# California Architects Board

## Regulatory & Enforcement Committee Meeting

November 5, 2015
Sacramento, California

Edmund G. Brown Jr.
GOVERNOR

# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

## NOTICE OF MEETING

## REGULATORY AND ENFORCEMENT COMMITTEE

**November 5, 2015**
**1:00 p.m. to 4:00 p.m.**
**(or until completion of business)**
**Department of Consumer Affairs**
**1747 North Market Boulevard**
**Hearing Room (Room 186)**
**Sacramento, CA 95834**
**(916) 574-7220**

The California Architects Board (Board) will hold a Regulatory and Enforcement Committee (REC) meeting, as noted above, and via teleconference at the following location:

Robert De Pietro
Frank De Pietro and Sons
825 Colorado Boulevard, Suite 114
Los Angeles, CA 90041

The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website: cab.ca.gov. For further information regarding this agenda, please see reverse or you may contact Kristin Walker at (916) 575-7203.

## AGENDA

A. Call to Order

B. Public Comment on Items Not on Agenda
*(The REC may not discuss or take any action 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)].)*

C. Review and Approve April 29, 2015 REC Meeting Summary Report

D. Enforcement Program Update

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Suite 105
Sacramento,
CA 95834

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cab@dca.ca.gov
www.cab.ca.gov

*(Continued on Reverse)*

E. Discuss and Possible Action on 2015-2016 Strategic Plan Objective to Monitor National Council of Architectural Registration Boards Action on Title for Interns to Ensure Appropriate Consumer Protection

F. Discuss and Possible Action on 2015-2016 Strategic Plan Objective to Review the Board's Occupational Analysis of the Architect Profession to Identify Marketplace Trends That Impact Consumer Protection

G. Discuss and Possible Action on 2015-2016 Strategic Plan Objective to Pursue Recruitment of an Additional Architect Consultant to Ensure Continuity and Effectiveness in the Board's Enforcement Program

H. Discuss and Possible Action on 2015-2016 Strategic Plan Objective to Modify and Expand Reports to Board Members Regarding Enforcement Activities to Identify the Most Common Violations and Disciplinary Actions

I. Discuss and Possible Action on 2015-2016 Strategic Plan Objective to Pursue Methods to Obtain Multiple Collection Mechanisms to Secure Unpaid Citation Penalties

J. Adjournment

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

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

*The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Ms. Walker at (916) 575-7203, emailing kristin.walker@dca.ca.gov, or sending a written request to the Board. Providing your request at least five 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)*

## CALL TO ORDER

Roll is called by the Regulatory and Enforcement Committee (REC) Vice Chair, or in his/her absence, by a member designated by the REC Chair.

COMMITTEE MEMBER ROSTER

Matthew McGuinness, Chair

Barry Williams, Vice Chair

Fred Cullum

Robert De Pietro

Robert Ho

Gary McGavin

Michael Merino

Sheran Voigt

## PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Members of the public may address the Regulatory and Enforcement Committee (REC) at this time. The REC Chair may allow public participation during other agenda items at his/her discretion.

## REVIEW AND APPROVE APRIL 29, 2015 REC MEETING SUMMARY REPORT

The Regulatory and Enforcement Committee (REC) is asked to review and approve the April 29, 2015 REC Meeting Summary Report.

Attachment:
April 29, 2015 REC Meeting Summary Report

CALIFORNIA ARCHITECTS BOARD
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

# SUMMARY REPORT

# REGULATORY AND ENFORCEMENT COMMITTEE

**April 29, 2015**

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

Committee Members Present

Matthew McGuinness, Chair
Barry L. Williams, Vice Chair
Robert De Pietro
Robert Ho
Gary McGavin (via teleconference in Pomona, CA)

Committee Members Absent

Fred Cullum
Michael Merino
Sheran Voigt

Board Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Justin Sotelo, Program Manager, Administration/Enforcement
Bob Carter, Architect Consultant
Barry N. Williams, Architect Consultant
Peter Merdinger, Enforcement Analyst
Sonja Ruffin, Enforcement Analyst
Kristin Walker, Enforcement Analyst
Lily Low, Enforcement Technician
Cecilia Sharp, Enforcement Technician

Guests

Kurt Cooknick, Director of Regulation and Practice, The American Institue of Architects, California Council (AIACC)
Hattie Johnson, Retired Annuitant, Landscape Architects Technical Committee (LATC)

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## A. Welcome and Introductions

Regulatory and Enforcement Committee (REC) Chair Matthew McGuinness introduced himself and called the meeting to order at 10:00 a.m. Mr. McGuinness welcomed everyone and requested self-introductions. Committee members, Board staff, and guests introduced themselves.

Gary McGavin announced he was unable to attend the meeting in Sacramento, and thanked Mr. McGuinness for allowing him to participate remotely via teleconference.

## B. Roll Call

Vice Chair Barry L. Williams called the roll. Mr. Williams indicated Fred Cullum, Michael Merino, and Sheran Voigt were absent. A quorum was present.

## C. Public Comments

Mr. McGuinness opened the floor for public comments. Kurt Cooknick reported AIACC has received complaints from its members and chapter executives regarding the quality of the continuing education courses being provided to architects. Mr. Cooknick indicated many courses are advertised as meeting the content requirements found in Business and Professions Code section (BPC) 5600.05(a)(3), but upon further review, do not appear to comply with the statute. Mr. Cooknick requested that an agenda item regarding continuing education (CE) courses be added to the next REC meeting, or a future Professional Qualifications Committee (PQC) meeting, if appropriate. Mr. Cooknick also indicated he would mention the issue at the next PQC meeting.

Mr. McGuinness asked how to ensure Mr. Cooknick's concerns are addressed at an upcoming REC meeting. Doug McCauley responded that the Board normally discusses possible agenda items during its Strategic Planning session. Mr. McGuinness informed Mr. Cooknick that the REC will take his request into consideration.

## D. Review and Approve April 24, 2014 REC Summary Report

Mr. McGuinness asked if there were any questions, comments, or changes to the April 24, 2014 REC Summary Report. There were none.

***A motion was made by Robert De Pietro and seconded by Robert Ho to approve the April 24, 2014 REC Summary Report. Members De Pietro, Ho, McGavin, McGuinness, and Williams voted in favor of the motion. Members Cullum, Merino, and Voigt were absent. The motion passed 5-0.***

## E. Enforcement Program Update

Justin Sotelo presented the Enforcement Program Update and highlighted items of interest to the REC that have occurred since its last meeting on April 24, 2014, including: 1) new Board member appointments; 2) the Board's pursuit of a negative Budget Change

Proposal; 3) the status of BreEZe, the Department of Consumer Affairs' (DCA) web-enabled program that supports applicant tracking, licensing, enforcement, and management capabilities; 4) CE audits and actions taken for noncompliance; and 5) a report on the architect consultants' appearance at the 2015 Annual Business Meeting of California Building Officials. He noted the Board's 2015-2016 Strategic Plan contains seven objectives assigned to the REC, four of which are included as Agenda Items F through I, and the remaining three objectives are addressed briefly in the Enforcement Program Update and will be addressed in more detail at a future REC meeting.

Mr. Sotelo informed the REC that it was suggested to consider long-term succession planning for the Board's architect consultants at the Board's Strategic Planning session in December 2014, and as a result, an objective was included in the Board's 2015-2016 Strategic Plan to pursue the recruitment of an additional architect consultant to ensure continuity and effectiveness in the Board's Enforcement Program. Mr. Sotelo explained the Board currently contracts with two architect consultants through the formal request for proposal process, and those contracts expire in June 2016 and January 2017. He advised that Senate Bill (SB) 541 (Price) (Chapter 339, Statutes of 2011) established BPC 40, which streamlined the process for the boards and bureaus within DCA to contract with expert consultants. He stated DCA delegates its authority to boards and bureaus to contract with subject matter experts for examination development purposes and enforcement-related matters. Mr. Sotelo reported Board staff is currently reviewing these types of contracts, and will present an update to the REC at its next meeting.

Mr. Sotelo reported that the Board's 2015-2016 Strategic Plan contained an objective assigned to the REC to monitor AIACC legislation requiring the architect of record to perform mandatory construction observation to promote consumer protection. He indicated it is the Board's understanding that this legislation will not be pursued until 2016, and Mr. Cooknick responded affirmatively. Mr. McGavin stated that he has seen more design-build projects where the architects provide schematic design services and then turn the projects over to contractors to obtain the permits and proceed with construction without their involvement at all, and asked if this legislation would conflict with that practice. Mr. Cooknick replied that the architect would not be providing construction inspection, but instead, would review the access components after the project is finalized for comparison to the approved set of plans, and provide a list of deficiencies and deviations to the owner. Mr. Cooknick stated AIACC is looking to ensure, with respect to the access components only, that the architect is given the opportunity to verify what he or she designed was actually constructed.

Robert De Pietro asked why the proposed mandatory construction observation would not apply to the entire project, as the architect will be also be held liable for any deficiencies in other parts of the building. He opined that access components have taken a considerable amount of an architect's attention, and noted the CE requirement for architects is concentrated solely on disability access requirements. Mr. Cooknick replied that a more comprehensive requirement is not feasible at this time.

Bob Carter stated in previous conversations regarding this proposed legislation, the issue was determining if this construction observation could be mandatory, or if would be

optional. Mr. Carter also asked if the architect could obtain a letter from the owner acknowledging that the architect is not responsible for any deviations from the approved set of plans if the owner waived the inspection. Mr. Cooknick responded that trial attorneys have indicated that such hold harmless indemnifications would be considered invalid. Mr. Carter stated the property owner has the right to restrict access to his or her property from the architect, civil engineer, or anyone else. Mr. Cooknick stated the architect would be able to draft a letter to the owner acknowledging that the service has been refused, and the letter would provide judicial guidance. Mr. McGuinness reiterated that the proposed legislation will be discussed at a later time, and suggested the REC move on to other items.

Mr. McCauley summarized the Sunset Review process, and noted this was the fourth time the Board went through the process. He stated the Board submitted its Sunset Review Report to the Legislature on October 31, 2014, and the Board's Sunset Review hearing was conducted on March 18, 2015 in a joint session with the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions, and Economic Development. Mr. McCauley stated that only two questions were asked, and they were regarding the process for determining content for the California Supplemental Examination (CSE), and possible causes for the noncompliance rate on continuing education audits. He informed the REC that the Board's responses were satisfactory, and Assembly Bill 177 (Bonilla) [Authority: Extension], the bill to extend the Board's Sunset date for the Board and LATC, was approved by the Assembly on its consent calendar, and is moving forward.

Mr. McGuinness noted the noncompliance rate with the CE requirement was approximately 15% and inquired about the noncompliance rates for other DCA boards and bureaus. Mr. McCauley responded that staff would need to research those rates. Vickie Mayer stated the rate is comparable to other boards. Mr. Cooknick asked if there was a breakdown between those who understood the CE requirement and failed to comply, versus those who are located out-of-state and may not be familiar with the requirement. He stated that he had spoken with some people who were unclear on the requirement, including a licensee from Texas who had overlooked the requirement. Ms. Mayer responded that the Board's computer system does not separately track enforcement actions taken against in-state and out-of-state licensees. She advised the REC that the information regarding the coursework requirement is included with the license renewal application, available on the Board's website, and was featured in the Board's newsletters. Ms. Mayer also noted that the coursework requirement has been in effect for three renewal cycles.

Mr. Sotelo reminded the REC that the Board approved its recommendation, and proposed language, to add: 1) a description of the project and address; and 2) a procedure to accommodate contract changes, to the written contract requirements at the June 12, 2014 Board meeting. Mr. Sotelo announced that the Board will pursue legislation in 2016 to amend BPC 5536.22 to include the proposed additional written contract provisions per the Strategic Plan objective.

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**F. Discuss and Possible Action on Strategic Plan Objective to Review the Board's Occupational Analysis of the Architect Profession to Identify Marketplace Trends That Impact Consumer Protection**

Mr. Sotelo presented this agenda item. He stated the Board conducted its Occupational Analysis (OA) of the CSE in 2014, and noted the OA process is conducted every five to seven years as required by BPC 139 to assess current architectural practice in California and develop a new and updated test plan to drive the content on the CSE. Mr. Sotelo indicated the Board conducted its last OA in 2007. Mr. Sotelo stated the OA process also includes a review of the Architect Registration Examination (ARE) and a linkage study. Mr. Sotelo stated the ARE review has been completed and the linkage study should be completed within the next few months. Mr. Sotelo also stated the Board will have an updated CSE test plan at the conclusion of the OA process.

Mr. Sotelo indicated the Board, at its Strategic Planning session in December 2014, added an objective to the 2015-2016 Strategic Plan to review the OA and identify marketplace trends that impact consumer protection. Mr. Sotelo stated the objective is a work in progress, but Board staff suggested the REC consider delegating the review of the Board's OA to a working group. Mr. Sotelo indicated Board staff will consult with the facilitator from the Office of Professional Examination Services (OPES) regarding the best approach to address this objective, and the architect consultants and staff will assist the working group in reviewing and analyzing the OA based upon the input received from OPES. Mr. Sotelo asked if there were any questions or comments.

Mr. McGavin volunteered to serve on the working group, and stated this type of task is one of his specialties. Mr. McGuinness thanked Mr. McGavin, and suggested the working group also include a current Board member. Mr. McGuinness requested that Mr. B. L. Williams consider serving as a member of the working group, and he accepted.

***A motion was made by Robert Ho and seconded by Robert De Pietro to appoint Gary McGavin and Barry L. Williams to a working group to review the Board's Occupational Analysis of the Architect Profession and identify marketplace trends that impact consumer protection. Members De Pietro, Ho, McGavin, McGuinness, and Williams voted in favor of the motion. Members Cullum, Merino, and Voigt were absent. The motion passed 5-0.***

Mr. B. L. Williams inquired about the potential timeframe for reviewing the OA with the working group. Mr. McCauley replied it was dependent upon the availability of the facilitator from OPES, but with the next REC meeting planned for the fall, the working group would likely examine the OA in July or August.

**G. Discuss and Possible Action on Strategic Plan Objective to Modify and Expand Reports to Board Members Regarding Enforcement Activities to Identify the Most Common Violations and Disciplinary Actions**

Mr. Sotelo presented this agenda item. Mr. Sotelo stated the Board, during its Strategic Planning session in December 2014, identified an objective to modify and expand the

reports to Board members regarding enforcement activities to identify the most common violations and disciplinary actions. Mr. Sotelo added Board staff has internally assessed its current reports, past reports, as well as reports used by other DCA boards and bureaus. Mr. Sotelo indicated Board staff is requesting the REC's feedback on the report content and format, and will present different models to the REC for its consideration at its next meeting.

Mr. McCauley stated there are a number of factors he would like to see captured in the new reports, including caseload and, more importantly, case aging. Mr. McCauley recalled the past problems that other boards experienced with backlogs and case aging, and stated case aging is possibly the primary factor to consider as it captures how long it takes the Board to address consumers' concerns. Mr. McCauley indicated there are multiple ways to portray that information, not just quantitatively as it appears in the current Monthly Report distributed to Board members. Mr. McCauley directed the REC to multiple examples of qualitative and quantitative data from previous Board packets and meeting packets for the Contractors State License Board (CSLB) and the Board for Professional Engineers, Land Surveyors, and Geologists. Mr. McCauley stated Board staff would like to develop a new report model that includes case aging, caseload, and the statistics from the current monthly report.

Mr. De Pietro stated CSLB has a goal of closing consumer complaints within 270 days of receipt, but noted case aging depends on the complexity of the case. Mr. McCauley agreed and indicated 270 days is also the Board's goal and a common goal for many other boards and bureaus within DCA. Mr. McCauley stated some cases are simple and may be closed in under 30 days, while other cases involving multiple parties may take much longer.

Mr. McGuinness stated at its Strategic Planning session, it was important for the Board to understand what individuals were being charged with, and requested Board staff consider ways to condense that information and include it in the new report format.
Mr. McCauley stated the information was included in the Board's Sunset Review Report, and indicated Board staff would break it down and quantify it. Mr. De Pietro opined that the most common violations may be the most important information, as it will identify the problems that need to be addressed.

Mr. McGuinness asked if any of the REC members would like to make a motion.
Mr. McCauley replied a motion was not necessary at this point, as Board staff was only seeking feedback to develop a new report format to present to the REC at its next meeting.

**H. <u>Discuss and Possible Action on Strategic Plan Objective to Pursue Methods to Obtain Multiple Collection Mechanisms to Secure Unpaid Citation Penalties</u>**

Mr. McCauley presented this agenda item. He noted the Board has collected approximately 62% of the administrative fines it assessed during the past three fiscal years, and although it is higher than many boards, the Board strives to continually improve its citation collection methods. Mr. McCauley stated the telephone disconnect

program is a possible tool, and noted it previously applied only to landline telephones and advertisements appearing in the Yellow Pages, but has now been modernized to include all advertisements and extends the disconnect program to cell phones. He added this program may act as a deterrent and encourage payment.

Mr. McCauley stated the Board previously pursued a contract with a collection agency; however, the agency needed the individuals' social security numbers (SSNs) to effectively collect the outstanding fines. He noted CSLB is currently pursuing the authority to collect SSNs, but it is a controversial issue due to privacy and data security concerns. He informed the REC that the Board presented the idea of obtaining the authority to release SSNs to collection agencies to the Legislature in its Sunset Review Report, but was cautioned to weigh the privacy issues associated with the release of the information. Mr. McCauley stated the Board will continue to explore other options, including "license leveraging" through other DCA boards and bureaus, and strengthening the Board's written communications to have a strong effect on the recipients of the letters.

Mr. McGuinness asked if the Board is able to crosscheck with the Department of Motor Vehicles. Mr. McCauley acknowledged it has been discussed although the legislative odds of accomplishing it are minimal, but indicated Board staff will conduct further research. Mr. McGuinness asked if the money collected from administrative fines goes into the Board's budget. Mr. McCauley replied it does, but while the administrative fines are intended to be punitive, the fines are not designed to fund an enforcement program, and it would be inappropriate to do so. Mr. De Pietro asked if there were problems with some people who cannot afford to pay the fines in full, and noted the meeting packet includes information regarding payment plans. Mr. McCauley replied that payment plans may increase the amount of fines collected. Mr. De Pietro suggested adding a payment plan option to the collection letters distributed to those who have not paid their citations. Mr. McCauley replied that Board staff will review all of the collection letters. Hattie Johnson clarified that payment plans are provided for citations and disciplinary actions upon request.

Mr. Cooknick asked if the Employment Development Department has a mechanism to send a letter to an employer and garnish wages for failure to pay the administrative fines, and if the failure to pay the fine was a criminal act. Mr. Cooknick further stated he does not support using Board resources, and more specifically, licensees' fees, to chase fines the Board may never recover, and questioned the current amount of outstanding citation fines owed to the Board. Mr. McGuinness and Ms. Mayer responded with estimates of over $50,000.

Mr. Cooknick inquired about the process after the Board issues a citation, and asked if the individuals ever appear before the Board. Mr. McCauley replied that they do not appear before the Board unless they requested an "informal conference" per the Architects Practice Act. Mr. McCauley stated the citation is issued based upon the evidence collected during the investigation. Mr. Carter clarified that after the citation is served upon the individual, he or she has the right to appeal to an informal conference and/or formal hearing before an administrative law judge (ALJ). Mr. Carter stated the

Board staff makes the determination during the investigation to issue a citation with an administrative fine. Mr. Carter stated an individual has the opportunity to appear before the Executive Officer in an informal conference to present any additional information or evidence for consideration, and the citation may be upheld, modified, or dismissed. He further stated if the respondent asks for a formal hearing, the case is forwarded to a Deputy Attorney General to represent the Board before an ALJ, who will render a proposed decision for the Board to either adopt or non-adopt.

Mr. Cooknick stated there has to be some way to obtain leverage after someone has failed to pay the fine, but he does not understand why the Board spends licensees' money chasing these fines. Mr. McGuinness replied the Board needs to pursue the citation fines in order to take punitive action against the respondents. Mr. Carter noted the legitimate bad actors simply do not care and view these citations as a cost of doing business. Ms. Mayer stated unlicensed activity could also be pursued through criminal action, but noted that many district attorneys are unwilling to prosecute those cases.

Mr. B. L. Williams questioned how many of these individuals hold other occupational licenses, and asked if the Board is able to form a reciprocal agreement with the other DCA boards and bureaus. Mr. McCauley stated this option may be feasible after the implementation of BreEZe. He also agreed that at some point, the Board is chasing money that will never be paid. Mr. McCauley reported that he contacted the DCA Executive Office and asked if they would be willing to create a collections department to be used by all DCA boards and bureaus, as it would prevent the concerns regarding the release of SSNs. Mr. McGuinness questioned if the Board decides to write off the unpaid citations at some point. Ms. Mayer responded the citation is disclosed to the public for five years, but noted it is not about the money, but the principle of requiring these individuals to comply with their citations as a consumer protection agency. Mr. McCauley thanked the REC for its input, and indicated staff will further explore these options and present an update at the next meeting.

**I. <u>Update and Possible Action on Strategic Plan Objective to Monitor National Council of Architectural Registration Boards Action on Title for Interns to Ensure Appropriate Consumer Protection</u>**

Mr. McCauley presented this agenda item. He advised the topic of intern titling was one of the main issues discussed at AIACC's Academy for Emerging Professionals meeting on January 23, 2015. Mr. McCauley noted the REC meeting packet contains a letter from AIACC to Board President Jon Baker, which outlines the AIACC's request that the Board consider amending the Architects Practice Act to allow individuals currently pursuing licensure to use the title "architectural intern."

Mr. McCauley stated the goal of AIACC's request is to provide recognition to individuals who are currently involved in the licensure process. Mr. McCauley stated the proposal includes a time limit for the use of the title "architectural intern," as well as a restriction on using the title to pursue work in the exempt area of practice. Mr. McCauley explained that a Future Title Task Force (FTTF) was formed by the National Council of Architectural Registration Boards (NCARB) to examine the titles used throughout the

duration of an architect's career, from education through retirement. He advised the FTTF completed its initial recommendations and presented them for consideration at the NCARB Board of Directors meeting on April 23-25, 2015. Mr. McCauley stated at this point, NCARB has not released anything regarding the FTTF's conclusions. Mr. McCauley suggested the REC review the work completed by the FTTF so it can give full and appropriate consideration to AIACC's proposal. Mr. McCauley asked Mr. Cooknick to provide additional commentary regarding AIACC's proposal.

Mr. Cooknick stated in addition to the proposed restrictions mentioned by Mr. McCauley, individuals using the title "architectural intern" would need to demonstrate that they are on the path to licensure by creating an NCARB record and obtaining eligibility for the ARE. He noted the final criteria for using the title has not been determined, but individuals will not be permitted to use the title just because they hope to become licensed one day. Mr. Cooknick stated those using the title would ideally be on track to complete the licensure process within five years, but cautioned that the proposal may create additional enforcement activity due to misuse of the title, or using the title beyond the proposed five-year period.

Mr. McGuinness questioned if AIACC's proposal is a result of the length of time it takes to become a licensed architect, and if it seeks to create a secondary title due to need for a status on the path to licensure, as that was his interpretation. Mr. Cooknick responded it is to provide recognition for people who are positioned to become licensed and benefit from differentiating themselves from others. Mr. Cooknick stated there are employees in firms with a tremendous amount of responsibility who cannot use titles besides project manager and job captain, and are looking for recognition for being on the path to licensure. Mr. Cooknick reiterated the proposal is about recognition, not the amount of time it takes to become licensed.

Mr. B. L. Williams opined the title "architectural intern" would be beneficial to graduates who enter architectural firms and would encourage them to pursue licensure. Robert Ho questioned if the proposal was an effort to elevate the architectural profession by aligning it with the medical field, but noted the title "architectural intern" may pose an enforcement problem. Mr. B. L. Williams asked if the individuals using the title would be working under a licensed architect. Mr. Cooknick responded affirmatively. Mr. Ho asked if the individuals were required to be participating in NCARB's Intern Development Program. Mr. Cooknick indicated there would be exceptions, such as unemployed interns. Mr. De Pietro questioned what would happen in an instance where an intern was not working for an architect due to the economic downturn, and asked if the timeframe would start over. Mr. Cooknick responded that the five-year period keeps running. Mr. De Pietro stated those individuals would be at a disadvantage due to the economy.

Mr. Carter stated the management and enforcement aspects of the title had not been addressed, and questioned what would prevent these individuals who offer work on the outside from using the title "architectural intern." Mr. Carter stated a percentage of firms may internally misuse the titles "project architect" and "architectural designer" to address image issues, but problems will occur when those individuals try to use the title

"architectural intern" to sell their abilities directly to consumers. Mr. Cooknick noted this type of conduct is already occurring. Mr. Carter stated based on this conduct, the Board should not allow the title "architectural intern." Mr. Cooknick asked about the percentage of enforcement actions for unlicensed practice that are issued to individuals on the path to licensure. Mr. Carter estimated approximately 20% of enforcement actions are against candidates. Mr. Cooknick asked if candidates had more to lose. Mr. Carter replied that candidates must satisfy their citations prior to licensure. Barry N. Williams opined that the title "architectural intern" is confusing to the consumer. Mr. Carter commented that upon receipt of a complaint, the Board would need to ask the consumer if the unlicensed "architectural intern" was working as a member of an architectural firm or independently. Mr. Carter opined that the profession needs to avoid being in the business of titles, and noted BPC 5536(a) specifically prohibits unlicensed individuals from putting out any device that might indicate he or she is an architect or qualified to engage in the practice of architecture, including the title "architectural designer."

Mr. B. N. Williams stated the Board's goal is to protect consumers, and opined the Board would not be protecting consumers by permitting this title. Mr. De Pietro questioned if the title "architectural intern" was driven by NCARB's recommendation or a specific need for the title in California. Mr. Carter replied that it came from AIACC's Academy for Emerging Professionals. Mr. De Pietro noted NCARB is recommending the title in its current *Legislative Guidelines and Model Law*. Mr. McCauley replied at this point, NCARB is not an advocate for this title, but its position may change depending on the outcome of the FTTF. Mr. McCauley stated the title would ultimately become an enforcement issue, but noted there is a philosophical component to provide recognition for those on the path to licensure. Mr. McCauley also stated the title may be a disincentive as the current lack of a title may be a motivator to obtain a license.
Mr. McGuinness stated the title "architectural intern" weakens the term "architect" because interns do not have the same legal responsibilities of licensees, but are able to use the title, and does not see how it benefits the public. Mr. De Pietro commented if there is not a problem with the current statute, then why try to change it.
Mr. B. L. Williams replied the proposed title is to provide acknowledgement.
Mr. McGuinness questioned why these individuals could not just say they are on the path to licensure. Mr. Ho noted he appreciates the intent to give recognition to these individuals and parallel the medical profession, but opined the Board should not pursue it further. Mr. B. L. Williams replied that from the eyes of the consumer, he agrees with Mr. Ho's opinion.

***A motion was made by Robert Ho and seconded by Barry L. Williams to recommend to the Board that it should not further consider the title "architectural intern." Members De Pietro, Ho, McGavin, McGuinness, and Williams voted in favor of the motion. Members Cullum, Merino, and Voigt were absent. The motion passed 5-0.***

## J. Adjournment

The meeting adjourned at 12:08 p.m.

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**ENFORCEMENT PROGRAM UPDATE**

Attached is the Enforcement Program Update. The report is a synopsis of Board and Enforcement Unit activities and projects of interest to the Regulatory and Enforcement Committee.

Also included in this item is an overview of Citations Issued and Final from April 16, 2015 through September 30, 2015.

