Registered Commercial Interior Designer" means any person who is registered under this chapter with permitting privileges. A person represents themselves to be a "Registered Commercial Interior Designer" within the meaning of this chapter if that person represents themselves to the public by any title incorporating the words "Registered Commercial Interior Designer" or any title that includes the words "commercial interior design."

Article 2. Commercial Interior Design Technical Committee

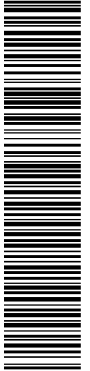
5701. (a) The board is vested with all of the functions, duties, powers, purposes, responsibilities, and jurisdiction concerning the practice of commercial interior design under this chapter.

(1) There is hereby established within the board the Commercial Interior Design Technical Committee.

(2) Except as otherwise provided in this chapter, the board may delegate its authority under this chapter to the technical committee.

(3) After review of proposed regulations, the board may direct the technical committee to notice and conduct hearings to adopt, amend, or repeal regulations pursuant to this chapter, provided that the board itself shall take final action to adopt, amend, or repeal those regulations.

(4) The board shall not delegate its authority to discipline a Registered Commercial Interior Designer or to take action against a person who has violated this chapter.



(b) Pursuant to this chapter, the board shall exercise the following functions, powers, and duties:

(1) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for registration and issue certificates of registration to those who are found to be fit and qualified.

(2) Prescribe rules and regulations for a method of examination of candidates. The board shall designate as its examination for Registered Commercial Interior Designers the National Council for Interior Design Qualification examination.

(3) Conduct hearings on proceedings to revoke, suspend, or refuse to issue certificates of registration.

(4) Promulgate rules and regulations required for the administration of this chapter.

Article 3. Registered Commercial Interior Designers with Permitting Privileges

5702. (a) (1) A commercial interior designer may be registered as a “Registered Commercial Interior Designer” under this chapter if they have passed the National Council for Interior Design Qualification examination and completed and passed the following ICC Code Compliance courses:

- (A) 2018 IBC Essentials with 2019 CA Amendments.
- (B) 2019 CBC Title 24 Regulation (Energy).
- (C) 2019 CBC Chapter 11B Accessibility in Public Buildings.
- (D) 2019 CBC Means of Egress.
- (E) Building Codes 101 for Interior Designers.

(2) The technical committee may require completion of the latest edition of the coursework described in subparagraphs (A) to (E), inclusive, of paragraph (1). The technical committee may also prescribe relevant continuing educational requirements, taking into account the cost to individual commercial interior designers.

(b) A Registered Commercial Interior Designer shall also have completed at least one of the following:

(1) A four- or five-year accredited interior design program and have a minimum of two years of experience.

(2) A three-year accredited interior design program and have a minimum of three years of experience.

(3) A two-year accredited interior design program and have a minimum of four years of experience.

(4) Have at least eight years of interior design education, or at least eight years of diversified interior design experience, or a combination of interior design education and diversified interior design experience that together total at least eight years.

5703. (a) An individual shall not, without having a valid registration as a Registered Commercial Interior Designer issued by the board, in any manner hold themselves out to the public as a Registered Commercial Interior Designer or attach the title “Registered Commercial Interior Designer” or any other name or designation that would in any way imply that they are able to use the title “Registered Commercial Interior Designer” as defined in this chapter.

(b) A registered commercial interior designer with a valid registration shall have permitting privileges for commercial interior instruments of service.



(c) A registered commercial interior designer with a valid registration shall be considered a design professional, as specified in Section 8014 of the Civil Code.

(d) A registered commercial interior designer shall not advertise any services that they are not legally permitted to perform, including architecture or engineering services or using the title “architect” in any form.

(e) This chapter does not prevent or restrict any of the following activities:

(1) The employment by a Registered Commercial Interior Designer association, partnership, or a corporation furnishing interior design services for remuneration, of any person who is not a Registered Commercial Interior Designer to perform services in various capacities as needed, provided that the person does not represent themselves as, or use the title of, “Registered Commercial Interior Designer.”

(2) Use of the title “interior designer” on the part of a person not registered under this chapter who is a graduate of an interior design program and a full-time employee of a duly chartered institution of higher education insofar as that person engages in public speaking, with or without remuneration, provided that person does not represent themselves to be a Registered Commercial Interior Designer or use the title “Registered Commercial Interior Designer.”

(3) Work performed by a person who is not registered under this chapter in performing any of activities listed in the definition of a “Certified Interior Designer” in Section 5800, if that person does not represent themselves or their services in any manner prohibited by this chapter.

