

California Architects Board
Working Group Meeting
on Senate Bill 1132 (Galgiani)
[Architects-in-Training]

July 13, 2016
Sacramento, California





Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF WORKING GROUP MEETING ON SENATE BILL 1132 (GALGIANI) [ARCHITECTS-IN-TRAINING]

July 13, 2016
10:00 a.m. to 2:00 p.m.
(or until completion of business)
California Architects Board, Sequoia Room
2420 Del Paso Road, Suite 109
Sacramento, CA 95834
(916) 574-7220

The California Architects Board will hold a working group meeting, as noted above. 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 below or you may contact Kristin Walker at (916) 575-7203.

Agenda

- A. Call to Order/Roll Call
- B. Public Comment on Items Not on Agenda
(The working group may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future Board meeting [Government Code sections 11125 and 11125.7(a)].)
- C. Discuss and Develop a Recommendation for the Board's Consideration on Senate Bill 1132 (Galgiani) [Architects-in-Training] and The American Institute of Architects, California Council's (AIACC) Architect-in-Training Title Change Proposal
- D. Adjournment

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A quorum of Board members may be present during all or portions of the meeting, and if so, such members who are not members of the working group will only observe the meeting. 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 working group 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 working group are open to the public.

(Continued on Reverse)

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the working group prior to the group taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the working group, but the chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the working group to discuss items not on the agenda; however, the working group 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 Kristin 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)

Agenda Item A

CALL TO ORDER / ROLL CALL

Roll is called by the working group chair or, in his/her absence, by another member of the working group designated by the chair.

WORKING GROUP ROSTER

Matthew McGuinness, Chair

Pasqual V. Gutierrez

Sylvia Kwan

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Members of the public may address the working group regarding items that are not contained in the meeting agenda at this time.

(The working group may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].)

DISCUSS AND DEVELOP A RECOMMENDATION FOR THE BOARD'S CONSIDERATION ON SENATE BILL 1132 (GALGIANI) [ARCHITECTS-IN-TRAINING] AND THE AMERICAN INSTITUTE OF ARCHITECTS, CALIFORNIA COUNCIL'S (AIACC) ARCHITECT-IN-TRAINING TITLE CHANGE PROPOSAL

The California Architects Board's 2015-2016 Strategic Plan contains an objective to monitor National Council of Architectural Registration Boards' (NCARB) action on titling for interns to ensure appropriate consumer protection. However, the focus of this objective has shifted to The American Institute of Architects, California Council's (AIACC) request for a special title ("architectural intern") and subsequent legislation (Senate Bill [SB] 1132 [Galgiani]) for the title "architect-in-training." AIACC has indicated that the purpose of SB 1132 (Attachment 1) is to provide a means with which to formally recognize those committed to becoming California licensed architects, potentially streamline the licensure process, and promote licensure.

At its June 9, 2016 meeting*, the Board approved a motion to oppose SB 1132 unless it is amended to the satisfaction of the Regulatory and Enforcement Committee (REC) to expand its scope to address implementation. SB 1132 has been before the Board and REC a number of times, as noted in the comprehensive history document. Board President Jon Baker appointed a working group to review possible amendments to the bill and make a recommendation to the Board.

Board staff conducted additional research in preparation for the working group meeting. First, staff reviewed the title provisions for three large states: Florida, New York, and Texas. In these states the features of their respective provisions are as follows:

Florida: The title "intern architect" may be used by individuals who possess a National Architectural Accreditation Board (NAAB) accredited professional degree in architecture, are actively enrolled with NCARB in the Architectural Experience Program (AXP), and are working under the direct supervision of a registered architect. Misuse of this title is pursued as a violation of an existing Florida statute restricting the use of the title "architect."

New York: The titles "architectural intern" and "intern architect" may be used by any unlicensed person. Therefore, there are no penalties for misuse of those titles.

Texas: The title "architectural intern" may be used by individuals who are currently enrolled in AXP. As in Florida, misuse of this title is pursued as a violation of an existing Texas statute restricting the use of the title "architect."

In addition, staff analyzed the provisions for all states that authorize the use of a special title for candidates (Attachment 2). The most common features of such title provisions are: 1) possession of a professional degree in architecture; 2) current enrollment and active participation in AXP; 3) employment under the responsible control of a licensed architect; and 4) the title may only be used in conjunction with such employment. Those four elements reflect NCARB Model Law with the exception of the degree requirement (Attachment 3).

Based upon the research, staff identified four potential models that could be specified in SB 1132 (Attachment 4). The four models are:

- 1) “Firm” - modified SB 1132 language with firms authorizing the use of the title
- 2) “Regulatory” - establishes an active role for the Board
- 3) “NCARB” - based on current NCARB Model Law
- 4) “Candidate” - streamlined version that simply authorizes candidates to use the title

Staff also drafted four versions of potential language for SB 1132 (Attachment 5) based upon the models identified above.

The working group is asked to review the language and research, and make a recommendation to the Board as to whether a version of the language is satisfactory to address the Board’s concerns, particularly as to implementation.

Attachments:

1. Senate Bill 1132 (Galgiani) [Architects-in-training] and AIACC’s Possible Amendment
2. NCARB’s “The Use of Titles by Interns: References in NCARB Member Boards’ Laws and Rules for Architectural Practice,” November 2014
3. Excerpts of NCARB’s *Legislative Guidelines and Model Law*, 2016-2017 Edition
4. Comparison of Potential Models for SB 1132
5. Possible Amendments to SB 1132: Firm, Regulatory, NCARB, and Candidate Models

* Background materials from the June 9, 2016 Board meeting packet are also attached for reference.

SENATE BILL

No. 1132

Introduced by Senator Galgiani

February 18, 2016

An act to amend Section 5500 of, and to add Section 5500.2 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1132, as introduced, Galgiani. Architects: architects-in-training. The Architects Practice Act provides for licensing and regulation of persons engaged in the practice of architecture by the California Architects Board, which is within the Department of Consumer Affairs, and defines the term "architect" for those purposes. That act requires an applicant for licensure as an architect to, among other things, take an examination. Existing regulations require an applicant for licensure to take the Architect Registration Examination.

This bill would define the term "architect-in-training," for purposes of that act, as a person who has received board confirmation of eligibility for the Architect Registration Examination and is employed under the direct supervision of a licensed architect, and would authorize a person to use the title "architect-in-training" for purposes of employment in the state if he or she meets the definition of that term.