Attachments:
1. Enforcement Program Update, April 2015 through September 2015
2. Citations Issued and Final, April 16, 2015 through September 30, 2015

**ENFORCEMENT PROGRAM UPDATE**
April 2015 through September 2015

## Architect Consultants

Building Official Contact Program:
Between April 2015 and September 2015, the architect consultants responded to a total of 26 telephone and/or email contacts from building officials. These types of contacts generally include discussions regarding the Board's policies and interpretations of the Architects Practice Act, stamp and signature requirements, and scope of architectural practice.

Education/Information Program:
The architect consultants are the primary sources for responses to technical and/or practice related questions from the public and licensees. Between April 2015 and September 2015, there were a total of 145 telephone and/or email contacts requesting information, advice and/or direction. Licensees accounted for 60 of the contacts and included inquiries regarding written contract requirements, out-of-state licensees seeking to do business in California, scope of practice relative to engineering disciplines, and questions about stamp and signature requirements.

Outreach:
On June 11, 2015, Board architect consultant, Bob Carter, presented "Staying Out of Hot Water" to eight members of The American Institute of Architects, San Diego Chapter. Topics of discussion included: common issues leading to complaints; the importance of written design contracts; and business entities used by architects. The presentation also covered the following issues of professional conduct: competence; conflicts of interest; copyright infringement; informed consent; and willful misconduct.

## Board Meetings

Since April 2015, the Board met on June 10, 2015 in San Diego and September 10, 2015 in San Francisco. The next Board meeting is scheduled for December 10, 2015 in Sacramento.

## BreEZe

The Department of Consumer Affairs (DCA) has been working with Accenture, LLP to design, configure, and implement an integrated, enterprise-wide enforcement case management and licensing system called BreEZe. This system supports DCA's highest priority initiatives of job creation and consumer protection by replacing aging legacy business systems with an industry-proven software solution that utilizes current technologies to facilitate increased efficiencies for DCA board and bureau licensing and enforcement programs. More specifically, BreEZe supports applicant tracking, licensing, license renewal, enforcement, monitoring, cashiering, and data management capabilities. Additionally, the system is web-based which allows the public to file complaints and search licensee information and complaint status via the Internet. It also allows applicants and licensees to submit applications, license renewals, and make payments online.

BreEZe is being deployed department-wide via three separate releases. Release 1 was implemented on October 9, 2013; the Board is currently part of Release 3. In January 2015, DCA had requested a contract amendment for the BreEZe project, which was considered by the Department of Finance

(DOF) and the Joint Legislative Budget Committee. Subsequent to that, legislative hearings were held in March which provided the Legislature with additional information regarding the project and the opportunity to more fully evaluate the options for moving forward with the project. On March 24, 2015, DCA was notified by the Legislature that it may proceed with the BreEZe contract amendments. Implementation of Release 2 boards and bureaus was moved to the end of 2015 and DCA still intends to bring Release 3 boards and bureaus into BreEZe. However, as recommended by the State Auditor, DCA will conduct a cost-benefit analysis for Release 3 boards and bureaus after Release 2 is completed. Absent any contrary finding in that analysis, DCA plans to bring the remaining boards and bureaus into BreEZe, but will likely do so in smaller groups.

In June 2015, DCA informed the Board that, after Release 2 is completed, it will work with the Release 3 boards and bureaus with the California Technology Agency in preparing a project plan for the remaining boards and bureaus. DCA also informed that, prior to beginning work on Release 3, it will perform a formal cost benefit analysis after Release 2 is completed. DCA stated that part of this formal evaluation will include a gap analysis of all existing BreEZe functionality as delivered at the completion of Release 2, to the Release 3 boards and bureaus' business needs and current systems' functionality. It indicated that the cost benefit analysis/feasibility study will determine the strategy taken; and, if contractors are brought on board, a mix of contractors and state staff, or just state staff will be implementing Release 3. DCA anticipates the development of the Release 3 project plan to begin in mid-2016.

**Continuing Education (CE) Audit System**

Assembly Bill (AB) 1746 (Chapter 240, Statutes of 2010) became effective January 1, 2011 and amended the statutory provisions of Business and Professions Code section (BPC) 5600 and 5600.05 pertaining to the CE requirement for licensees. This bill amended the CE provisions by: 1) requiring an audit of license renewals beginning with the 2013 renewal cycle; 2) adding a citation and disciplinary action provision for licensees who provide false or misleading information; and 3) mandating the Board to provide the Legislature a report on the level of licensee compliance, actions taken for noncompliance, findings of Board audits, and any recommendations for improving the process.

An audit system was developed by the Professional Qualifications Committee (PQC) and approved by the Board on June 14, 2012. The Board has audited at least 3% of the license renewals received each year since January 2013 to verify the completion of the CE requirements by licensees. As of September 30, 2015, the Board has audited approximately 990 licensees and found 154 cases where licensees have: 1) certified false and/or misleading information regarding their compliance with this requirement when filing their license renewal applications with the Board; 2) failed to maintain records of completion of the required coursework; or 3) failed to provide the Board with records of completion of the required coursework upon request. The Board's Enforcement Unit has established procedures for processing the audit findings, and as of September 30, 2015, 32 citations have been issued to licensees for noncompliance with the CE provisions of BPC 5600.05.

***Disciplinary Guidelines***

The Board's 2013 and 2014 Strategic Plans included an objective to review and update the Board's *Disciplinary Guidelines*. The Regulatory and Enforcement Committee (REC) reviewed recommended updates to the Guidelines in 2013 and 2014. Staff then consulted with the REC Chair who agreed to provide the *Disciplinary Guidelines* with recommended revisions to the Board for consideration at its

December 10, 2014 meeting due to the target date established for the Strategic Plan objective. At its December 10, 2014 meeting, the Board approved the recommended revisions to the *Disciplinary Guidelines* and authorized staff to proceed with a regulatory proposal to amend California Code of Regulations section (CCR) 154 in order to incorporate the revised *Disciplinary Guidelines* by reference. Staff prepared the required regulatory documents for the Board's review and approval. The Board approved the proposed regulatory language to amend CCR 154 at its June 10, 2015 meeting and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

**Enforcement Program Statistics**

| Statistics | Current Month | Prior Month | Prior Year |
|---|---|---|---|
| | September 2015 | August 2015 | September 2014 |
| Total Cases Received/Opened**: | 34 | 38 | 18 |
| Complaints to Outside Expert: | 1 | 1 | 0 |
| Complaints to DOI: | 0 | 0 | 0 |
| Complaints Pending DOI: | 0 | 0 | 0 |
| Complaints Pending AG: | 18 | 17 | 3 |
| Complaints Pending DA: | 1 | 1 | 3 |
| Total Cases Closed*: | 46 | 31 | 20 |
| Total Cases Pending**: | 146 | 158 | 179 |
| Settlement Cases (§5588) Opened: | 4 | 3 | 2 |
| Settlement Cases (§5588) Pending: | 11 | 16 | 2 |
| Settlement Cases (§5588) Closed: | 9 | 0 | 2 |
| Citations Final: | 7 | 12 | 2 |

* *Includes citations, disciplinary actions and 26 cases referred to Enforcement Unit as a result of the continuing education coursework audits conducted after license renewal (a total of 154 CE audit cases have been referred to the Enforcement Unit).*

** *Includes complaint and settlement cases.*

At the end of each FY, staff reviews the average number of complaints received, pending, and closed for the past three FYs. From FY 2012/13 through FY 2014/15, the average number of complaints received per month was 25. The average pending caseload was 106 complaints and the average number of complaints closed per month was 23.

**Examination and Licensing Programs**

Accelerated Path to Architectural Licensure (APAL):

In September 2013, the National Council of Architectural Registration Boards (NCARB) reported that it convened a Licensure Task Force to explore potential new pathways to architectural licensure. Led by NCARB Past-President Ronald Blitch, the Task Force is charged with analyzing each component of the licensure process as a basis for exploring potential additional pathways that lead to licensure, including determining whether or where there may be overlap and opportunities for efficiencies to be realized. At its February 26, 2014 meeting, the Board discussed an additional path to licensure model that would integrate experience (Intern Development Program [IDP]) and examination components into a degree program, culminating with eligibility for licensure at graduation. The Board invited representatives from each of the National Architectural Accrediting Board (NAAB)-accredited programs in California to discuss the model. More specifically, the Board was provided with an overview of such a model and reports from school representatives on their respective efforts to promote licensure. Additionally, presentations were provided by NewSchool professor Mitra Kanaani

(who introduced a new vision for architectural education) and Steve Altman (who outlined a proposal to establish the Sacramento College of Architecture). Discussion also took place with regard to other current NCARB efforts and the development of a potential framework for an accelerated path to architectural licensure model. The PQC discussed this issue further at its April 9, 2014 meeting, as did the Board at its June 12, 2014 meeting. Board Vice President and PQC Vice Chair Pasqual Gutierrez developed a position statement in support of an additional pathway to licensure that was approved by the Board and presented to the NCARB Licensure Task Force.

NCARB released a Request for Interest & Information (RFI&I) on September 9, 2014 to NAAB-accredited programs requesting information in order to assess the interest level and readiness to design and develop an integrated path leading to APAL. The RFI&I was the first step in a two-part process that was followed by a formal Request for Proposal (RFP) that was released on January 23, 2015 with a deadline of June 1, 2015. The Board invited to its March 12, 2015 meeting representatives from each of the NAAB-accredited programs to provide a report on their respective efforts to develop an integrative academic program.

NCARB received more than one dozen responses to the RFP, which were reviewed by the Licensure Task Force in June/July 2015. On August 31, 2015, NCARB announced the first 13 accredited architectural programs to be accepted for participation in what is now called the NCARB Integrated Path Initiative (IPI). It is important to note that 3 of the 13 accepted schools are from California (NewSchool of Architecture and Design, University of Southern California, and Woodbury University). The initiative encourages NAAB programs to propose a pre-graduation integration of education, experience, and the opportunity to take each of the six divisions of the ARE.

NCARB has also established a new Integrated Path Evaluation Committee (IPEC) to oversee the ongoing work of this initiative. It is anticipated that the IPEC will continue to coach accepted programs, promote engagement with state boards regarding the necessary statutory or regulatory changes to incorporate integrated path candidates, and oversee the acceptance of future program applicants. According to NCARB, each program will implement the integrated path in alignment with the schedule developed by the respective school administration and faculty. Starting date may vary from one school to another. Integrated path students in each program will be part of existing accredited programs.

Board staff reviewed the Architects Practice Act to determine whether any statutory or regulatory changes are necessary for implementation of an NCARB-accepted IPI program. The EO provided proposed language to legislative staff for inclusion into its Sunset Review bill (AB 177) that would authorize the Board to grant candidates early eligibility to take the ARE. The bill was amended, approved, and signed into law. Staff in the interim is preparing a regulatory amendment package for the Board's consideration at its December 10, 2015 meeting.

<u>ARE 5.0:</u>
In early 2013, the NCARB Board of Directors (BOD) voted unanimously to approve the development of ARE 5.0, the next version of the examination. As part of ARE 5.0 development, the new structure incorporates graphics throughout the examination via new "performance item types" that have candidates perform exercises similar to what an architect does as part of regular practice. Additionally, the incorporation of case studies is anticipated to be implemented in all proposed divisions and will allow more in-depth analysis of architectural scenarios by candidates. The ARE 5.0 Test Specification determines the division structure, defines the major content areas (sections), measurement objectives, and percentage of content coverage (weightings). The final Test

Specification outlining the division structure for ARE 5.0 was approved on December 7, 2013 by the BOD. The future examination will include six divisions, and each will be stand-alone, single test administrations. This structure results from an effort to align the ARE with the more commonly defined professional architect activities of practice management, project management, and project design. The new divisions will be titled: Practice Management, Project Management, Programming & Analysis, Project Planning & Design, Project Development & Documentation, and Construction & Evaluation.

In May 2014, NCARB released information about the transition from ARE 4.0 to 5.0. For this transition, NCARB has released information as far in advance as possible to allow candidates who may be transitioned more time to prepare and create a plan. Additionally, NCARB is making some adjustments that will benefit candidates, such as the: 1) dual delivery of ARE 4.0 and 5.0 for at least 18 months; 2) option for candidates to "self-transition" to ARE 5.0; and 3) availability of interactive tools and resources to help a candidate determine the best strategy for their transition. Additionally, NCARB's Examination Committee and test development consultant reviewed the content covered in each ARE 4.0 and 5.0 division to find a reasonable level of alignment. As a result, candidates will have a greater opportunity to receive credit for ARE 5.0 divisions based on 4.0 divisions passed. ARE 5.0 is anticipated to launch in late 2016, with development and integration testing taking place over the next few years.

California Supplemental Examination (CSE) Administration:
The computer-delivered CSE has been administered to 212 candidates in FY 2015/16 (as of September 30, 2015), of which 136 (64%) passed and 76 (36%) failed. During FY 2014/15, the computer-delivered CSE was administered to 788 candidates, of which 472 (60%) passed, and 316 (40%) failed.

CSE Development and Occupational Analysis (OA):
CSE development is an ongoing process. The prior Intra-Agency Contract Agreement (IAC) with the Office of Professional Examination Services (OPES) for examination and development expired on June 30, 2015. Staff worked with OPES on the development of a new IAC for FY 2015/16, which was approved by the Board at its June 10, 2015 meeting.

The Board typically conducts an OA every five to seven years by surveying practitioners to determine the necessary knowledge, skills, and abilities to perform architectural services with minimum competency. The last OA was conducted in 2007. The Board authorized the Executive Officer (EO) to execute an IAC with OPES to conduct the OA, the required review of the national examination (per BPC 139), and a linkage study between the content of the ARE and the results of the Board's OA. The approval of the IAC was ratified by the Board at its February 26, 2014 meeting.

In March 2014, OPES conducted four focus group meetings as one of the initial steps in the OA process. Three of the meetings were half-day meetings and involved the following stakeholders: 1) general building contractors; 2) engineers, land surveyors, and landscape architects; and 3) building officials. The fourth meeting was a two-day session, which involved architects. OPES analyzed the focus group meetings results in late March, which provided additional information with regard to the job tasks and knowledge required of architects. The next stage of the OA included interviews with architect subject matter experts (SMEs) and was conducted in April; the purpose of these interviews was to enable OPES to develop a preliminary list of job tasks and knowledge statements. The following step was to conduct workshops in furtherance of developing the pilot OA questionnaire, which was distributed in June 2014. The final OA questionnaire was distributed to a representative

sample of California licensees in early July 2014; selected licensees had until July 18 to complete the questionnaire. Results were reviewed by OPES and analyzed by SMEs at two workshops held in September 2014; the findings were presented to the Board at its December 10, 2014 meeting.

OPES completed the ARE review and the linkage study that compare the content of the 2014 CSE Test Plan with the subject matter covered in the various divisions of ARE 4.0 and 5.0. This process will help ensure there is minimal overlap in the content of the CSE. The final step in the process was reclassification of the CSE item bank to align it with the 2014 CSE Test Plan. The reclassification was completed during a workshop held July 16-17, 2015. The Board will be provided a presentation at its December 10, 2015 meeting to discuss the final items that were completed, including development of the 2014 CSE Test Plan.

**Legislation**

AB 177 (Bonilla) [Authority: Extension] extends the Sunset date for the Board and the Landscape Architects Technical Committee (LATC) until January 1, 2020. On August 27, 2015, the bill passed the Senate Committee on Appropriations and it was amended to express the Board's intention to move the examination eligibility point consistent with APAL programs' structure so APAL students may test earlier. The amendment is consistent with the Board's APAL Supporting Position Statement, and was developed with NCARB Licensure Task Force member Pasqual Gutierrez. A letter urging the Governor to sign the bill was sent by Board President Jon Baker on September 23, 2015. AB 177 was signed into law by the Governor on October 2, 2015.

AB 507 (Olsen) [BreEZe] was introduced on February 23, 2015 and would add BPC 210.5 to require DCA to submit an annual report to the Legislature and DOF regarding the BreEZe system. The bill passed the Assembly Committee on Appropriations on May 28, 2015, then was amended to take effect as an urgency statute. AB 507 entered the Senate Committee on Rules on June 18, 2015, where it was amended to require, if enacted, (1) annual submissions of these reports to begin on or before March 1, 2016, and (2) DCA to post on its website the name of each regulatory entity that is utilizing the BreEZe system. The bill is in the Senate Business, Professions, and Economic Development Committee.

Senate Bill (SB) 704 (Gaines) [Conflict of Interest] establishes an additional provision of Government Code section 1091 wherein appointed members of unelected boards or commissions would be permitted to recuse themselves from decisions on contracts in which they have a financial interest. On April 30, 2015, the bill was amended to add the interest of an owner or partner of a firm who serves on an unelected board or commission to a contracting agency to the list of "remote interest" exceptions to section 1091. SB 704 was signed into law by the Governor on October 4, 2015.

**Mandatory Construction Observation**

The Board's 2015-2016 Strategic Plan contains an objective assigned to the REC to monitor the AIACC legislation requiring the architect of record to perform mandatory construction observation to promote consumer protection. At its April 29, 2015 meeting, the REC was informed by a representative of AIACC that the proposed mandatory construction observation will be limited to the access components of commercial projects. The AIACC representative further indicated that this legislation will not be pursued until 2016.

**Newsletter**

Issues of the Board's newsletter, *California Architects*, were published, posted on the website, and distributed to email subscribers on June 11, 2015 and October 21, 2015. The next issue will be published and distributed in December 2015.

**Strategic Plan**

On December 11, 2014, the Board participated in a Strategic Planning session to update its Strategic Plan for 2015-2016, which was facilitated by DCA's Strategic Organization, Leadership, and Individual Development (SOLID) team. The Board reviewed and updated six goal areas (Professional Qualifications, Practice Standards, Enforcement, Public and Professional Awareness, Organizational Relationships, and Organizational Effectiveness and Customer Service), which assisted members in developing objectives for 2015-2016. SOLID updated the Board's 2015-2016 Strategic Plan based on the Board's session, and it was approved by the Board at its March 12, 2015 meeting.

**Sunset Review**

Staff finalized its Sunset Review Report and submitted it to the Legislature on October 31, 2014. On February 4, 2015, EO Doug McCauley met with the staff consultant for the Assembly Committee on Business and Professions to discuss any questions that may be raised during the Sunset Review process. The Board's Sunset Review hearing was held on March 18, 2015, and the Board's written responses to the issues raised by the Legislature were due within 30 days of the hearing. The Board/LATC's presentation at the hearing received positive feedback from the committees (the Senate and Assembly policy committees met jointly to conduct the hearing). Only two questions were asked regarding the: 1) process for determining content for the CSE; and 2) possible causes for the non-compliance rate on CE audits. The Board's responses were satisfactory to the committees and also received positive feedback.

On April 16, 2015, the Board submitted its written responses to the issues identified in the Sunset Review Background Paper to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions, and Economic Development. The Board ratified the written responses at its June 10, 2015 meeting. AB 177 (Bonilla), the bill that extends the Sunset date for the Board and LATC until January 1, 2020, was signed into law.

**Written Contract (BPC 5536.22)**

The Board's 2013 and 2014 Strategic Plans contained an objective assigned to the REC to determine whether a provision concerning "scope of work" should be added to the written contract requirements in BPC 5536.22. In 2013, the REC assigned this objective to a working group comprised of members Phyllis Newton and Gary McGavin. The AIACC was also invited to participate with the working group. The working group met on July 15, 2013 and made a recommendation that the REC consider recommending to the Board that "scope of work" be added to the written contract requirements in BPC 5536.22. Staff revised the proposed language for BPC 5536.22 and submitted the changes to legal counsel for review on October 21, 2013. Legal counsel made minor edits which were approved by the working group and the REC on April 24, 2014. At its June 12, 2014 meeting, the Board approved the REC's recommendations, and proposed language, to add a: 1) description of the project and address; and 2) procedure to accommodate contract changes, to the written contract requirements. The Board will pursue legislation in 2016 to amend BPC 5536.22 to include these proposed additional written contract provisions.

**CITATIONS ISSUED AND FINAL**

April 16, 2015 – September 30, 2015

Gilbert Mark Alcala (Corona)

BPC 5600.05(a)(1) and (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $500 administrative fine to Gilbert Mark Alcala, architect license number C-29983, for alleged violations of Business and Professions Code section (BPC) 5600.05(a)(1) and (b). The action alleged that Alcala certified false or misleading information on his 2013 License Renewal Application and failed to make records of completion of the required coursework available to the Board for auditing upon request. Alcala paid the fine, satisfying the citation. The citation became final on April 28, 2015.

Gary Padilla Alzona (Torrance)

BPC 5536(a) and (b) – Practice Without License or Holding Self Out as Architect
BPC 5536.1(c) – Signature and Stamp on Plans and Documents; Unauthorized Practice

The Board issued a three-count citation that included a $7,500 administrative fine to Gary Padilla Alzona, dba Sol-Lunar and Solluna, an unlicensed individual, for alleged violations of BPC 5536(a) and (b) and 5536.1(c). The action alleged that Alzona affixed a fraudulent stamp not belonging to himself but that of a licensee named Dean W. Lee on plans. Said stamp read "Licensed Architect," "State of California," "Sol-Lunar," "Dean Lee," "No. C27692," and "Ren. 10/31/2012." Alzona also used the fraudulent stamp on plans for a residence located in Los Angeles, California. The title block on the plans states "Solluna Architecture/Construction," and "Drawn By: GPA."

Alzona also executed a written "Proposal to do Architectural Services…" for a single family dwelling located in Bel Air, California. The proposal was on letterhead with Alzona's firm name, "SolLunar" and the term "Architecture Construction." Alzona submitted invoices to the client dated January 4, 2010, January 18, 2010, May 9, 2010 and April 5, 2011, on letterhead stating the firm name and the title

"Architecture Construction." The citation became final on September 30, 2015.

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| Ross Sherwood Anderson (New York, New York) | BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements<br><br>The Board issued a one-count citation that included a $500 administrative fine to Ross Sherwood Anderson, architect license number C-16923, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Anderson certified false or misleading information on his 2015 License Renewal Application. Anderson paid the fine, satisfying the citation. The citation became final on September 30, 2015. |
| Fred Arastoo (Sacramento) | BPC 5536(b) – Practice Without License or Holding Self Out as Architect<br>BPC 5536.1(c) – Unauthorized Practice<br><br>The Board issued a two-count citation that included a $2,000 administrative fine to Fred Arastoo, aka Freydoon Arastozadeh, aka Freydoon Zadeh, aka Freydoon A. Zadeh, dba Aras Design and Construction, an unlicensed individual, for alleged violations of BPC 5536(b) and 5536.1(c). The action alleged that Arastoo submitted an application with plans for a 69-unit attached town home apartment building in Sacramento, California to the Sacramento County Community Development Department. The plans contained a stamp affixed in the title block that resembled the design of an architect's stamp. The stamp included Arastoo's business name, "Aras Design & Construction, Inc.," "State of California," "No. 28135," and "EXP 01-31-2015." The number on the stamp is the same as Arastoo's New York architect license number; however, that same architect license number in California belongs to another architect. The citation became final on August 25, 2015. |
| Richard Michael Avelar (Oakland) | BPC 5536.22(a)(4) and (5) – Written Contract<br>BPC 5584 – Willful Misconduct and Negligence<br><br>The Board issued a three-count citation that included a $2,500 administrative fine to Richard Michael Avelar, architect license number C-8713, for alleged violations of BPC 5536.22(a)(4) and (5) and 5584. The action alleged that Avelar's contract to design and construct a new home for a project located in Danville, California did |

not include 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. In or around April 2013, Avelar commenced grading the property for the project without a permit. In or around January 2014, the Town of Danville issued Avelar a Notice of Incomplete Application letter based on a review of the project's application material. Avelar failed to prepare construction documents capable of obtaining the Town of Danville approval for a permit. Avelar paid the fine, satisfying the citation. The citation became final on August 4, 2015.

David Barna
(San Jose)

BPC 5536(a) – Practice Without License or Holding Self Out as Architect

The Board issued a one-count citation that included a $1,500 administrative fine to David Barna, an unlicensed individual, for an alleged violation of BPC 5536(a). The action alleged that on or about April 30, 2015, the Internet revealed that Barna was identified as an "Architect" on the website linkedin.com. In addition, on or about May 1, 2015, the website houzz.com listed "Architecture" as a service Barna provides. Barna paid the fine, satisfying the citation. The citation became final on August 6, 2015.

George Arthur Bean
(Orange)

BPC 5600.05(a)(1) and (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $750 administrative fine to George Arthur Bean, architect license number C-23719, for alleged violations of BPC 5600.05(a)(1) and (b). The action alleged that Bean failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. The citation became final on September 1, 2015.

Charles Belak-Berger
(Gardena)

BPC 5536.22(a) – Written Contract

The Board issued a one-count citation that included a $1,000 administrative fine to Charles Belak-Berger, architect license number C-13657, for an alleged violation of BPC 5536.22(a). The action alleged that Belak-Berger failed to execute written contracts prior to commencing professional services for projects located in Hermosa

Beach and Manhattan Beach, California. Belak-Berger paid the fine, satisfying the citation. The citation became final on April 24, 2015.

Peter M. Bernholz
(Vero Beach, Florida)

BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $500 administrative fine to Peter M. Bernholz, architect license number C-15993, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Bernholz certified false or misleading information on his 2015 License Renewal Application. Bernholz paid the fine, satisfying the citation. The citation became final on September 30, 2015.

David Mark Brown
(Cambria)

BPC 5600.05(a)(1) and (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $500 administrative fine to David Mark Brown, architect license number C-13122, for alleged violations of BPC 5600.05(a)(1) and (b). The action alleged that Brown certified false or misleading information on his 2013 License Renewal Application, failed to maintain records of completion of the required coursework for two years from the date of license renewal, and failed to make those records available to the Board for auditing upon request. Brown paid the fine, satisfying the citation. The citation became final on April 28, 2015.

Donald Edwin Carlson
(Seattle, WA)

BPC 5600.05(a)(1) and (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $500 administrative fine to Donald Edwin Carlson, architect license number C-8011, for alleged violations of BPC 5600.05(a)(1) and (b). The action alleged that Carlson certified false or misleading information on his 2015 License Renewal Application and failed to make records of completion of the required coursework available to the Board for auditing upon request. Carlson paid the fine, satisfying the citation. The citation became final on August 4, 2015.

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| Joseph Patrick Carrick<br>(San Marcos) | BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements<br><br>The Board issued a one-count citation that included a $500 administrative fine to Joseph Patrick Carrick, architect license number C-7166, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Carrick certified false or misleading information on his 2013 License Renewal Application. Carrick paid the fine, satisfying the citation. The citation became final on April 28, 2015. |
| Brent Carl Chase<br>(Laguna Niguel) | BPC 5600.05(b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements<br><br>The Board issued a one-count citation that included a $750 administrative fine to Brent Carl Chase, architect license number C-24121, for alleged violations of BPC 5600.05(b). The action alleged that Chase failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. Chase paid the fine, satisfying the citation. The citation became final on September 10, 2015. |
| Barbara Jo Wilson Coffman<br>(Santa Monica) | BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements<br><br>The Board issued a one-count citation that included a $500 administrative fine to Barbara Jo Wilson Coffman, architect license number C-12386, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Coffman certified false or misleading information on her 2013 License Renewal Application. Coffman paid the fine, satisfying the citation. The citation became final on August 21, 2015. |
| Jerry Deal<br>(Burlingame) | BPC 5536(a) – Practice Without License or Holding Self Out as Architect<br>BPC 5536.1(c) – Unauthorized Practice<br><br>The Board issued a two-count citation that included a $2,000 administrative fine to Jerry Deal, an unlicensed individual, for alleged violations of BPC 5536(a) and 5536.1(c). The action alleged that Deal contracted to provide design services for a second story addition to an |

existing commercial building project located in Burlingame, California. Deal subsequently prepared plans for the project. The project does not satisfy the criteria for an exempt project type as defined in BPC 5537(a) or 5538 and required a licensed design professional for the preparation of plans, drawings, or specifications. Deal paid the fine, satisfying the citation. The citation became final on April 22, 2015.