(4) The practice, services, or activities of any person licensed in this state under any other law who is engaging in the profession or occupation for which they are licensed or otherwise legally permitted to engage in.

Article 4. Seal and Certification

5704. (a) (1) Any stamp used by a Registered Commercial Interior Designer under this chapter shall be of a design authorized by the technical committee and shall, at a minimum, bear the registrant’s name, their registration number, the legend “Registered Commercial Interior Designer,” the legend “State of California,” and provide a means of indicating the renewal date of the registration.

(2) The Registered Commercial Interior Designer shall affix the signature, current date, date of registration expiration, and seal to the first sheet of any bound set or loose sheets of commercial interior instruments of service used as contract documents between parties to the contract or documents prepared for the review and approval of any governmental or public authority having jurisdiction by that Registered Commercial Interior Designer or under that Registered Commercial Interior Designer’s responsible control.

(3) The sheet of commercial interior instruments of service in which the seal is affixed shall indicate those documents or parts thereof for which the seal shall apply.

(b) A Registered Commercial Interior Designer shall not sign and seal commercial interior instruments of service that were not prepared by or under the responsible control of the Registered Commercial Interior Designer, except in the following circumstances:

(1) A Registered Commercial Interior Designer may sign and seal those portions of the commercial interior instruments of service submission that were prepared by or under the responsible control of a person who holds a registration under this chapter,



and who has signed and sealed the documents, if the Registered Commercial Interior Designer has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into the work.

(2) A Registered Commercial Interior Designer may sign and seal portions of the professional work that are not required under this chapter to be prepared by or under the responsible control of a Registered Commercial Interior Designer, if the Registered Commercial Interior Designer has reviewed and adopted in whole or in part such portions and has integrated them into the work. The work associated with the combination of services in connection with the design and construction of buildings shall be provided by a licensed architect. If engineering, structural engineering, or licensed land surveying services are required in association with an interior nonstructural project being performed by a Registered Commercial Interior Designer, the documents that have already been properly sealed by a licensed professional engineer, licensed structural engineer, or licensed land surveyor may be compiled by a Registered Commercial Interior Designer. Each design professional shall seal the respective documents and shall not seal a document that was not prepared under the design professional's responsible charge. For all other projects, engineering, structural engineering, or land surveying services shall be procured separate from the Registered Commercial Interior Designer.

(3) A partner or corporate officer of a professional design firm registered in this state who has professional knowledge of the content of the commercial interior instrument of services submissions and intends to be responsible for the adequacy of the commercial interior instruments of services submissions may sign and seal commercial interior instruments of service submissions that are prepared by or under the responsible control of a Registered Commercial Interior Designer who is registered in this state and who is in the regular employment of the professional design firm.

(c) The Registered Commercial Interior Designer exercising responsible control under which the commercial interior instruments of service submissions or portions of the commercial interior instruments of service submissions were prepared shall be identified on the commercial interior instruments of service submissions or portions of the commercial interior instruments of service submissions by name and California registration number.

Article 5. Commercial Interior Instrument of Service Submissions

5705. (a) All commercial interior instruments of service submissions intended for use in this state shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of state law and, if applicable, county and municipal ordinances in the submissions. In recognition that Registered Commercial Interior Designers are registered for the protection of the public health, safety, and welfare, submissions shall be of such quality and scope, and be so administered, as to conform to professional standards.

(b) An officer, board, commission, or other public entity that receives commercial interior instruments of service submissions shall not accept for filing or approval any commercial interior instruments of service submissions related to services requiring the involvement of a Registered Commercial Interior Designer that do not bear the seal and signature of a Registered Commercial Interior Designer.



(c) A Registered Commercial Interior Designer who seals and signs commercial interior instruments of service submissions is not responsible for damage caused by subsequent changes to, or uses of, those commercial interior instruments of service submissions where the subsequent changes or uses, including changes to uses made by state or local agencies, are not authorized or approved in writing by the Registered Commercial Interior Designer who originally sealed and signed the commercial interior instruments of service submissions.

Article 6. Registration and Revenues

5706. (a) (1) Each registration issued under this chapter shall expire no more than two years after the issuance date. The expiration date of the original registration shall be set by the board in a manner to best distribute renewal procedures throughout each year.

(2) To renew an unexpired registration, the Registered Commercial Interior Designer shall, on or before the expiration date of the registration, apply for renewal in a form and manner prescribed by the board, and pay the renewal fee prescribed by this article.

(3) The renewal form shall include a statement specifying whether the Registered Commercial Interior Designer was convicted of a crime or disciplined by another public agency during the preceding renewal period and that the designer's representations on the renewal form are true, correct, and contain no material omissions of fact, to their best knowledge and belief.

