



# architects

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## CHANGES TO THE Continuing Education Reporting Requirement

The continuing education (CE) reporting requirement for California licensees has been streamlined with the passage of Assembly Bill (AB) 1746 (Chapter 240, Statutes of 2010) and the resulting amendments to the Business and Professions Code (sections 5600 and 5600.05).

**B**eginning with the 2013 renewal cycle, licensees will continue to certify completion of CE coursework (within the previous two years) at the time of renewal, but will no longer be required to submit course provider documentation to the Board at that time. Instead, the Board will implement an audit process and begin auditing a sampling of renewals each year to ensure licensee compliance with the CE requirement.

The biennial coursework requirement will not change. Licensees are still required to complete five hours of coursework on disability access requirements, which must include information and practical guidance on the requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework must be presented by trainers or educators with

knowledge and experience background in disability access requirements.

Licensees, with the implementation of the audit process, are required to retain records that document the completion of the required coursework (similar to what they were required to submit before – i.e., course title, subjects covered, name of provider and trainer or educator, date of completion, number of hours completed, and a statement about the trainer's or educator's knowledge and experience background) for two years from the date of license renewal and shall make those records available to the Board for auditing upon request. A licensee who provides false or misleading information to the Board will be subject to an administrative citation or disciplinary action by the Board.

Information regarding the changes to the CE reporting requirement will be available on the Board's website. Any questions regarding the requirement or the upcoming changes can be directed to the Board at 916.574.7220.





## President's Message

BY PASQUAL GUTIERREZ

Board President 2011

The National Council of Architectural Registration Boards' (NCARB) 2012 Practice Analysis of Architecture survey will represent the greatest outreach to architects ever undertaken. The results will be used to shape the foundation of an architect's entry into the profession: the Architect Registration Examination (ARE), and the Intern Development Program (IDP).

The purpose of the study is to identify the tasks and knowledge/skills that are important for recently licensed architects, practicing independently, to safeguard the health, safety, and welfare of the public. The study serves as the primary basis for updating the ARE, much in the same way previous practice analyses influenced the content and organization of ARE 3.0, ARE 3.1, and eventually ARE 4.0. The results and findings of the forthcoming survey will also assist in strengthening the foundation and framework of the IDP and contribute to the 2013 National Architectural Accrediting Board (NAAB) Accreditation Review Conference.

### Goals for the 2012 Practice Analysis are:

- D (Drive the ARE)
- I (Inform the IDP)
- G (Guide education—both NCARB's contribution to the 2012 NAAB Accreditation Review Conference and NCARB's role in continuing education)

NCARB selected PSI Services as the consultant for psychometric services for the 2012 Practice Analysis. After a kick-off meeting between PSI representatives and the Practice Analysis Steering Committee, members of NCARB's IDP, ARE, and continuing education programs, along with the NCARB Board of Directors and collateral organizations, the American Institute of Architects, the American Institute of Architecture Students, the Association of Collegiate Schools of Architecture, and NAAB, participated in workshops to develop survey Job Task and Knowledge statements to provide essential insight into the profession as it exists today. Survey Job Task statements reflect a unit of work with a definite beginning and end, which results in a product or service. Knowledge statements are attached to each Job Task as a companion knowledge base content of a task. Job Task and Knowledge statements were formulated for Pre-Design, Project Management, Design, and Practice Management.

Practice Analysis Survey participants will benefit from the ability to complete the survey in multiple short sessions, enhanced navigation and graphics, and the use of new survey techniques

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## REMINDER: IDP 2.0

The third and final phase of the IDP 2.0 implementation begins at noon (Eastern Daylight Time) on April 3, 2012, and lasts until the morning of April 5, 2012. Candidates will not be able to document their IDP experience in the Electronic Employment Verification Record (e-EVR) system during this final switch-over to the new experience categories and areas and electronic reporting system. Experience submitted on April 5th or later will be subject to the new IDP 2.0 requirements.