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

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5500 of the Business and Professions
- 2 Code is amended to read:
- 3 5500. As used in this ~~chapter~~, *chapter*, the following terms
- 4 shall have the following meanings: ~~architect~~

1 (a) “Architect” means a person who is licensed to practice
2 architecture in this state under the authority of this chapter.

3 (b) “Architect-in-training” means a person who has received
4 board confirmation of eligibility for the Architect Registration
5 Examination and is employed under the direct supervision of an
6 architect licensed under this chapter.

7 SEC. 2. Section 5500.2 is added to the Business and Professions
8 Code, to read:

9 5500.2. A person may use the title “architect-in-training” for
10 purposes of employment in the state if he or she meets the
11 definition of architect-in-training in Section 5500.

California SB 1132 – Possible Amendments

This possible amendment would completely replace the existing language in SB 1132 with the following:

An employer may use the job title “architect-in-training” for an employee in the state if the employee has received board confirmation of eligibility for the Architect Registration Examination and is employed under the direct supervision of an architect licensed under this chapter.

The effect of this language is the same, but it is employer focused and consolidates the language into one section (SB 1132 currently is in two sections) to help avoid confusion.

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

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 RULE §1.123 Titles
Virgin Islands	§ 282. Definitions § 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. 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 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. 61-15-5. Additional duties of the board.	16.30.1.7 DEFINITIONS
Oregon		806-010-0020 - Initial Registration by Examination 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.

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.

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."

§ 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. A person participating in IDP through NCARB who has graduated with an

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 by 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.

LEGISLATIVE GUIDELINES

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.

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.

SECTION 12 – ENFORCEMENT

The Board shall be charged with the enforcement of the provisions of Sections 1 through 11 inclusive and of the rules adopted hereunder. If any person refuses to obey any decision or order of the Board, the Board or, upon the request of the Board, the Attorney General or the appropriate District Attor-

ney shall file an action for the enforcement of such decision or order, including injunctive relief, in the [designate court with appropriate jurisdiction]. After due hearing, the court shall order the enforcement of such decision or order, or any part thereof, if legally and properly made by the Board and, where appropriate, injunctive relief.

SECTION 13 – PENALTIES

Whoever violates any provisions of Sections 1 to 11, inclusive, shall be punished by a fine of not more than [] thousand dollars or by imprisonment in a jail or house of correction for not more than [] months, or both.

NOTE ON THE CONSTITUTIONAL LIMITS OF DELEGATION OF REGULATORY STANDARDS

The constitution of each state provides that the lawmaking power of the state shall be vested in its legislature. A state legislature may delegate its lawmaking power to administrative agencies as long as the legislature provides sufficient guidance for the proper exercise of that power. While lawmaking powers may not be delegated to non-governmental bodies, courts allow the incorporation of standards set by non-governmental bodies into statutes and regulations if the administrative agency, such as the architectural registration board, retains the discretion to approve or disapprove the standards. *Madrid v. St. Joseph's Hosp.*, 928 P.2d 250, 257, 258 (N.M. 1996). In such a case, the legislature “does not give the outside entity the power to determine what the law will be”. See *id.* at 256. See also *Bd. of Trustees of the Employees' Ret. Sys. Of the City of Baltimore v. Mayor and City Council of Baltimore City*, 562 A. 2d 720, 730 (Md. 1989), *Sutherland v. Ferguson*, 397 P.2d 335, 340 (Kan. 1964); *Tain v. State Bd. of Chiropractic Exam'rs*, 30 Cal.Rptr.3d 330, 347 (Cal. Ct. App. 2005).

For these reasons, the Model Law is permissive in allowing a state architectural registration board to adopt the education, training, and examination requirements promulgated by NCARB. (“The Board may adopt as its

own regulations governing practical training and education those guidelines published from time to time by the National Council of Architectural Registration Boards. The Board may also adopt the examinations and grading procedures of the National Council of Architectural Registration Boards and the accreditation decisions of the National Architectural Accrediting Board.”) The Model Regulations also permit the Board to accept NCARB education, training and examination requirements from time to time (“as accepted by the Board from time to time”). Also, the Model Regulations provide in Section 100.301(B) that an applicant may show that other experience is equivalent or better than that required by the NCARB standards.

Even if the NCARB standards were explicitly required by law or regulation, many courts have upheld such incorporation “where the standards are issued by a well-recognized, independent authority, and provide guidance on technical and complex matters within the entity’s area of expertise”. *Bd. of Trustees*, 562A. 2d at 731 and cases cited. While NCARB is a non-governmental body, its only members who set its policies are state and territorial boards of registration of architects.

**COMPARISON OF POTENTIAL MODELS FOR SENATE BILL (SB) 1132 (GALGIANI)
[ARCHITECTS-IN-TRAINING]: FIRM, REGULATORY, NCARB, AND CANDIDATE
MODELS**

SB 1132 Sponsor’s Legislative Intent:

- Formally recognize candidates
- Potentially streamline the licensure process
- Promote licensure

Cross-cutting Issues:

- Consumer protection
- Public disclosure
- Metrics

	Firm Model	Regulatory Model	NCARB Model	Candidate Model
Features:	<ul style="list-style-type: none"> • Employer controls title • Use of title is restricted to employment context • Records retained by architect and candidate (audit method for compliance) • Creates a connection point for promoting licensure via the supervising architect 	<ul style="list-style-type: none"> • Regulation and oversight of title by Board • Use of title is restricted to employment context • Records retained by Board • Consumer information is immediately available • Creates a connection point for promoting licensure via the supervising architect • Provides a basis for metrics 	<ul style="list-style-type: none"> • Similar to current NCARB Model Law • Use of title is restricted to employment context • Creates a connection point for promoting licensure via the supervising architect 	<ul style="list-style-type: none"> • Provides recognition to all active candidates • Streamlined model
Issues:	<ul style="list-style-type: none"> • Delegates control of a protected title to employers • Excludes candidates working under supervision of other professionals • Board does not regulate business entities • Board cannot immediately respond to consumer inquiries 	<ul style="list-style-type: none"> • Some architects may not allow otherwise eligible candidates to use the title • Excludes candidates working under supervision of other professionals 	<ul style="list-style-type: none"> • Lack of Board control and oversight • Limited consumer protection • Excludes candidates working under supervision of other professionals 	<ul style="list-style-type: none"> • Lack of Board control and oversight • Limited consumer protection

POSSIBLE AMENDMENTS TO SENATE BILL 1132 (GALGIANI) [ARCHITECTS-IN-TRAINING]: FIRM, REGULATORY, NCARB, AND CANDIDATE MODELS

Firm Model

Section 5500.2 is added to the Business and Professions Code, to read:

5500.2 Use of the Title Architect-in-Training

- (a) A business entity, as defined in Section 5535.25, may authorize the use of the title “architect-in-training” by an employee while acting within the course of his or her current employment under the responsible control of an architect licensed under this chapter, if the employee has received Board confirmation of eligibility for the Architect Registration Examination and is active in the examination process as defined in Division 2 of Title 16 of the California Code of Regulations.
- (b) Each business entity authorizing the use of the title “architect-in-training” as specified in subsection (a) shall *(optional: on a form prescribed by the Board)* maintain a written acknowledgement of the employee’s authorization to use the title. Such acknowledgement shall include: 1) the proper and current name and address of the business entity; 2) the name and license number of the supervising architect licensed under this chapter; and 3) the supervising architect’s and the employee’s signature and the date of execution. The business entity authorizing the use of the title “architect-in-training” for an employee, the supervising architect, and the employee shall each maintain a copy of this acknowledgement and shall each provide it to the Board upon request.
- (c) Notwithstanding any other provision, verification of a person’s authorization to use the title “architect-in-training” shall be obtained by the Board and disclosed to members of the public upon request.
- (d) A person or licensee who provides false or misleading information as it relates specifically to this section shall be subject to an administrative citation, which may include an administrative fine pursuant to Section 125.9, to the denial of a license pursuant to Section 5553, or to disciplinary action pursuant to Section 5560.
- (e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

Regulatory Model

Section 5500.2 is added to the Business and Professions Code, to read:

5500.2 Use of the Title Architect-in-Training

- (a) A person may use the title “architect-in-training” while acting within the course of his or her current employment under the responsible control of an architect licensed under this chapter, if the person has received Board confirmation of eligibility for the Architect Registration Examination and is active in the examination process as defined in Division 2 of Title 16 of the California Code of Regulations.
- (b) Each person using the title “architect-in-training” as specified in subsection (a) shall *(optional: on a form prescribed by the Board)* maintain a written acknowledgement of his or her authorization to use the title and provide the acknowledgement to the Board within 30 days of its execution. Such acknowledgement shall include: 1) the proper and current name and address of the person’s current employer; 2) the name and license number of the supervising architect licensed under this chapter; and 3) the supervising architect’s and the person’s signature and the date of execution. The person using the title “architect-in-training” shall notify the Board of any changes to the required elements of the acknowledgement within 30 days.
- (c) Notwithstanding any other provision, verification of a person’s authorization to use the title “architect-in-training” shall be disclosed to members of the public upon request.
- (d) A person or licensee who provides false or misleading information as it relates specifically to this section shall be subject to an administrative citation, which may include an administrative fine pursuant to Section 125.9, to the denial of a license pursuant to Section 5553, or to disciplinary action pursuant to Section 5560.
- (e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

NCARB Model

Section 5500.2 is added to the Business and Professions Code, to read:

5500.2 Use of the Title Architect-in-Training

- (a) A person may use the title “architect-in-training” while acting within the course of his or her current employment under the responsible control of an architect licensed under this chapter, if the person has received Board confirmation of eligibility for the Architect Registration Examination and is active in the examination process as defined in Division 2 of Title 16 of the California Code of Regulations.
- (b) Notwithstanding any other provision, verification of a person’s authorization to use the title “architect-in-training” shall be disclosed to members of the public upon request.
- (c) A person or licensee who provides false or misleading information as it relates specifically to this section shall be subject to an administrative citation, which may include an administrative fine pursuant to Section 125.9, to the denial of a license pursuant to Section 5553, or to disciplinary action pursuant to Section 5560.
- (d) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

Candidate Model

Section 5500.2 is added to the Business and Professions Code, to read:

5500.2 Use of the Title Architect-in-Training

- (a) A person may use the title “architect-in-training” if the person has received Board confirmation of eligibility for the Architect Registration Examination and is active in the examination process as defined in Division 2 of Title 16 of the California Code of Regulations.
- (b) Notwithstanding any other provision, verification of a person’s authorization to use the title “architect-in-training” shall be disclosed to members of the public upon request.
- (c) A person or licensee who provides false or misleading information as it relates specifically to this section shall be subject to an administrative citation, which may include an administrative fine pursuant to Section 125.9, to the denial of a license pursuant to Section 5553, or to disciplinary action pursuant to Section 5560.
- (d) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

DISCUSS AND POSSIBLE ACTION ON RECOMMENDATION ON SB 1132 (GALGIANI) [INTERN TITLE] AND THE AMERICAN INSTITUTE OF ARCHITECTS, CALIFORNIA COUNCIL'S (AIACC) ARCHITECT-IN-TRAINING TITLE CHANGE PROPOSAL

The California Architects Board's 2015-2016 Strategic Plan contains an objective to monitor National Council of Architectural Registration Boards' (NCARB) action on titling for interns to ensure appropriate consumer protection (Comprehensive History – Attachment 1). However, the focus of this objective has shifted to The American Institute of Architects, California Council's (AIACC) request for a special title (“architectural intern”) and subsequent legislation (Senate Bill [SB] 1132 [Galgiani]) for the title “architect-in-training” (Attachments 2 and 3).

AIACC has indicated that the purpose of SB 1132 is to: provide a means with which to formally recognize those committed to becoming California licensed architects; potentially streamline the licensure process; and promote licensure. At its April 28, 2016 meeting, the Regulatory and Enforcement Committee (REC) reviewed and discussed SB 1132 (Galgiani), as well as AIACC's “Architect-in-Training Title Change Proposal” (Attachment 4). The REC voted to recommend to the Board that it oppose SB 1132 without prejudice because the members felt it is premature and has not been sufficiently justified at this time. Some of the concerns raised by the Committee members were the: 1) existence of a specific problem has not been sufficiently demonstrated; 2) potential for consumer confusion; 3) workload and enforcement impact on the Board; and 4) possibility that only a small percentage of individuals would actually use the title.

Prior to the REC meeting, staff met with AIACC representative Kurt Cooknick on April 19, 2016 in an effort to gather additional information regarding AIACC's legislation and the title change proposal. Staff provided Mr. Cooknick with a list of questions (Attachment 5) that had been posed to AIACC at previous Board and REC meetings. He indicated that AIACC's goal was to have a parallel effort on this matter wherein program details could be jointly developed and accordingly AIACC would not be submitting additional material for the REC's consideration at its April 28, 2016 meeting.

A key issue in this discussion is the action at the national level. Currently, 28 NCARB member boards allow some sort of paraprofessional title, including four that allow “architect-in-training.” NCARB convened a group to study the issue of titles in the profession. NCARB's Board of Directors unanimously accepted the report of the Future Title Task Force at its April 2015 meeting. In the statement regarding the findings, NCARB notes:

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. 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.”