(b) Within 10 days after a judgment by a court of this state that a Registered Commercial Interior Designer has committed a crime or is liable for any death or personal or property injury or loss caused by the registration holder's fraud, deceit, negligence, incompetency, or recklessness in practice, the clerk of the court that rendered the judgment shall report this to the board.

(c) Except as otherwise provided in this chapter, a registration that has expired may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If the registration is renewed more than 30 days after its expiration, the Registered Commercial Interior Designer, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this article. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the registration shall continue in effect through the date provided pursuant to paragraph (1) of subdivision (a) of this article that next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

(d) A registration expired five years or more is nonrenewable and cannot be renewed, restored, reissued, or reinstated. An individual with a nonrenewable registration shall apply for a new registration by meeting the current requirements with the board in order to legally practice commercial interior design in California.

(e) The fees prescribed by this article for Registered Commercial Interior Designer applicants and Registered Commercial Interior Designers shall be fixed by the board as follows:



(1) The application fee for reviewing an applicant's eligibility to take any section of the examination may not exceed _____ dollars (\$_____).

(2) The fee for any section of the examination administered by the board shall not exceed the actual cost to the board for purchasing and administering each exam.

(3) The fee for an original recitation may not exceed _____ hundred dollars (\$_____), except that, if the registration is issued less than one year before the date on which it will expire, then the fee shall equal 50 percent of the fee fixed by the board for an original registration. The board may, by appropriate regulation, provide for the waiver or refund of the initial registration fee where the registration is issued less than 45 days before the date on which it will expire.

(4) The fee for a duplicate registration may not exceed _____ dollars (\$_____).

(5) The renewal fee for a registration may not exceed _____ hundred dollars (\$_____).

(6) The penalty for failure to notify the board of a change of address within 30 days from an actual change in address may not exceed _____ dollars (\$_____).

(7) The delinquency fee shall be 50 percent of the renewal fee for the registration in effect on the date of the renewal of the registration, but not less than _____ dollars (\$_____) nor more than _____ hundred dollars (\$_____).

(f) The fees specified in subdivision (e) shall not exceed the reasonable regulatory costs of the California Architects Board related to administering, implementing, and enforcing this chapter.

(g) Within 10 days after the beginning of every month, all fees collected by the board for the month preceding, under the provisions of this article, shall be paid into the State Treasury to the credit of the California Architects Board-Registered Commercial Interior Designers Fund, which is hereby created as a special fund within the Professions and Vocations Fund. Upon appropriation by the Legislature, moneys in the California Architects Board-Registered Commercial Interior Designers Fund shall be used to defray the reasonable costs and expenses of the board in carrying out and enforcing the provisions of this chapter.

SEC. 2. Section 5801.1 of the Business and Professions Code is amended to read:

5801.1. The procedure for the issuance of a stamp by the council under Section 5801, ~~including the examinations recognized and required by the council, shall be subject to the occupational analyses and examination validation required by Section 139 every five to seven years. 5801 shall become inoperative on January 1, 2025.~~ However, a Certified Interior Designer with an active commercial designation stamp on January 1, 2025, shall enjoy the provisions of the stamp, as specified in Section 5802, until the stamp expires, in accordance with paragraph (1) of subdivision (b) of Section 5811.1.

SEC. 3. Section 5811.1 of the Business and Professions Code is amended to read:

5811.1. (a) The council may issue a certification to any applicant who provides satisfactory evidence that they meet all of the requirements of this chapter and who complies with the bylaws, rules, and procedures established by the council.

(1) In order to obtain a certification, an applicant shall submit an application as provided by the council and provide the council with satisfactory evidence that they meet all of the following requirements:



- (A) Passage of an interior design examination approved by the council.
- (B) Any of the following education and experience pathways:
- (i) The person is a graduate of a four- or five-year accredited interior design degree program, and has two years of diversified interior design experience.
 - (ii) The person has completed a three-year accredited interior design certificate program, and has completed three years of diversified interior design experience.
 - (iii) The person has completed a two-year accredited interior design program and has completed four years of diversified interior design experience.
 - (iv) The person has at least eight years of interior design education, or at least eight years of diversified interior design experience, or a combination of interior design education and diversified interior design experience that together total at least eight years.
- (C) All fees required by the council, as described in subdivision (e) of Section 5811, have been paid.
- (2) The council may issue a commercial designation to a Certified Interior Designer or qualified applicant who, in addition to the requirements in paragraph (1), passes additional interior design courses and examinations, as determined to be required by the council.
- (b) (1) Any certificate under this chapter shall be subject to renewal every two years in a manner prescribed by the council, ~~and shall expire unless renewed in that manner. The council may provide for the late renewal of a registration. council until January 1, 2025. On and after January 1, 2025, a Certified Interior Designer with an active commercial designation stamp may not have that stamp renewed.~~
- (2) The council may require Certified Interior Designers to complete continuing education specific to the practice of interior design each two-year certification cycle.
- SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



LEGISLATIVE COUNSEL'S DIGEST

Bill No. _____
as introduced, _____.
General Subject: Registered Commercial Interior Designers.

Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board.

Existing law, until January 1, 2027, provides a comprehensive scheme for the certification and regulation of interior designers. Under existing law, a Certified Interior Designer may obtain a stamp from the California Council for Interior Design Certification, a nonprofit organization, that identifies and bears the name of that Certified Interior Designer and identifies the individual as either a Certified Interior Designer or a Certified Interior Designer with commercial designation, if the Certified Interior Designer has met specified education, experience, and examination requirements. Existing law provides that a certification under those provisions is subject to renewal every 2 years in a manner prescribed by the council, and expires unless renewed in that manner. Existing law authorizes the council to provide for the late renewal of a registration.

This bill would instead provide for renewal every two years in a manner prescribed by the council only until January 1, 2025. On and after January 1, 2025, the bill would prohibit a Certified Interior Designer from having that stamp renewed. This bill would also make the above-described provisions for a Certified Interior Designer to obtain a commercial designation stamp from the council inoperative on January 1, 2025. The bill would authorize those designers with an active stamp to enjoy the privileges of the stamp until it expires, as specified.

In this connection, the bill would establish the Registered Commercial Interior Designer Act, a new registration scheme for commercial interior designers, who would be subject to regulatory oversight by the California Architects Board, and would establish the Commercial Interior Design Technical Committee (technical committee) within the board. The bill would authorize a commercial interior designer to be registered with the board as a "Registered Commercial Interior Designer" upon passing a specified interior design examination and completing related coursework. The bill would prohibit an individual from holding themselves out to the public as being a "Registered Commercial Interior Designer" without having a valid registration issued by the board. The bill would grant a Registered Commercial Interior Designer certain permitting privileges for commercial interior instruments of service and related legal rights applicable to design professionals.

Among other provisions, the bill would authorize the board to delegate specified regulatory functions to the technical committee, including conducting hearings to adopt, amend, or repeal regulations pursuant to these provisions, provided that the board takes final action with respect to the adoption, amendment, or repeal of those regulations. The bill would further authorize the technical committee to prescribe continuing education requirements, as specified. The bill would establish requirements for any



stamp used by a Registered Commercial Interior Designer, including requiring inclusion of that designer's name, registration number, and other related information, in a design authorized by the technical committee. The bill would require a Registered Commercial Interior Designer to affix certain identifying information, including their registration expiration date, to the first sheet of contract documents between parties.

The bill would require all commercial interior instruments of service submissions intended for use in this state to be prepared and administered in accordance with standards of reasonable professional skill and diligence. The bill would prohibit any officer, board, commission, or other public entity that receives commercial interior instruments of service submissions from accepting for filing or approval any submissions that require the involvement of a Registered Commercial Interior Designer that do not bear the seal and signature of such a designer. The bill would also require a court clerk, within 10 days after a judgment finding that a Registered Commercial Interior Designer has committed a crime or is liable for death or other specified injuries, to report this information to the board. By imposing new duties on local governmental agencies and officials, the bill would create a state-mandated local program.

The bill would establish certain regulatory fees in unspecified amounts for an application, registration, and renewal thereof under the act, and for related penalties, and would require those fees to not exceed the reasonable regulatory costs of administering, implementing, and enforcing the act. The bill would require all fees collected by the board to be paid into the State Treasury to the credit of the California Architects Board-Registered Commercial Interior Designers Fund, which the bill would create. The bill would authorize moneys in the fund, upon appropriation by the Legislature, to be used to defray the reasonable costs and expenses of the board in carrying out these provisions.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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



AGENDA ITEM M: REVIEW OF FUTURE BOARD MEETING DATES

Summary

A schedule of planned meetings and events for 2024 are provided to the Board.

<u>Date</u>	<u>Event</u>	<u>Location</u>
March 22	LATC Meeting	Teleconference
November 7-8	LATC Meeting/Strategic Planning Session	TBD

AGENDA ITEM N: CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(A)(1) AND (C)(3), THE BOARD WILL MEET IN CLOSED SESSION TO:

1. Approval of December 1, 2023 closed session minutes
2. Deliberate and Vote on Disciplinary Matters