The Board highly recommends that candidates enter their experience into the e-EVR by no later than April 1, 2012, to avoid any issues. As a further reminder, IDP experience is considered submitted when it has either a "submitted" or "approved" status in the e-EVR.

For more information, read The Intern's IDP 2.0 Rollover Guide available on the NCARB website.

## CIDP

In light of the numerous improvements to IDP since 2005, including the enhancements being made via the phased implementation of IDP 2.0, the Board voted to discontinue the Comprehensive Intern Development Program (CIDP) requirement. This action will take effect upon codification of a regulatory amendment, which is currently in progress. Check the Board's website ([cab.ca.gov](http://cab.ca.gov)) for details and updates.



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## Reminder: Check Your License Expiration Date

Licensees are reminded to always be aware of their license expiration date. An easy way of calling to mind your expiration date is to remember the following:

- Architect licenses expire in odd-numbered years (i.e., 2013, 2015, 2017, etc.); and
- The expiration date is the last day of the licensee's birth month.

Ensuring that a license is current and renewed on time is critical. Renewal notices are sent to a licensee's address of record approximately 60 days prior to the expiration date. Licensees are required by law to maintain a current address of record on file with the Board. Licensees who do

not receive the renewal notice within 60 days of their license expiration date may renew by mailing a completed renewal application available on the Board's website ([cab.ca.gov](http://cab.ca.gov)) and payment to the Board.

Licensees are also reminded that as a condition of each biennial renewal, they are required to complete five hours of continuing education (CE) coursework on disability access requirements within the previous two years. More information regarding the CE requirement can be found under the "Licensees" section of the Board's website.

The most frequent cause of delay in renewal processing is an incomplete

renewal application (not signing the renewal form, not answering the mandatory questions, or not providing complete or appropriate CE coursework information are some examples). Carefully reviewing your renewal form for completeness and ensuring the appropriate coursework documentation is included prior to mailing will help prevent delays.

Licensees can check the status of their licenses by visiting the Board's website ([cab.ca.gov](http://cab.ca.gov)) and using the license verification tool. A link to the tool is located under the "Quick Hits" menu on the left side of any page of our website.

## President's Message

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such as "matrix sampling." Matrix sampling tailors the number of questions delivered to each survey participant, thereby reducing the amount of time to complete the survey, while still providing coverage of a broad range of content areas across all participants.

The survey results will also be used to inform NCARB's continuing education policies and programs. As the survey's findings serve the profession so extensively, they will be delivered to interns, architects, and educators across the country in April 2012. The 2012 Practice Analysis is also critical because it is the basis from which we will develop our California Supplemental Examination (CSE) Test Plan, which determines the content of the CSE.

The 2012 Practice Analysis of Architecture survey is anticipated to be distributed to more than 80,000 members of the profession due to the inclusion of interns and educators.

No doubt the role of the architect has undergone significant change in the past few years. A change which can only be further accelerated by developing technologies and advancements in methods of design and alternative delivery processes, all of which call upon the profession and how architects do their work to adapt, reinvent, and respond.

## Settlement Arbitration Reporting

**T**he Architects Practice Act, and more specifically Business and Professions Code section 5588, requires licensees and their professional liability insurers to report any settlement, judgment, or arbitration award in the amount of \$5,000 or greater to the Board within 30 days. A licensee who complies with this requirement does not violate a confidential settlement or other confidential agreement by providing a report to the Board. Failure, by a licensee, to provide a report may result in civil penalties of up to \$20,000. The Act further requires licensees to promptly respond to all inquiries from the Board concerning any reportable events.

The Board has a form available to report any settlements and arbitration awards that can be downloaded from its website ([cab.ca.gov](http://cab.ca.gov)) under Forms/Publications.

