



Board Members

Tian Feng, President
Denise Campos, Vice President
Nilza Serrano, Secretary
Malcolm "Brett" Gladstone
Pasqual V. Gutierrez
Sylvia Kwan
Ebony Lewis
Robert C. Pearman, Jr.
Charles "Sonny" Ward, III

NOTICE OF TELECONFERENCE MEETING

June 5, 2020

**The California Architects Board will meet by teleconference at
10:30 a.m., on Friday, June 5, 2020**

NOTE: Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The California Architects Board (Board) will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=e599474b22a273b40fede52a5ef8a8d4a>

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by June 3, 2020, to cab@dca.ca.gov for consideration.

AGENDA

10:30 a.m. to 2:30 p.m.
(or until completion of business)

Action may be taken on any item listed below.

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. President's Procedural Remarks and Board Member Introductory Comments
- C. Update on the Department of Consumer Affairs (DCA)
- D. Public Comment on Items Not on the Agenda

(Continued)

The Board may not discuss or act 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)).

- E. Review and Possible Action on February 28, 2020 Board Meeting Minutes
- F. Discuss and Possible Action on Adoption of Proposed California Code of Regulations (CCR), Title 16, Division 2, Article 10, Section 165 (Continuing Education)
- G. Update on Intra-Departmental Contracts with the Office of Professional Examination Services (OPES) for Occupational Analysis (OA) and Examination Development
- H. Update and Possible Action on Legislation Regarding:
 - 1. Assembly Bill (AB) 1263 (Low) Contracts: Consumer Services: Consumer Complaints
 - 2. AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions
 - 3. AB 2028 (Aguiar-Curry) State Agencies: Meetings
 - 4. AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses
 - 5. Senate Bill (SB) 1168 (Morrell) State Agencies: Licensing Services
 - 6. SB 1474 (Business, Professions and Economic Development Committee) Business and Professions
- I. National Council of Architectural Registration Boards (NCARB)
 - 1. Review of 2020 NCARB Annual Business Meeting Agenda
 - 2. Discuss and Take Action on Letter of Credentials for Annual Business Meeting
 - 3. Consider and Take Action on Candidates for 2020 NCARB Board of Directors
- J. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
- K. Review of Future Board Meeting Dates
- L. Closed Session - Pursuant to Government Code Sections 11126(c)(3) and (f)(4) and 11126.1, the Board Will Meet in Closed Session to:
 - 1. Review and Take Action on February 28, 2020 Closed Session Minutes
 - 2. Deliberate and Vote on Disciplinary Matters
 - 3. Adjourn Closed Session
- M. Reconvene Open Session

(Continued)

N. Adjournment – Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.

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 Board President 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 Board are open to the public.

The Board plans to webcast the meeting on its website at www.cab.ca.gov. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties.

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

This meeting is being held via WebEx Events. The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Gabe Nessar

Telephone: (916) 575-7202

Email: gabriel.nessar@dca.ca.gov

Telecommunications Relay Service: Dial 711

Mailing Address:

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

Providing your request at least five (5) 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).

HOW TO – Join – DCA WebEx Event

The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>

The screenshot shows a web browser window with the URL <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>. The page header includes the California Department of Consumer Affairs logo and the text "California Department of Consumer Affairs".

Event Information: 3/26

Event status: Started
Date and time: Thursday, March 26, 2020 10:30 am Pacific Daylight Time (San Francisco, GMT-07:00) [Change time zone](#)
Duration: 1 hour
Description:

By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#).

Join Event Now

To join this event, provide the following information.

First name:
Last name:
Email address:
Event password:

[Join Now](#)
[Join by browser](#) **NEW!**
If you are the host, [start your event](#).

2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

HOW TO – Join – DCA WebEx Event

The screenshot shows a web browser window with the URL dca-ca.webex.com/join/3300/mywebex/default.do?nomenu=true&siteurl=dca-ca&service=6&rnd=0.562003235914354&main_url=https%3A%2F%2Fdca-ca.webex.com%2Fec3300%2Feventcenter%2Fevent%2FeventAction.do%3F. The page header includes the DCA logo and the text "California Department of Consumer Affairs".