Following the April 28, 2016 REC meeting, staff was informed that the Arizona State Board of Technical Registration has repealed the “architect-in-training” title effective August 6, 2016. Staff also found that the Puerto Rico Board of Examiners of Architects and Landscape Architects has experienced consumer protection issues related to its “architect-in-training” certification. Specifically, the following statement was included in the 2015 NCARB Annual Report: “The board continued to receive complaints regarding the illegal practice of interns who are offering architecture services independently and contracting directly with the public, in violation of the Practice Act. The current Practice Act requires the board certifies interns as ‘architects in training.’ This seems to confuse the public, because clients mistake this certification to mean that the board has authorized the individual to practice independently.”

This matter has been before the Board and the REC a number of times. At its March 2016 meeting, the Board voted to table the issue of creating a special title for candidates for licensure until the REC has received and considered a comprehensive proposal from AIACC. A list of all of the meetings and the approved motions is reflected in Attachment 1.

SB 1132 has passed the Senate Business, Professions, and Economic Development Committee and Senate Appropriations Committee, as well as the Senate floor (AIACC letter of support – Attachment 6). As part of the established fiscal review process, the Department of Consumer Affairs’ (DCA) Division of Legislative and Regulatory Review provided fiscal information to the Senate Appropriations Committee based upon analysis from the DCA Budget Office and input from Board staff. The Senate Appropriations Committee initially referred the bill to the “suspense file” due to its fiscal impact, but ultimately passed the bill (Attachment 7).

The author’s staff has drafted a proposed amendment to the bill that is intended to minimize its fiscal impact (Attachment 8). The amendment was not included in the bill, as the Senate Appropriations Committee staff determined that any fiscal issues can be addressed via policy/programmatic amendments to the bill in the policy committee. The Board has conveyed comments to the author and committees to explain and clarify the Board’s actions and NCARB’s conclusions on this matter (Attachments 9, 10 and 11). The bill will next be heard in the Assembly Business and Professions Committee.

The Board is asked to consider the REC’s recommendation to oppose SB 1132 without prejudice.

Attachments:

1. Comprehensive History of the Board’s Strategic Plan Objective
2. AIACC Letter to the Board Regarding Intern Titling, March 4, 2015
3. SB 1132 (Galgiani) [Architects: architects-in-training], February 18, 2016
4. AIACC’s Architect-in-Training Title Change Proposal, March 2, 2016
5. Questions from the Board and REC to AIACC Regarding AIACC’s Title Change Proposal
6. AIACC Letter in Support of SB 1132, March 28, 2016
7. Senate Appropriations Committee Bill Analysis of SB 1132, April 25, 2016
8. Proposed Author’s Amendment to SB 1132 (Galgiani)
9. Board Letter on SB 1132 to Senate BP&ED, March 28, 2016
10. Board Letter on SB 1132 to Senate Appropriations Committee, April 20, 2016
11. Board Letter on SB 1132 to Senator Galgiani, May 12, 2016

COMPREHENSIVE HISTORY OF 2015-2016 STRATEGIC PLAN OBJECTIVE TO MONITOR NATIONAL COUNCIL OF ARCHITECTURAL BOARDS ACTION ON TITLING FOR INTERNS TO ENSURE CONSUMER PROTECTION

March 4, 2015 – AIACC Letter to Board: The American Institute of Architects, California Council (AIACC) sent a letter 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’s stated goal was to proactively modify the Act to be consistent with current standards and to facilitate a title change if or when such a term is adopted by NCARB model law.

April 29, 2015 – REC Meeting: The Regulatory and Enforcement Committee (REC) discussed and considered the consumer protection, enforcement, and regulatory issues involved with the title “architectural intern” and ultimately recommended that the Board not further consider the title “architectural intern.”

May 14, 2015 – NCARB Task Force: The National Council of Architectural Registration Boards (NCARB) announced the Future Title Task Force’s recommendation to 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, and suggested NCARB discontinue its use of the word “intern.” The NCARB Board of Directors voted unanimously to accept the Task Force’s report at its April 2015 meeting.

June 10, 2015 – Board Meeting: The Board extensively discussed the topic, decided to reject the REC’s recommendation, and requested that the REC research and reevaluate its recommendation for reconsideration by the Board.

October 27, 2015 – Meeting with AIACC: Board staff met with Mr. Cooknick to discuss AIACC’s proposal within the context of NCARB’s current recommendation to restrict the role of regulation to the title “architect.”

November 5, 2015 – REC Meeting: The REC thoroughly discussed the topic and recommended that the Board table the issue until AIACC presents a comprehensive proposal that has been reviewed and analyzed by Board staff.

- Kurt Cooknick informed the REC that in response to NCARB’s recommendation, AIACC is now advocating for the title “architect-in-training.”
- REC expressed its concerns regarding the lack of a complete proposal that: 1) identifies the problem with supporting data; 2) defines the minimum qualifications and regulatory constraints for the title; and 3) addresses the management and enforcement aspects of the title.

December 10, 2015 – Board Meeting: The Board approved the REC’s recommendation and tabled the intern titling issue until AIACC presents a comprehensive proposal that has been reviewed and analyzed by Board staff.

- The Board expressed concern that, if legislation creates a mandate to require the Board to regulate titles for non-licensed individuals, the responsibility to enforce those regulations might be outside of Board’s consumer protection mission as stipulated in the Act.

February 18, 2016 – AIACC-Sponsored Legislation Introduced: Senate Bill (SB) 1132 (Galgiani) [Architects: architects-in-training], an AIACC-sponsored bill, to create and define the title “architect-in-training” was introduced.

February 24, 2016 – AIACC’s Draft “Title Change Proposal” Document: Board staff received AIACC’s draft “Architect-in-Training Title Change Proposal” document as the March 3, 2016 Board meeting packet was being finalized.

March 2, 2016 – AIACC’s Updated “Title Change Proposal” Document: Board staff received an updated “Architect-in-Training Title Change Proposal” document from AIACC and distributed it to Board members via email.

March 3, 2016 – Board Meeting: The Board again tabled the issue of creating a special title for candidates for licensure until the REC has received and considered a comprehensive proposal from AIACC.

- The Board requested that AIACC clarify and elaborate on the enforcement mechanisms relative to the use of the title “architect-in-training” and consider the consequences of its proposal on firms.

March 28, 2016 – Board Letter to Senator Galgiani: regarding Board’s March 3, 2016 action and NCARB Future Title Task Force Report.