Mark Egerstrom (Beverly Hills)

BPC 5536(a) – Practice Without License or Holding Self Out as Architect

The Board issued a one-count citation that included a $1,500 administrative fine to Mark Egerstrom, an unlicensed individual, for an alleged violation of BPC 5536(a). The action alleged that Egerstrom put out a website, "markegerstrom.com," which states "Combining architecture and interior design, Mark strives to make each project he's involved with become personal for both he and the client." The website contains a heading entitled, "CONTACT," and states "*MARK EGERSTROM DESIGN AND ARCHITECTURE*." The citation became final on August 24, 2015.

Robert C. Frear (San Francisco)

BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $500 administrative fine to Robert C. Frear, architect license number C-12420, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Frear certified false or misleading information on his 2015 License Renewal Application. Frear paid the fine, satisfying the citation. Frear paid the fine, satisfying the citation. The citation became final on September 30, 2015.

Craig A. Gambill (Tustin)

BPC 5600.05(a)(1) and (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $500 administrative fine to Craig A. Gambill, architect license number C-27164, for alleged violations of BPC 5600.05(a)(1) and (b). The action alleged that Gambill certified false or misleading information on his 2013 License Renewal Application and failed to make records

of completion of the required coursework available to the Board for auditing upon request. The citation became final on August 27, 2015.

Bosco Lai
(Oakland)

BPC 5536(a) – Practice Without License or Holding Self Out as Architect
CCR 134(a) – Use of the Term Architect

The Board issued a one-count citation that included a $2,000 administrative fine to Bosco Lai, an unlicensed individual, for alleged violations of BPC 5536(a) and California Code of Regulations section (CCR) 134(a). The action alleged that Lai provided a client a business card for his company, Eastbay Holding, Inc., and the business card contained the word "Architectural" as a description of the services he provides. Lai's company, Eastbay Holding, Inc., invoiced his client for an "Architectural & Structural as build drawing" for a project located in Vallejo, California. Lai submitted plans for the project to the Solano County Building Division for permit. The title block on the plans for the project contained Lai's business name, Eastcave Architect & Engineering. Lai is listed on the website linkedin.com under the category under "Architecture & Planning." Lai's company, Eastcave Architectural & Engineering profile was listed on the website facebook.com and included the term "Architectural" as a description of the services his company provides. Board records reflect there is not a Business Entity Report Form on file by a licensee as required by BPC 5558 for said companies indicating that there is a licensed architect in management control of professional services of the kind offered and provided by Lai's companies, Eastcave Architect & Engineering and Eastcave Architectural & Engineering. The citation became final on May 5, 2015.

Jean A. Lemanski
(San Francisco)

BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $500 administrative fine to Jean A. Lemanski, architect license number C-19187, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Lemanski certified false or misleading information on her 2015 License Renewal Application. Lemanski paid the fine, satisfying the citation. The citation became final on September 17, 2015.

| | |
|---|---|
| Eric A. Long<br>(Sausalito) | BPC 5536(a) – Practice Without License or Holding Self Out as Architect<br><br>The Board issued a one-count citation that included a $2,000 administrative fine to Eric A. Long, an unlicensed individual, for alleged violations of BPC 5536(a). The action alleged that on or about June 12, 2014 and July 9, 2014, Long was listed on the website linkedin.com under the "Architecture & Planning" category, identified as an "Assoc. Architect" and included "Architectural Design," "Architectural Drawings" and "Architecture" as part of his skills and expertise. The citation became final on May 13, 2015. |
| Tetsuo Makino<br>(Arcadia) | BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements<br><br>The Board issued a one-count citation that included a $500 administrative fine to Tetsuo Makino, architect license number C-19961, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Makino certified false or misleading information on his 2015 License Renewal Application. Makino paid the fine, satisfying the citation. The citation became final on August 13, 2015. |
| Gary Alton McKelvey<br>(Tahoma) | BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements<br>CCR 160(b)(2) – Rules of Professional Conduct<br><br>The Board issued a two-count citation that included a $1,250 administrative fine to Gary Alton McKelvey, architect license number C-23442, for alleged violations of BPC 5600.05(a)(1) and CCR 160(b)(2). The action alleged that McKelvey certified false or misleading information on his 2013 License Renewal Application and failed to respond to the Board's requests for information within 30 days in regards to an investigation. McKelvey paid the fine, satisfying the citation. The citation became final on August 13, 2015. |
| Cheryl Anne Piha<br>(San Francisco) | BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements<br><br>The Board issued a one-count citation that included a $500 administrative fine to Cheryl Anne Piha, architect license number |

C-24052, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Piha certified false or misleading information on her 2013 License Renewal Application. Piha paid the fine, satisfying the citation. The citation became final on May 8, 2015.

Eddy Zhong Shen
(Sunnyvale)

BPC 5584 – Willful Misconduct
CCR 160(b)(2) – Rules of Professional Conduct

The Board issued a two-count citation that included a $2,000 administrative citation to Eddy Zhong Shen, architect license number C-12717, for alleged violations of BPC 5584 and CCR 160(b)(2). The action alleged that Shen executed a written contract with his client to provide schematic design and construction documents for interior improvements for an existing residence located in Belmont, California. The client paid Shen $2,500 as a deposit to initiate the work. Shen provided schematic design, but failed to provide construction documents to the client. Shen failed to respond to the Board's requests for information and/or evidence within 30 days of the date letters were mailed to him in regards to an investigation. The citation became final on May 5, 2015.

Latimer Fargo Smith III
(San Ramon)

BPC 5536(a) – Practice Without License or Holding Self Out as Architect

The Board issued a four-count citation that included a $10,000 administrative fine to Latimer Fargo Smith III, an unlicensed individual, for alleged violations of BPC 5536(a). The action alleged that on or about August 11, 2008, Smith and his company, Fargo Farnesi, Inc. executed a contract offering to provide "architectural" services for a complete remodel and historical restoration for a residential project located in Berkeley, California. The contract identified Smith as "Shawn Smith." On or about August 15, 2008 through July 15, 2010, Smith was paid $33,469.42 for services rendered. On or about April 21, 2009, Smith prepared drawings for the Berkeley project. Smith affixed an architect's stamp to the drawings, which read: "Licensed Architect," "SHAWN SMITH," "C-25635," "REN. 8/31/09" and the legend "State of California." On or about June 17, 2013, during a telephone conversation with a Department of Consumer Affairs' investigator, Smith admitted to fraudulently using the architect license of Shawn B. Smith.

On or about April 15, 2011, Smith and his company, Fargo Farnesi, Inc. executed a proposal offering to provide design services for a patio addition, rear yard retaining wall and koi pond for a residential project

located in Oakley, California. The proposal contained the word "Architectural" as a description of the services Smith provides. On or about July 20, 2011, Smith was paid $1,500 as a retainer fee. On or about August 11, 2011, Smith prepared drawings of the Oakley project. The title block on the drawings contained Smith's company name and the term "Architecture."

On or about September 9, 2014, in the Superior Court of California, County of Alameda, Smith pled "No Contest" and was found guilty to charges of Penal Code section (PC) 487(a) (Grand Theft of Personal Property), PC 529 (False Personation), and PC 115(a) (Offering False or Forged Instrument) in connection with the Berkeley project.

The citation became final on August 17, 2015.

Irena Stepanova
(Mountain View)

BPC 5536.22 – Written Contract

The Board issued a one-count citation that included a $750 administrative fine to Irena Stepanova, architect license number C-33609, for an alleged violation of BPC 5536.22. The action alleged that Stepanova failed to execute a written contract prior to commencing professional services. Stepanova paid the fine, satisfying the citation. The citation became final on July 17, 2015.

Simon Storey
(Los Angeles)

BPC 5536(a) – Practice Without License or Holding Self Out as Architect
CCR 134(a) – Use of the Term Architect
CCR 160(b)(2) – Rules of Professional Conduct

The Board issued a two-count modified citation that included a $3,000 administrative fine to Simon Storey, an unlicensed individual, for alleged violations of BPC 5536(a) and CCR 134(a) and 160(b)(2). The action alleged that on or about November 13, 2014, the Internet revealed that Storey's company website anonymous-projects.com contained his former company name, Anonymous Architects under Building Projects for the project titled "Log Cabin." Anonymous Architects was also listed in articles on the websites, archpaper.com, contemporist.com, dezeen.com, architectslist.com and archdaily.com. Storey was identified as an "Architect" on the websites la.curbed.com and youtube.com, where he identified himself as an "Architect" in a video. Board records fail to reveal that there is a Business Entity Report Form on file by a licensee as required by BPC 5558 for said company indicating that there is a licensed architect in management control of professional services that are offered and provided by

Anonymous Architects. In addition, Storey's company, which included the term "Architects" as part of its title, failed to be a business entity wherein an architect is in management control of the professional services that are offered and provided; and, either the owner, a part-owner, an officer or an employee, a violation of CCR 134(a). Storey also failed to respond to the Board's requests for information and/or evidence within 30 days of the date letters were mailed to him in regards to an investigation, a violation of CCR 160(b)(2). Storey paid the fine, satisfying the citation. The citation became final on June 8, 2015.

Kent Wang
(Hermosa Beach)

BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

The Board issued a one-count citation that included a $500 administrative fine to Kent Wang, architect license number C-33291, for an alleged violation of BPC 5600.05(a)(1). The action alleged that Wang certified false or misleading information on his 2013 License Renewal Application. Wang paid the fine, satisfying the citation. The citation became final on August 21, 2015.

Hermes R. Zuazo
(Chula Vista)

BPC 5600.05(a)(1) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements
CCR 160(b)(2) – Rules of Professional Conduct

The Board issued a two-count citation that included a $1,500 administrative fine to Hermes R. Zuazo, architect license number C-4236, for alleged violations of BPC 5600.05(a)(1) and CCR 160(b)(2). The action alleged that Zuazo failed to provide documentation to the Board from the coursework provider upon an audit of his 2013 License Renewal Application and failed to respond to the Board's requests for information within 30 days in regards to an investigation. The citation became final on August 24, 2015.

**DISCUSS AND POSSIBLE ACTION ON 2015-2016 STRATEGIC PLAN OBJECTIVE TO MONITOR NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS ACTION ON TITLE FOR INTERNS TO ENSURE APPROPRIATE CONSUMER PROTECTION**

The California Architects Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to monitor National Council of Architectural Registration Boards (NCARB) action on titling for interns to ensure appropriate consumer protection.

On June 21, 2014, NCARB President Dale McKinney announced the formation of a Future Title Task Force (FTTF), chaired by former NCARB President Blakely Dunn, to review and evaluate the terminology used during the life cycle of an architect's career, from education through retirement. The FTTF, comprised of interns and architects from across the United States, first convened in August 2014 and completed its assigned tasks in February 2015. The FTTF presented its recommendations at the NCARB Board of Directors meeting on April 23-25, 2015.

Additionally, the American Institute of Architects, California Council (AIACC) has expressed interest in the topic of intern titling. This topic provided for a robust discussion at AIACC's January 23, 2015 Academy for Emerging Professionals meeting, in which Board representatives attended. On March 4, 2015, AIACC sent a letter (Attachment 1) to Board President, Jon Baker, requesting that the Board consider supporting amendments to the Architects Practice Act (Act) to allow the use of the title "architectural intern." AIACC also requested that, in the interest of consumer protection, the Board support limiting the use and purpose of the title "architectural intern" to an individual designation for a specific period of time, and prohibit its use as a means to promote or advertise the services of the individual. AIACC further stated its goal is to proactively modify the Act to be consistent with national standards, and to facilitate a future title change if such a term is adopted by future NCARB model law.

At its April 29, 2015 meeting, the REC reviewed this Strategic Plan objective and discussed AIACC's request to expand the current terminology for candidates in the Act to include the title "architectural intern." The REC considered the consumer protection, enforcement, and regulatory issues involved with the title "architectural intern," and ultimately voted to recommend to the Board that it should not consider the title "architectural intern."

Subsequently, on May 14, 2015, NCARB announced the FTTF's recommendation to restrict the role of regulation to the title "architect," which should only apply to licensed individuals. The FTTF recommended that any title held by those pursuing licensure does not need to be regulated, and suggested NCARB discontinue its use of the word "intern," "intern-architect," or any other regulatory title describing those pursuing licensure (Attachments 2 and 3).

As a result of the FTTF's recommendations, NCARB is planning a series of initiatives, which will include proposing changes to its existing *Legislative Guidelines and Model Law* (Attachment 4). NCARB will also begin making plans to remove "intern" from its communications and correspondence, and may consider future action, subject to review by the NCARB Board, to rename its Intern Development Program.

At its June 10, 2015 meeting, the Board reviewed and considered the REC's recommendation to no longer consider the title "architectural intern" (Attachment 5). The Board was informed by an AIACC representative, Kurt Cooknick, that AIACC had reflected on and identified remedies to the REC's concerns about consumer protection, specifically regarding the use and misuse of the title. Deborah Gerard, a licensed architect and Partner at Gruen Associates, advised the Board that current restrictions are affecting young professionals' sense of belonging to the profession, and asked the Board to loosen the constraints for using the term "architectural." Ms. Gerard stated that use of the term as it concerns young professionals who are "not yet licensed" would not be confusing, and, instead, would help her to better engage the next generation of leaders at her firm. She stated that there are professionals in her community who feel that the term "intern" is demeaning, and very few of these individuals would be willing to call themselves "interns." She informed the Board that she is advocating for the use of the term "architect" as a modifier (i.e., architectural staff, architectural technician, and architectural designer). AIACC Student Director, South, Julia Flauas addressed the Board regarding the confusion that exists for young professionals who are graduates of schools of architecture, but are not yet licensed. Ms. Flauas asked the Board to help young people, and the architecture firms that employ them, to identify an appropriate title to be used until the day they become licensed.

The Board extensively discussed the topic of intern titling, including the: 1) titles permitted by other state architectural boards ; 2) titles used in the legal and medical professions; 3) current restrictions regarding the use of the title "architect"; 4) possible consumer protection issues; 5) Board's mandate and jurisdiction; 6) management and enforcement aspects of a title for unlicensed individuals; and 7) amendments to the Act and additional logistical changes that would be required if the Board decides to take jurisdiction over a new title.

Due to the issues and concerns raised at the meeting, the Board decided to reject the REC's recommendation and requested that the Committee research and reevaluate its recommendation further for reconsideration by the Board at a future meeting.

Following the June 10, 2015 Board meeting, Board staff conducted additional research requested by the Board regarding intern titles used by other state architectural boards and by other professions licensed and regulated by Department of Consumer Affairs boards and bureaus. Board staff also obtained information from NCARB regarding laws and regulations on intern titling in other jurisdictions (Attachments 6 and 7). Board staff reviewed the results of the American Institute of Architects' (AIA) Intern Titling Survey (Attachment 8), and the AIA's definitions of architect positions (Attachment 9) excerpted from the *2005 AIA Compensation Report*, which defines typical positions for both licensed architects and unlicensed individuals working within architectural firms. Additionally, Board staff met with an AIACC representative on October 27, 2015 to discuss AIACC's proposal within the context of NCARB's current recommendation to restrict the role of regulation to the title "architect."

Board staff will provide the REC with a presentation detailing: the findings of NCARB's FTTF; titles for "interns" used by other state architectural boards and in other professions; current enforcement resources devoted to enforcing title provisions; pros and cons of intern titling; and possible options to address the AIACC's request.

The REC is asked to further review and discuss this objective, and make a recommendation to the Board.

Attachments:

1. AIACC Letter to the Board Regarding Intern Titling, March 4, 2015
2. NCARB Article Regarding the FTTF's Recommendations, May 14, 2015
3. NCARB Statement Regarding Future Use of Intern and Architect Titles, May 14, 2015
4. Excerpts from NCARB's *Legislative Guidelines and Model Law*, 2014-15 Edition
5. Excerpt from Board Meeting Minutes, June 10, 2015
6. NCARB Infographic: Intern Titles by State, August 22, 2014
7. NCARB's "The Use of Titles by Interns: References in NCARB Member Boards' Laws and Rules for Architectural Practice," November 2014
8. AIA Intern Titling Update and Survey Results, 2015
9. AIA Best Practices – Definition of Architect Positions, Revised May 2007

AIA|CC
CALIFORNIA COUNCIL

AEP Academy for Emerging Professionals AIA|CC

March 4, 2015

Jon Baker, AIA, Board President
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

RE: Intern Titling

Dear Mr. Baker:

With the support of the American Institute of Architects, California Council (AIACC) Executive Committee, and the AIACC Board of Directors, we, the undersigned, request that the California Architects Board (CAB) consider supporting changes to the Architects Practice Act concerning the current terminology of "candidate" for those eligible for the ARE, to include the title "architectural intern."

The primary thrust behind the AIACC's support for this change is in the interest of providing a means with which to formally recognize those committed to becoming California licensed architects – not to create marketing opportunities for unlicensed individuals. Therefore, when considering the proposed title change we ask that that the CAB also support limiting the use and purpose of the title "architectural intern" to that of an individual designation only, bestowed, as discussed, for an as yet to be determined finite period of time.

We believe limiting the time allowed to use the title, along with prohibiting its employment as a means to promote or advertise the services of the individual in the performance of projects falling under the exemptions found in Business and Professions Code Chapter 3, Division 3, §5537 to be in the interest of consumer protection, and in the spirit of the increasing licensure in California.

With national attention focused on finding a new appropriate title for not-yet-licensed professionals, our goal is to proactively modify the California Architects Practice Act to be consistent with current national standards, and to facilitate a future title change if/when such a term is adopted by future National Council of Architectural Registration Boards (NCARB) as model law.

Please consider the following:

- The NCARB recommends in their "Legislative Guidelines and Model Law" (2014-2015 Edition) that a person currently employed under the responsible control of an architect, and who maintains in good standing an NCARB record, shall be allowed to use the title "intern architect" or "architectural intern" in conjunction with his/her current employment. Refer to the document for details at: http://www.ncarb.org/~/media/files/pdf/special-paper/legislative_guidelines.pdf.

- According to NCARB, 28 jurisdictions have titles specifically for those actively pursuing licensure. These jurisdictions allow the use of the terms "intern architect," "architectural intern," "architect-in-training," or a combination of terms. Refer to NCARB's infographic at: http://blog.ncarb.org/2014/August/Intern-Titles.aspx

- Many jurisdictions require interns to register with NCARB as well as their State Board prior to using the designated title. This can potentially streamline the licensure process because it establishes the Board-Intern relationship early on, and interns can educate themselves about the state licensure requirements from the beginning of their path to licensure.

- Allowing the use of the term "architectural intern" may promote licensure, as this term sets apart those who are actively pursuing licensure from those who choose not to get licensed.

- The Architects Practice Act regulates the use of the terms "architect," "architecture," and "architectural" in order to protect consumers from being misled by unlicensed professionals. The terms "intern architect" and "architectural intern" are not misleading and clearly indicate—by the definition of the word "intern"—that such individuals are trainees in the field of architecture.

We hope this summary is sufficient in explaining the reasons for promoting this revision to the California Architects Practice Act. Should you have any questions or concerns, please contact AIACC Director of Regulatory Affairs Kurt Cooknick.

Respectfully,

Jana Itzen, AIA
AEP Vice President

Nathan M. Dea, Assoc. AIA
Associate Director- South

Aaron Baumbach, Assoc. AIA
Associate Director – North

Schuyler Bartholomay, Assoc. AIA
Regional Associate Director

Amanda Green, Assoc. AIA
Architect Licensing Advisor – North

Leanna Libourel, AIA
Architect Licensing Advisor - South

Stephanie Silkwood, AIA
Young Architects Regional Director – North

Benjamin Kasdan, AIA
Young Architects Regional Director – South

Daniel Christman, AIAS
Student Director – North

Julia C. Flauaus, AIAS
Student Director - South

**Agenda Item E**
**Attachment 2**

NCARB

News

Events

Announcements

# NCARB Tackles the Great "Intern" Title Debate

315 44 6 449

May 14, 2015

**The National Council of Architectural Registration Boards (NCARB) will work with U.S. licensing boards and the architect community to implement the recommendations of its Future Title Task Force: restrict regulatory language to post-licensure status only and remove use of "intern" terminology.**

Washington, D.C. — The National Council of Architectural Registration Boards (NCARB) will embark on a new initiative to sunset the usage of the term "intern" as a way to describe those who are working to become architects versus those who are already licensed architects.

The new term? There isn't one. Just don't use "intern."

"Architects are those who have met all the requirements to become licensed in states and jurisdictions throughout the United States," said NCARB President Dale McKinney, FAIA, NCARB. "Everyone else is not an architect. But their status also doesn't need a regulatory title such as 'intern' or any similar reference. This has become a term that has been perceived as negative by many in the architecture community and a term that really does not fully value the work that aspiring architects bring to the profession."

McKinney formed a Future Title Task Force in 2014 to come up with a solution to the profession's titling debate—an issue he calls "fraught with controversy." He chose the Council's Past President Blake Dunn, AIA, NCARB, to lead the group, comprised of architects and architect candidates including leaders in various architectural collateral organizations.

The task force carefully debated the issue for many months, finally coming to the conclusion that there is no agreed-upon terminology for professionals on the path to licensure. At the same time, the task force recommended that all variations of "intern" are no longer reflective of the pre-licensure population.

"We felt this was the right moment in time to tackle this issue," McKinney said. "If we don't tackle it now, then when?"

NCARB is planning a series of initiatives, which will include proposing changes to NCARB *Model Law* and guidelines. These changes could, in turn, lead to consideration by the 54 U.S. licensing boards to remove "intern" from existing rules and regulations. Any *Model Law* proposal would be addressed in a resolution requiring a majority vote by representatives of the licensing boards at a future NCARB Annual Business Meeting. Implementation would not occur unless a jurisdiction adopts the *Model Law* change or makes some other change through amending its own laws, rules, or regulations to remove the word.

In the meantime, NCARB Chief Executive Officer Michael Armstrong indicates NCARB will begin making plans to remove "intern" from its own communications and correspondence. A future action, subject to review by the NCARB Board, is likely to involve the renaming of its Intern Development Program (IDP).

***Read the full statement by NCARB President Dale McKinney, President-Elect Dennis Ward, and CEO Michael Armstrong.***

######

**About NCARB**
The National Council of Architectural Registration Boards' membership is made up of the architectural registration boards of all 50 states as well as those of the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. NCARB assists its member registration boards in carrying out their duties and provides a certification program for individual architects.

NCARB protects the public health, safety, and welfare by leading the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects. In order to achieve these goals, the Council develops and recommends standards to be required of an applicant for architectural registration; develops and recommends standards regulating the practice of architecture; provides to Member Boards a process for certifying the qualifications of an architect for registration; and represents the interests of Member Boards before public and private agencies. NCARB has established reciprocal registration for architects in the United States and Canada.

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# STATEMENT REGARDING FUTURE USE OF INTERN AND ARCHITECT TITLES

*This transcript of formal remarks from NCARB leaders is being provided on-site at the AIA Convention NCARB booth (#2145), has been distributed to NCARB Member Boards, and has been repurposed in press release format. It is available on the NCARB website at www.ncarb.org.*

## REMARKS OF PRESIDENT DALE MCKINNEY, FAIA

Good Afternoon. I'm Dale McKinney, NCARB President.

Last year, it was my privilege to announce NCARB would form a new Future Title Task Force to address the use of the terms "intern" and "architect." We took on this issue because these terms are regulated by licensing boards and used by NCARB in administering its programs. While we can only advise licensing boards through resolutions, model laws and regulations, and NCARB policy, I felt this issue was ripe for our engagement.

This issue has been fraught with controversy. We know that in the last several years, concerns have been raised regarding the credibility of the term "intern," even as others say they don't understand the fuss. This issue became the prevailing topic of discussion at AIA's Emerging Professionals Summit early last year. Listening to the different points of view at that Summit, we determined that NCARB must assert its leadership role to facilitate a discussion among representatives of all interested and impacted parties.

I am happy to report that the Task Force did reach consensus on a future title approach. Their report was unanimously accepted by the NCARB Board of Directors at its April meeting.

This topic can inspire passion. It can also be divisive if not addressed in a thoughtful and inclusive manner. We were honored to have a diverse and representative group of interns—and licensed architects with a wide range of experience—spend the last year in a series of intense meetings. Each meeting was focused on reaching consensus toward a path forward.

I want to thank the Task Force members for their valuable contribution.

- The Task Force was chaired by my immediate predecessor, Past President Blake Dunn. During Blake's presidency, NCARB initiated discussions that culminated in decisions to streamline and overhaul the Intern Development Program. The Task Force also included interns and seasoned architects, many of whom have led national organizations.

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- Two of the interns on the Task Force actually became licensed architects during their time on the Task Force:
    - Tyler Ashworth, a former president of the American Institute of Architecture Students (AIAS) based in Washington, D.C.; and,
    - Shannon French, based in New Orleans.
- Interns also serving on the Task Force were:
    - Westin Conahan, the immediate past AIAS President now based in New York City;
    - Haley Gipe, former AIA National Associates Committee Chair and AIA National Board Member based in Fresno, California, and
    - Suni Dillard of Cambridge, Massachusetts.
- Architects serving on the Task Force were:
    - Scott Veazey of Evansville, Indiana, a former NCARB President and President-elect of the National Architectural Accrediting Board;
    - Rick Engebretson, a member of the North Dakota licensing board and former NCARB Board member;
    - Anne Smith, chair of the Georgia licensing board and current NCARB Board member;
    - Bayliss Ward, president of the Montana licensing board and incoming NCARB Board member;
    - Jennifer Workman, from Dallas, Texas; Former Regional Associate Director for the AIA National Associates Committee and former chair of the National Young Architects Forum Advisory Committee.
    - Tamarah Begay of Albuquerque, New Mexico and a leader in the Navajo nation architect community; and
    - Jeff Pastva, a recently licensed architect from Philadelphia, Pennsylvania, former Regional Director for the AIA Young Architects Forum and currently serving as their Communications Director.

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- Representing the licensing board executive community was Kingsley Glasgow, licensing board executive from Arkansas and a current NCARB Board member.

- Representing AIA was Damon Leverett, Managing Director, Diversity & Emerging Professionals Engagement.

- Staffing the Task Force was Harry Falconer, NCARB Director of Experience + Education.

Specifically, we asked the Task Force to address current and possible future titles. In turn, the Task Force elected to focus their deliberations on three areas:

- The pre-licensure title currently known as "intern,"
- The post-licensure, practitioner title known as "architect,"
- And, the post-retirement status, which some jurisdictions and organizations refer to as "emeritus."

The Task Force considered several factors in their deliberations:

- Data regarding the duration spent in internship,
- Data regarding titles used by other regulated professions in the building industry,
- Survey information regarding preferred titles,
- Anecdotal information regarding the connotations of the use of the word intern,
- The regulatory impacts of extending the title architect beyond the licensed community,
- And, the distinction between the role of the marketplace and membership organizations versus the legal role of licensing boards in protecting the public.

The final report of the Task Force recommends a simple solution: restrict the role of regulation to the title "architect," which should only apply to licensed individuals. The Task Force recommended that any title held by those pursuing licensure does not need to be regulated. In other words, it is recommended that NCARB discontinue the use of the word intern, intern-architect, or any other regulatory "title" describing those pursuing licensure. Further, architect emeritus is an acceptable term because it identifies those who have obtained a license but are no longer practicing, thus providing appropriate notice to the public.