Event Information: 3/26

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Date and time: Thursday, March 26, 2020 10:30 am
Pacific Daylight Time (San Francisco, GMT-07:00)
[Change time zone](#)
Duration: 1 hour
Description:

By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#).

Join Event Now

To join this event, provide the following information.

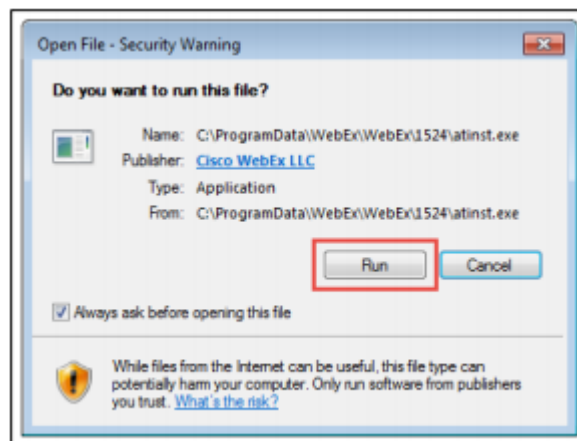
First name:
Last name:
Email address:
Event password:

[Join Now](#)
[Join by browser](#) **NEW!**
If you are the host, [start your event](#).

3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

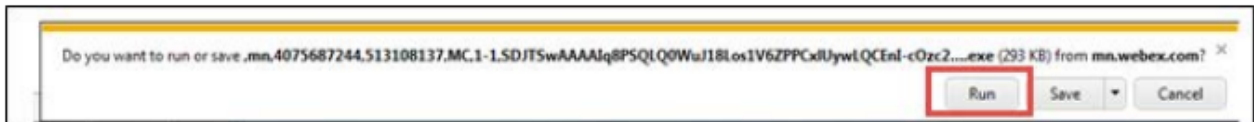
HOW TO – Join – DCA WebEx Event

Starting Webex...



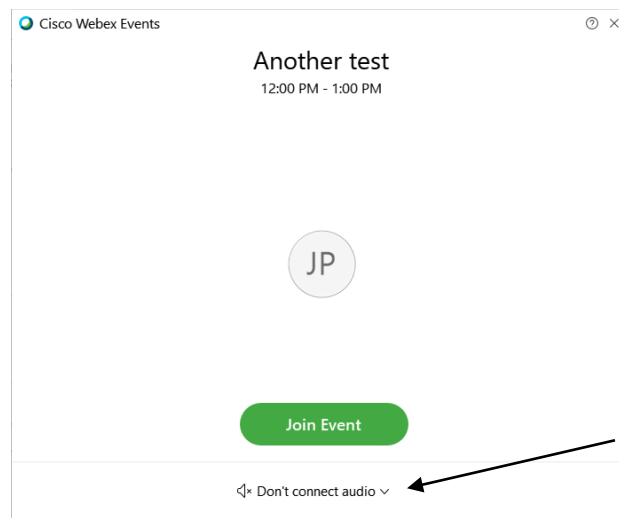
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



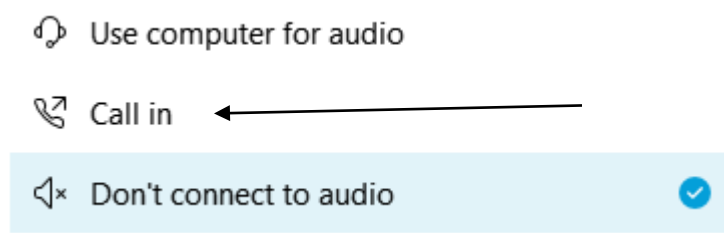
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