April 4, 2016 – SB 1132 Legislative Hearing: SB 1132 was passed by the Senate Business, Professions and Economic Development Committee (BP&ED) and referred to the Senate Appropriations Committee on an 8-0-1 vote.

April 19, 2016 – Meeting with AIACC: Board staff met with Mr. Cooknick to gather additional information regarding AIACC’s sponsored legislation and title change proposal.

April 20, 2016 – Board Letter to Senate Appropriations Committee: clarifying Board’s March 3, 2016 motion, NCARB’s action on the Future Title Task Force Report, and fiscal issues.

April 25, 2016 – SB 1132 Legislative Hearing: SB 1132 was heard by the Senate Appropriations Committee, and referred to the “Suspense File.”

April 28, 2016 – REC Meeting: The REC reviewed and discussed SB 1132 and AIACC’s “Architect-in-Training Title Change Proposal” document, and voted to recommend to the Board that it oppose SB 1132 without prejudice.

- Barry Williams informed the REC that he informally polled approximately 40 future graduates of California State Polytechnic University, San Luis Obispo, and found that just four students preferred the title “architect-in-training” over other titles such as “designer,” “intern,” and “project manager.”
- Mr. Cooknick commented that the intent of the proposal is to encourage licensure, and explained that the candidate would be required to maintain documentation from his or her employer stating he or she is allowed to use the title, and provide that documentation to the Board upon request.

May 12, 2016 – Board Letter to Senator Galgiani: regarding REC’s recommendation, NCARB’s action on the Future Title Task Force Report, the Board’s March 3, 2016 motion, and fiscal issues.

May 13, 2016 – Meeting with Senator Galgiani’s Staff: Board staff met with Senator Galgiani’s staff to explain Board and REC actions on SB 1132.

May 17, 2016 – Meeting with Senator Galgiani and AIACC Representatives: Board staff met with Senator Galgiani and AIACC representatives to discuss the financial implications of SB 1132. A potential amendment was shared by Senator Galgiani’s staff that is intended to minimize the bill’s fiscal impact on the Board.

May 27, 2016 – SB 1132 Legislative Hearing: SB 1132 was passed by the Senate Appropriations Committee on a 7-0 vote, and referred to the Senate Floor.

May 31, 2016 – SB 1132 Senate Floor: SB 1132 was passed by the Senate on a 39-0 vote, and ordered to the Assembly.



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

March 4, 2015

Page 3



Amanda Green, Assoc. AIA
Architect Licensing Advisor – North



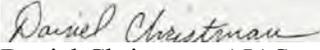
Leanna Libourel, AIA
Architect Licensing Advisor - South



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

SENATE BILL

No. 1132

Introduced by Senator Galgiani

February 18, 2016

An act to amend Section 5500 of, and to add Section 5500.2 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1132, as introduced, Galgiani. Architects: architects-in-training. The Architects Practice Act provides for licensing and regulation of persons engaged in the practice of architecture by the California Architects Board, which is within the Department of Consumer Affairs, and defines the term "architect" for those purposes. That act requires an applicant for licensure as an architect to, among other things, take an examination. Existing regulations require an applicant for licensure to take the Architect Registration Examination.

This bill would define the term "architect-in-training," for purposes of that act, as a person who has received board confirmation of eligibility for the Architect Registration Examination and is employed under the direct supervision of a licensed architect, and would authorize a person to use the title "architect-in-training" for purposes of employment in the state if he or she meets the definition of that term.

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

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5500 of the Business and Professions
- 2 Code is amended to read:
- 3 5500. As used in this ~~chapter~~, *chapter*, the following terms
- 4 shall have the following meanings: ~~architect~~

1 (a) “Architect” means a person who is licensed to practice
2 architecture in this state under the authority of this chapter.

3 (b) “Architect-in-training” means a person who has received
4 board confirmation of eligibility for the Architect Registration
5 Examination and is employed under the direct supervision of an
6 architect licensed under this chapter.

7 SEC. 2. Section 5500.2 is added to the Business and Professions
8 Code, to read:

9 5500.2. A person may use the title “architect-in-training” for
10 purposes of employment in the state if he or she meets the
11 definition of architect-in-training in Section 5500.

Architect-in-Training Title Change Proposal

The American Institute of Architects, California Council (AIACC), proposes the following highlighted and italicized changes to the Architects Practice Act's current terminology of "candidate" for those eligible for the Architect Registration Exam, to include the voluntary use of the title "Architect-in-Training."

By formally recognizing those committed to becoming California licensed architects, we believe this change will encourage those on the path to licensure to stay on that very path, thereby increasing the number of California licensed architects – something in which the California Architects Board should be keenly interested in participating. Additionally, 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, as well as appropriately aligning these individuals with other esteemed professions.

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 AIACC believes that, in a time when the title "Architect" had already been co-opted (software architect, systems architect, data architect, infrastructure architect, etc.), it is all the more imperative to create a para-professional title for inclusion in the Architects Practice Act to distinguish and protect not only the practice, but the origins of the title itself.

In response to concerns over consumer confusion, as a variation of the term "Engineer-in-Training" currently in use as the first step required under California law towards becoming licensed as a Professional Engineer, the term "Architect-in-Training" is no more misleading. It actually serves to affect the opposite implication that individuals using the title are trainees in the field of architecture.

Addressing concerns related to burdening the current enforcement program with an increase in unlicensed activity as a result of this proposal, the AIACC submits that: a candidate, on the path to licensure, is the least likely to violate the act and jeopardize their candidacy; that within the Practice Act several existing provisions addressing unlicensed practice, and the consequences of this type of conduct; and that contained in the CAB's existing enforcement program are the mechanisms for disciplining unlicensed activity. It should be pointed out that an unlicensed individual, seeking to mislead a consumer as to their qualifications, would not likely present themselves as an "Architect-in-Training," opting instead to choose to use the title architect to take advantage of the full force of its scope and authority.

To effect the voluntary use of the title "Architect-in-Training," the AIACC proposes the following changes to the Practice Act:

§ 5500 Architect; Architect-in-Training; Defined

(a) As used in this chapter, architect means a person who is licensed to practice architecture in this state under the authority of this chapter.

(b) As used in this chapter, architect-in-training means a person who has received NCARB confirmation of eligibility to test.

§ 5536 Practice Without License or Holding Self Out as Architect; Misdemeanor

(a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who is not licensed to practice architecture under this chapter to practice architecture in this state, to use any term confusingly similar to the word architect, to use the stamp of a licensed architect, as provided in Section 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer.