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## Business Entity Reporting

**T**he Architects Practice Act, specifically Business and Professions Code section 5558, requires licensees in California to file with the California Architects Board their current mailing address, which is also known as the address of record. The Act requires such notification to be made immediately. An architect must provide the proper and current name(s) and address(s) of any business entity through which they provide architectural services. Architects can comply with the requirement by completing a Business Entity Report Form (BERF), and mailing, faxing or emailing it to the Board. Failure to file a BERF is a violation of the Act and may result in a fine of up to \$1,000. The information in the BERF is cross-referenced with the architect's license information. This provides the public and the Board with a means to determine if a business providing architectural services does in fact have an architect in responsible control of the services being offered. Should the Board receive an inquiry or complaint alleging that a business entity is providing architectural services without a licensee, then the Board can verify whether the firm has an architect on record. The use of this tool results in the Board opening fewer complaints related to unlicensed practice.

If you have changed the business entity through which you provide architectural services or have not filed a BERF, then please complete one and send it to the Board. The BERF can be found on the Board's website ([cab.ca.gov](http://cab.ca.gov)) under Forms/Publications.



# Enforcement Actions

The California Architects Board is responsible for receiving and investigating complaints against licensees and unlicensed persons. The Board also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Included below is a brief description of recent enforcement actions taken by the Board against individuals who were found to be in violation of the Architects Practice Act.

Every effort is made to ensure the following information is correct. Before making any decision based upon this information, you should contact the Board. Further information on specific violations may also be obtained by contacting the Board's Enforcement Unit at 916.575.7208.

## ADMINISTRATIVE ACTIONS

**SCOTT A. SPENCER** (La Jolla) A Statement of Issues was filed against Scott A. Spencer after he appealed the Board's denial of his application for licensure. Spencer was initially issued architect license number C-12989 on June 14, 1982. The license expired on May 31, 1987, and was not renewed. The denial was based on evidence that while his license was expired, Spencer prepared a set of plans in 2000 for a project in La Jolla. The plans bore a stamp that read "Licensed Architect," "Scott A. Spencer," "No. C 12989," the legend "State of California," and his signature. Spencer prepared a contract, letterhead and business cards using the terms "architect" and "architectural." On April 2, 2004, the Board issued a citation, which charged Spencer with violating Business and Professions Code (BPC) section 5536(a) and (b) (Practice Without License or Holding Self Out as Architect) ordering him to cease and desist from violating these sections and imposed civil penalties against him totaling \$2,500, which he paid on May 10, 2004.

On or about August 10, 2004, Spencer entered into a written contract to design and provide construction documents for a single family residence located in Del Mar. On or about November 10, 2008, Spencer prepared plans for the residence with a title block stating "Scott A. Spencer & Associates Architecture

Planning." On or about January 29, 2009, Spencer appeared before a Project Review Committee Meeting of the Torrey Pines Community Planning Group in Del Mar to present and describe the project for the residence in order to obtain its approval for the residence to be built. At the meeting, Spencer identified, represented, and held himself out as an architect.

A Stipulated Settlement and Disciplinary Order was negotiated and adopted by the Board on December 7, 2011 and became effective on December 12, 2011. The terms and conditions of the Stipulation included the issuance of architect license number C-33340, which was immediately revoked, the revocation stayed, and Spencer was placed on five years' probation commencing from the date the license was issued. Other terms and conditions included reimbursing the Board \$3,350 for its investigative and prosecution costs and successfully completing an ethics course approved by the Board.

**RYUJI TSUYUKI** (Los Angeles) Effective October 20, 2011, Ryuji Tsuyuki's architect license, number C-18519, was revoked. The action was the result of a Default Decision and Order, which was adopted by the Board.

An Accusation was filed against Tsuyuki for violations of BPC section 5584 (Willful Misconduct) and California Code of Regulations (CCR) sections 150 (Willful Misconduct) and 160(b)(2) (Unprofessional

Conduct). The Accusation alleged that Tsuyuki was hired to prepare architectural drawings to enlarge a kitchen and a room above a garage for a residence. Tsuyuki was paid \$15,000; however, he failed to complete the drawings and submit them to the city planning authority over the course of two years and he failed to return telephone calls or respond to emails from the homeowners. Tsuyuki also failed to respond to the Board's requests for information in conjunction with its investigation of the homeowners' complaint, within 30 days of its written request.