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The rationale behind these simple but far-reaching recommendations is based on the role of the licensing board community. Their responsibility is to assure that the public is not misled by titles, and that a title assures the person is qualified to protect the public's health, safety, and welfare. Further, the Task Force asserted that as long as a person is not wrongly using a title to pursue or support clients, the licensure process does not need to address anything beyond the use of the title "architect."

As I mentioned earlier, our Board of Directors voted to unanimously to accept the Task Force report. However, this is merely the "beginning of the beginning" of a process with many moving parts.

At this time, I would like our President-elect, Dennis Ward of South Carolina, to describe next steps which will occur under his watch as President effective June 21 of this year.

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## REMARKS OF PRESIDENT-ELECT DENNIS WARD

Thank you Dale. As Dale mentioned, I'm Dennis Ward, currently First Vice President and President-elect of NCARB. I'm a practicing architect based in South Carolina and formerly a member of the South Carolina licensing board.

I would like to describe the different moving parts Dale referenced, as a way of helping you all better understand NCARB's role going forward.

I suggest you think of this in three parts or phases:

- There are things NCARB can do administratively almost immediately;
- There are things that require a vote of the NCARB Board which implies consultation with its Membership; and
- There are things that only the Membership, namely delegates from each of our 54 licensing board Members, can do.

The Board has requested our CEO Mike Armstrong lead the development of a "sunset plan" which comprehensively details options and next steps regarding the recommendations of the Task Force. As incoming President, I intend to provide charges to appropriate NCARB committees to advise us on the path forward. Some of our committees may recommend revisions to *Model Law* and regulations; others may recommend new ways to describe those who are on the path to licensure.

At an appropriate time, after consulting with our Membership, our Board is empowered to make formal changes to what is currently called the *IDP Guidelines.* These Guidelines describe the requirements of the Intern Development Program. Currently, we have just completed our approach to streamlining and overhauling the IDP. Now we will focus on the challenge of renaming the program. We intend to engage our Member Boards in this process.

Changes to model law and regulation come about through resolutions at our Annual Business Meeting. NCARB *Model Law* currently proposes the use of the title "intern architect." Thirty (30) jurisdictions currently reference one or more of the following titles in law or regulation: "intern architect;" "architectural intern;" "architect in training;" or, "intern."

Should any proposals to change *Model Law* surface during my presidency, they would be presented for comment next spring and for a vote of the Membership at the June 2016 Annual Business Meeting in Seattle.
Now, I would now like to introduce our Chief Executive Officer, Michael Armstrong, for remarks specific to the sunset plan activity.

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## REMARKS OF CEO MICHAEL ARMSTRONG

Thanks Dennis. As you have heard, our Board of Directors has asked me to lead a staff effort to develop a "sunset plan" regarding the implementation of the Future Title Task Force recommendations.

I want to underscore the reminder that future action is not totally within the scope of NCARB's authority. Decisions regarding legal language can only be made by individual licensing boards. Thus, our sunset plan will address what actions are within NCARB's authority, what actions are outside our authority, and how we will remain focused on our mission to protect the public through advising the regulatory process.

However, there are some immediate steps we are taking at a staff level to signal our response to the Task Force report and its acceptance by our Board.

- Last year, the Board agreed to the renaming of the IDP Coordinators Conference, and the renaming of the community of IDP Coordinators. Those references have been changed to the "Licensing Advisors Summit" and the "Architect Licensing Advisors Community;"
- We are renaming our Internship + Education Directorate, with a new title of the Experience + Education Department ($E^2$);
- We are directing our Marketing and Communications team to use new nomenclature in describing our programs and customers that avoids the use of the term "intern" going forward. As an example, someone registered for the exam is an ARE candidate. A person recording experience hours is a Record holder. The team has already been experimenting with alternative descriptors via our social media tools.

As we speak, our Member Boards have received notice of this announcement. This follows an introductory discussion on the concept of future titles held last fall at our Member Board Chairs and Executives Workshop in Indianapolis. We anticipate further discussion at our Annual Business Meeting next month in New Orleans.

Our staff liaisons to our volunteer committees will monitor the outcome of the additional charges issued by President-elect Ward. We will be prepared to support programmatic name changes and provide information regarding any future votes on NCARB guidelines and *Model Law*.

This concludes our formal remarks, and we are happy to take questions.

In the development of these guidelines, NCARB has been concerned with the respective roles of statutory enactment on the one hand and board rules or regulations on the other. Through a statute granting the power to adopt rules and regulations, the legislature permits a regulatory agency to elucidate and define further its statutory authority by establishing regulations. Regulations cannot contradict the statute. Practically, statutory change requires time, the mobilization of professional bodies to seek legislative support, and often considerable frustration when for one reason or another, the legislature postpones enacting the proposed reform. Regulations, on the other hand, may typically be adopted by the state board after notice and appropriate hearings. Thus, insofar as the regulation of the profession involves likely future changes in professional practice, the rules should be found in the regulations rather than the statute. The decision entails a reasonable calculation as to what matters a state legislature will permit a regulatory board to decide and what matters, as a question of public policy, should be decided by the legislature.

The nature of sanctions which may be imposed (fines, probation, suspension, revocation, and the like) is a matter customarily left to the legislature itself, while the question of educational and experience qualifications, a matter subject to changing concepts, might well be left to the registration board.

A connected question is the degree to which boards may rely on national standards as the standards to be used in their states. These guidelines refer specifically to the National Council of Architectural Registration Boards at various points and suggest that these references to NCARB be found in the statute. This decision is based on a legal judgment made from a survey of a variety of cases in various states that a board's reliance on NCARB procedures may be put in doubt in a court challenge if there is no legislative expression on the board's right so to rely. On the other hand, the reliance on these standards is permissive but not mandatory and is, in all cases, to be decided by the board in the board's regulations. Here it was the view of NCARB that legislators would be reluctant to fix in a statute the mandatory requirement that a national organization set the standards for the state, subject only to legislative amendment.

In sum, the *Legislative Guidelines* leaves to the boards flexibility and discretion to bring their states in line with the developing national standards for architectural registration and regulation. Such flexibility is ensured by leaving much of the detail to regulations to be promulgated by the board, while the enabling statute contains the general policy of the legislature.

## LEGISLATIVE GUIDELINES

### I DEFINITION

**A** The practice of architecture, for purposes of the registration statute, should be defined as consisting of providing or offering to provide certain services hereafter described, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within and the site surrounding such buildings, which have as their principal purpose human occupancy or habitation. The services referred to include pre-design; programming; planning; providing designs, drawings, specifications and other technical submissions; the administration of construction contracts; and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects. The practice of architecture shall not include the practice of engineering, but an architect may perform such engineering work as is incidental to the practice of architecture. No person not registered nor otherwise permitted to practice under the registration statute should be permitted to engage in the practice of architecture.

Except as provided in IV B and C, no person not registered should be permitted to acknowledge himself/herself as authorized to practice architecture or to use the title "architect" when offering to perform any of the services which the practice of architecture comprises or in circumstances which could lead a reasonable person to believe that such services were being offered; except that a person registered in another jurisdiction may use the title "architect" when identifying his/her profession in circumstances which would not lead a reasonable person to believe that the person using the title "architect" is offering to perform any of the services which the practice of architecture comprises.

A person currently employed under the responsible control of an architect and who maintains in good standing a National Council of Architectural Registration Boards Record may use the title "intern architect" or "architectural intern" in conjunction with his/her current employment, but may not engage in the practice of architecture except to the extent that such practice is excepted from the requirement of registration.

**9.** A person, who holds a current and valid certification issued by the National Council of Architectural Registration Boards but who is not currently registered in the jurisdiction, from offering to provide the professional services involved in the practice of architecture; provided that he/she shall not perform any of the professional services involved in the practice of architecture until registered as hereinbefore provided; and further provided that he/she notifies the Board in writing that (i) he/she holds an NCARB Certificate and is not currently registered in the jurisdiction, but will be present in **[the State]** for the purpose of offering to provide architectural services; (ii) he/she will deliver a copy of the notice referred to in (i) to every potential client to whom the person offers to provide architectural services; and (iii) he/she will provide the Board with a statement of intent that he/she will apply immediately to the Board for registration, if selected as the architect for a project in **[the State]**.

**10.** A person, who holds a current and valid certification issued by the National Council of Architectural Registration Boards but who is not currently registered in the jurisdiction, from seeking an architectural commission by participating in an architectural design competition for a project in **[the State]**; provided that he/she notifies the Board in writing that (i) he/she holds an NCARB Certificate and is not currently registered in the jurisdiction, but will be present in **[the State]** for the purpose of participating in an architectural design competition; (ii) he/she will deliver a copy of the notice referred to in (i) to every person conducting an architectural design competition in which the person participates; and (iii) he/she will provide the Board with a statement of intent that he/she will apply immediately to the Board for registration, if selected as the architect for the project.

**11.** A person who is not currently registered in this state, but who is currently registered in another United States or Canadian jurisdiction, from providing uncompensated (other than reimbursement of expenses) professional services at the scene of an emergency at the request of a public officer, public safety officer, or municipal or county building inspector acting in an official capacity. "Emergency" shall mean earthquake, eruption, flood, storm, hurricane, or other catastrophe that has been designated as a major disaster or emergency by the President of the United States or **[the governor or other duly authorized official of the state].**

**12.** An individual, registered and practicing in a nation other than the United States or Canada (a "foreign architect") from practicing in this jurisdiction, so long as such practice is in strict accordance with the provisions of this subsection:

(a) The foreign architect must show that he/she holds a current registration in good standing which allows him/her to use the title "architect" and to engage in the "unlimited practice of architecture" (defined as the ability to provide services on any type building in any state, province, territory, or other political subdivision of his/her national jurisdiction).
(b) The foreign architect must show that a bilateral agreement exists between NCARB and the national registration authority of his/her national jurisdiction.
(c) An architect registered in this jurisdiction shall take responsible control over all aspects of the architectural services for said project.
(d) The foreign architect may not seek, solicit, or offer to render architectural services in this jurisdiction, except with the material participation of the architect referred to in (c) above.
(e) Promptly after the foreign architect has been selected to provide architectural services for a project within this jurisdiction, the architect referred to in (c) above must file a statement with the Board, (1) identifying the foreign architect, (2) describing the project, and (3) describing the foreign architect's role.
(f) In all aspects of offering or providing architectural services within this jurisdiction, the foreign architect must use the title "[X], a foreign architect in consultation with [Y], an architect registered in **[this jurisdiction]**."

**13.** A person currently employed under the responsible control of an architect, and who maintains in good standing a National Council of Architectural Registration Boards Record, from using the title "intern architect" or "architectural intern" **[some states allow both; some only one]** in conjunction with his/her current employment. Such person may not engage in the practice of architecture except to the extent permitted by other provisions of this Section 11.

J. REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT

Mr. McGuinness, as REC Chair, updated the Board on the activities of the REC at its April 29, 2015 meeting. He reported that the Committee discussed 2015-2016 Strategic Plan objectives to (1) review the Board's Occupational Analysis (OA) of the architect profession to identify marketplace trends that impact consumer protection; (2) modify and expand reports to Board members regarding enforcement activities to identify the most common violations and disciplinary actions; (3) pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties; and (4) monitor NCARB action on the title for interns to ensure appropriate consumer protection, and discuss AIACC's request to expand the current terminology for candidates in the Architects Practice Act (Act) to include the title "architectural intern." Mr. McGuinness reported that the REC voted to recommend that the Board not consider the title "architectural intern" for candidates pursuing licensure any further.

Mr. McCauley provided some background on the "architectural intern" title issue. He stated that NCARB's Future Title Task Force presented recommendations at the NCARB Board of Directors meeting in April 2015 concerning terminology used during the life cycle of an architect's career. Mr. McCauley explained that AIACC, in a letter dated March 4, 2015, asked the Board to consider the following:

- NCARB recommends in its *Legislative Guidelines and Model Law* (2014-2015 Edition) that a person with an NCARB record in good standing and currently employed under the responsible control of an architect, be allowed to use the title "intern architect" or "architectural intern" in conjunction with his or her current employment.

- According to NCARB, 28 jurisdictions have titles specifically for those actively pursuing licensure, and currently allow the use of the terms "intern architect," "architectural intern," "architect-in-training," or a combination of the terms.

- Many jurisdictions require interns to register with both NCARB and the state board prior to using the designated title. This can potentially streamline the licensure process by establishing a relationship with the state board early on, and allowing interns to educate themselves about the state licensure requirements from the beginning of their path to licensure.

- Allowing the use of the term "architectural intern" may promote licensure, as this term sets apart those who are actively pursuing licensure from those who choose not to become licensed.

- The Act regulates the use of the terms "architect," "architecture," and "architectural" in order to protect consumers from being misled by unlicensed professionals. The terms "intern architect" and "architectural intern" are not misleading and clearly indicate – by the definition of the word "intern" – that such individuals are trainees in the field of architecture.

Mr. McCauley asked the Board to review and consider the REC's recommendation to no longer consider the title "architectural intern."

Kurt Cooknick reminded the Board that decisions regarding legal language can only be made by individual licensing boards, and cautioned the Board not to allow NCARB's actions to influence the Board's decisions on the issue. Mr. Cooknick also reminded the Board that the decision to be made at the present time concerns whether to continue or discontinue further consideration of the use of a term similar to "architectural intern." He conveyed that AIACC reflected on and identified remedies to REC's concerns about consumer protection, specifically regarding the use and misuse of the title. Mr. Cooknick stated that he does not find the REC's recommendation to discontinue the "architectural intern" title conversation an appropriate recommendation. He stated that AIACC hopes that, through continued discussion, the concerns of the REC and, ultimately, of the Board, could be sufficiently addressed. Mr. Feng asked who would enforce the use of or the consequences of misusing a title like "architectural intern." Mr. Cooknick replied that he would expect the Board to be the enforcer because the Board's enforcement mechanisms already exist.

Deborah Gerard addressed the Board. Ms. Gerard advised that current restrictions are affecting young professionals' sense of belonging to the profession, and asked the Board to loosen constraints for use of the term "architectural." She stated that use of the term as it concerns young professionals who are "not yet licensed" would not be confusing, and, instead, would help her to better engage and groom the next generation of leaders at her firm. Ms. Gerard asked the Board to lead on this issue.

Julia Flauas spoke about the confusion that exists for young professionals who are graduates of schools of architecture, but who are not yet licensed. Ms. Flauas asked the Board to help young people, and the architecture firms that employ them, to identify an appropriate title to be used until the day they become licensed.

Mr. Cooknick stated that the Board should not be afraid to consider the issue on a deeper level. He informed that an enforcement officer with the Board of Professional Engineers, Land Surveyors, and Geologists communicated to him that misuse of the title "Engineer in Training" is very rare. Mr. Cooknick said that if the engineering profession can designate a title for their young professionals who are not yet licensed, so can the architectural profession. He asked the Board to take a step toward meeting AIACC half-way and continue discussion of designating a title for professionals in the architectural community who are not yet licensed.

Mr. Baker asked about other professions' practices. He asked, for instance, if the legal profession has a term like "intern attorney," or if the medical profession has a term like "intern doctor." Mr. Cooknick stated that the legal profession uses the term "clerk," and the healing arts profession uses the term "intern" when referring to people who are not yet licensed to practice their profession, but are in pursuit of licensure. Ms. Lewis advised the Board that the terms "intern," "resident," and "fellow" are used in the medical profession. She explained that "fellows" are doctors who have completed residency and are specializing in a field of medicine. Ms. Lewis also informed the Board that graduates of medical school are considered "doctors" even if they hold an "internship," "residency," or "fellowship" position.

Ms. Serrano expressed a sense of agreement with the concept of identifying a term like "architect intern," "architect in training," or something similar, for young professionals who are not yet licensed to practice architecture. She opined that, from a consumer perspective, a designation would be positive.

Mr. Gutierrez asked what rationale the REC had to prompt it to recommend discontinuing the "architect intern" title discussion. Mr. McGuinness explained that the Committee considered enforcement implications, and a sense of vagueness that appeared to "water down" the prestige of the title "architect." Mr. Williams added that the REC did not believe a new title was needed. Mr. Gutierrez stated his belief that the consumer would be more endangered by individuals who present themselves illegally as architects than by those who present themselves illegally as interns. He also stated that the protection of the title "architect" has more to do with emotion than it has to do with its relevance to the social climate of the profession. Mr. Gutierrez told the Board that he would not be in favor of accepting the REC's recommendation.

Mr. Feng asked Ms. Gerard if not being able to call her staff "intern," or something similar, harms her firm or her firm's relationships with clients in any way. Ms. Gerard explained that titles are given to her unlicensed staff in a way that respects current law, but does not accurately reflect the work they are tasked to do (e.g., project manager, project coordinator). She informed that there are professionals in her community who feel that the term "intern" is demeaning, and that very few of these professionals are willing to call themselves "intern." Ms. Gerrard stated that she is advocating for use of the term "architect" as a modifier (e.g., architectural staff, architectural technician, and architectural designer).

Mr. Baker asked pointed questions about how to effectively manage the administration of a program for individuals who are not licensed, the program's timeframe, as well as its enforcement. Mr. Cooknick stated his desire for the REC to consider and address each of Mr. Baker's questions, as well as other questions that have not yet been asked. He said that these questions must be addressed in a fair process moving forward, and the discussion should not end at this point in time. Mr. Baker explained that the Board's jurisdiction is architects, and a part of its responsibility is to manage the use of the word "architect" in the context of consumer protection. He further explained that, since the Board's jurisdiction is licensed architects, the management of a process that oversees titling for individuals who are not in the profession is difficult to justify. Mr. Baker opined that modifying the Act to manage anyone "thinking about" becoming practitioners of architecture, alters the Board's mandate in a serious way.

Julianne D'Angelo Fellmeth informed that several other professions with the same kind of licensing structure as the Board have identified a designation for people who are pursuing licensure. Ms. Fellmeth encouraged the Board to reach out to other boards that incorporate the term that is used post-licensure into a term used for someone who is still in training. She said that there is room for inviting young people into the profession who are actively pursuing licensure by making them feel wanted.

Mr. Gutierrez stated that, according to his calculation, 38 states have found a way to use "architect" in one way or another to describe people who are in pursuit of licensure. He noted that a change in reference to people who are not yet licensed that involves the word "architect" will require a revision to the Act. Mr. Gutierrez reminded the Board that these possibilities will never be fully vetted if there is an agreement to discontinue the conversation at this point in time.

- **Sylvia Kwan moved to reject REC's recommendation to discontinue consideration of the term "architectural intern" for candidates pursuing licensure.**

  **Ebony Lewis seconded the motion.**

Ms. Kwan stated that her perspective on the issue has evolved as a direct result of the current discussion.

Mr. Baker clarified his concern that if the Board decides to take jurisdiction over this new group of people and a new title, then the consequence of that decision would likely include additional funding and staff, and several logistical changes that would be required to oversee a new program. He questioned whether the need is great enough to justify the consequence.

Mr. Baker reiterated that the Board's mandate to govern and oversee the practice of architecture is written into law. Mr. Cooknick reminded the Board that its mandate is over 110 years old, and suggested that it may now be time to consider modifying the Act.

Ms. Kwan asked about the possibility of holding a joint meeting between the Board and the REC, to which Mr. McCauley confirmed the possibility. Mr. McCauley stated that, historically, the committee process has worked well. Mr. Baker suggested considering NCARB's and AIA's research on the issue to inform any future conversation the Board may have.

- **Pasqual Gutierrez moved to amend the motion to reject REC's recommendation to discontinue consideration of the term "architectural intern" for candidates pursuing licensure, and to have the REC research and reevaluate its recommendation to the Board.**

  **Tian Feng seconded the amendment to the motion.**

Mr. Cooknick expressed his support for the REC to reconsider the intern title issue.

**Members Gutierrez, Feng, Campos, Kwan, Lewis, McGuinness, Serrano, Williams, and President Baker voted to amend the motion. The motion passed 9-0**.

**Members Gutierrez, Feng, Campos, Kwan, Lewis, McGuinness, Serrano, Williams, and President Baker voted in favor of the amended motion. The motion passed 9-0**.

F. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Mr. Baker reminded the Board that its positions on NCARB resolutions for 2015 have already been identified, but, if desired, the Board may reinforce or modify the positions. Mr. McCauley recommended that the Board support all three of NCARB's resolutions for 2015.

- **Tian Feng moved to support Resolutions 2015-1, 2015-2, and 2015-3.**

  **Nilza Serrano seconded the motion.**

  **Members Gutierrez, Feng, Campos, Kwan, Lewis, McGuinness, Serrano, Williams, and President Baker voted in favor of the motion. The motion passed 9-0**.

Mr. Baker stated that the only contested election is between Margo Jones and Kristine Harding for the NCARB First Vice Presidency. He asked the Board to consider whether to take an immediate position on the candidates, or to allow the Board delegation that will attend the

NCARB BLOG

# Infographic: Intern Titles by State

By Samantha Miller| 08/22/2014 | **COMMENTS:** 7 |

236 75 29 374

**INTERNSHIP** **LICENSURE**

The intern title debate—it's a topic capable of eliciting a passionate response from emerging professionals, seasoned architects, and everyone in between. Recognizing this, NCARB President Dale McKinney, FAIA, announced the formation of a Future Title Task Force. Today, the group will meet for the first time, kicking off a year-long exploration of possible titles for everyone along the path to licensure and beyond.

Currently, 28 jurisdictions have laws and/or rules that specifically address intern titles. So even if the task force comes to a consensus (and individual state boards buy in), any change could take years to work its way through the many state legislatures.

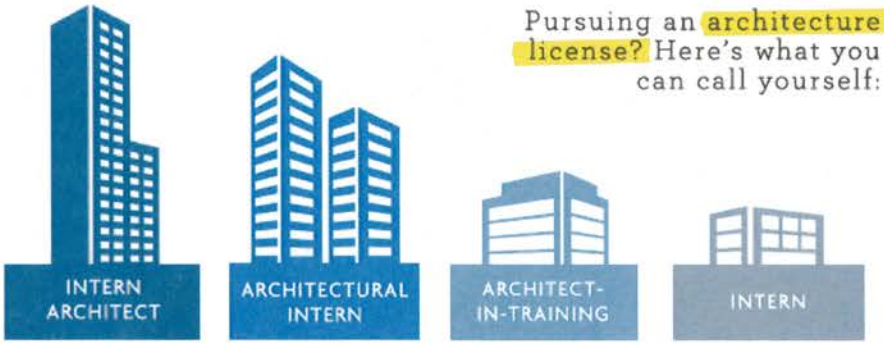
In the meantime, we sifted through the rules and regulations of each jurisdiction to uncover what interns can call *legally* themselves. A word of caution: even if your state doesn't address intern titles in its laws and/or rules, you can only call yourself an "architect" once you're licensed.

NCARB

Infographic: Intern Titles by State

# INTERN TITLES BY STATE

Pursuing an architecture license? Here's what you can call yourself:




**INTERN ARCHITECT**

ALABAMA
ARKANSAS
DELAWARE
FLORIDA
IOWA
LOUISIANA
MASSACHUSETTS
MISSISSIPPI
NEBRASKA
NEW MEXICO
N. CAROLINA
OHIO
OKLAHOMA
S. CAROLINA
WASHINGTON

**ARCHITECTURAL INTERN**

ARKANSAS
COLORADO
DELAWARE
IDAHO
IOWA
ILLINOIS
MONTANA
N. CAROLINA
OHIO
OKLAHOMA
OREGON
SOUTH DAKOTA
TEXAS
WISCONSIN

**ARCHITECT-IN-TRAINING**

MONTANA
PUERTO RICO
VIRGIN ISLANDS

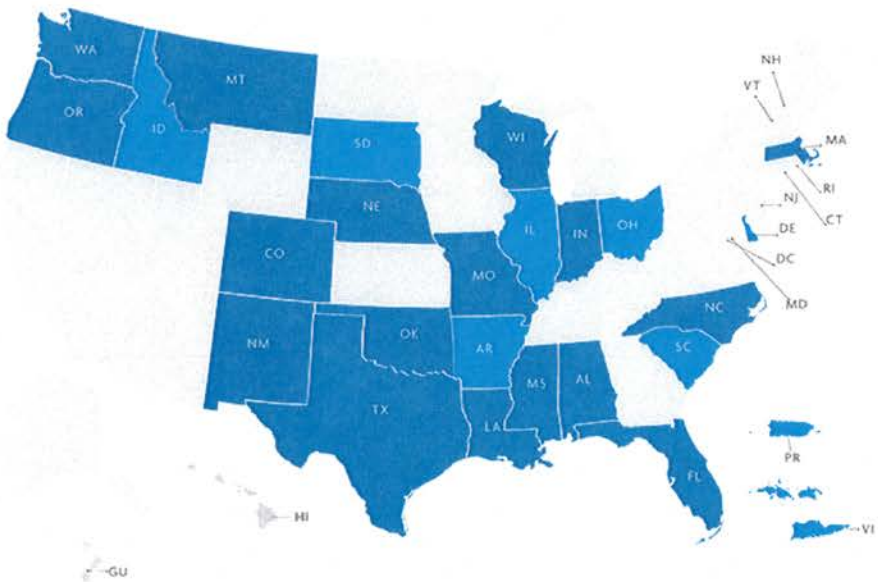
**INTERN**

INDIANA
WEST VIRGINIA

**28**

JURISDICTIONS HAVE LAWS AND/OR RULES THAT ADDRESS INTERN TITLES

To change these titles, your jurisdiction would need to pass a new:




**LAW**: CAN BE CHANGED THROUGH LEGISLATION

**RULE**: CAN BE CHANGED THROUGH STATE REGULATION

http://blog.ncarb.org/2014/August/Intern-Titles.aspx

DOES NOT ADDRESS *

* Even if your state doesn't address intern titles in its laws and/or rules,

YOU CAN ONLY CALL YOURSELF AN "ARCHITECT" ONCE YOU'RE LICENSED.

PROFESSIONAL DEGREE IN ARCHITECTURE

60%

MAINTAIN PARTICIPATION IN THE IDP

General requirements to use a title include:

*Note: Always **check with your state board** for the latest rules and regulations.*

EMPLOYED UNDER RESPONSIBLE CONTROL

WORKING TOWARD LICENSURE

IN CONJUNCTION WITH CURRENT EMPLOYMENT

No. 00000

REGISTERED WITH STATE BOARD

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**Remember:** Always check with your state board for the latest rules and regulations.