- (b) It is a misdemeanor, punishable as specified in subdivision (a), for any person who is not licensed to practice architecture under this chapter to affix a stamp or seal that bears the legend "State of California" or words or symbols that represent or imply that the person is so licensed by the state to prepare plans, specifications, or instruments of service.
- (c) It is a misdemeanor, punishable as specified in subdivision (a), for any person to advertise or represent that he or she is a "registered building designer" or is registered or otherwise licensed by the state as a building designer.

§ 5536.1 Signature and Stamp on Plans and Documents; Unauthorized Practice; Misdemeanor

- (a) All persons preparing or being in responsible control of plans, specifications, and instruments of service for others shall sign those plans, specifications, and instruments of service and all contracts therefor, and if licensed under this chapter shall affix a stamp, which complies with subdivision (b), to those plans, specifications, and instruments of service, as evidence of the person's responsibility for those documents. Failure of any person to comply with this subdivision is a misdemeanor punishable as provided in Section 5536. This section shall not apply to employees of persons licensed under this chapter while acting within the course of their employment.
- (b) For the purposes of this chapter, any stamp used by any architect licensed under this chapter shall be of a design authorized by the board which shall at a minimum bear the licensee's name, his or her license number, the legend "licensed architect" and the legend "State of California," and which shall provide a means of indicating the renewal date of the license.
- (c) The preparation of plans, specifications, or instruments of service for any building, except the buildings described in Section 5537, by any person who is not licensed to practice architecture in this state, is a misdemeanor punishable as provided in Section 5536.
- (d) The board may adopt regulations necessary for the implementation of this section.

§ 5536.2 Statement of Licensure

Each county or city which requires the issuance of any permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of the permit a signed statement that the person who prepared or was in responsible control of the plans and specifications for the construction, alteration, improvement, or repair of the building or structure is licensed under this chapter to prepare the plans and specifications, or is otherwise licensed in this state to prepare the plans and specifications.

The signature and stamp, as provided for in Section 5536.1, on the plans and specifications by the person who prepared or was in responsible control of the plans and specifications shall constitute compliance with this section.

It is the responsibility of the agency that issues the permit to determine that the person who signed and stamped the plans and specifications or who submitted the signed statement required by this section is licensed under this chapter or is otherwise licensed in this state to prepare the plans and specifications.

This section shall not apply to the issuance of permits where the preparation of plans and specifications for the construction, alteration, improvement, or repair of a building or structure is exempt from this chapter, except that the person preparing the plans and specifications for others shall sign the plans and specifications as provided by Section 5536.1.

§ 5536.3 Misuse of the title architect-in-training; Misdemeanor

- (a) *It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000), or loss of ability to test, for any person who is not qualified under § 5500 (b) to use the title architect-in-training.*

§ 134 Use of the Term Architect; Architect-in-Training; Responsible Control within Business Entity

- (a) Use of the Term Architect: It shall be unlawful for any person to use a business name that includes as part of its title or description of services the term "architect," "architecture," or "architectural," or any abbreviations or confusingly similar variations thereof, unless that person is a business entity wherein an architect is: (1) in management control of the professional services that are offered and provided by the business entity; and, (2) either the owner, a part-owner, an officer or an employee of the business entity.
- (b) Use of the term Architect-in-Training: It shall be unlawful for any person to use a business name that includes as part of its title or description of services the term "architect-in-training."*
- (c) Persons who are qualified under § 5500 (b) may use the title "architect-in-training" in representing themselves to the public, as long as such persons perform their work activities under the direct supervision and responsibility of a licensed architect.*

§ 149 Advertising in Telephone Directory Without License—Agency Citation

- (a) If, upon investigation, an agency designated in Section 101 has probable cause to believe that a person is advertising with respect to the offering or performance of services, without being properly licensed by or registered with the agency to offer or perform those services, the agency may issue a citation under Section 148 containing an order of correction that requires the violator to do both of the following: (1) Cease the unlawful advertising. (2) Notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.
- (b) This action is stayed if the person to whom a citation is issued under subdivision (a) notifies the agency in writing that he or she intends to contest the citation. The agency shall afford an opportunity for a hearing, as specified in Section 125.9.
- (c) If the person to whom a citation and order of correction is issued under subdivision (a) fails to comply with the order of correction after that order is final, the agency shall inform the Public Utilities Commission of the violation and the Public Utilities Commission shall require the telephone corporation furnishing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.
- (d) The good faith compliance by a telephone corporation with an order of the Public Utilities Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the telephone corporation arising from the termination of service.
- (e) Individuals eligible to use the title "Architect-in-Training" are prohibited from 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.*
- (f) 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.*

**QUESTIONS FROM THE CALIFORNIA ARCHITECTS BOARD AND THE
REGULATORY AND ENFORCEMENT COMMITTEE (REC) TO THE AMERICAN
INSTITUTE OF ARCHITECTS, CALIFORNIA COUNCIL (AIACC) REGARDING
AIACC'S TITLE CHANGE PROPOSAL**

1. What is the specific problem that needs to be addressed?
2. Is there any supporting data that demonstrates the problem?
3. What is AIACC's proposed solution?
4. How does the proposed solution solve the alleged problem?
5. AIACC indicated at the June 2015 Board meeting that AIACC reflected on and identified remedies to the REC's concerns about consumer protection. What are these remedies?
6. There is no timeframe associated with the use of the AIT title in AIACC's written materials, contrary to what was originally discussed. Was the timeframe discarded?
7. Once a candidate has eligibility to test, can the AIT title be used forever?
8. Has AIACC obtained information from BPELSG regarding its costs to manage the title "engineer-in-training" as requested by the REC?
9. How does the current proposal address the enforcement, management, and regulatory aspects of the AIT title?
10. AIACC was asked by the Board to clarify and elaborate on the enforcement mechanisms related to the use of the AIT title before it is presented to the REC. Does the current proposal include this information?
11. If there is an error and a candidate is not eligible to use the AIT title, but he or she has been authorized to use it by a firm, who is responsible for the violation – the candidate or the firm?
12. Does the proposal include specific examples of jurisdictions that use a paraprofessional title?



March 28, 2016

The Honorable Jerry Hill
Chair, Senate Business, Professions and Economic Development
Committee
California State Capitol
Sacramento, California 95814

Regarding: SB 1132 (Galgiani) – Support

Dear Chairman Hill:

The American Institute of Architects, California Council, an association of nearly 10,000 licensed architects in California, is the Sponsor of Senate Bill 1132 (Galgiani), which is scheduled to be heard in your Business, Professions and Economic Development Committee on Monday, April 4, 2016.