## CITATIONS

**VICKY LEONOR BARBIERI** (Glendale) The Board issued a two-count citation that included a \$1,000 civil penalty to Vicky Leonor Barbieri, architect license number C-12380, for alleged violations of BPC section 5536.22(a)(3) and (5) (Written Contract). The action alleged that Barbieri failed to include her license number on the written contract and a description of the procedure to be used by either party to terminate the contract. She also failed to execute a written contract or modify the existing contract when providing professional services. Barbieri paid the civil penalty, satisfying the citation. The citation became final on October 25, 2011.

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# Enforcement Actions

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**BENNY CHANG** (West Hollywood) The Board issued a one-count administrative citation that included a \$2,000 civil penalty to Benny Chang of BCG Studios, LLC, an unlicensed individual, for an alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Chang's company's website, [www.bcgstudios.com](http://www.bcgstudios.com), stated that the company's work encompasses "architectural" design. The citation became final on November 15, 2011.

**CLIVE ANTHONY DAWSON** (Malibu) The Board issued a one-count administrative citation that included a \$500 civil penalty to Clive Anthony Dawson, architect license number C-12309, for alleged violations of BPC section 5536.22(a) (Written Contract). The action alleged that Dawson failed to include in the written contract a description of services to be provided by the architect to the client; license number of the architect; a description of the procedure that the architect and the client will use to accommodate additional services; and a description of the procedure to be used by either party to terminate the contract. Dawson also failed to modify or prepare a new contract to define the new scope of services. Dawson paid the civil penalty, satisfying the citation. The citation became final on November 29, 2011.

**PHILLIP R. FELIX** (Newport Beach) The Board issued a four-count administrative citation that included a \$2,000 civil penalty to Phillip R. Felix, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Felix's firm, "Lewis-Felix, Inc., Architects & Planners," signed agreements, which included fees for "architectural & engineering," and prepared plans for four projects. Felix's title block on the plans showed his firm name, which included the

term "Architects." Also, Felix offered to design a commercial building, which is not a building described in BPC section 5537(a) as an exempt project type. The citation became final on January 12, 2012.

**JAY WENDELL JOHNSON** (La Canada) The Board issued a two-count administrative citation that included a \$2,000 civil penalty to Jay Wendell Johnson, architect license number C-13239, for alleged violations of CCR section 160(b)(2) (Willful Misconduct) and BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Johnson's architect license expired on January 31, 2011 and was not renewed. The Board sent two letters to Johnson's address of record requesting that he respond to allegations of unlicensed practice. Johnson failed to respond to the Board's requests for information regarding its investigation of alleged unlicensed practice. On or about September 27, 2011, the Internet revealed that Johnson had a website located at "[www.jayjohnsonaia.com](http://www.jayjohnsonaia.com)." The website stated in part "He specializes in second floor addition projects where the architecture is seamless...." It also states "Each estate is custom designed then crafted with finest architectural details, materials and workmanship." The citation became final on November 1, 2011.

**GARY RIDLEY** (Shingle Springs) The Board issued a one-count administrative citation that included a \$1,500 civil penalty to Gary Ridley, an unlicensed individual, for an alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Ridley advertised/offered drafting and Title 24 services on the website, [www.sacramento.craigslist.org](http://www.sacramento.craigslist.org). The advertisement included the keyword term "Architect." The citation became final on September 6, 2011.

**JENNIFER SIEGAL** (Venice) The Board issued a four-count administrative citation that included a \$6,000 civil penalty to Jennifer Siegal, an unlicensed individual, for alleged violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Unauthorized Practice). The action alleged that Siegal stated that she has been doing "architecture work" since about 1994. Siegal identified herself as an architect during a lecture and on an Internet commercial, she described her business as "My Architecture is all about green materials, new technologies and harmonious spaces." Siegal sent invoices to her client for an "Architectural Design Retainer" and "Architectural Design Services." Siegal offered and prepared drawings for a two-story, steel framed, modular residence, which is not a building described in BPC section 5537(a) as an exempt project type. The citation became final on January 23, 2012.

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