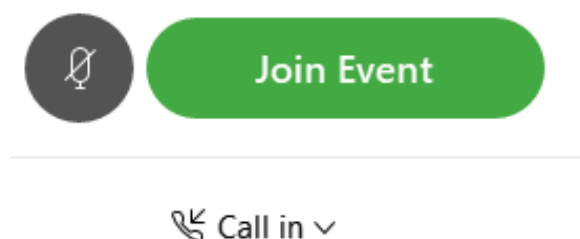


8. When the audio menu appears click 'Call in'.

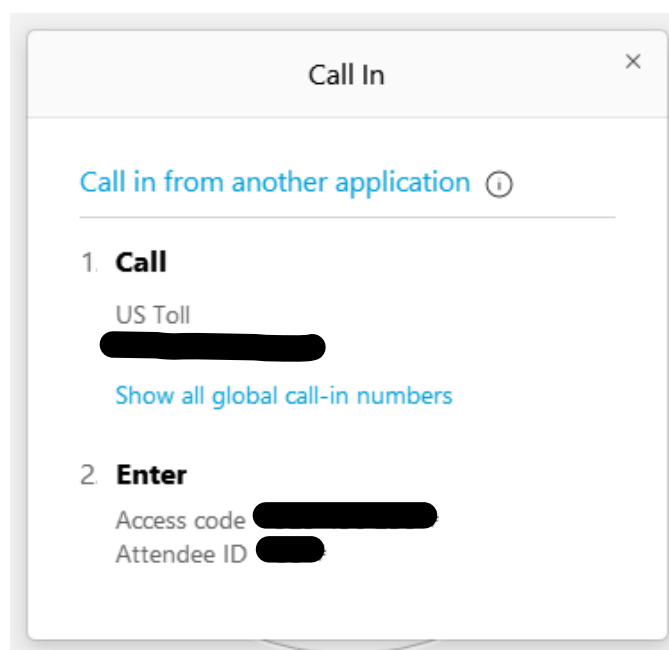
HOW TO – Join – DCA WebEx Event



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

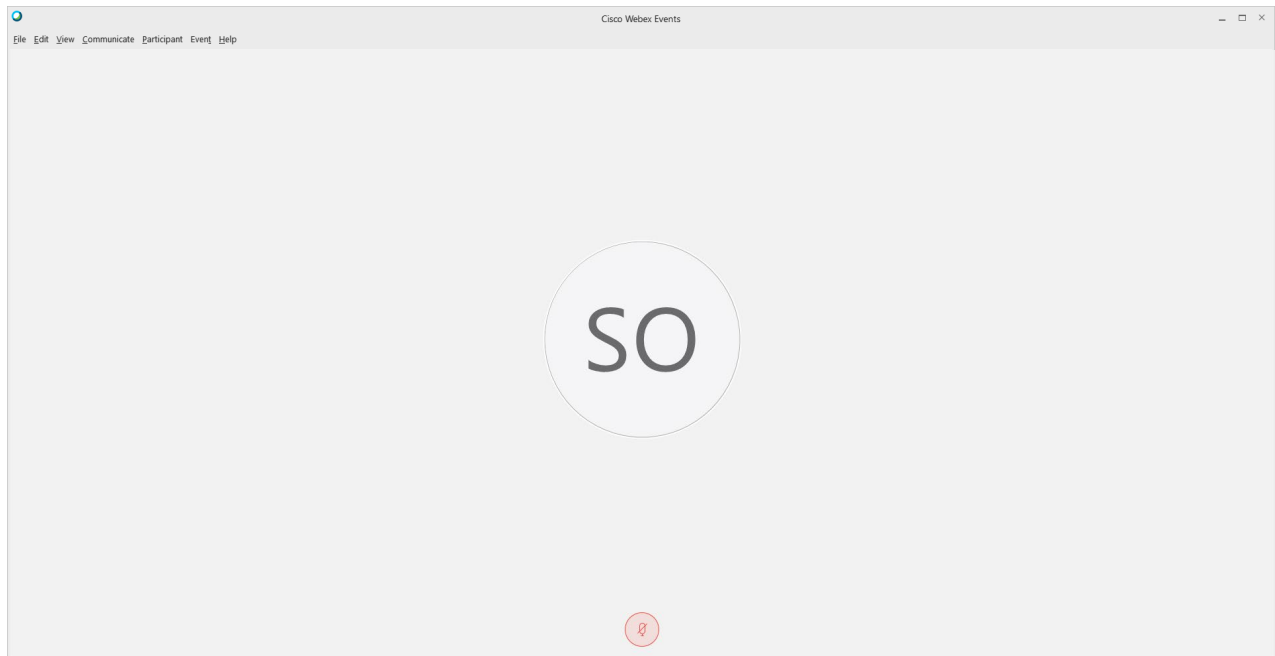