# The Use of Titles by Interns: References in NCARB Member Boards' Laws and Rules for Architectural Practice

**November 2014**

**Member Board Relations**

**National Council of Architectural Registration Boards**
**1801 K Street NW, Suite 700k**
**Washington, DC 20006**
**202/783-6500**
**WWW.NCARB.ORG**

## *Background*

- 30 jurisdictions do address the use of titles by Interns in their laws/ rules
- 24 jurisdictions do not address the use of titles by Interns in their laws/ rules

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## *Use of titles by Interns*

- Architect – in – training
- Architectural Intern
- Architectural Intern & Intern Architect
- Intern
- Intern Architect

[4] Architect – in – training [AZ, MT, PR, VI]

[8] Architectural Intern [CO, ID, IL, MO, OR, SD, TX, WI]

[7] Architectural Intern & Intern Architect [AR, DE, IA, NC, OH, OK, RI]

[2] Intern [IN, WV]

[9] Intern Architect [AL, FL, LA, MA, MS, NE, NM, SC, WA]

## *General requirements to use a title include:*

- Hold a professional degree in architecture/ complete education requirements and enrolled in IDP
- Be enrolled, active, and in good standing in NCARB IDP
- Employed under responsible control
- May only use the title in conjunction with current employment
- Must stop using the title if he/she stops working or stops working towards licensure
- Register with and receive written notice from the Board

## **REGIONS 1 – 3:** JURISDICTIONS THAT ADDRESS THE USE OF TITLES BY INTERNS IN THEIR LAWS AND RULES?

| Jurisdiction | Law | Rule |
|---|---|---|
| NCARB | Legislative Guidelines | |
| Region 1 | | |
| Massachusetts | | 4.03 Restricted and Prohibited Uses of Professional Titles |
| Rhode Island | | Section 10 Non-practicing Individuals |
| Region 2 | | |
| Delaware | § 303 Registration to practice; construction of chapter. | 1.0 Scope: Definitions |
| West Virginia | | §2-1-2. Definitions. |
| Region 3 | | |
| Alabama | | 100-X-5-.02 Use of the Title "Intern-Architect". |
| Arkansas | 17-15-312. Practice by architect not registered in Arkansas. | Section 1- Scope and Definitions E. Terms Defined Herein |
| Florida | | 61G1-11.013 Definitions |
| Louisiana | | §1529. Intern Architect |
| Mississippi | | Rule 2.06 Intern Architect Status. |
| North Carolina | | 21 NCAC 02 .0302 EXAMINATION |
| Puerto Rico | § 711a. Definitions | § 711b. Professional practice |
| South Carolina | SECTION 40-3-20. Definitions. | |
| Texas | | RULE §1.5 Terms Defined Herein<br>RULE §1.123 Titles |
| Virgin Islands | § 282. Definitions<br>§ 283. General requirements for licensing | |

## **REGIONS 4 – 6:** JURISDICTIONS THAT ADDRESS THE USE OF TITLES BY INTERNS IN THEIR LAWS AND RULES?

| Jurisdiction | Law | Rule |
|---|---|---|
| Region 4 | | |
| Illinois | Sec. 4. Definitions.<br>Sec. 36. Violations. | Section 1150.10 |
| Indiana | | 804 IAC 1.1-7-2 "Intern" defined |
| Iowa | | 193B—2.1(544A,17A) Definitions. |
| Missouri | | 20 CSR 2030-5.030 Standards for Admission to Examination — Architects |
| Ohio | 4703.06 Certificate to practice; title | |
| Wisconsin | | A-E 3.03 (5) |
| Region 5 | | |
| Montana | | 24.114.510 ARCHITECTS-IN-TRAINING |
| Nebraska | | 5.7 Use of Titles in Architecture and Engineering |
| Oklahoma | | 55:10-1-3. Definitions |
| South Dakota | 36-18A-1. Definition of terms. Terms used in this chapter mean: | |
| Region 6 | | |
| Arizona | 32-101. Purpose; definitions<br>32-122. Qualifications for in-training registration | |
| Colorado | | 2.2 Definitions in Alphabetical Order. |
| Idaho | 54-309. Definitions -- Limitation on application. | 375.ARCHITECTURAL INTERN (RULE 375). |
| New Mexico | §61-15-2. Definitions.<br>61-15-5. Additional duties of the board. | 16.30.1.7 DEFINITIONS |
| Oregon | | 806-010-0020 - Initial Registration by Examination<br>806-010-0037- Architect Title |
| Washington | | 18.08.310 Authorization to practice required —Out-of-state firms—Interns. |

# NCARB

## LEGISLATIVE GUIDELINES

### I DEFINITION

A The practice of architecture, for purposes of the registration statute, should be defined as consisting of providing or offering to provide certain services hereafter described, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within and the site surrounding such buildings, which have as their principal purpose human occupancy or habitation. The services referred to include pre-design; programming; planning; providing designs, drawings, specifications and other technical submissions; the administration of construction contracts; and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects. The practice of architecture shall not include the practice of engineering, but an architect may perform such engineering work as is incidental to the practice of architecture. No person not registered nor otherwise permitted to practice under the registration statute should be permitted to engage in the practice of architecture.

Except as provided in IV B and C, no person not registered should be permitted to acknowledge himself/herself as authorized to practice architecture or to use the title "architect" when offering to perform any of the services which the practice of architecture comprises or in circumstances which could lead a reasonable person to believe that such services were being offered; except that a person registered in another jurisdiction may use the title "architect" when identifying his/her profession in circumstances which would not lead a reasonable person to believe that the person using the title "architect" is offering to perform any of the services which the practice of architecture comprises.

<u>A person currently employed under the responsible control of an architect and who maintains in good standing a National Council of Architectural Registration Boards Record may use the title "intern architect" or "architectural intern" in conjunction with his/her current employment, but may not engage in the practice of architecture except to the extent that such practice is excepted from the requirement of registration.</u>

# REGION 1

## CONNECTICUT

- Does not address

## MAINE

- Does not address

## MASSACHUSETTS

RULE

**4.03: Restricted and Prohibited Uses of Professional Titles**

Neither the title "Architect" or any modification of said title shall be affixed or otherwise used in conjunction with any surname, word or business title when such use would imply that an individual, associate, partner or corporate officer is an architect when, in fact, such individual, associate, partner, or corporate officer is not a registered architect. An individual shall not be deemed to have violated this section if he or she uses the title "Intern-Architect", as long as he or she is enrolled, active and in good standing in, the NCARB Intern-Architect Development Program (IDP).

## NEW HAMPSHIRE

- Does not address

## RHODE ISLAND

RULES

**Section 10 Non-practicing Individuals**

A. Interns – A person currently employed under the responsible control of an architect and who maintains in good standing a National Council of Architectural Registration Boards Record may use the title “intern architect” or “architectural intern” in conjunction with his/her current employment, but may not engage in the practice of architecture except to the extent that such practice is excepted from the requirement of registration.

## VERMONT

- Does not address

# REGION 2

## DELAWARE

### LAW

**§ 303 Registration to practice; construction of chapter.**

(a) The right to engage in the practice of architecture shall be deemed a personal right, based upon the qualifications of the individual as evidenced by a certificate of registration, which shall not be transferable. No person shall engage in the practice of architecture in this State or otherwise hold oneself out to the public as being an architect, or use in connection with the person's name, or otherwise assume, use or advertise any title or description intending to convey the impression that the person is an architect, unless such person has a certificate of registration.

(b) The provisions of this chapter shall not be construed to prevent, nor to affect:

15. A person currently employed under the responsible control of an architect, and who maintains in good standing a National Council of Architectural Registration Boards record, from using the title "intern architect" or "architectural intern" in conjunctions with the person's current employment. Such person may not engage in the practice of architecture except to the extent permitted by other provisions of this chapter.

### RULE

**1.0 Scope: Definitions**

"Intern" means any individual in the process of satisfying the Board's training requirements. This includes graduates from recognized architectural programs, architectural students who acquire acceptable training prior to graduation and other qualified individuals identified by the Board.

## DISTRICT OF COLUMBIA

- Does not address

## MARYLAND

- Does not address

## NEW JERSEY

- Does not address

## NEW YORK

- Does not address

## PENNSYLVANIA

- Does not address

## VIRGINIA

- Does not address

## WEST VIRGINIA

RULE

**§2-1-2. Definitions.**

2.2.12. Intern – An individual in the process of satisfying this registration Board's training requirements. This includes graduates from accredited architectural programs, architecture students who acquire acceptable training prior to graduation, and other qualified individuals identified by these regulations.

# REGION 3

## ALABAMA

RULE

**100-X-5-.02 Use of the Title "Intern-Architect".**

An individual who possesses a NAAB-accredited professional degree in architecture, is actively enrolled in the NCARB Intern Development Program, and is working under the responsible control of a registered architect may use the title "Intern Architect."

## ARKANSAS

LAW

**17-15-312. Practice by architect not registered in Arkansas.**

This chapter does not prevent:

b) An individual who possesses a professional degree in architecture and is enrolled in the Intern Development Program of the National Council of Architectural Registration Boards or under the jurisdiction of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers may use the title "Architectural Intern" or "Intern Architect" to identify himself or herself.

RULE

**Section 1- Scope and Definitions**
**E. Terms Defined Herein**

Intern Architect: An intern architect is any person who possesses a professional degree in architecture from an NAAB-accredited school and is enrolled in the Intern Development Program (IDP). Use of the title "intern architect" shall not be construed to allow practice of architecture by unregistered individuals.

## FLORIDA

RULE

**61G1-11.013 Definitions.**

4. The title "Intern Architect" may be used by an individual who possesses a National Architectural Accreditation Board (NAAB) accredited professional degree in architecture, is actively enrolled with the National Council of Architectural Registration Boards (NCARB) in the Intern Development Program (IDP), and is working under the

direct supervision of a registered architect. This title shall be used only in conjunction with the architectural firm for which an individual is employed as an intern to meet the requirements of Section 481.211, F.S., "Architecture internship required."

- *Law* - 481.211 Architecture internship required.—An applicant for licensure as a registered architect shall complete, before licensure, an internship of diversified architectural experience approved by the board, which meets the requirements set forth by rule.

History.—ss. 6, 19, ch. 79-273; ss. 2, 3, ch. 81-318; ss. 8, 23, 24, ch. 88-383; s. 4, ch. 91-429; s. 301, ch. 94-119; s.27, ch. 2012-61.

## GEORGIA

- Does not address

## LOUISIANA

### RULE

**§1529. Intern Architect**

A.1 A person who:

a. Has completed the education requirements set forth in NCARB Circular of Information No. 1;
b. Is participating in or who has successfully completed the Intern Development ("IDP); and
c. Is employed by a firm which is lawfully engaged in the practice of architecture in this state may use the title "intern architect" but only in connection with that person's employment with such firm

2. The title may not be used to advertise or offer to the public that such person is performing or offering to perform architectural services, and accordingly such person may not include himself in any listing of architects or in any listing of persons performing architectural services. Such person may use a business card identifying himself as an "intern architect", provided such business card also includes the name of the architectural firm employing such person.

## MISSISSIPPI

### RULE

**Rule 2.06 Intern Architect Status.**

Individuals who possess a NAAB accredited professional degree in architecture, are actively enrolled with NCARB in IDP, and are working under the direct supervision of a registered architect may use the title “Intern Architect,” but only in conjunction with the architectural firm for which the individual is employed as an intern.

## NORTH CAROLINA

### RULE

**21 NCAC 02 .0302 EXAMINATION**

f) A person currently employed under the responsible control of an architect, who holds a Professional Degree from a NAAB accredited program, and who is enrolled in and maintains good standing or has successfully completed a National Council of Architectural Registration Boards Record in the Intern Development Program (IDP) may use the title "Architectural Intern" or "Intern Architect" in conjunction with his/her current employment.

## PUERTO RICO

### LAW

**§ 711a. Definitions**

g) Architect in training. Shall mean any person who holds a diploma or certificate accrediting the satisfactory completion of the requirements of this discipline from a school whose curriculum is recognized by the Council on Higher Education, the National Architectural Accreditation Board (NAAB) or this Board, who is registered as such in the Register of the Board and to whom the Board has issued the corresponding certificate and practices his/her profession under the supervision of a licensed architect.

**§ 711b. Professional practice**

f) Limitation to the practice of architects in training. Architects in training will be authorized to practice their profession in a limited manner under the direct supervision of a licensed professional duly authorized to practice engineering or architecture in Puerto Rico. Architects in training shall not certify professional works or assume primary responsibility therefor or directly contract these with the general public.

None of the professionals in training or associate shall alter or modify the works carried out by licensed professionals pursuant to §§ 711--711z of this title when these refer to the technical aspects of the profession.

## SOUTH CAROLINA

### LAW

**SECTION 40-3-20. Definitions.**

(11) "Intern Architect" means a person who:

a) has completed a NAAB accredited first professional degree and is eligible in all respects for licensure through examination;
b) is currently enrolled in and actively participating in the Intern Development Program or who has completed the Intern Development Program; and
c) is employed by a firm which is lawfully engaged in the practice of architecture in this State.

A person may use the title "Intern Architect" only in connection with the person's employment with the firm in which the person is an intern. The title may not be used to advertise or offer to the public that the person is performing or offering to perform architectural services, and the person may not include himself in any listing of architects or in any listing of persons performing architectural services. The person may use a business card identifying himself as an 'Intern Architect', if the business card also includes the name of the architectural firm in which the person is an intern.

## TENNESSEE

- Does not address

## TEXAS

### RULE

**RULE §1.5 Terms Defined Herein**

11. Architectural Intern--An individual enrolled in the Intern Development Program (IDP).

**RULE §1.123 Titles**

d. A person enrolled in the Intern Development Program (IDP) may use the title "architectural intern."

# VIRGIN ISLANDS

## LAW

### § 282. Definitions

b) Architect-in-training. An architect-in-training means one who is a candidate for licensure as a professional architect, who has been granted a certificate as an architect-in-training by reason of graduation from an approved institution or college, or after successfully passing the prescribed written examination in fundamental subjects in architecture, and who shall be eligible upon the completion of the requisite years of experience in architecture, under the supervision of a professional architect, or similarly qualified architect, for the final examination prescribed for licensure as a professional architect.

### § 283. General requirements for licensing

e) Engineer-in-training and architect-in-training: Experience and examination. An applicant producing satisfactory evidence to show four or more years of experience in engineering or architectural work shall be admitted to examination for the purpose of testing the applicant's knowledge of fundamental engineering or architectural subjects. The examinations of applicants as engineers-in-training or architects-in-training shall be designed to permit an applicant for licensure as a professional engineer or architect to take his examination in two stages. Satisfactory passing of this portion of the examination shall entitle the applicant to a certificate as an engineer-in-training or as an architect-in-training.

# REGION 4

## ILLINOIS

### LAW

**Sec. 4. Definitions.**

In this Act: "Architectural intern" means an unlicensed person who has completed the education requirements, is actively participating in the diversified professional training, and maintains in good standing a training record as required for licensure by this Act and may use the title "architectural intern", but may not independently engage in the practice of architecture.

**Sec. 36. Violations.**

Each of the following Acts constitutes a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense:

- An unlicensed person who has completed the education requirements, is actively participating in the diversified professional training, and maintains in good standing a training record as required for licensure by this Act may use the title "architectural intern", but may not independently engage in the practice of architecture.
  (Source: P.A. 96-610, eff. 8-24-09.)

### RULE

**Section 1150.10 Education Requirements and Diversified Professional Training Requirements**

b) Diversified Professional Training Requirements

7) Program Requirements

- G) A person who has completed the education requirements, is actively participating in the diversified professional training and maintains in good standing a training record as required by this Section may use the title "architectural intern", but may not engage in the practice of architecture.

## INDIANA

### RULE

**804 IAC 1.1-7-2 "Intern" defined**

Authority: IC 25-4-1-3
Affected: IC 25-4-1-7.5
Sec. 2. As used in this rule, "intern" means an individual obtaining the training and experience required by IC 25-4-1-7.5 and this rule. *(Board of Registration for Architects and Landscape*

*Architects; 804 IAC 1.1-7-2; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1053; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA; filed Nov 22, 2010, 9:56 a.m.: 20101222-IR-804090908FRA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225- IR-804130276RFA)*

## IOWA

RULE

**193B—2.1(544A,17A) Definitions.**

The following definitions apply as used in Iowa Code chapter 544A, and this chapter of the architectural examining board rules, unless the context otherwise requires.

- "Architectural Intern" means an individual who holds a professional degree from an NAAB-accredited program, has completed or is currently enrolled in the NCARB Intern Development Program and intends to actively pursue registration by completing the Architect Registration Examination.
- "Intern Architect" has the same meaning as "Architectural Intern."

## KENTUCKY

- Does not address

## MICHIGAN

- Does not address

## MINNESOTA

- Does not address

## MISSOURI

RULE

**20 CSR 2030-5.030 Standards for Admission to Examination—Architects**

1. Every graduate from a curriculum fully accredited by the National Architectural Accreditation Board (NAAB), or other designated agencies as recognized by the National Council of Architectural Registration Boards (NCARB), who shall apply for architectural licensure shall submit with and as a part of the application documents as required in section 327.131, RSMo, a fully certified and completed Intern Development Program (IDP) record. <u>A person participating in IDP through NCARB who has graduated with an</u>

NAAB accredited degree or equivalent degree from Canada or who has acquired a combined total of twelve (12) years of education, above the high school level pursuant to section 327.131, RSMo, may use the term "Architectural Intern."

## OHIO

### LAW

**4703.06 Certificate to practice; title**

(A) … No other person shall assume such title or use any abbreviation, or any words, letters, or figures, to indicate or imply that the person is an architect or registered architect, except that persons may be authorized by the board to use the specific title "intern architect, " "architectural Intern," or "emeritus architect" as described in division (B) of this section.

(B) The board may authorize by rule any person to use the title "intern architect," "architectural Intern," or "emeritus architect". The board may adopt any rules the board deems necessary pertaining to intern architects, architectural interns, and emeritus architects, including, but not limited to, rules pertaining to registration, registration fees, and renewal fees.

Effective date: June 20, 2008

### RULE

**4703-1-01 Definitions**

G. "Intern architect" or "architectural intern" - an individual approved by the board to sit for the architect registration exam and who holds an active record with the national council of architectural registration boards.

## WISCONSIN

### RULE

**A-E 3.03 Architectural experience.**

(1) In satisfaction of the 2 year experience requirement of s. 443.03 (1) (b) 1m., Stats., or in satisfaction of 2 years of the 7 year requirement of s. 443.03 (1) (b) 2., Stats., applicants for registration as an architect shall complete the intern architect development program sponsored by the national council of architectural registration boards and the American institute of architects, or shall submit evidence of experience in architectural work which the board finds is substantially equivalent to the experience obtained by completing the intern architect development program.

Note: A current copy of the Intern Development Program Table of Training Requirements may be obtained from the Division of Professional Credential Processing located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) Satisfactory experience in architectural work shall consist of related practical training including at least one year of experience in the design and construction of buildings under the supervision of a registered architect, professional engineer, or exempt person as defined in s. 443.14, Stats., prior or subsequent to acquisition of approved educational equivalents.

(3) To qualify as satisfactory experience in architectural work, employment shall consist of at least 2 or more continuous months.

(4) Not more than one year of credit for satisfactory experience in architectural work may be granted for any calendar year.

(5) An individual acquiring supervised experience in architectural work under this section for the purpose of satisfying the requirements of s. 443.03 (1) (b), Stats., may use the title "architectural intern."

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; r. and recr. Register, November, 1990, No. 419, eff. 1-1-93; am., cr. (2) to (4), Register, January, 1993, No. 445, eff. 2-1-93; r. Figure, Register, January, 1999, No. 517, eff. 2-1-99; CR 02-111: cr. (5) Register May 2003 No. 569, eff. 6-1-03; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register May 2013 No. 689.

# REGION 5

## KANSAS

- Does not address

## MONTANA

RULE

**24.114.510 ARCHITECTS-IN-TRAINING**

(1) Persons who are not licensed under Title 37, chapter 65, MCA, may use the title "architect-in-training" in representing themselves to the public, as long as such persons:

a) perform their work activities under the direct supervision and responsibility of a licensed architect;
b) have obtained the proper degree; and
c) are actively pursuing training toward licensure.

(2) An architect-in-training must cease use of the title if the person ceases activities or work in pursuit of licensure.

(3) Principals of firms employing architects-in-training may use the title "architect-in-training" as they deem appropriate when making presentations, in promotional materials, etc.

(History: 37-1-131, 37-65-204, MCA; IMP, 37-65-301, MCA; NEW, 1998 MAR p. 449, Eff.2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)

## NEBRASKA

RULE

**5.7 Use of Titles in Architecture and Engineering**

5.7.5 The criteria for use of the title “Intern Architect” is education and experience, both of which are satisfactory to the board. A person who has earned a NAAB-accredited degree or equivalent in architecture may use the title “Intern Architect.”

## NORTH DAKOTA

- Does not address

## OKLAHOMA

RULE

**55:10-1-3. Definitions**

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Architectural Intern" shall have the same meaning as "Intern Architect".

"Intern Architect" means an individual in the process of obtaining training acceptable to the Board in order to complete requirements and/or is currently testing to pursuing licensure.

## SOUTH DAKOTA

LAW

**36-18A-1. Definition of terms. Terms used in this chapter mean:**

(3) "Architectural intern," any person who has successfully completed an accredited education program in architecture acceptable to the board and is enrolled in the intern development program administered by the National Council of Architectural Registration Boards;

## WYOMING

- Does not address

# REGION 6

## ALASKA

- Does not address

## ARIZONA

### LAW

**32-101. Purpose; definitions**

3. "Architect in training" means a candidate for registration as a professional architect who is a graduate of a school approved by the Board or who has five years or more of education or experience, or both, in architectural work which meets standards specified by the Board in its rules. In addition, the candidate shall have passed the architect in training examination.

**32-122. Qualifications for in-training registration**

A. An applicant for in-training registration as an architect, engineer, geologist or landscape architect shall:

1. Be of good moral character and repute.
2. Be a graduate of a school approved by the Board or have four years or more, or if an applicant for in-training registration as an architect, five years or more, of education or experience, or both, in work in the profession in which registration is sought that meets standards specified b the Board in its rules.
3. Unless exempt under section 32 126, subsection D, pass the in-training examination in the profession in which registration is sought.

## CALIFORNIA

- Does not address

## COLORADO

### RULE

**2.2 Definitions in Alphabetical Order.**

Architectural Intern. An individual working under the supervision of an Architect, who is in the process of completing required practice hours in preparation for the A.R.E.

## GUAM

- Does not address

## HAWAII

- Does not address

## IDAHO

### LAW

**54-309. Definitions -- Limitation on application.**

(2) Nothing contained in this chapter shall be held or construed to have any application to, or to prevent or affect the following:

g) An intern working under the supervision of a licensed architect, including the use of the title "architectural intern," as may be established and limited by board rule.

### RULE

**375.ARCHITECTURAL INTERN (RULE 375).**

An individual may represent themselves as an architectural intern only under the following conditions:

1. Supervision. Each architectural intern shall be employed by and work under the direct supervision of an Idaho licensed architect.
2. IDP Enrollment. Each architectural intern shall be enrolled in the National Council of Architectural Registration Board's (NCARB) Intern Development Program (IDP) and shall maintain a record in good standing.
3. Record. Each architectural intern shall possess either:
    a. A record with the NCARB establishing that IDP training units are being earned in any of the IDP training settings A, B, C, D or E; or (3-15-02)
    b. A record establishing completion of all IDP training regulations as specified by NCARB.
4. Prohibitions. An architectural intern shall not sign or seal any architectural plan, specification, or other document. An architectural intern shall not engage in the practice of architecture except under the direct supervision of an Idaho licensed architect.
5. Registration. Each architectural intern shall register with the Board on forms provided by the Bureau of Occupational

## NEVADA

- Does not address

## NEW MEXICO

### LAW

**§61-15-2. Definitions.**

As used in the Architectural Act [Chapter 61, Article 15 NMSA 1978]:

F. "intern architect" means any person who is actively pursuing completion of the requirements for diversified training in accordance with rules of the board;

**61-15-5. Additional duties of the board.**

G. The board may set criteria for the training of intern architects by regulation

### RULE

**16.30.1.7 DEFINITIONS:**

I. "intern architect" is a person who is actively pursuing completion of the requirements for diversified training in accordance with rules of the board (Subsection F of Section 61-15-2 NMSA 1978).

## OREGON

### RULE

**806-010-0020**
Registration by Examination
(4) An individual may use the title "Architectural Intern" only after:

a) Completing a professional degree in architecture meeting the education standard in OAR 806-010-0010(2); and
b) Establishing a record with NCARB and enrolling in IDP; and
c) Receiving written authorization from the Board to begin taking the ARE.

**806-010-0037**
**Architect Title**

(10) Only those individuals who qualify under OAR 806-010-0020(1)(a), (b), and (c) may use the title "Architectural Intern". No other title using any derivative of the term architect may be used by an intern.

**806-010-0020**

(1) A person seeking registration who is not actively registered in another Board approved jurisdiction must present the Board with appropriate application and fees, and a

complete record demonstrating to the Board that the person has met the required accredited education, experience, and examination, as follows:

a. A person must have obtained a first professional degree in architecture from a NAAB-accredited program of architecture.
b. A person may submit an application and examination fee to the Oregon Board only after he or she has established an IDP record with NCARB.
c. A person may begin taking the ARE only after he or she receives written notice from the Board that the application has been approved.
d. After a person meets the requirements of (1)(a) through (1)(c) above, he or she may only use the title "Architectural Intern". A person that uses this title without first receiving written notice from the Board that they are qualified to do so may be subject to disciplinary action.

## UTAH

- Does not address

## WASHINGTON

RULE

**18.08.310 Authorization to practice required—Out-of-state firms—Interns. 18.08.310 Authorization to practice required—Out-of-state firms—Interns.**

3. A person who has an accredited architectural degree may use the title "intern architect" when enrolled in a structured intern program recognized by the board and working under the direct supervision of an architect.

Advertisements

Intern Titling

## 2015 Update

The following is the current AIA Public Policy Statement regarding titling:

"The AIA supports protecting the public by reserving the use of the term 'architect' and its derivative forms to those individuals licensed as architects. In addition, the AIA supports the use of 'architectural intern' or 'intern architect' for graduates of NAAB-accredited degree programs."

In May 2015, NCARB announced its intention to remove the term "intern" from board rules and regulations. The AIA is continuing to work towards finding a suitable replacement term.

History of Intern Titling

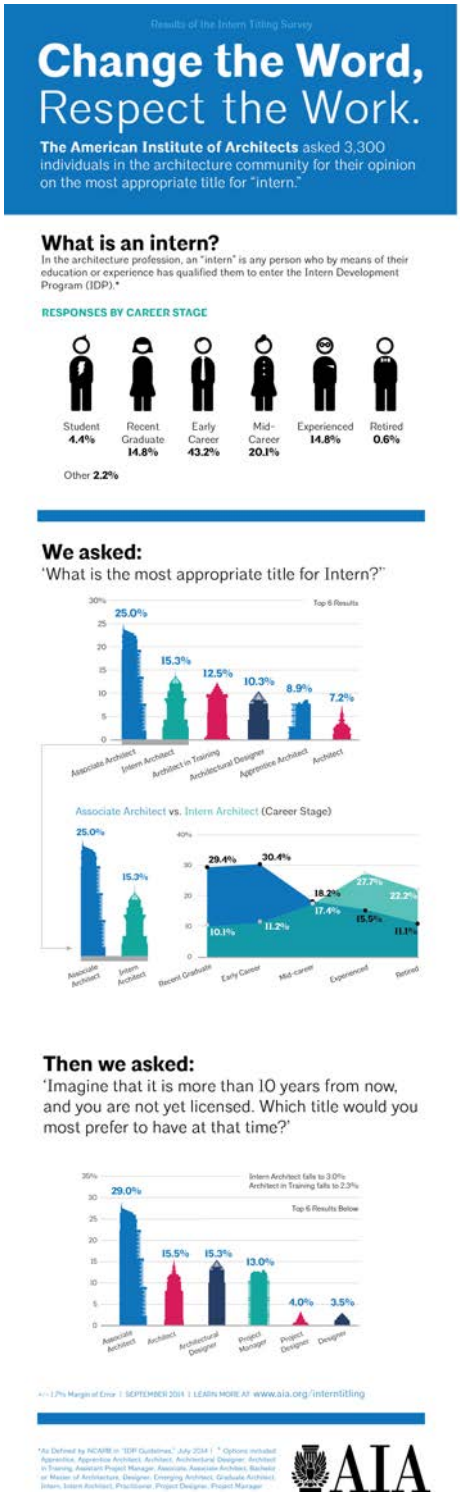
Last year, AIA and the collateral organizations of architecture met for the 2014 Emerging Professionals Summit. Attendees advocated that now is the time to eliminate the term "intern" from the professional language of architecture in order to recognize the impactful work of architectural graduates. It's important to note that in most firm settings, unlicensed designers are not called "interns;" rather, firms choose to recognize a graduate's capabilities with other job titles that better convey aptitude. This change may advance the public's understanding and awareness of the architecture profession by appropriately acknowledging the abilities of licensure and non-licensure track graduates and appropriately aligning these individuals with other esteemed professions.