SB 1132 allows individuals who are working to become licensed architects to have the job title “architect-in-training.”

California law (The Architects Practice Act) allows only individuals who are licensed architects to refer to themselves as an “architect.” The limit on the usage of “architect” to only those who are licensed architects – those who have eight years of education/experience and passed eight rigorous examinations – is a restriction meant only to protect the public.

The most common path to becoming an architect in California is five years of college, three years of internship under a licensed architect, and the successful completion of eight licensing examinations.

SB 1132 would allow individuals to have the job title “architect-in-training” during their internship once they are eligible to take the licensing examinations. This job title does not harm the public as it does not imply

March 28, 2016
Chairman Jerry Hill
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licensure or grant any of the authority of a licensed architect. Importantly, it is helpful as it describes the qualification of the individual to clients of an architectural firm.

Finally, the proposed "architect-in-training" job title is similar to the "engineer-in-training" and "land surveyor-in-training" job titles that already exist in California.

For these reasons, the AIA California Council respectfully asks for your support on SB 1132.

Sincerely,

A handwritten signature in black ink that reads "Mark Christian". The signature is written in a cursive style with a large, stylized "M" and "C".

Mark Christian
AIACC Director of Legislative Affairs

cc: State Senator Cathleen Galgiani
Members, Senate BPED Committee
Mark Mendoza, Committee Consultant
Kayla Williams, Senate Republican Caucus Consultant
Mike Belote, California Advocates (for AIACC)

SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair
2015 - 2016 Regular Session

SB 1132 (Galgiani) - Architects: architects-in-training

Version: February 18, 2016

Policy Vote: B., P. & E.D. 8 - 0

Urgency: No

Mandate: No

Hearing Date: April 25, 2016

Consultant: Brendan McCarthy

This bill meets the criteria for referral to the Suspense File.

Bill Summary: SB 1132 would authorize certain individuals in training to be licensed as an architect to use the professional title "architect-in-training".

Fiscal Impact: The bill, as drafted, would provide title protection for architects-in-training, but does not specify what level of licensing and enforcement the California Architects Board would provide. The following fiscal estimates assume that the level of oversight is comparable to that provided for engineers-in-training currently provided by the Board of Professional Engineers, Land Surveyors, and Geologists.

- One-time information technology costs of \$100,000 to allow the Board to process applications and track licenses (California Architects Board Fund).
- Ongoing costs of about \$120,000 per year for initial program development, licensing oversight, outreach, and enforcement (California Architects Board Fund).
- Potential one-time costs of about \$300,000 for the development of an examination. As noted above, the Board has looked at the program for licensing engineers-in-training for comparison. Applicants for licensure as engineers-in-training are required to take an examination. If the California Architects Board were to decide to require an examination for licensure as an architect-in-training, it would need to conduct an occupational analysis and develop such a test (there is no existing test of this kind to the Board's knowledge).
- Unknown potential increase in state employment costs (various funds). Under the current civil service system, state employee compensation sometimes depends upon license status. Some civil service employees can receive higher compensation if the individual has a professional license in his or her field. At this time it is not known how many state employees could seek licensure as an architect-in-training or whether gaining such a license would increase their compensation.

Background: Under current law, the California Architects Board licenses and regulates the profession of architecture. In order to become licensed as an architect, an applicant must have five years of architectural training. The applicant is then required to pass a seven part registration examination. After undergraduate training, a prospective licensee usually spends two to three years working under the supervision of a licensed architect while preparing for and taking the registration examinations.

Proposed Law: SB 1132 would authorize certain individuals in training to be licensed as an architect to use the professional title "architect-in-training". Specifically, the bill

would allow anyone who has received confirmation from the Board that he or she is eligible for the registration exam and is employed under the supervision of a licensed architect to use the title "architect-in-training".

Staff Comments: Under current law, state licensing boards and bureaus enforce both "practice acts" and "title acts" in the licensing of professions. Practice acts require licensed professionals to obtain a professional license (generally by meeting certain educational requirements and/or passage of examinations). In addition, practice acts impose requirements on the practice of the profession by licensees. For example, practice acts may impose professional responsibilities, requirements for protection of the public, continuing education responsibilities, and other requirements. On the other hand, title acts simply permit professionals to meet certain requirements to use a title and prohibit those who have not met those standards from using the specified title. Title acts do not impose professional requirements on the licensed professionals.

-- END --

PROPOSED AUTHOR'S AMENDMENT TO SENATE BILL (SB) 1132 (GALGIANI)
[ARCHITECTS: ARCHITECTS-IN-TRAINING]

On May 17, 2016, Senator Galgiani's staff shared the following proposed amendment to SB 1132, which is intended to minimize the bill's fiscal impact on the Board.

Proposed Author's Amendment:

“Nothing in this Section requires the board to develop or administer an architect-in-training examination, nor does it require the board to approve, monitor, or track architects-in-training.”

Note: This amendment has not been included in the bill as of the publication date of this meeting packet (June 2, 2016).



Edmund G. Brown Jr.
GOVERNOR

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

March 28, 2016

The Honorable Cathleen Galgiani
California State Senate
State Capitol, Room 2059
Sacramento, CA 95814-4900

RE: SB 1132 (No Position) - "Architect-in-Training"

Dear Senator Galgiani:

The California Architects Board is pleased to be able to share these comments concerning SB 1132 (Galgiani), which would create a title for unlicensed candidates for licensure: architect-in-training.

The sponsor, The American Institute of Architects, California Council (AIACC), indicates that the goal of the bill is "providing a means with which to formally recognize those committed to becoming California licensed architects."

The Board does not have a position on the bill at this time. However, such legislation is contrary to action at the national level. The National Council of Architectural Registration Boards (NCARB), through its Future Title Task Force, determined that special titles for candidates are not appropriate. "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." NCARB will be updating its Model Law to ensure its consistency with the Future Title Task Force findings.

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At this time, it is unclear to the Board that the proposal would address any identified risk to consumer health, safety and welfare. It is also difficult to justify the regulation and enforcement of a title appropriated to unlicensed individuals who do not yet come under the regulatory purview of the Board. At its most recent meeting (March 2015), the Board voted to accept the Regulatory and Enforcement Committee's (REC) recommendation to table the matter until AIACC presents a

The Honorable Cathleen Galgiani

March 28, 2016

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comprehensive proposal with supporting data that has been reviewed and analyzed by Board staff for REC and the Board's consideration. The Board has not received such a proposal to date.

We appreciate you considering our concerns. Please contact our Executive Officer, Doug McCauley, at (916) 575-7232 if you have questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Baker", is enclosed within a thin black rectangular border.

