CALIFORNIA ARCHITECTS BOARD

PROPOSED REGULATORY LANGUAGE

Amend Section 134 – Architectural Business Names

The California Architects Board proposes changes to Division 2 of Title 16 of the California Code of Regulations as follows:

Underlined text is proposed new language. Proposed deletions of the original language are denoted by ~~strikethrough~~.

§134 ~~Architectural Business Names~~ Use of the Term Architect; Responsible Control within Business Entity

~~(a) It shall be unlawful for an individual who is an architect to use a business name which includes as part of its title or description of services the term "architect", "architecture", or "architectural", unless it includes in its title or designation the name as licensed with the board of the architect and the fact that he or she is a licensed architect.~~

~~(b) (1) It shall be unlawful for a partnership to use a business name which includes as part of its title or description of services the term "architect", "architecture", or "architectural", unless it includes in its title or designation the name as licensed with the board of at least one general partner and the fact that he or she is a licensed architect.~~

~~(2) Where a partnership utilizes a business name, which includes as part of its title or description of services the term "architect", "architecture" or "architectural", and general partners whose surnames are contained in the partnership business name are licensed by the board, it shall be unnecessary for such a partnership to include in its title or designation the name as licensed with the board of a general partner and the fact that he or she is a licensed architect.~~

~~(c) It shall be unlawful for a corporation, which is not a professional architectural corporation as defined by Section 5610 of the Code, to use a business name which includes as part of its title or description of services the term "architect", "architecture" or "architectural", unless it includes in its title or designation the name as license with the board of a licensed architect who is either an officer or an employee of the corporation and the fact that such person is an architect.~~

(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, or an officer of the business entity.

(b) **Responsible Control within Business Entity:** Where a person uses 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, all of the professional services offered and provided by that person are to be offered and provided by or under the responsible control of an architect.

(c) **Definitions of Terms Used in this Section**:

1) The term "professional services" shall be given the same meaning as defined in Business and Professions Code section 5500.1.

2) The term "management control" shall mean general oversight of the professional services offered and provided by the business entity.

3) The term "responsible control" shall be given the same meaning as defined in Business and Professions Code section 5535.1.

4) The term "business entity" shall mean any sole proprietorship, firm, corporation, partnership, limited liability partnership, or alliance formed by written agreement to practice architecture including on a single project or on a series of projects.

5) The term "person" shall be given the same meaning as defined in Business and Professions Code section 5535.

6) The term "architect" shall be given the same meaning as defined in Business and Professions Code section 5500.

Repeal section 135 - Association

~~**§135 Association**~~

~~(a) An architect who associates with a person who is not a California licensed architect or civil or structural engineer or bona fide employee to jointly offer architectural design services shall, prior to offering architectural design services, enter into a written agreement of association with the unlicensed person whereby the architect agrees to be in the responsible control of the preparation of the instruments of service and other phases of the work required by law which are not exempted from the provisions of chapter 3 (commencing with Section 5500) Division 3 of the Code ("Architect Practice Act").~~

~~(b) The written agreement of association shall be signed by all parties to the agreement. In addition to the provision of subsection (a) of this section, the written agreement of association shall contain the following:~~

~~(1) The date when agreement to associate was entered into and the approximate date when the association will be dissolved if such association is not to be a continuing relationship. If the association is to be a continuing relationship, that fact shall be~~

~~so noted in the agreement. If the association is only for one project, the project shall be identified in the agreement of association.~~

~~(2) The name, address, telephone number, license number and signature of the architect who has agreed to associate with the unlicensed preparer of plans.~~

~~(3) The name, address, telephone number, and signature the unlicensed person.~~

~~(c) All instruments of service and records resulting from the association shall be retained and made available for ten (10) years from the date of completion of the project for review by the board upon board request.~~

~~(d) An architect who associates with one who is not a California licensed architect, shall send a copy of the executed, written agreement of association prior to the association jointly offering architectural services by certified mail to the board for each such association.~~