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

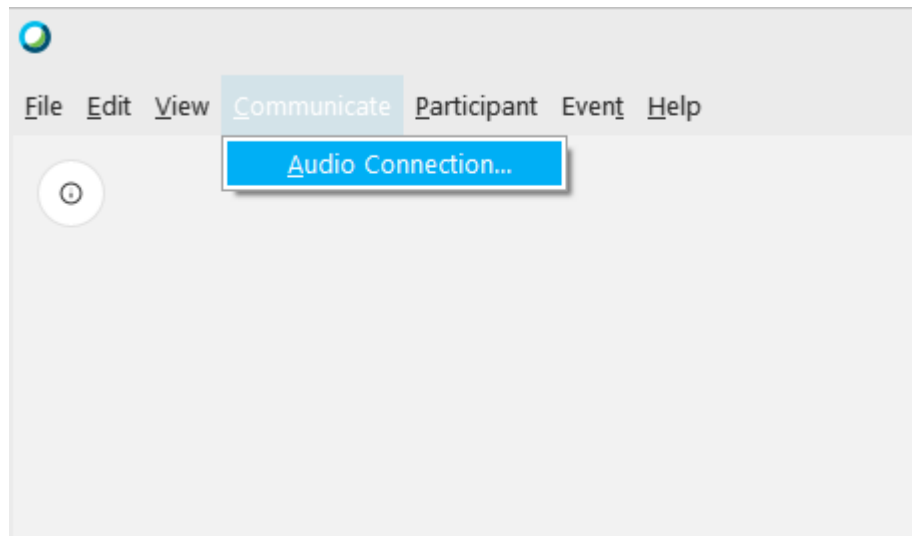


NOTE: Your audio line is muted and can only be unmuted by the event host.

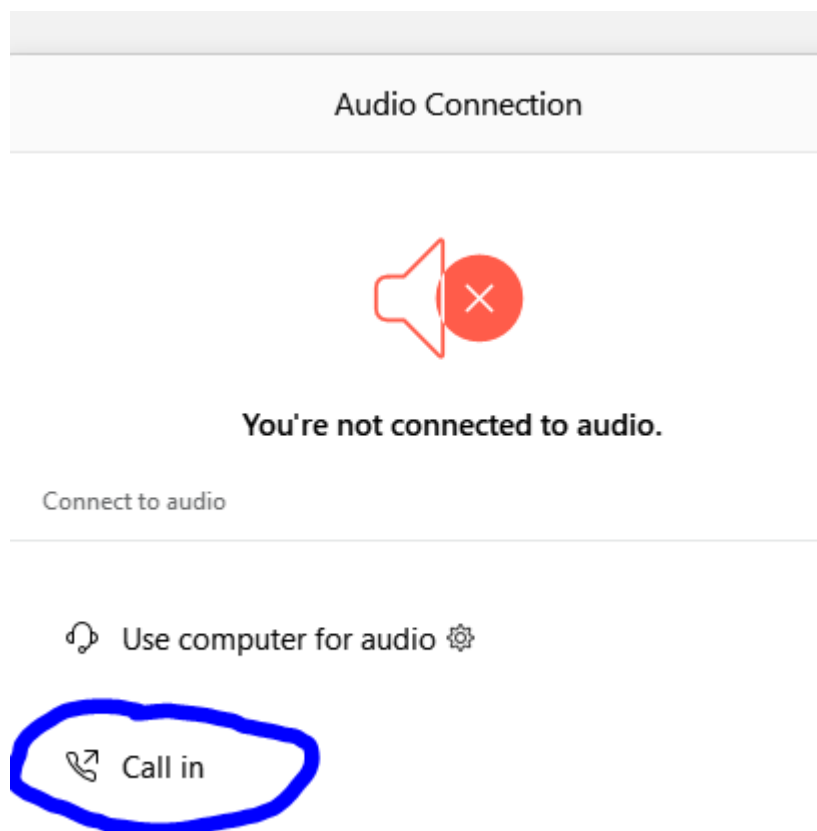
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



