

**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
CALIFORNIA ARCHITECTS BOARD**

**INITIAL STATEMENT OF REASONS**

**Hearing Date:** April 3, 2013 – 10:00 a.m.

**Subject Matter of Proposed Regulations:** Enforcement

**Section Affected:** 16 CCR 103

**Specific Purpose of each adoption, amendment, or repeal:**

Section 103-Delegation of Certain Functions – Amend

The regulatory proposal would delegate to the Board's Executive Officer (EO) the authority to approve settlement agreements for revocation or surrender of an architect license.

Problem being addressed:

The need to enhance the Board's discipline case processing timeframes so that case resolution is completed, on average, in 12 to 18 months.

Anticipated benefits from this regulatory action:

Delegating to the Board's EO the authority to approve settlement agreements, if the agreed upon action is license revocation or surrender, will shorten the timeframe for these cases, thus adding to consumer protection by allowing orders to become effective in a timelier manner.

Factual Basis/Rationale

Factual basis for determination that each proposed change is reasonably necessary to address the problem for which it is proposed: Under existing law, the Board has delegated to the EO specific duties relative to disciplinary matters including receiving and filing accusations and notices of defense, and issuing subpoenas. The Board has retained for itself the authority to render decisions on proposed decisions prepared by administrative law judges (ALJ) and settlement agreements prepared by deputy attorney generals (DAG). The ALJ's proposed decision is issued after the licensed architect has had an opportunity to dispute the charges at an administrative hearing. The licensed architect and DAG may negotiate a settlement agreement to resolve the case prior to the hearing. In a settlement agreement, the licensed architect admits

specific charges and agrees to the proposed disciplinary action. Board members must vote to approve proposed decisions and settlement agreements. The regulatory proposal would enable the Board's EO to approve settlement agreements for revocation or voluntary surrender of the architect's license. Because the licensed architect willingly and voluntarily admitted to the charges and agreed to a proposed disciplinary action that is among the severest the Board can impose, there is little discretion for the Board to exercise in these cases. Staff is unaware of any case in which the Board has not adopted such a settlement agreement.

### Underlying Data

Technical, theoretical or empirical studies or reports relied upon:

- Department of Consumer Affairs "Consumer Protection Initiative – January 21, 2010"

### Business Impact

This regulation will not have a significant adverse economic impact on businesses. It will only impact licensed architects.

### Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create jobs within the State of California because an architect's license to practice architecture will be revoked.
- It will not create new business or eliminate existing businesses within the State of California because the revoked individual may still provide design services for exempt project-types.
- It will not affect the expansion of businesses currently doing business within the State of California because it only involves an extremely minor portion of the population.
- This regulatory proposal benefits the health and welfare of California residents because it does not allow an incompetent, negligent, etc., architect to practice architecture.
- This regulatory proposal benefits worker safety because it does not allow an incompetent, negligent, etc., architect to practice architecture.
- This regulatory proposal benefits the state's environment because it does not allow an incompetent, negligent, etc., architect to practice architecture.

### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

### Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Not amend the regulations. This alternative was rejected because the changes proposed by this regulatory action are based on enforcement processes and procedures, and are necessary to improve the Board's enforcement operations. The regulatory proposal will assist in achieving the Board and DCA goal of reducing the average enforcement completion timeline to between 12 and 18 months.
2. Amend the regulation. The Board determined that this alternative is the most feasible because the proposed regulatory changes would enhance the Board's ability to protect the public.