In Phase 1 of the Intern Titling Survey the AIA asked for recommendations to replace the term "intern" – Phase 1 was an open-ended response survey. In order to better understand the profession's perspective on the use of the word intern, the AIA conducted Phase 2 of the Intern Titling Survey. For the purpose of the survey, an "intern" is defined as "any person who by means of their education or experience has qualified to enter the IDP." (IDP Guidelines, July 2014, National Council of Architectural Registration Boards)

Survey results of Phase 2 may be found in the results infographic (right).

Visit the 2014 EP Summit webpage >

ENLARGE

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# Definition of Architect Positions

Excerpted from the *2005 AIA Compensation Report: A Survey of U.S. Architecture Firms*

*The AIA collects and disseminates Best Practices as a service to AIA members without endorsement or recommendation. Appropriate use of the information provided is the responsibility of the reader.*

## SUMMARY

*To collect uniform comparative data about compensation at U.S. architecture firms, the AIA Economics and Market Research team defines typical positions in a typical architecture firm as shown below. These descriptions may or may not be descriptive of positions within your firm, and are provided for information only.*

## SENIOR PRINCIPAL/PARTNER

Typically an owner or majority shareholder of the firm; may be the founder; titles may include president, chief executive officer, or managing principal/partner.

## MID-LEVEL PRINCIPAL/PARTNER

Principal or partner; titles may include executive or senior vice president.

## JUNIOR PRINCIPAL/PARTNER

Recently made a partner or principal of the firm; title may include vice president.

## DEPARTMENT HEAD/SENIOR MANAGER

Senior management architect or nonregistered graduate; responsible for major department(s) or functions; reports to a principal or partner.

## PROJECT MANAGER

Licensed architect or nonregistered graduate with more than 10 years of experience; has overall project management responsibility for a variety of projects or project teams, including client contact, scheduling, and budgeting.

## ARCHITECT/DESIGNER III

Licensed architect or nonregistered graduate with 8-10 years experience; responsible for significant aspects of projects. Responsible for work on minor projects. Selects, evaluates, and implements procedures and techniques used on projects.

## ARCHITECT/DESIGNER II

Licensed architect or nonregistered graduate with 6-8 years of experience; responsible for daily design or technical development of project.

## ARCHITECT/DESIGNER I

Recently licensed architect or nonregistered graduate with 3-5 years of experience; responsible for particular parts of a project within parameters set by others.

## THIRD-YEAR INTERN

Unlicensed architecture school graduate in third year of internship; develops design or technical solutions under supervision of an architect.

## SECOND-YEAR INTERN

Unlicensed architecture school graduate in second year of internship.

## ENTRY-LEVEL INTERN

Unlicensed architecture school graduate in first year of internship.

## CAD MANAGER

Responsible for implementation, standards, upgrades, and training of CAD technology.

## RESOURCES

### More Best Practices

The following AIA Best Practices provide additional information related to this topic:

08.02.01 Employee Wage Status: Exempt or Non Exempt

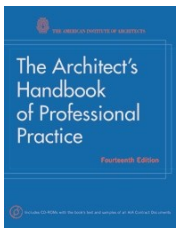
08.02.02 Employment Status: Independent Contractor -- Yes or No?

08.01.03 Maintaining Personnel Files

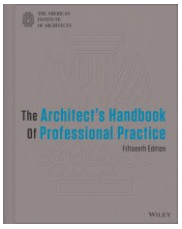
### For More Information on This Topic

To obtain the complete compensations report, the AIA issues a compensation survey every three years. The 2005 AIA Compensation Report: A Survey of U.S. Architecture Firms can be ordered from the AIA Bookstore, (800) 242-3837 (option 4); online at www.aia.org; or by e-mail to bookstore@aia.org.

See also the 14th edition of the *Handbook*, which can be ordered from the AIA Store by calling 800-242-3837 (option 4) or by email at bookstore@aia.org.




See also "Human Resources Management Overview" beginning on page 444 of the 15th Edition of the *Architect's Handbook of Professional Practice*. The *Handbook* can be ordered from the AIA Store online at www.aia.org/store, by calling 800-242-3837 (option 4), or by email at bookstore@aia.org.

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### Key Terms

- Practice
- Personnel management
- Employment
- Job descriptions

Revised May 2007

**DISCUSS AND POSSIBLE ACTION ON 2015-2016 STRATEGIC PLAN OBJECTIVE TO REVIEW THE BOARD'S OCCUPATIONAL ANALYSIS OF THE ARCHITECT PROFESSION TO IDENTIFY MARKETPLACE TRENDS THAT IMPACT CONSUMER PROTECTION**

The California Architects Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to review the Board's Occupational Analysis (OA) of the architect profession to identify marketplace trends that impact consumer protection.

Business and Professions Code section 139 requires that an OA be conducted every five to seven years. The Board's last OA was conducted in 2007. The primary purpose of the OA is to define current practice for California architects in terms of the actual job tasks that new licensees must be able to safely and competently perform at the time of licensure. The results of the OA serve as the basis for examination development.

At its February 26, 2014 meeting, the Board approved an Intra-Agency Contract (IAC) agreement with the Office of Professional Examination Services (OPES) to conduct a new OA. Throughout March 2014, OPES conducted four focus group meetings as part of its preparation for developing the OA survey. Three of the focus group meetings involved building officials, engineers, land surveyors, landscape architects, and contractors. Another focus group meeting involved architects and was conducted over two days. OPES analyzed the input provided by the focus group participants and in April 2014, interviews with architect subject matter experts (SMEs) were conducted in order to develop a preliminary list of job tasks and their requisite knowledge. The preliminary list of tasks and knowledge were reviewed and further developed in May 2014 using two additional focus groups of SMEs. The final list of task and knowledge statements was then used to construct the OA survey.

In June 2014, OPES constructed and distributed a pilot OA survey for review by selected SMEs (jointly determined by OPES and Board staff). The final web-based survey was distributed via email to a sample of over 8,900 licensees in early July; the licensees had until July 18, 2014 to complete the survey. Approximately 1,500 licensees responded to the survey; the responses were reviewed by OPES and subsequently analyzed by SMEs during workshops held in September 2014. OPES prepared the Occupational Analysis of the Architect Profession and provided the Board with a presentation detailing the results of the OA at its December 10, 2014 meeting.

At its April 29, 2015 meeting, the REC discussed the Strategic Plan objective and appointed Gary McGavin and Barry L. Williams to a working group to review the Board's OA and identify marketplace trends that impact consumer protection and report their findings to the REC.

The working group met on October 15, 2015 and discussed general marketplace conditions affecting architectural practice, including: 1) the architect's role in leading the project team; 2) increased specialization within architectural firms; 3) changes in project delivery methods; 4) a lack of business courses within architectural programs; and 5) unlicensed practice.

The working group also reviewed and analyzed the content of the 2007 and 2014 OAs, including the rankings of the task and knowledge statements from both reports (Attachments 1-4). Specifically,

the working group focused on the primary knowledge areas from the 2014 OA and mapped them to the 2007 version (Attachment 5).

The working group concluded that there were no significant marketplace trends that impact consumer protection at this time, but recommends that the Board conduct a similar review each time a new OA is conducted.

The REC is asked to review and discuss the working group's findings and make a recommendation to the Board.

Attachments:

1. 2007 OA Task Statements Sorted by Mean Importance
2. 2014 OA Task Statements Sorted by Mean Importance
3. 2007 OA Knowledge Statements Sorted by Mean Importance
4. 2014 OA Knowledge Statements Sorted by Mean Importance
5. Top 25 Knowledge Statements from the 2014 OA Mapped to Similar Knowledge Statements from the 2007 OA

# 2007 OA Task Statements Sorted by Mean Importance

| 2007 Rank | 2007 Task Num | Task Statement | 2007 Mean |
|---|---|---|---|
| 1 | 51 | Coordinate construction documents (e.g., architectural, structural, mechanical, civil, electrical) and identify potential conflicts or errors. | 3.44 |
| 2 | 55 | Review construction documents for conformance with codes and regulations. | 3.36 |
| 3 | 34 | Perform regulatory analysis (e.g., building codes, zoning or local codes and ordinances, covenants). | 3.33 |
| 4 | 50 | Prepare construction documents. | 3.28 |
| 5 | 46 | Coordinate the design of building systems (e.g., structural, mechanical, electrical, fire safety, security, telecommunications/data). | 3.22 |
| 6 | 40 | Review schematic documents with clients for compliance with program and to obtain client approval. | 3.22 |
| 7 | 6 | Determine architectural services to be provided. | 3.22 |
| 8 | 3 | Identify local, state, and federal regulatory jurisdictions. | 3.21 |
| 9 | 59 | Submit construction documents to agencies, coordinate responses, and obtain approvals. | 3.19 |
| 10 | 16 | Determine specific requirements of regulatory agencies. | 3.16 |
| 11 | 35 | Review project with regulatory agencies, community groups, and other stakeholders for general conformance, guidance, and/or to identify potential issues. | 3.11 |
| 12 | 56 | Review construction documents for conformance with conditions of prior approvals (e.g., client, regulatory, community). | 3.11 |
| 13 | 57 | Review construction documents for constructability. | 3.08 |
| 14 | 49 | Review design development documents with clients for compliance with requirements (program, budget, and schedule) and for client approval. | 3.04 |
| 15 | 63 | Monitor that construction is in general conformance with contract documents (e.g., respond to requests for information, conduct site observations/field reports, review submittals). | 3.02 |
| 16 | 45 | Incorporate final conditions of discretionary approval into project documents. | 2.99 |
| 17 | 39 | Prepare schematic design documents that comply with program requirements. | 2.97 |
| 18 | 10 | Prepare proposals and/or execute owner-architect agreements. | 2.97 |

# 2007 OA Task Statements Sorted by Mean Importance

| 2007 Rank | 2007 Task Num | Task Statement | 2007 Mean |
|---|---|---|---|
| 19 | 37 | Analyze and select architectural features (e.g., configurations, circulation, materials, finishes). | 2.97 |
| 20 | 1 | Assess preliminary project requirements including budget and schedule relative to firm's or organization's business goals and resources. | 2.97 |
| 21 | 2 | Define project goals (e.g., community, sustainability, quality, financial) with clients. | 2.96 |
| 22 | 9 | Establish basis of compensation and negotiate fees with clients. | 2.96 |
| 23 | 47 | Prepare design development documents. | 2.96 |
| 24 | 41 | Determine requirements for discretionary approvals (e.g., major use permit, conditional use permit, coastal development permit, variance, zone change, General plan amendment). | 2.94 |
| 25 | 4 | Identify documents and consultants to be provided by clients (e.g., boundary and topographic survey, geotechnical report, EIR, hazardous materials abatement). | 2.94 |
| 26 | 33 | Furnish appropriate technical project information to consultants. | 2.91 |
| 27 | 32 | Review alternate design concepts with clients to determine design direction. | 2.89 |
| 28 | 36 | Analyze and select basic building elements and systems (e.g., structural, mechanical, electrical, fire safety, security, telecommunications/data). | 2.87 |
| 29 | 58 | Present construction documents to clients for approval. | 2.85 |
| 30 | 20 | Develop or review programs with clients. | 2.85 |
| 31 | 54 | Review construction documents for conformance with special program requirements and project goals. | 2.83 |
| 32 | 42 | Prepare and submit exhibits and application forms for discretionary approvals to governing agencies (e.g., Planning Department, Coastal Commission, Design Review Board). | 2.82 |
| 33 | 7 | Identify team members (e.g., architects, engineers, specialty consultants, cost estimators) and their required scope of services and fees. | 2.80 |
| 34 | 31 | Review alternate design concepts relative to local zoning, codes, ordinances, and covenant requirements. | 2.79 |
| 35 | 17 | Consider environmental conditions (e.g., geotechnical, hydrological, air quality, noise, traffic) for potential project impacts (e.g., cost, scope, further investigation by specialty consultants). | 2.78 |
| 36 | 43 | Work with agency staff to incorporate proposed conditions of discretionary approval into project documents. | 2.74 |

# 2007 OA Task Statements Sorted by Mean Importance

| 2007 Rank | 2007 Task Num | Task Statement | 2007 Mean |
|---|---|---|---|
| 37 | 64 | Initiate or process documents to record construction changes (e.g., directives, supplemental instructions, change orders). | 2.71 |
| 38 | 8 | Evaluate potential contractual risks and determine strategies to manage them. | 2.70 |
| 39 | 30 | Develop alternate design concepts that respond to program requirements. | 2.68 |
| 40 | 26 | Assist clients in evaluating alternate design solutions relative to project budgets. | 2.68 |
| 41 | 44 | Present projects at public hearings or meetings (e.g., community groups, Design Review Board, Planning Commission, City Council). | 2.67 |
| 42 | 53 | Manage distribution and review of documents during the construction document and permit phases. | 2.65 |
| 43 | 13 | Analyze clients' specific needs and project opportunities and constraints (e.g., business culture, clientele, context, financing, entitlements). | 2.60 |
| 44 | 28 | Manage distribution and review of documents. | 2.53 |
| 45 | 14 | Determine specific roles and responsibilities of project participants (e.g., owner's representative, architect, contractor, construction manager). | 2.47 |
| 46 | 60 | Prepare bid documents appropriate to selected delivery method. | 2.44 |
| 47 | 5 | Determine project delivery methods in collaboration with clients. | 2.44 |
| 48 | 12 | Establish protocols for client communications (e.g., point of contact, schedules for reporting). | 2.44 |
| 49 | 19 | Perform or evaluate site feasibility studies (e.g., size, gradient, infrastructures, locations). | 2.42 |
| 50 | 29 | Develop or review clients' design standards and guidelines. | 2.42 |
| 51 | 38 | Prepare models, renderings, or sketches to help communicate project designs. | 2.38 |
| 52 | 23 | Prepare and manage the schedules and budgets of design teams (consultant and staff costs). | 2.37 |
| 53 | 11 | Prepare and execute consultants' agreements. | 2.32 |
| 54 | 21 | Assess projects relative to any master plans. | 2.27 |

# 2007 OA Task Statements Sorted by Mean Importance

| 2007 Rank | 2007 Task Num | Task Statement | 2007 Mean |
|---|---|---|---|
| 55 | 24 | Implement strategies for managing contractual risk. | 2.25 |
| 56 | 25 | Prepare project budgets. | 2.24 |
| 57 | 18 | Assist in establishing the scope of clients' consultant services. | 2.23 |
| 58 | 61 | Assist in the bidding process (e.g., distribute documents, conduct pre-bid meetings, prepare addenda, review bids). | 2.22 |
| 59 | 27 | Review and update preliminary cost estimate at each design phase. | 2.20 |
| 60 | 52 | Prepare or review statements of probable construction costs. | 2.19 |
| 61 | 66 | Perform project close-out services (e.g., certification of substantial completion, notice of completion, verify final lien releases, verify public agency approvals). | 2.18 |
| 62 | 22 | Establish documentation standards for project teams to follow. | 2.15 |
| 63 | 65 | Monitor project construction costs and schedule (e.g., review and certify contractor applications for payment, verify lien releases). | 2.15 |
| 64 | 15 | Assess projects relative to their physical, social, and economic context. | 2.09 |
| 65 | 67 | Review test, inspection, and observation programs for conformance with construction documents. | 2.03 |
| 66 | 48 | Perform value engineering and life cycle cost analyses. | 1.87 |
| 67 | 62 | Assist clients in negotiating construction contracts. | 1.82 |
| 68 | 68 | Conduct post-construction services (e.g., post-occupancy evaluations, extended commissioning, record drawings). | 1.48 |

# 2014 OA Task Statements Sorted by Mean Importance

| 2014 Rank | 2014 Task Num | Task Statement | 2014 Mean |
|---|---|---|---|
| 1 | 42 | Coordinate the preparation of the construction documents (e.g., architectural, structural, mechanical, civil, electrical, specs) and resolve potential conflicts or errors. | 4.19 |
| 2 | 6 | Identify the local, State, and federal regulatory jurisdictions impacting project. | 4.11 |
| 3 | 32 | Develop design concepts based on program requirements and constraints placed by applicable laws, local codes, ordinances, etc. | 4.08 |
| 4 | 46 | Prepare construction documents and verify conformance with the conditions of prior agency approvals and applicable codes and regulations. | 4.06 |
| 5 | 2 | Evaluate the project's opportunities and constraints for alignment with client goals and requirements. | 4.00 |
| 6 | 45 | Prepare construction documents that meet program requirements and project goals, and present to client for approval. | 3.99 |
| 7 | 29 | Identify the specific requirements of regulatory agencies and discuss their incorporation into the design/program with client and design team. | 3.98 |
| 8 | 27 | Present schematic design documents that meet program requirements to client to obtain client's input and approval. | 3.95 |
| 9 | 33 | Lead the preparation of design development documents that integrate the architectural design and engineered building systems. | 3.91 |
| 10 | 58 | Respond to contractor Requests for Information. | 3.91 |
| 11 | 22 | Review program with client to validate project requirements and gain approval to proceed. | 3.90 |
| 12 | 5 | Collaborate with client to determine scope of work, project delivery method, deliverables, and compensation, etc., to prepare owner-architect agreement. | 3.89 |
| 13 | 48 | Manage the submittal of construction documents to regulatory agencies through initial submittal, coordinating responses, and obtaining approvals. | 3.88 |
| 14 | 35 | Lead the project team in the integration of the regulatory requirements into the design development documents. | 3.82 |
| 15 | 38 | Review design development documents with client for compliance with project requirements and to gain approval to proceed. | 3.78 |
| 16 | 34 | Analyze and coordinate the selection and design of building systems (e.g., structural, mechanical, electrical, fire safety, security) with consultants. | 3.77 |
| 17 | 21 | Assist client in evaluating design concepts based on budget, aesthetics, etc., to determine design direction. | 3.76 |
| 18 | 30 | Prepare and submit exhibits and application forms to governing agencies (e.g., Planning Department, Coastal Commission, Design Review Board) for discretionary approvals. | 3.76 |

# 2014 OA Task Statements Sorted by Mean Importance

| 2014 Rank | 2014 Task Num | Task Statement | 2014 Mean |
|---|---|---|---|
| 19 | 47 | Perform a detailed review of construction documents for constructability and incorporate changes into final documents. | 3.73 |
| 20 | 36 | Coordinate design with input from client and the overall project team (e.g., general contractor, building official), and evaluate/incorporate their inputs based on project requirements. | 3.72 |
| 21 | 56 | Review shop drawings and submittals during construction for conformance with design intent. | 3.72 |
| 22 | 13 | Manage client expectations related to the contracted scope of work (e.g., milestones, decision points). | 3.71 |
| 23 | 3 | Assess preliminary project requirements including budget and schedule relative to own firm's/organization's business goals, resources, and expertise. | 3.69 |
| 24 | 40 | Incorporate final conditions of discretionary approval into project documents. | 3.69 |
| 25 | 57 | Conduct periodic site observations/field reports to confirm that construction is in general conformance with contract documents. | 3.69 |
| 26 | 4 | Evaluate potential contractual risks and determine strategies to manage them. | 3.68 |
| 27 | 14 | Manage the distribution and review of documents for project coordination. | 3.66 |
| 28 | 7 | Identify the project team members (e.g., architects, engineers, specialty consultants) and who is responsible for the contracting, management, and coordination of each member. | 3.60 |
| 29 | 19 | Manage the design team's fees, deliverables, and schedules to conform to contract. | 3.57 |
| 30 | 31 | Work with agency staff to incorporate proposed conditions of discretionary approval into project documents. | 3.56 |
| 31 | 12 | Implement strategies to control risk and manage liability for the client (e.g., due diligence, accessibility). | 3.53 |
| 32 | 23 | Provide consultants with program and background information to collaboratively develop the design concept. | 3.52 |
| 33 | 26 | Prepare models, renderings, sketches, etc., to help communicate project designs. | 3.52 |
| 34 | 17 | Conduct periodic progress meetings with design and project team to identify potential issues in work processes or team communication and develop plans to address the issues. | 3.47 |
| 35 | 51 | Prepare bid documents appropriate to the selected delivery method. | 3.45 |
| 36 | 20 | Perform or evaluate site feasibility studies (e.g., size, gradient, infrastructure, environmental conditions) to clarify and address project requirements. | 3.42 |

# 2014 OA Task Statements Sorted by Mean Importance

| 2014 Rank | 2014 Task Num | Task Statement | 2014 Mean |
|---|---|---|---|
| 37 | 59 | Assist client with evaluating possible changes to the project during construction (e.g., cost, scope, schedule, quality). | 3.42 |
| 38 | 52 | Manage the initiation/processing of documents to record construction changes (e.g., Construction Change Directives, Architect's Supplemental Instructions, Change Orders). | 3.41 |
| 39 | 41 | Conduct constructability review of Design Development documents. | 3.39 |
| 40 | 44 | Manage distribution and review of documents during the construction document and permit phases. | 3.39 |
| 41 | 9 | Solicit the consultants to be contracted under the architect and evaluate their qualifications and scope of services based on project requirements. | 3.38 |
| 42 | 11 | Implement strategies for managing and documenting communication (e.g., point of contact, reporting methods) between the architect, client, and team and between the design team and external parties (e.g., agencies, stakeholders). | 3.36 |
| 43 | 10 | Implement strategies for managing contractual risk (QA/QC, peer review). | 3.35 |
| 44 | 15 | Establish documentation standards for the design team to support consistency and coordination. | 3.34 |
| 45 | 43 | Modify construction documents based on changes in cost estimates including developing bidding alternates for client to consider. | 3.29 |
| 46 | 8 | Collaborate with client to determine the specific roles and responsibilities of project participants (e.g., owner's representative, architect, contractor, construction manager). | 3.23 |
| 47 | 18 | Review and update construction cost estimates as required by contract. | 3.23 |
| 48 | 16 | Establish standards for addressing conflicts that arise during the design and construction process. | 3.20 |
| 49 | 53 | Participate in pre-construction and pre-installation meetings with contractor as required by the contract documents. | 3.20 |
| 50 | 60 | Manage project close-out procedures (e.g., Certificate of Substantial Completion, Notice of Completion, verification of final lien releases, verification of public agency approvals) per contract | 3.15 |
| 51 | 28 | Integrate sustainable design strategies and technologies into design. | 3.14 |
| 52 | 49 | Assist client in the bidding process (e.g., distribute documents, conduct pre-bid meetings, prepare addenda). | 3.13 |
| 53 | 54 | Monitor project construction costs and schedule (e.g., review and certify contractor applications for payment, verify lien releases). | 3.10 |
| 54 | 55 | Review test, inspection, observation schedules, programs and reports for conformance with construction documents. | 3.07 |

# 2014 OA Task Statements Sorted by Mean Importance

| 2014 Rank | 2014 Task Num | Task Statement | 2014 Mean |
|---|---|---|---|
| 55 | 50 | Assist client in selecting contractors and negotiating construction contracts. | 3.06 |
| 56 | 25 | Present project to community groups and other stakeholders for their input and feedback. | 3.03 |
| 57 | 62 | Assist owner with resolving post-occupancy issues, (e.g., evaluation of building performance, warranty issues). | 3.01 |
| 58 | 24 | Develop the project program using multiple approaches (e.g., surveys, interviews) to identify and evaluate user needs. | 2.97 |
| 59 | 39 | Analyze and integrate the selection of sustainable design strategies and technologies into the design. | 2.95 |
| 60 | 37 | Perform value engineering and life-cycle cost analyses to advise owner about approaches for managing project costs. | 2.88 |
| 61 | 1 | Advertise and solicit services in compliance with professional and legal requirements. | 2.76 |
| 62 | 61 | Conduct post-construction services (e.g., post-occupancy evaluations, extended commissioning, record drawings) per contract. | 2.45 |

# 2007 OA Knowledge Statements Sorted by Mean Importance

| 2007 Rank | 2007 K Num | Knowledge Statement | 2007 Mean |
|---|---|---|---|
| 1 | 84 | Knowledge of contents of construction drawings, specifications, and related documents required for construction. | 3.47 |
| 2 | 67 | Ability to communicate orally. | 3.47 |
| 3 | 68 | Ability to communicate in writing. | 3.46 |
| 4 | 66 | Ability to communicate graphically. | 3.34 |
| 5 | 23 | Knowledge of accessibility provisions of the California Building Code. | 3.34 |
| 6 | 24 | Knowledge of fire and life safety provisions of the California Building Code. | 3.34 |
| 7 | 49 | Knowledge of contractual responsibilities to clients. | 3.31 |
| 8 | 97 | Ability to prepare construction documents appropriate to project type. | 3.27 |
| 9 | 101 | Knowledge of the limits of the architect's role and responsibilities during construction (e.g., directing subcontractors, means and methods). | 3.25 |
| 10 | 32 | Knowledge of the Americans with Disabilities Act (ADA) with regard to how it impacts architectural practice (e.g., client and architect responsibilities, design and construction). | 3.25 |
| 11 | 31 | Knowledge of local or regional laws, codes, regulations, and standards (e.g., General Plan; planning and zoning ordinances; local building ordinances; design guidelines; Codes, Covenants, and Restrictions [CC&Rs]) relevant to design and construction. | 3.24 |
| 12 | 82 | Ability to analyze and integrate information to create design solutions. | 3.23 |
| 13 | 43 | Knowledge of the architect's responsibilities and requirements for practicing in California in accordance with the Practice Act (e.g., responsible control, standard of care, licensing requirements, signing and sealing of documents). | 3.21 |
| 14 | 83 | Knowledge of contents of design drawings and related documents required for agency approvals. | 3.21 |
| 15 | 85 | Knowledge of building systems (e.g., structural, mechanical, electrical, plumbing, life safety, conveying, building systems controls) and their integration with each other. | 3.20 |
| 16 | 100 | Knowledge of interrelationships among owner, architect, and contractor during construction. | 3.19 |
| 17 | 54 | Knowledge of architect's role and responsibilities in coordinating an entire project team. | 3.13 |
| 18 | 60 | Knowledge of document checking and review procedures for quality assurance (in-house and external). | 3.13 |
| 19 | 44 | Knowledge of the elements of a legal contract as required by the Practice Act. | 3.11 |
| 20 | 35 | Knowledge of local community development agencies and other authorities that normally have jurisdiction over design and construction (e.g., building, planning, public works, police and fire departments). | 3.10 |
| 21 | 20 | Knowledge of what is encompassed by the California Building Standards Code (e.g., Building, Electrical, Mechanical, Plumbing, Energy) and how the CBSC is distinct from the model codes. | 3.09 |