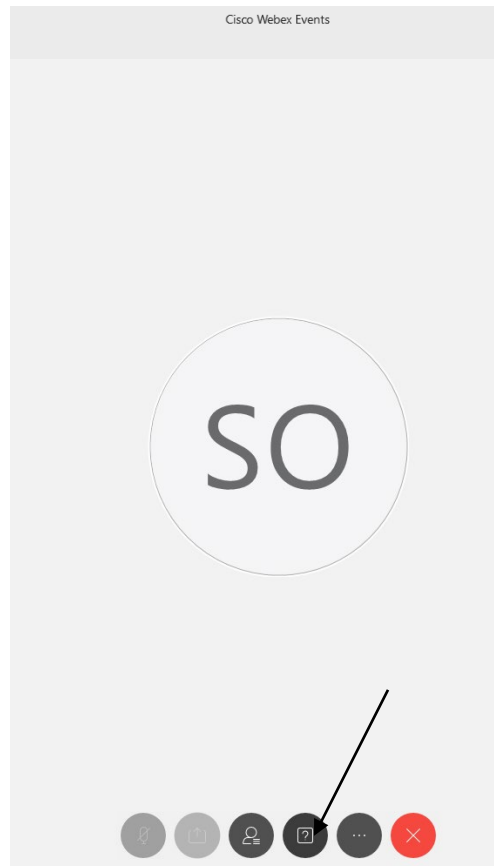
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

Participating During a Public Comment Period

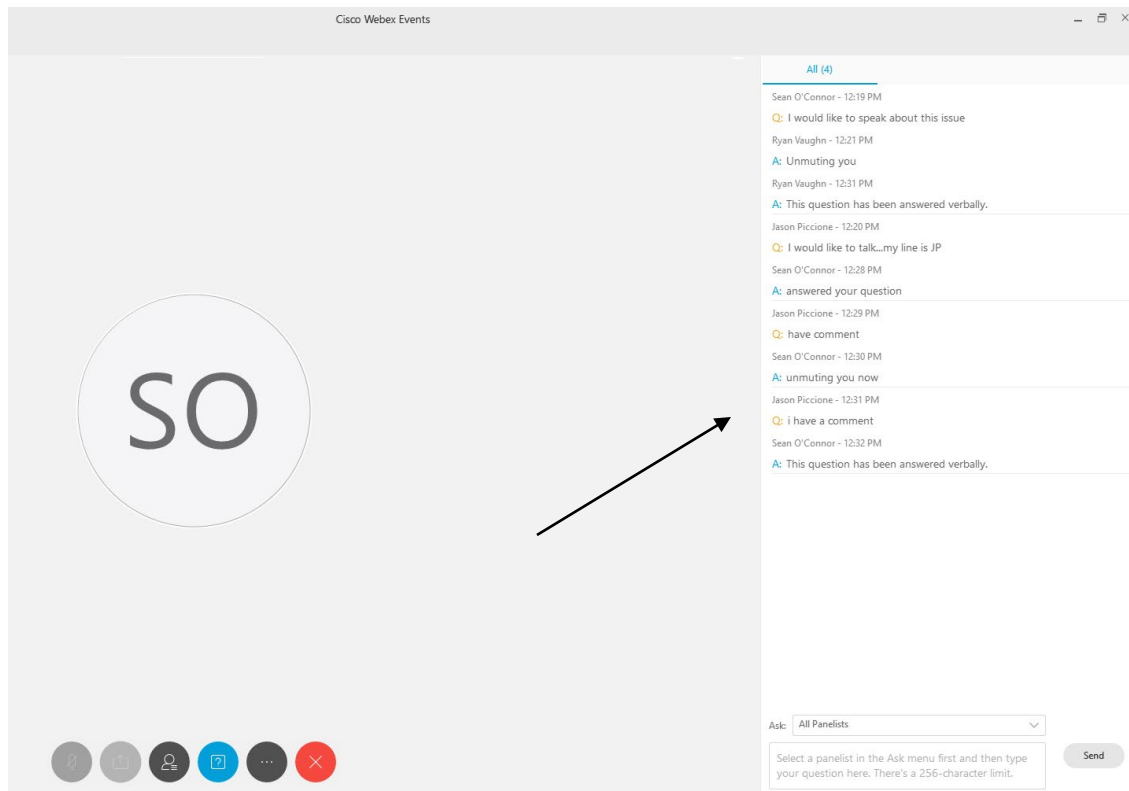
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