JON ALAN BAKER
President



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

April 20, 2016

The Honorable Ricardo Lara, Chairman
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

RE: SB 1132 - "Architect-in-Training"

Dear Senator Lara:

The California Architects Board is pleased to provide these comments concerning SB 1132 (Galgiani), which would create a title for candidates for licensure: architect-in-training.

While the Board does not have a position on the bill at this time, such legislation is contrary to action at the national level. The National Council of Architectural Registration Boards (NCARB), which consists of all 50 states' boards, has determined that special titles for candidates are not appropriate.

The official NCARB report articulates the need to only "restrict the role of regulation to the title 'architect,' which should only apply to licensed individuals." In addition, the report also concludes: **"that any title held by those pursuing licensure does not need to be regulated."** NCARB will be updating its Model Law to ensure its consistency with these findings. Unfortunately, at the April 4, 2016 Senate Business, Professions, and Economic Development Committee (B & P) hearing, supporters of the bill indicated that the national action was solely on the part of "that particular committee." That is inaccurate. NCARB's position is that there is no need for a title, other than architect.

What is more concerning however, is the inaccurate description of the Board's action. At its most recent meeting (March 2016), the Board voted to accept its Regulatory and Enforcement Committee's recommendation **"to table the matter until AIACC presents a comprehensive proposal with supporting data that has been reviewed and analyzed by Board staff for REC and the Board's consideration."** (No new material has been submitted by AIACC.) Unfortunately, testimony in the B & P committee hearing alleged that the "Board did **not table the matter**" and such statement is untrue.

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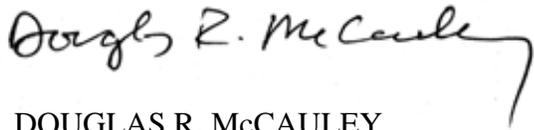
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The Honorable Ricardo Lara, Chairman
April 20, 2016
Page 2

The fiscal impact of this bill will be significant in terms of start-up costs and enforcement. With any new law, compliance is initially low, and accordingly enforcement costs are high. Information technology needs will also be significant, particularly because the Board has not been transitioned into DCA's BreEZe system. As such, whatever systems are needed will likely have to be implemented redundantly. In addition, if this program is modeled like the engineer-in-training program, the costs will increase significantly. DCA's Budget Office is analyzing the detailed fiscal impacts of the bill.

The Board appreciates your consideration of our concerns. Feel free to contact at me at (916) 575-7232 or doug.mccauley@dca.ca.gov if you have questions or comments.

Sincerely,



DOUGLAS R. McCAULEY
Executive Officer

cc: Members, Senate Appropriations Committee
The Honorable Cathleen Galgiani
Brendan McCarthy, Principal Consultant - Senate Appropriations Committee
Melinda McClain, Deputy Director of Legislation and Regulatory Review - Department of Consumer Affairs
Mark Christian, Director of Legislative Affairs - American Institute of Architects - California Council
Kurt Cooknick, Assoc. AIA, Director of Regulations and Practice - American Institute of Architects - California Council



Edmund G. Brown Jr.
GOVERNOR

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

May 12, 2016

The Honorable Cathleen Galgiani
California State Senate
State Capitol, Room 2059
Sacramento, CA 95814

RE: SB 1132 - "Architect-in-Training"

Dear Senator Galgiani:

I am writing to update you on the California Architects Board's position on SB 1132 (Galgiani), which would create a title for candidates for licensure: architect-in-training.

At its April 28, 2016 Regulatory and Enforcement Committee (REC) meeting, a recommendation to oppose SB 1132 was approved. That recommendation will be considered at the next Board meeting.

At the Board's last meeting (March 3, 2016), its action was "**to table the matter until AIACC presents a comprehensive proposal with supporting data** that has been reviewed and analyzed by Board staff for REC and the Board's consideration." (Unfortunately, sponsors' testimony at the April 4, 2016 Business, Professions, and Economic Development Committee (B&P) hearing misrepresented the Board's position by indicating that the "Board did **not table the matter**".) No new material has been submitted to the Board by the American Institute of Architects - California Council (AIACC).

While the Board does not have a formal position on the bill at this time, such legislation is contrary to action at the national level. The National Council of Architectural Registration Boards (NCARB), which consists of all 50 states' boards, has determined that special regulatory titles for unlicensed candidates are not necessary or appropriate (attachment).

The official NCARB report articulates the need to only "restrict the role of regulation to the title 'architect,' which should only apply to licensed individuals." In addition, the report also concludes: "**that any title held by those pursuing licensure does not need to be regulated.**" NCARB will be updating its Model Law to ensure its consistency with these findings. Unfortunately, at the B&P hearing, sponsors of the bill also indicated that the national action was solely on the part of "that particular committee." That is inaccurate. NCARB's position is that there is no need for a regulated title, other than architect.

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The Honorable Cathleen Galgiani

May 12, 2016

Page 2

The fiscal impact of this bill will be significant in terms of start-up costs, administration, and enforcement. With any new law, compliance is initially low, and accordingly enforcement costs are high. Information technology needs will also be significant, particularly because the Board has not been transitioned into the Department of Consumer Affairs' (DCA) BreEZe system. As such, whatever systems are needed will likely have to be implemented redundantly. DCA's Budget Office is analyzing the detailed fiscal impacts of the bill.

Since the Board's mission is to protect consumers by regulating the practice of architecture, the Board is unsure about the justification of expending resources regulating individuals who are not yet licensed practitioners and who are already restricted from practice by current regulation. The AIACC has been asked several times to provide a plan for the implementation, administration, and enforcement of this proposal. Once received, the Board has indicated a willingness to consider the proposal and its fiscal impact. The appropriateness of this proposal and the need for it remains questionable.

The Board appreciates your consideration of our concerns. Feel free to contact our Executive Officer, Doug McCauley, at (916) 575-7232 or doug.mccauley@dca.ca.gov if you have questions or comments.

Sincerely,



JON ALAN BAKER
President

Attachment

cc: Members, Senate Appropriations Committee
Brendan McCarthy, Principal Consultant - Senate Appropriations Committee
Heather White, Fiscal Consultant - Senate Republican Office of Policy
Melinda McClain, Deputy Director of Legislation and Regulatory Review - Department of
Consumer Affairs
Mark Christian, Director of Legislative Affairs - American Institute of Architects - California
Council
Kurt Cooknick, Assoc. AIA, Director of Regulation and Practice - American Institute of
Architects - California Council

ADJOURNMENT

Time: _____