# 2007 OA Knowledge Statements
# Sorted by Mean Importance

| 2007 Rank | 2007 K Num | Knowledge Statement | 2007 Mean |
|---|---|---|---|
| 22 | 48 | Knowledge of consultants' (e.g., civil, structural, mechanical, electrical, landscaping, acoustical, traffic) services. | 3.07 |
| 23 | 96 | Knowledge of construction methods appropriate to project design. | 3.06 |
| 24 | 105 | Knowledge of procedures for implementing changes during construction (e.g., directives, supplemental instructions, change orders). | 3.03 |
| 25 | 55 | Knowledge of architect's role and responsibilities in managing project teams to obtain necessary agency approvals at the appropriate time. | 3.02 |
| 26 | 50 | Knowledge of contractual responsibilities to architect's consultants. | 3.02 |
| 27 | 90 | Ability to integrate building systems into a project. | 3.01 |
| 28 | 104 | Knowledge of procedures for determining general conformance of construction with contract documents (e.g., observation, submittal reviews, requests for information). | 3.01 |
| 29 | 95 | Ability to integrate appropriate building materials into the project design. | 3.00 |
| 30 | 78 | Knowledge of the scope of the various types of design services (conceptual, schematics, design development, construction documents). | 2.99 |
| 31 | 86 | Knowledge of structural components that resist vertical and lateral forces (e.g., foundations, columns, beams, diaphragms, shear walls). | 2.98 |
| 32 | 64 | Knowledge of appropriate methods for communicating with clients, project teams, contractors, agencies, and stakeholders (e.g., meetings, emails, letters, minutes, transmittals, phone logs, visual aids). | 2.97 |
| 33 | 6 | Knowledge of how to obtain information regarding existing built conditions (e.g., research building records, field measure, review as-built drawings, digital scanning). | 2.96 |
| 34 | 79 | Knowledge of design principles (e.g., human factors, texture, scale, balance, proportion, rhythm, emphasis, unity). | 2.95 |
| 35 | 61 | Knowledge of how practicing within the standard of care limits professional liability exposure. | 2.95 |
| 36 | 5 | Knowledge of the existing built environment (e.g., existing buildings, building types, infrastructure, utilities, adjacent land use). | 2.95 |
| 37 | 3 | Knowledge of how to obtain information regarding natural site conditions (e.g., geotechnical investigation, boundary or topographical survey, biological surveys, hazardous materials surveys). | 2.94 |
| 38 | 59 | Knowledge of methods of limiting professional liability (e.g., contractual allocation of risk, working in your area of expertise, hiring experienced consultants, client and project selection). | 2.94 |
| 39 | 76 | Ability to interpret site data and reports (e.g., seismic, geotechnical, topography) to determine impacts on projects. | 2.92 |
| 40 | 40 | Knowledge of procedures for obtaining approvals from regulatory agencies. | 2.90 |
| 41 | 4 | Knowledge of natural and human-caused hazardous conditions (e.g., seismic activity, fire, winds, flood zone, hazardous materials) and potential mitigations. | 2.89 |
| 42 | 81 | Knowledge of methods for developing design solutions with involvement of client, users, consultants, and stakeholders. | 2.89 |

# 2007 OA Knowledge Statements
# Sorted by Mean Importance

| 2007 Rank | 2007 K Num | Knowledge Statement | 2007 Mean |
|---|---|---|---|
| 43 | 77 | Ability to interpret data about the built environment (e.g., existing buildings, infrastructure, roads) to determine impacts on projects. | 2.89 |
| 44 | 74 | Ability to organize and evaluate relevant program information. | 2.88 |
| 45 | 102 | Knowledge of the architect's role and responsibilities relative to construction managers. | 2.82 |
| 46 | 63 | Knowledge of documentation procedures and policies (for decisions, changes, and approvals) to limit liability exposure. | 2.82 |
| 47 | 51 | Knowledge of project scheduling considerations (e.g., workload, regulatory agency processing time). | 2.75 |
| 48 | 1 | Knowledge of conditions of the natural environment (e.g., climate, geology, topography, hydrology, flora and fauna) as they relate to design and construction. | 2.74 |
| 49 | 71 | Knowledge of the components of a program. | 2.74 |
| 50 | 87 | Knowledge of nonstructural elements as defined by the California Building Code (e.g., fixtures and equipment items, nonbearing partitions, suspended ceilings). | 2.73 |
| 51 | 80 | Knowledge of sustainable design principles (e.g., energy conservation, resource management, indoor air quality). | 2.72 |
| 52 | 8 | Knowledge of human behavior and comfort factors (e.g., personal space requirements, ergonomics, light and noise levels, temperature, humidity). | 2.71 |
| 53 | 2 | Knowledge of conditions of the natural environment regulated in California (e.g., wetlands, coastal regions, habitats of endangered species) as they relate to design and construction. | 2.70 |
| 54 | 36 | Knowledge of local or regional agencies and other authorities that may have jurisdiction over design and construction (e.g., Design Review Boards, Air Quality Management District, County Flood Control District, airport authorities, Environmental Health Department). | 2.70 |
| 55 | 88 | Ability to identify implications of special structural loading conditions (e.g., heavy equipment, snow, library shelving). | 2.66 |
| 56 | 9 | Knowledge of health issues related to buildings (e.g., offgassing, mold, adequate ventilation). | 2.66 |
| 57 | 73 | Ability to evaluate user activities to determine spatial requirements and adjacencies. | 2.66 |
| 58 | 47 | Knowledge of project delivery methods (e.g., design-bid-build, construction management at risk, design-build) and how they affect architectural services. | 2.65 |
| 59 | 25 | Knowledge of provisions of the California Energy Code. | 2.64 |
| 60 | 69 | Knowledge of types of predesign services (e.g., programming, feasibility studies, site analysis). | 2.62 |
| 61 | 111 | Ability to provide construction contract administration services appropriate to project type. | 2.61 |
| 62 | 75 | Ability to prepare a final program document. | 2.60 |
| 63 | 10 | Knowledge of types of clients (e.g., institutional, corporate, residential, public entity) and implications for project management and design. | 2.60 |

# 2007 OA Knowledge Statements
# Sorted by Mean Importance

| 2007 Rank | 2007 K Num | Knowledge Statement | 2007 Mean |
|---|---|---|---|
| 64 | 53 | Knowledge of project team selection considerations (e.g., areas of expertise, compatibility, availability, design fees). | 2.60 |
| 65 | 103 | Knowledge of construction conflict resolution strategies (e.g., mediation, arbitration, litigation). | 2.57 |
| 66 | 65 | Knowledge of technological resources for supporting communication (e.g., CAD, imaging software, web-based applications). | 2.57 |
| 67 | 11 | Knowledge of user characteristics (e.g., varying ages, cultures, abilities, activity requirements). | 2.57 |
| 68 | 98 | Knowledge of construction bidding and negotiation processes. | 2.56 |
| 69 | 62 | Knowledge of how to manage the use of technological resources (e.g., Building Information Modeling or CAD file management; drawing, publishing, and distribution procedures; electronic signatures). | 2.55 |
| 70 | 46 | Knowledge of business and professional requirements of the Practice Act (e.g., architectural corporations, firm naming, associations, professional conduct). | 2.53 |
| 71 | 70 | Knowledge of project performance objectives (e.g., comfort control, safety and security, sustainability). | 2.50 |
| 72 | 45 | Knowledge of administration of the Practice Act (e.g., examination, licensing, and enforcement). | 2.48 |
| 73 | 57 | Knowledge of how to allocate resources and manage in-house and consultant costs throughout all phases of architectural services. | 2.47 |
| 74 | 41 | Knowledge of interrelationships among various regulatory agencies (e.g., sequence of approvals, hierarchy of jurisdictions). | 2.46 |
| 75 | 56 | Knowledge of the preparation and monitoring of project budgets (hard and soft costs). | 2.44 |
| 76 | 72 | Knowledge of methods for gathering program information from users (e.g. interviews, surveys, research). | 2.43 |
| 77 | 22 | Knowledge of provisions of the California Building Code for anchoring and bracing nonstructural elements. | 2.42 |
| 78 | 107 | Knowledge of procedures for performing project close-out (e.g., Certificate of Substantial Completion, Notice of Completion, final lien releases). | 2.42 |
| 79 | 21 | Knowledge of structural provisions of the California Building Code. | 2.42 |
| 80 | 42 | Knowledge of process for resolving conflicts between agencies or between codes, regulations, and standards. | 2.41 |
| 81 | 94 | Knowledge of material characteristics, performance, and testing standards. | 2.41 |
| 82 | 106 | Knowledge of procedures for monitoring construction costs and schedules (e.g., reviewing and certifying payments to contractor, reviewing lien releases). | 2.41 |
| 83 | 13 | Knowledge of types of stakeholders (e.g., environmental groups, citizens' advisory committees, neighborhood and community organizations) concerned about design and construction. | 2.40 |
| 84 | 89 | Knowledge of environmental control systems (e.g., energy management, occupant comfort and control). | 2.39 |

# 2007 OA Knowledge Statements
# Sorted by Mean Importance

| 2007 Rank | 2007 K Num | Knowledge Statement | 2007 Mean |
|---|---|---|---|
| 85 | 93 | Ability to refine design solutions to respond to statements of probable cost. | 2.34 |
| 86 | 14 | Knowledge of California Environmental Quality Act (CEQA) as it relates to design and construction. | 2.33 |
| 87 | 109 | Knowledge of code-required special inspections and testing (e.g., field welding, high strength concrete). | 2.25 |
| 88 | 108 | Knowledge of elements of California construction laws (e.g., lien requirements, minimum warranty periods). | 2.24 |
| 89 | 52 | Knowledge of staffing methods (e.g., in-house, association, joint venture, outsourcing) and their implications for project management. | 2.23 |
| 90 | 58 | Knowledge of project cost control methods (e.g., value engineering, life-cycle costing, advance purchasing, cost estimating). | 2.20 |
| 91 | 12 | Knowledge of socio-economic conditions (e.g., of a neighborhood, community, or region) as they relate to project design. | 2.20 |
| 92 | 38 | Knowledge of California state agencies that have jurisdiction over design and construction (e.g., Coastal Commission, Water Resources Control Board, Dept. of Fish and Game, Air Resources Board, California Department of Transportation). | 2.18 |
| 93 | 27 | Knowledge of California Health and Safety Code as it relates to design and construction. | 2.13 |
| 94 | 17 | Knowledge of Essential Services Buildings Seismic Safety Act as it relates to design and construction. | 2.11 |
| 95 | 30 | Knowledge of the Mechanic's Lien Law. | 2.09 |
| 96 | 34 | Knowledge of national standards (e.g., UL, ANSI, ASTM, Factory Mutual) relevant to design and construction. | 2.09 |
| 97 | 33 | Knowledge of federal laws, codes, and regulations other than ADA (e.g., Environmental Protection Act, Federal Aviation Administration regulations, US Army Corps of Engineers regulations) relevant to design and construction. | 2.08 |
| 98 | 15 | Knowledge of California Coastal Act as it relates to design and construction. | 2.08 |
| 99 | 29 | Knowledge of the Design Professionals' Lien Law. | 2.06 |
| 100 | 37 | Knowledge of requirements for obtaining commitment ('will serve') from utility providers to deliver services (e.g., sewer, water, electricity, gas). | 2.05 |
| 101 | 7 | Knowledge of traffic and transportation considerations (e.g., existing traffic patterns, availability of public transportation) as they relate to development. | 2.04 |
| 102 | 91 | Knowledge of how to analyze initial and life-cycle costs to select materials and systems. | 1.96 |
| 103 | 16 | Knowledge of California Clean Air Act as it relates to design and construction (e.g., air quality requirements for dust mitigation, limitations on generator exhaust). | 1.93 |
| 104 | 92 | Knowledge of how to prepare statements of probable cost. | 1.79 |
| 105 | 39 | Knowledge of federal agencies that have jurisdiction over design and construction (e.g., US Fish and Wildlife Service, US Army Corps of Engineers, Federal Aviation Administration, Federal Emergency Management Agency). | 1.70 |

# 2007 OA Knowledge Statements
# Sorted by Mean Importance

| 2007 Rank | 2007 K Num | Knowledge Statement | 2007 Mean |
|---|---|---|---|
| 106 | 28 | Knowledge of California water quality regulations as they relate to design and construction. | 1.63 |
| 107 | 110 | Knowledge of inspection, testing, reporting, and documentation requirements for construction of California hospitals, public schools, and Essential Services Buildings. | 1.57 |
| 108 | 112 | Knowledge of post-construction services (e.g., extended building commissioning, record document preparation, operational and maintenance programming, facilities management, post-occupancy evaluation). | 1.56 |
| 109 | 99 | Knowledge of public work bidding requirements of the California Public Contract Code. | 1.54 |
| 110 | 26 | Knowledge of provisions of the California Historical Building Code. | 1.50 |
| 111 | 18 | Knowledge of the Field Act as it relates to design and construction of public schools. | 1.44 |
| 112 | 19 | Knowledge of the Hospital Facilities Seismic Safety Act as it relates to design and construction of health facilities. | 1.36 |

# 2014 OA Knowledge Statements
# Sorted by Mean Importance

| 2014 Rank | 2014 K Num | Knowledge Statement | 2014 Mean |
|---|---|---|---|
| 1 | 38 | Knowledge of the Americans with Disabilities Act (ADA) with regard to how it impacts architectural practice (e.g., client and architect responsibilities, design, construction). | 4.19 |
| 2 | 29 | Knowledge of processes and procedures for compliance with local codes and ordinances related to design. | 4.12 |
| 3 | 59 | Knowledge of contents of contract documents (e.g., construction drawings, specifications, project manual) required for agency approval, bidding, and construction. | 4.06 |
| 4 | 16 | Knowledge of the architect's professional and contractual responsibilities related to the client. | 4.05 |
| 5 | 35 | Knowledge of methods and procedures for complying with provisions of the California Building Standards Code related to design and construction. | 3.98 |
| 6 | 45 | Knowledge of contents of design drawings and related documents required for agency approvals. | 3.98 |
| 7 | 46 | Knowledge of architect's role and responsibilities in leading project team in order to obtain necessary agency approvals at the appropriate time. | 3.88 |
| 8 | 52 | Knowledge of methods and procedures for demonstrating design compliance with local regulations: zoning, planning, general plan, CBSC modifications, etc. | 3.85 |
| 9 | 62 | Knowledge of processes and procedures for working with regulatory agencies having jurisdiction over the project to obtain final approvals (local, regional, State, federal). | 3.85 |
| 10 | 70 | Knowledge of the interrelationships and responsibilities between the owner, architect, and contractor during construction. | 3.85 |
| 11 | 9 | Knowledge of methods and procedures for identifying the regulatory agencies having jurisdiction over the project and their specific requirements. | 3.84 |
| 12 | 15 | Knowledge of the architect's role and responsibilities in orchestrating the architect's consultants and the entire project team. | 3.84 |
| 13 | 6 | Knowledge of consultants (e.g., civil, structural, MEP, geotechnical), the services they provide, and their applications to meeting project requirements. | 3.82 |
| 14 | 51 | Knowledge of methods and procedures for demonstrating design compliance with California Building Standards Code (CBSC). | 3.81 |
| 15 | 13 | Knowledge of architect's role and responsibilities for managing project and contractual risk for the architect and client. | 3.79 |
| 16 | 41 | Knowledge of methods and procedures for evaluating and integrating building systems (e.g., structural, mechanical, electrical, plumbing, life safety, conveying, building systems controls) into the project design. | 3.79 |
| 17 | 20 | Knowledge of methods and techniques for resolving conflicts that occur during design and construction. | 3.74 |
| 18 | 34 | Knowledge of what is encompassed by the California Building Standards Code (e.g., building, electrical, mechanical, plumbing, energy) and how the CBSC is distinct from the model codes. | 3.74 |

# 2014 OA Knowledge Statements
# Sorted by Mean Importance

| 2014 Rank | 2014 K Num | Knowledge Statement | 2014 Mean |
|---|---|---|---|
| 19 | 5 | Knowledge of methods for limiting professional liability (e.g., contractual allocation of risk, standard of care, client and project selection). | 3.70 |
| 20 | 73 | Knowledge of procedures for determining general conformance of construction with contract documents (e.g., observation, submittal reviews, RFIs). | 3.69 |
| 21 | 12 | Knowledge of methods and techniques for communicating with client, project team, contractors, agencies, and stakeholders (e.g., meetings, emails, letters, minutes, transmittals, phone logs, visual aids). | 3.68 |
| 22 | 10 | Knowledge of methods for evaluating client goals and resources in order to identify/define the preliminary project requirements, budget, and schedule. | 3.66 |
| 23 | 69 | Knowledge of the limits of the architect's role and responsibilities during construction (e.g., directing subcontractors, means and methods). | 3.65 |
| 24 | 23 | Knowledge of methods for developing design solutions with the involvement of client, users, consultants, and stakeholders. | 3.61 |
| 25 | 27 | Knowledge of the impacts to project from environmental conditions (e.g., seismic activity, fire, winds, flood zone, hazardous materials) and their potential mitigations. | 3.61 |
| 26 | 72 | Knowledge of methods and procedures for developing and reviewing the contract documents package. | 3.60 |
| 27 | 7 | Knowledge of methods for evaluating own/firm’s capabilities and capacities in relation to project requirements. | 3.57 |
| 28 | 74 | Knowledge of methods and procedures for implementing changes during construction (e.g., Architect’s Supplemental Instructions, Change Orders). | 3.57 |
| 29 | 82 | Knowledge of the architect’s role and responsibilities to client regarding changes to project during construction (e.g., cost, scope, schedule, quality). | 3.53 |
| 30 | 53 | Knowledge of methods and procedures for demonstrating design compliance with federal laws and authorities: ADA, Army Corps of Engineers, FAA, etc. | 3.51 |
| 31 | 28 | Knowledge of processes and procedures for obtaining discretionary approvals. | 3.49 |
| 32 | 63 | Knowledge of interrelationships between regulatory agencies and their impact on the approval process (e.g., sequence of approvals, hierarchy of jurisdictions). | 3.49 |
| 33 | 1 | Knowledge of the provisions of the Architect’s Practice Act and CA Code of Regulations related to architect’s business and professional requirements (e.g., contracts, architectural corporations, responsible control, architect’s stamp). | 3.48 |
| 34 | 25 | Knowledge of procedures for obtaining and interpreting data about the existing built environment to determine impacts on project. | 3.47 |
| 35 | 24 | Knowledge of methods and procedures for developing the schematic design deliverables. | 3.46 |
| 36 | 80 | Knowledge of the architect’s role and responsibilities in providing contract administration services based on the client-architect agreement. | 3.46 |

# 2014 OA Knowledge Statements
# Sorted by Mean Importance

| 2014 Rank | 2014 K Num | Knowledge Statement | 2014 Mean |
|---|---|---|---|
| 37 | 58 | Knowledge of methods and procedures for presenting contract documents to client for approval. | 3.45 |
| 38 | 42 | Knowledge of methods and procedures for evaluating building materials (e.g., material characteristics, performance, testing standards) for selection into the project design. | 3.42 |
| 39 | 64 | Knowledge of the architect's role in resolving conflicts between agencies regarding conflicting codes, regulations, and standards. | 3.39 |
| 40 | 55 | Knowledge of methods for performing a QA/QC review of construction docs including constructability, code compliance, etc. | 3.38 |
| 41 | 3 | Knowledge of options for tailoring architectural services to meet the client and project needs. | 3.37 |
| 42 | 11 | Knowledge of procedures and standard practices for documenting contractual milestones (e.g., decisions, changes, approvals). | 3.37 |
| 43 | 22 | Knowledge of methods for evaluating and finalizing the program to determine feasibility and conformance to client's project requirements. | 3.36 |
| 44 | 60 | Knowledge of methods for the detailed integration of building systems (e.g., clash detection, interdisciplinary overlays). | 3.35 |
| 45 | 57 | Knowledge of methods and procedures for managing the distribution and review of documents during the construction document and permit phases. | 3.34 |
| 46 | 21 | Knowledge of methods, techniques, and procedures for conducting predesign services (e.g., programming, feasibility studies, site analysis). | 3.28 |
| 47 | 26 | Knowledge of environmental conditions regulated in California (e.g., wetlands, coastal regions, habitats of endangered species) related to design and construction. | 3.28 |
| 48 | 56 | Knowledge of the architect's role in reconciling client's budget with probable construction costs. | 3.28 |
| 49 | 19 | Knowledge of methods and procedures for allocating resources and managing in-house and consultant costs throughout all phases of architectural services. | 3.24 |
| 50 | 61 | Knowledge of methods for documenting the anchoring of nonstructural elements as defined by the California Building Code (e.g., fixtures and equipment items, nonbearing partitions, suspended ceilings). | 3.24 |
| 51 | 4 | Knowledge of types of contracts and their application to the scope of work and the project's service requirements (client, consultant, etc.). | 3.23 |
| 52 | 14 | Knowledge of methods and techniques for using technological resources (e.g., BIM/CAD, imaging software, web-based applications) to support communication with client and team. | 3.22 |
| 53 | 44 | Knowledge of methods for identifying and evaluating the implications of special conditions (e.g., based on loading, soils, uses) on design and construction. | 3.22 |
| 54 | 17 | Knowledge of methods for controlling project costs (e.g., value engineering, life-cycle costing, cost estimating). | 3.21 |

# 2014 OA Knowledge Statements
# Sorted by Mean Importance

| 2014 Rank | 2014 K Num | Knowledge Statement | 2014 Mean |
|---|---|---|---|
| 55 | 48 | Knowledge of methods for performing a QA/QC review of Design Development documents including constructability. | 3.21 |
| 56 | 8 | Knowledge of approaches for increasing the capability and/or capacity of the architect/firm to meet project requirements. | 3.20 |
| 57 | 2 | Knowledge of different project delivery methods and the architect's and project team's corresponding roles and responsibilities (e.g., to client, as part of team). | 3.19 |
| 58 | 33 | Knowledge of methods and procedures for complying with State regulatory requirements (e.g., Essential Services Building Seismic Safety Act, Field Act, Hospital Facilities Seismic Safety Act) related to the design and construction of hospitals. | 3.19 |
| 59 | 50 | Knowledge of methods and procedures for demonstrating design compliance with State regulatory requirements (e.g., Essential Services Building Seismic Safety Act, Field Act, Hospital Facilities Seismic Safety Act) related to design and construction of | 3.17 |
| 60 | 79 | Knowledge of State inspection, testing, reporting, and documentation requirements for construction of hospitals, public schools, and essential services buildings. | 3.17 |
| 61 | 43 | Knowledge of methods for incorporating sustainable design (e.g., energy conservation, resource management, indoor air quality) into project design and construction. | 3.15 |
| 62 | 71 | Knowledge of methods for resolving conflicts that occur during construction (e.g., mediation, arbitration, litigation). | 3.15 |
| 63 | 36 | Knowledge of methods and procedures for complying with the California Health and Safety Code related to design and construction. | 3.14 |
| 64 | 30 | Knowledge of methods and procedures for complying with the California Environmental Quality Act (CEQA) related to design and construction. | 3.13 |
| 65 | 66 | Knowledge of architect's role and responsibilities related to construction bidding and negotiation processes. | 3.11 |
| 66 | 65 | Knowledge of methods and procedures for preparing bidding documents based on project funding source (private/public) and delivery method. | 3.06 |
| 67 | 75 | Knowledge of procedures for monitoring construction costs and schedules (e.g., reviewing and certifying payments to contractor, reviewing lien releases). | 3.06 |
| 68 | 18 | Knowledge of procedures for preparing and monitoring the project budget including hard and soft costs. | 3.05 |
| 69 | 76 | Knowledge of procedures for performing project close-out (e.g., Certificate of Substantial Completion, Notice of Completion, final lien releases). | 3.05 |
| 70 | 40 | Knowledge of methods and procedures for incorporating sustainable design strategies and technologies into design and construction. | 3.04 |
| 71 | 68 | Knowledge of California laws related to design professional and contractor liens and their implications for the architect's and client's responsibilities. | 2.85 |
| 72 | 78 | Knowledge of code-required special inspections and testing (e.g., field welding, high-strength concrete). | 2.85 |

# 2014 OA Knowledge Statements
# Sorted by Mean Importance

| 2014 Rank | 2014 K Num | Knowledge Statement | 2014 Mean |
|---|---|---|---|
| 73 | 67 | Knowledge of the provisions of the California Public Contract Code related to the bidding and contracting requirements for publicly funded projects. | 2.83 |
| 74 | 49 | Knowledge of methods and procedures for demonstrating design compliance with State regulatory requirements for environmental quality: CEQA, Coastal Act, Clean Air Act, water quality regulations, etc. | 2.82 |
| 75 | 39 | Knowledge of national standards (e.g., UL, ANSI, ASTM, Factory Mutual) relevant to design and construction. | 2.77 |
| 76 | 54 | Knowledge of methods and procedures for demonstrating design compliance with National Standards: NFPA, ASTM, etc. | 2.77 |
| 77 | 31 | Knowledge of methods and procedures for complying with California Coastal Act as it relates to design and construction. | 2.76 |
| 78 | 37 | Knowledge of methods and procedures for complying with the California water quality regulations related to design and construction. | 2.70 |
| 79 | 32 | Knowledge of methods and procedures for complying with California Clean Air Act related to design and construction (e.g., air quality requirements for dust mitigation, limitations on generator exhaust). | 2.56 |
| 80 | 77 | Knowledge of the California construction laws related to minimum warranty periods. | 2.56 |
| 81 | 81 | Knowledge of post-construction services (e.g., extended building commissioning, record document preparation, operational and maintenance programming, facilities management, post-occupancy evaluation). | 2.53 |
| 82 | 47 | Knowledge of methods for analyzing initial and life-cycle costs to select materials and systems for project. | 2.52 |

# Top 25 Knowledge Statements from the 2014 OA Mapped to Similar Knowledge Statements from the 2007 OA

| 2014 K Num | 2014 Knowledge Statement | 2007 Rank | 2014 Rank |
|---|---|---|---|
| 38 | Knowledge of the Americans with Disabilities Act (ADA) with regard to how it impacts architectural practice (e.g., client and architect responsibilities, design, construction). | 5, 10 | 1 |
| 29 | Knowledge of processes and procedures for compliance with local codes and ordinances related to design. | 11, 20, 80 | 2 |
| 59 (35, 45) | Knowledge of contents of contract documents (e.g., construction drawings, specifications, project manual) required for agency approval, bidding, and construction. | 1, 8, 14 | 3 |
| 16 | Knowledge of the architect's professional and contractual responsibilities related to the client. | 7, 16, 19 | 4 |
| 35 (45, 59) | Knowledge of methods and procedures for complying with provisions of the California Building Standards Code related to design and construction. | 6, 21 | 5 |
| 45 (35, 59) | Knowledge of contents of design drawings and related documents required for agency approvals. | 14, 40 | 6 |
| 46 | Knowledge of architect's role and responsibilities in leading project team in order to obtain necessary agency approvals at the appropriate time. | 14, 17, 20, 25 | 7 |
| 52 (46) | Knowledge of methods and procedures for demonstrating design compliance with local regulations: zoning, planning, general plan, CBSC modifications, etc. | 17, 25, 40 | 8 |
| 62 (46, 52) | Knowledge of processes and procedures for working with regulatory agencies having jurisdiction over the project to obtain final approvals (local, regional, State, federal). | 40, 105 | 9 |
| 70 | Knowledge of the interrelationships and responsibilities between the owner, architect, and contractor during construction. | 9 | 10 |
| 9 (29) | Knowledge of methods and procedures for identifying the regulatory agencies having jurisdiction over the project and their specific requirements. | 11, 20, 80 | 11 |
| 15 (46, 52, 62) | Knowledge of the architect's role and responsibilities in orchestrating the architect's consultants and the entire project team. | 17 | 12 |
| 6 | Knowledge of consultants (e.g., civil, structural, MEP, geotechnical), the services they provide, and their applications to meeting project requirements. | 15, 22 | 13 |
| 51 (35) | Knowledge of methods and procedures for demonstrating design compliance with California Building Standards Code (CBSC). | 6, 21, 77, 79 | 14 |
| 13 | Knowledge of architect's role and responsibilities for managing project and contractual risk for the architect and client. | 16, 19 | 15 |
| 41 (6) | Knowledge of methods and procedures for evaluating and integrating building systems (e.g., structural, mechanical, electrical, plumbing, life safety, conveying, building systems controls) into the project design. | 15, 22 | 16 |
| 20 | Knowledge of methods and techniques for resolving conflicts that occur during design and construction. | 65 | 17 |
| 34 (51) | Knowledge of what is encompassed by the California Building Standards Code (e.g., building, electrical, mechanical, plumbing, energy) and how the CBSC is distinct from the model codes. | 21 | 18 |
| 5 | Knowledge of methods for limiting professional liability (e.g., contractual allocation of risk, standard of care, client and project selection). | 38 | 19 |
| 73 | Knowledge of procedures for determining general conformance of construction with contract documents (e.g., observation, submittal reviews, RFIs). | 24, 28 | 20 |
| 12 | Knowledge of methods and techniques for communicating with client, project team, contractors, agencies, and stakeholders (e.g., meetings, emails, letters, minutes, transmittals, phone logs, visual aids). | 2, 3, 4, 32 | 21 |
| 10 | Knowledge of methods for evaluating client goals and resources in order to identify/define the preliminary project requirements, budget, and schedule. | 42, 44 | 22 |
| 69 | Knowledge of the limits of the architect's role and responsibilities during construction (e.g., directing subcontractors, means and methods). | 9, 45 | 23 |
| 23 | Knowledge of methods for developing design solutions with the involvement of client, users, consultants, and stakeholders. | 42 | 24 |
| 27 | Knowledge of the impacts to project from environmental conditions (e.g., seismic activity, fire, winds, flood zone, hazardous materials) and their potential mitigations. | 48, 53 | 25 |

## DISCUSS AND POSSIBLE ACTION ON 2015-2016 STRATEGIC PLAN OBJECTIVE TO PURSUE RECRUITMENT OF AN ADDITIONAL ARCHITECT CONSULTANT TO ENSURE CONTINUITY AND EFFECTIVENESS IN THE BOARD'S ENFORCEMENT PROGRAM

The California Architects Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to pursue the recruitment of an additional architect consultant to ensure continuity and effectiveness in the Board's Enforcement Program.