AGENDA ITEM A: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Roll is called by the Board Secretary or, in his/her absence, by the Board Vice President or, in his/her absence, by a Board member designated by the Board President.

Business and Professions Code section 5524 defines a quorum for the Board:

Six of the members of the Board constitute a quorum of the Board for the transaction of business. The concurrence of five members of the Board present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board, except that when all ten members of the Board are present at a meeting duly held, the concurrence of six members shall be necessary to constitute an act or decision of the Board.

Board Member Roster

Denise Campos

Tian Feng

Malcolm Gladstone

Pasqual V. Gutierrez

Sylvia Kwan

Ebony Lewis

Robert C. Pearman, Jr.

Nilza Serrano

Charles Ward, III

AGENDA ITEM E: REVIEW AND POSSIBLE ACTION ON FEBRUARY 28, 2020 BOARD MEETING MINUTES

Summary

The Board is asked to review and take possible action on the minutes of the February 28, 2020 Board meeting.

Action Requested

Approval of the February 28, 2020 Board Meeting Minutes.

Attachment(s)

February 28, 2020 Board Meeting Minutes (Draft)

DRAFT MEETING MINUTES CALIFORNIA ARCHITECTS BOARD

February 28, 2020
Sacramento

A. CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

On February 28, 2020, Board President, Tian Feng, called the meeting to order at 10:34 a.m. and Secretary, Nilza Serrano, called roll.

Board Members Present

Tian Feng, President
Denise Campos, Vice President
Nilza Serrano, Secretary
Malcolm "Brett" Gladstone
Pasqual Gutierrez
Sylvia Kwan
Ebony Lewis
Robert C. Pearman, Jr.
Charles "Sonny" Ward, III

Six members of the Board present constitute a quorum. There being nine members present at the time of roll, a quorum was established.

Guests Present

Andrew C. N. Bowden, Landscape Architects Technical Committee (LATC)
Member Mark Christian, Director of Government Relations, American Institute of Architects, California (AIA California)
Kimberly Kirchmeyer, Director, Department of Consumer Affairs (DCA)
L. Kirk Miller, FAIA

Staff Present

Laura Zuniga, Executive Officer (EO)
Vickie Mayer, Assistant Executive Officer
Marccus Reinhardt, Program Manager Examination/Licensing
Trish Rodriguez, LATC Program Manager
Ryan Greenlaw, Attorney III, DCA
Gabrial Nessar, Administration Analyst
Tara Welch, Attorney III, DCA
Matt Woodcheke, Information Officer, DCA

B. PRESIDENT'S PROCEDURAL REMARKS AND BOARD MEMBER INTRODUCTORY COMMENTS

Mr. Feng announced that 1) the meeting is being webcast, 2) Andrew Bowden, LATC member, is in attendance, and 3) Ms. Kirchmeyer, Director of DCA would be providing an update on DCA activities.

C. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA)

Ms. Kirchmeyer introduced herself as the new Director and shared her professional background and the role of DCA. She advised her initial focus is on the following areas: 1) client services and satisfaction and that every DCA employee plays a critical role in providing efficient, quality services to the boards and bureaus so they in turn can provide the best experience to licensees and the public; 2) working smarter together within DCA and that with more creativity and collaboration between the various boards and bureaus and with great teams, tools, and technology, she is confident that DCA could revamp the way business is conducted ; and 3) using data and technology to better inform decision making so action plans are developed to reduce licensing and enforcement timelines and provide measurable achievements.

She advised she is working on improving regulatory processes and timelines; budgetary and fiscal resources and reports; decreasing time to investigate complaints; and implementing passed legislation throughout DCA. In the future, she will be meeting with individual boards but not until her six executive office vacancies are filled. Ms. Kirchmeyer stated that the American with Disabilities Act (ADA) requirements of the websites have also taken a significant amount of time.

Ms. Kirchmeyer explained that Cherwell (an online system) will track regulations as they move throughout the process and would like to implement it no later than June. Ms. Kirchmeyer updated the members on the gubernatorial appointment of Ms. Lourdes Castro Ramirez as Secretary of the Business, Consumer Services and Housing Agency (BCSH) on January 22, 2020 and thanked previous Secretary Podesta for her support and guidance.

Mr. Feng inquired about the multi-media requirements for ADA compliance and whether the Board is receiving assistance. Ms. Kirchmeyer shared that external resources will be contracted to support this work. She advised that boards had been asked to review their websites to assess whether information was still current or if it could be deleted.

Robert Pearman stated he looks forward to the Board's regulatory approval process and legislative regulations and timelines being improved upon.

Ms. Serrano complimented the work the Board staff continue to provide. Ms. Kirchmeyer said the biggest compliment is when she does not hear about the Board, except for good accomplishments which she is aware of.

**G.* PRESENTATION ON LOCAL BUILDING APPROVAL PROCESS –
ROXANNA RECINOS-SERNA, CBO, CASp, DEPUTY CHIEF BUILDING
OFFICIAL, CITY OF SACRAMENTO**

Roxanna Recinos-Serna reviewed her professional background, then described her current role as Deputy Chief Building Official of Sacramento. Her responsibilities include assisting the Chief Building Official, assigning and supervising staff, and overseeing the building permit section. There are approximately 20 staff members and 25 building inspectors. They also hire consultants when necessary.

The Building Division is part of the City of Sacramento Community Development Department which is comprised of building, planning, code compliance and animal care divisions. They regulate construction and development to safeguard and ensure the health and safety of the public.

A building permit is required for residential additions, remodels, alterations, and the installation of some appliances and accessory structures such as swimming pools, a gazebo, or attached garage. For commercial work, a permit is almost always required.

Ms. Recinos-Serna explained the permitting process and indicated that for some small projects such as a re-roof, permits may be issued over the counter on the same day of the request, while others may require additional time for review. She discussed the resubmittal process and the assessment of fees as well as who writes building codes and how often they change. For example, there are new state laws covering Accessory Dwelling Units (ADU).

She explained the statistics and performance measures from the Sacramento Building Department. In 2019 they had a total of 130 projects issued with a valuation of 1 million dollars or greater out of 1.6 billion dollars total construction. Recent innovations to the department include all master plans now being submitted electronically. In addition, a drone program is in process and will be used for inspections, the plan-check process can now be completed electronically, and there is a new pre-approval system for architects.