### Architect Consultants

Business and Professions Code section (BPC) 5528 authorizes the Board to contract with licensed architect consultants to assist in its Enforcement Program. The Board recruits architect consultants through the Request for Proposal (RFP) process using the "secondary method" to select the most qualified individuals to successfully and effectively carry out the services identified in the RFP. To be considered, each proposer must: 1) possess an active valid license to practice architecture in California; 2) have no history of enforcement and/or administrative actions; 3) have been in practice, as defined in BPC 5500.1, within California for the last five years; and 4) have experience preparing for testimony or testifying in a minimum of three architectural related civil or other matters.

The Board's architect consultants review technical consumer complaints concerning deceptive, incompetent, or negligent acts of licensed architects or unlicensed individuals, and assist the Board in the development of disciplinary cases by preparing reports of findings and testifying as expert witnesses on behalf of the Board. The architect consultants' services also include: 1) responding to technical inquiries from the public and members of the profession; 2) participating in the Board's Building Official Contact Program; 3) analyzing and researching issues and trends affecting consumer protection; 4) assisting in the Board's consumer education programs by giving presentations at conferences and seminars; 5) drafting newsletter articles, press releases, and bulletins on matters concerning technical and professional issues; and 6) providing input to the Board on matters requiring technical expertise.

The Board currently has contracts with two architect consultants who work from the Board's office in Sacramento. One of the architect consultant contracts expires on June 30, 2016. To satisfy the Strategic Plan objective and increase the effectiveness of the Enforcement Program, Board staff is currently preparing RFPs for two architect consultant contracts for the next three fiscal years (2016-2019), to provide the Board with a total of three architect consultants beginning July 1, 2016 (or upon approval of the two contracts).

### Expert Consultants

Additionally, due to the length of time it takes to complete the formal RFP process, Board staff also began researching alternatives to contract with additional consultants per the Strategic Plan objective.

Senate Bill (SB) 541 (Price) (Chapter 339, Statutes of 2011) established BPC 40, which streamlines the process for boards and bureaus to contract with expert consultants to provide an expert opinion

on enforcement-related matters, and assist as subject matter experts (SMEs) in examination development, examination validation, or occupational analyses. The Board currently contracts with SMEs under the provisions in SB 541 to assist in California Supplemental Examination development and occupational analyses.

The scope of services for enforcement case review under expert consultant contracts is limited to the preparation of expert opinions on enforcement-related matters, including technical subject matters, professional standards and any deviations therefrom, the quality and completeness of evidentiary material, and assistance in all phases of the judicial and administrative process, including hearings and appeals, if required.

Under the delegated expert consultant contract process, expert consultants are compensated based on an hourly rate for their services, with a maximum duration of 36 months and a maximum value of $50,000 per contract. The Board can execute individual contracts with SMEs for enforcement-related matters and amend the contracts as needed, staying within the stated parameters.

Board staff completed the mandatory Delegated Contracts for Expert Consultants training class through the Department of Consumer Affairs' (DCA) Business Services Office in April 2015. Additionally, Board staff obtained sample expert consultant training manuals, task orders, case transmittal letters, and expert reports from various DCA boards and bureaus, including the Board of Optometry and the Board for Professional Engineers, Land Surveyors, and Geologists to assess best practices and develop procedures and training materials for the Board's expert consultants.

In July 2015, Board staff executed its first contract with an expert consultant to provide an expert opinion on an enforcement-related matter. The expert consultant was tasked with examining and evaluating evidentiary material pertaining to an enforcement case, and preparing a written report of findings and expert opinion describing the architectural work relative to the standard of practice of the architecture industry and any deviations therefrom.

Board staff believes the further use of expert consultant contracts will complement the work of the Board's architect consultants and allow for expediency, flexibility, and succession planning in the Enforcement Unit.

The REC is asked to review and discuss this objective.

**DISCUSS AND POSSIBLE ACTION ON 2015-2016 STRATEGIC PLAN OBJECTIVE TO MODIFY AND EXPAND REPORTS TO BOARD MEMBERS REGARDING ENFORCEMENT ACTIVITIES TO IDENTIFY THE MOST COMMON VIOLATIONS AND DISCIPLINARY ACTIONS**

The California Architects Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to modify and expand the reports to Board members regarding enforcement activities to identify the most common violations and disciplinary actions.

The Board members currently receive updates on a monthly basis regarding the Board's Enforcement Program through the Board's Monthly Report. These updates include the activities of the architect consultants and the REC, brief summaries of final disciplinary and enforcement actions, and enforcement case statistics. Statistics for the current and previous month, and previous year are provided and include the total number of cases: 1) received, pending and closed; 2) assigned to an outside expert; 3) referred to the Division of Investigation (DOI); 4) pending with DOI, Office of the Attorney General, and District Attorney; 5) settlement cases opened, pending, and closed; and 6) final citations.

In the past, staff has included bar graphs with the number of pending complaints by the year received in Board meeting packets at the request of Board members. Additionally, the Board was required to provide detailed information and statistics regarding its Enforcement Program for the previous three fiscal years to the Legislature in its 2014 Sunset Review Report. The enforcement data in the Report included the source of complaints, number of cases closed with educational letters, total amount of administrative fines assessed and collected, and aging of cases at each stage in the enforcement process, in addition to the statistics presented to the Board through monthly reports. Additionally, the Board identified the five most common violations resulting in citations: 1) Business and Professions Code section (BPC) 5536 (a) and (b) [Practice Without License or Holding Self Out as Architect]; 2) BPC 5536.1 [Signature and Stamp on Plans and Documents; Unauthorized Practice]; 3) BPC 5536.22 [Written Contract]; 4) BPC 5588 [Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services; Filing Requirements]; and 5) BPC 5584 [Negligence or Willful Misconduct].

To assist the REC in addressing this objective, staff reviewed and compared the types of data and formats used by similar boards within the Department of Consumer Affairs (DCA) in their enforcement reports to board members. Staff's research revealed the related DCA boards do not provide the most common violations and disciplinary actions to their board members. Instead, the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) currently uses bar graphs to present enforcement statistics to its Board members regarding the: 1) number of open, pending, and closed investigations; 2) age of pending and closed investigations; and 3) final outcomes of investigations, citations, and disciplinary actions.

The Contractors State License Board (CSLB) uses tables and bar graphs to present information regarding its enforcement program, including the: 1) current enforcement caseload; 2) amount of restitution to financially injured parties; 3) case aging; 4) citations issued; 5) mandatory settlement conferences held; 6) arbitration cases; and 7) disciplinary actions initiated and closed.

At its April 29, 2015 meeting, the REC discussed this objective and reviewed sample enforcement reports from the Board's Monthly Report, 2014 Sunset Review Report, past meeting packets, and reports used by BPELSG and CSLB in their board meeting packets. The REC recommended that staff incorporate case aging, caseload, and the most common violations of the Architects Practice Act (Act) into a new report format for Board members.

Based on the REC's feedback, staff modified the content and format of the Enforcement Program Update in the Monthly Report to Board Members (Attachment 1). The Enforcement Statistics table was updated to reflect statistics for the current and previous month, fiscal year to date, and an average of the past five fiscal years, and to include additional information regarding complaint aging, continuing education cases, and issued and pending citations. A new section was also added to the Update to identify the most common violations of the Act and Board regulations that resulted in enforcement action during the current fiscal year.

Additionally, staff developed a draft of a new Enforcement Program Statistical Report for the Board meeting packets (Attachment 2), which includes tables and graphs with the following information: 1) types of complaints received by the Board during the current fiscal year; 2) comparison of complaints received, closed, and pending by fiscal year; 3) comparison of the age of pending complaints by fiscal year; 4) summary of closed complaints by fiscal year; 5) summary of disciplinary and enforcement actions by fiscal year; and 6) most common violations of the Act and Board regulations that resulted in enforcement action during the current and previous two fiscal years.

The REC is asked to review the proposed enforcement activities reports to Board members, discuss this objective, and consider making a recommendation to the Board.

Attachments:
1. Proposed Changes to the Enforcement Program Update for Monthly Reports to Board Members
2. Proposed Enforcement Program Statistical Report

**PROPOSED CHANGES TO THE ENFORCEMENT PROGRAM UPDATE FOR MONTHLY REPORTS TO BOARD MEMBERS**

*Board staff recommends revising the Enforcement Statistics section to include the following content:*

[…]

| Enforcement Statistics | Current Month September 2015 | Prior Month August 2015 | FYTD 2015/16 | 5-FY Avg 2010/11 – 2014/15 |
|---|---|---|---|---|
| **Complaints** | | | | |
| Received/Opened: | 34 | 38 | 134 | 279 |
| Closed: | 46 | 31 | 122 | 286 |
| Average Days to Close: | 125 | 112 | 127 | 161 |
| Pending:** | 120 | 132 | 126 | 109 |
| Average Age of Pending (Days): | 113 | 116 | 116 | 200 |
| **Citations** | | | | |
| Issued: | 7 | 5 | 25 | 30 |
| Pending:** | 17 | 17 | 19 | 10 |
| Final: | 7 | 12 | 20 | 27 |
| **Disciplinary Action** | | | | |
| Pending AG:** | 9 | 9 | 9 | 3 |
| Pending DA:** | 1 | 1 | 1 | 3 |
| Final: | 0 | 0 | 0 | 3 |
| **Continuing Education (§5600.05)*** | | | | |
| Received/Opened: | 6 | 12 | 40 | 57 |
| Closed: | 11 | 11 | 43 | 46 |
| Pending:** | 19 | 24 | 22 | 30 |
| **Settlement Reports (§5588)*** | | | | |
| Received/Opened: | 4 | 3 | 13 | 33 |
| Closed: | 9 | 0 | 11 | 36 |
| Pending:** | 11 | 16 | 13 | 15 |

* *Also included within "Complaints" information.*
** *FYTD data is presented as an average of pending cases to date.*

[…]

*Additionally, Board staff recommends adding a Most Common Violations section to identify the violations of the Architects Practice Act and Board regulations that resulted in citations or disciplinary action during the current fiscal year. The suggested content and format for this section is shown below:*

[…]

Most Common Violations The majority of complaints received are filed by consumers for allegations such as unlicensed practice, professional misconduct, negligence, and contract violations, or initiated by the Board upon the failure of a coursework audit.

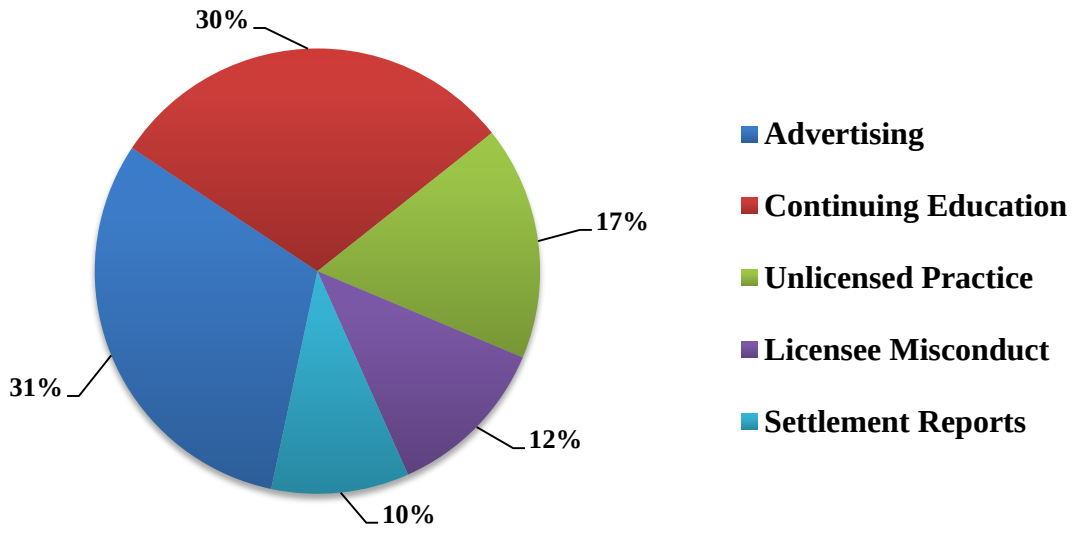
During FY 2015/16, the Board has issued 20 citations with administrative fines for violations of one or more of the following provisions of the Architects Practice Act and Board regulations:

- BPC 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect [30%]
- BPC 5536.1(c) – Unauthorized Practice [10%]
- BPC 5536.22(a) – Written Contract [10%]
- BPC 5584 – Negligence or Willful Misconduct [5%]
- BPC 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements [65%]
- CCR 160(b)(2) – Rules of Professional Conduct [10%]

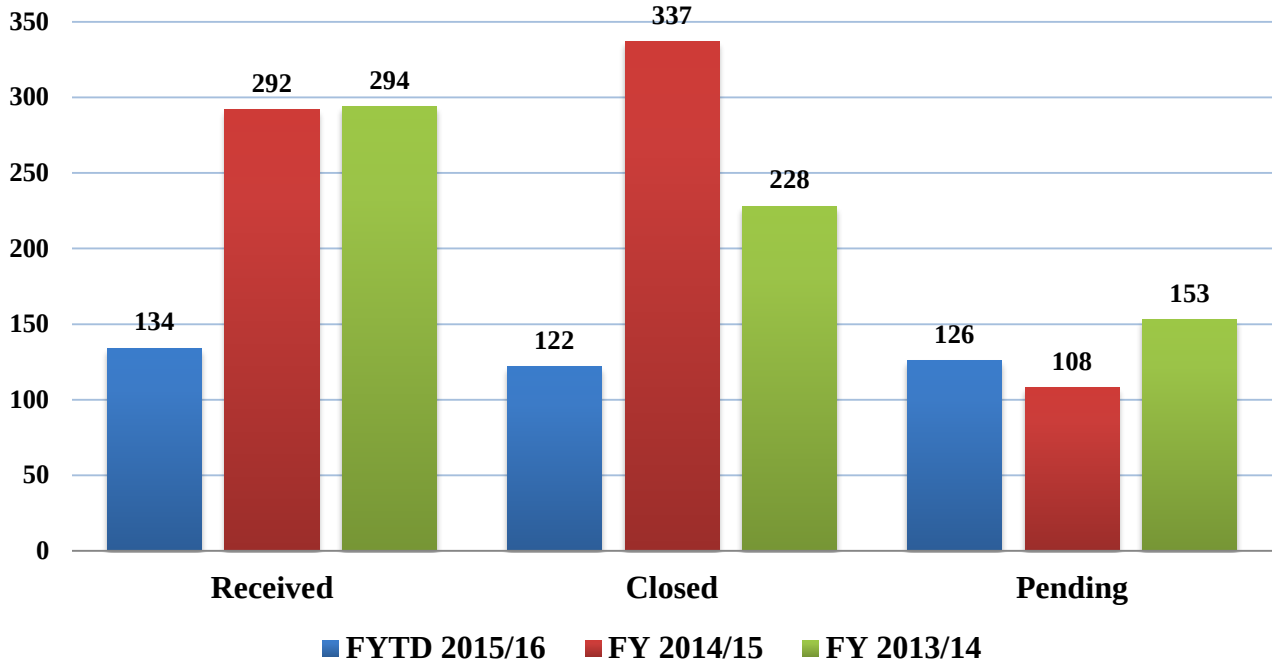
[…]

# PROPOSED ENFORCEMENT PROGRAM STATISTICAL REPORT

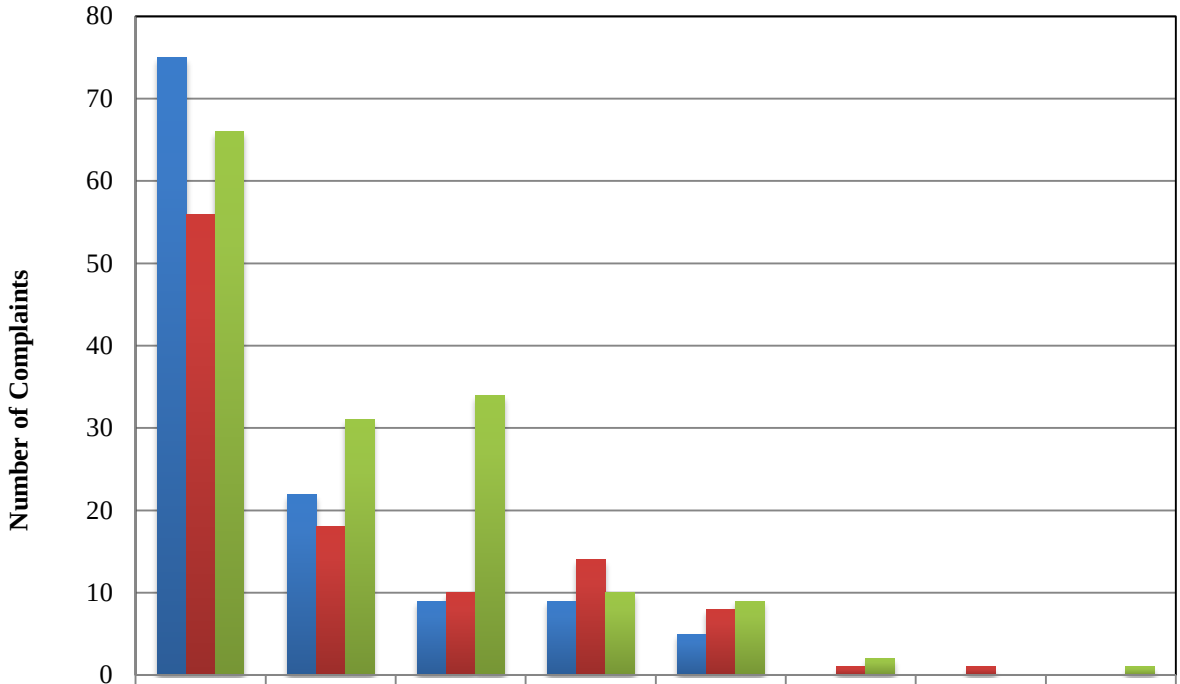
## Types of Complaints Received FY 2015/16 (1ST Quarter)




## Complaints Received, Closed, and Pending by FY



## Comparison of Age of Pending Complaints by FY




| | 0 - 90 Days | 91 - 180 Days | 181 - 270 Days | 271 - 364 Days | 1 - 2 Years | 2 - 3 Years | 3 - 4 Years | 4+ Years |
|---|---|---|---|---|---|---|---|---|
| FYTD 2015/16 | 75 | 22 | 9 | 9 | 5 | 0 | 0 | 0 |
| FY 2014/15 | 56 | 18 | 10 | 14 | 8 | 1 | 1 | 0 |
| FY 2013/14 | 66 | 31 | 34 | 10 | 9 | 2 | 0 | 1 |

## Closure of Complaints by FY

| Type of Closure | FYTD 2015/16 | FY 2014/15 | FY 2013/14 |
|---|---|---|---|
| Cease/Desist Compliance | 10 | 9 | 61 |
| Citation Issued | 25 | 62 | 21 |
| Complaint Withdrawn | 2 | 2 | 2 |
| Insufficient Evidence | 6 | 13 | 8 |
| Letter of Advisement | 50 | 185 | 66 |
| No Jurisdiction | 6 | 11 | 11 |
| No Violation | 17 | 40 | 45 |
| Referred for Disciplinary Action | 1 | 6 | 4 |
| Other (i.e., Mediated, Redundant Incident, etc.) | 5 | 9 | 10 |

## Disciplinary and Enforcement Actions by FY

| Action | FYTD 2015/16 | FY 2014/15 | FY 2013/14 |
|---|---|---|---|
| Disciplinary Cases Initiated | 1 | 5 | 2 |
| Pending Disciplinary Cases | 7 | 6 | 2 |
| Final Disciplinary Orders | 0 | 1 | 1 |
| Final Citations | 20 | 47 | 20 |
| Administrative Fines Assessed | $34,500 | $78,000 | $47,000 |

## Most Common Violations by FY

As of September 30, 2015, the Board has issued 20 citations with administrative fines for violations of the Architects Practice Act and Board regulations. The most common violations that resulted in disciplinary or enforcement action during the current and previous two fiscal years are listed below.

| Business and Professions Code Section (BPC) or California Code of Regulations Section (CCR) | FYTD 2015/16 | FY 2014/15 | FY 2013/14 |
|---|---|---|---|
| BPC 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect | 30% | 38% | 65% |
| BPC 5536.1(c) – Unauthorized Practice | 10% | 6% | 20% |
| BPC 5536.22 (a) – Written Contract | 10% | 9% | 35% |
| BPC 5584 – Negligence or Willful Misconduct | 5% | 4% | 15% |
| BPC 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements* | 65% | 45% | N/A |
| CCR 134(a) – Use of the Term Architect | 0% | 9% | 0% |
| CCR 160(b)(2) – Rules of Professional Conduct | 10% | 9% | 10% |

*Assembly Bill 1746 (Chapter 240, Statutes of 2010) became effective January 1, 2011 and amended the continuing education provisions of BPC 5600.05 by requiring an audit of license renewals beginning with the 2013 renewal cycle and adding a citation and disciplinary action provision for licensees who provide false or misleading information.

**DISCUSS AND POSSIBLE ACTION ON 2015-2016 STRATEGIC PLAN OBJECTIVE TO PURSUE METHODS TO OBTAIN MULTIPLE COLLECTION MECHANISMS TO SECURE UNPAID CITATION PENALTIES**

The California Architects Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties.

During fiscal years 2011/12 through 2013/14, the Board issued 68 citations and assessed $133,000 in administrative fines. The Board collected approximately 62% of these administrative fines. During this same period, the Board for Professional Engineers, Land Surveyors, and Geologists and the Contractors State License Board (CSLB) collected 44% and 35%, respectively, of their administrative fines. Additionally, the Board collected approximately 73% of the $78,000 in administrative fines it assessed during fiscal year 2014/15. However, as of June 30, 2015, over $85,000 in unpaid administrative fines had not been paid to the Board.

Currently, if a licensee fails to satisfy a citation, the Board places a hold on his or her license preventing it from being renewed without the payment of both the renewal fee and the administrative fine assessed with the citation [Business and Professions Code section (BPC) 125.9(b)(5)]. The Board is also authorized to pursue disciplinary action against a licensee for failure to pay the administrative fine within 30 days of the date of assessment.

However, the majority of the Board's outstanding, unpaid administrative fines are against unlicensed individuals, and many choose to ignore their citations, as they do not have licenses in jeopardy from failing to pay the administrative fines. The Board currently utilizes the Franchise Tax Board "Intercept Program" as an additional tool to collect unpaid administrative fines from unlicensed individuals, but the success in collecting fines through this program has not been significant, as the potential sources of recovery are limited to State tax refunds, Lottery proceeds, and unclaimed property.

At its April 29, 2015 meeting, the REC discussed multiple strategies to collect outstanding administrative fines, including: 1) proactively offering payment plans in the cover letters of each citation; 2) strengthening and increasing the frequency of enforcement letters to both licensees and unlicensed individuals who have not satisfied their citations; 3) contracting with a collection agency to pursue the unpaid administrative fines; 4) using the telephone disconnect program as a deterrent for repeat violations and to encourage payment; 5) establishing a "license leveraging system" within the Department of Consumer Affairs (DCA); and 6) partnering with the Employment Development Department to collect the unpaid fines through wage garnishments.

Following the meeting, staff strengthened the content of the citation cover letters and collection notices to emphasize that the Board will promptly take appropriate action to enforce the citations and recover the administrative fines. Staff also began offering payment plans in the unpaid citation collection notices. Additionally, staff researched the feasibility of each of the proposed strategies for collecting unpaid administrative fines, and determined that pursuing a contract with a collection agency may be the most effective method to encourage payment of the outstanding fines. A collection agency is able to provide the Board with debt collection services to collect outstanding

administrative fines and cost reimbursements, which may include filing legal actions when attachable assets have been identified.

The Board previously executed a contract with a collection agency in 2010, but the agency indicated it would not be able to effectively collect the administrative fines without social security numbers (SSNs). Currently, the Respiratory Care Board is authorized to release SSNs to collection agencies pursuant to BPC 3778 (Chapter 586, Statutes of 2003), but Board staff is not aware of any other agencies with similar authority. In its 2014 Sunset Review Report, the Board requested that the Legislature consider granting the statutory authority to release SSNs to the Board via Sunset Review legislation. In response, the Board was advised to examine other agencies that are authorized to release SSNs to collection agencies and consider any privacy or security issues that may arise if such information was transmitted.

However, other DCA boards and bureaus, including CSLB, currently use collection agencies to pursue unpaid administrative fines against unlicensed individuals without releasing SSNs. Board staff obtained copies of sample contracts that DCA boards and bureaus have executed with collection agencies, which do not require the release of individuals' SSNs or other private information. Specifically, CSLB reported that it does not even have the authority to collect SSNs from unlicensed individuals, and only releases the individuals' names, addresses, and fine amounts to the collection agency for pursuit of the unpaid fines.

The Board includes individuals' names, addresses, and the administrative fine amounts in its citations, which are released to the public for five years after they became final. Therefore, if an unlicensed individual failed to pay the administrative fine, the Board could transmit his or her name, address, and fine amount to a collection agency for pursuit of the unpaid fine without releasing any private information.

In addition to using the Franchise Tax Board "Intercept Program," staff recommends pursuing a contract with a collection agency because they possess the necessary experience and resources to effectively recover unpaid administrative fines. Staff further recommends initially only releasing the individuals' names, addresses, and fine amounts to the collection agency to prevent any privacy or data security concerns.

The Board also presented the idea of leveraging professional or vocational licenses to the Legislature during the Sunset Review process. Under such a system, the failure to satisfy a citation issued by one DCA board or bureau would prevent the renewal of a license issued by another DCA board or bureau. Staff will continue to work with other DCA boards and bureaus to determine the feasibility of sharing information regarding enforcement and disciplinary actions for purposes of leveraging other professional licenses to collect administrative fines.

The REC is asked to review and discuss this objective, and consider making a recommendation to the Board.

**ADJOURNMENT**

Time: _____