Ms. Recinos-Serna described her typical day at work, coordinating and participating in the plan-check process and taking phone calls from applicants, developers, and the public. They also gather information and do research for our elected officials.

Brett Gladstone asked if the presenter had any ideas about educating architects about ADUs. Ms. Recinos-Serna said they are putting together an informational bulletin about the review and permitting of plans for ADUs.

Denise Campos asked how the Sacramento Building Department compares to other departments across the state. Ms. Recinos-Serna responded that it is typical in structure except that some Community Development Departments

include a housing department, and most do not include animal control.

The presenter was asked about the role of the Planning Department in seismic retrofitting. Ms. Recinos-Serna stated that it is the role of the Building Division.

The presenter was asked about the back-up system for building inspectors in the case of emergencies after a natural disaster. Ms. Recinos-Serna explained that in the case of earthquakes and fires, building departments can bring in inspectors from neighboring jurisdictions or from California Building Officials (CALBO).

Sylvia Kwan asked about collaboration between the building and the planning departments. Ms. Recinos-Serna discussed the different aspects of setback distances that each division must address.

Mr. Feng asked whether the Sacramento Building Department has any special requirements for interior designers seeking permits. The presenter stated that they follow the same standard as for other professional design projects. As long as the renovations are non-structural, they will accept the plans from an interior designer if they are otherwise compliant.

Pasqual Gutierrez asked about the average time it takes for designs to go through the plan-checking process. The presenter responded that it depends on the valuation of the project, and that there is an expedited path available for an additional fee.

Ms. Recinos-Serna was thanked for her presentation.

F.* PRESENTATION OF OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD TO L. KIRK MILLER

Mr. Feng informed the other members of the many contributions to the Board's mission made by L. Kirk Miller over the past two decades and presented Mr. Miller with the 2019 Octavius Morgan Award. Mr. Miller addressed the Board and thanked members and staff for their respective contributions to the profession.

D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Mark Christian, AIA, directed his comment to Board member Mr. Gladstone regarding ADUs, and that AIA has a resource, Plus1House.org which provides answers to frequently asked questions. He also mentioned that the Safety Assessment Program (SAP) organized through the Office of Emergency Services (OES) utilizes volunteers of architects and engineers to provide professional and certified building inspectors to assist local governments in safety evaluation of their environment in the aftermath of a disaster. This certification program is recognized throughout the United States when a declared state of emergency has occurred.

Mr. Feng stated that a one-day class is offered and encouraged all architect members attend the training.

E. REVIEW AND POSSIBLE ACTION ON DECEMBER 11, 2019 BOARD MEETING MINUTES

Mr. Feng asked for comments concerning the minutes of the December 11, 2019 Board meeting.

- **Nilza Serrano moved to approve the December 11, 2019 Board meeting minutes.**

Denise Campos seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

K. REVIEW AND POSSIBLE ACTION ON REVISED EXECUTIVE OFFICER (EO) DUTY STATEMENT

Laura Zuniga presented the proposed revisions to the EO Duty Statement on page 3 to include the new fingerprint requirement. She explained that all duty statements of Board staff, including the EO's, who will have access to criminal offender records must be revised to include a fingerprint requirement in order to perform a criminal record check on the employee. She advised that the same language will be added to affected staff's duty statements. Tara Welch offered a change to the proposed language to delete the parentheses around "CORI" the second time it is mentioned in the proposed paragraph.

- **Sylvia Kwan moved to approve the revised EO Duty Statement with the recommended edit to page 3.**

Nilza Serrano seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

I. CLOSED SESSION - PURSUANT TO GOVERNMENT CODE SECTIONS 11126(A)(1), (C)(3), AND (F)(4), AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:

- 1. Review and Possible Action on December 11, 2019 Closed Session Minutes**
- 2. Deliberate and Vote on Disciplinary Matters**
- 3. Adjourn Closed Session**

J. RECONVENE OPEN SESSION

The Board reconvened in Open Session.

H. PRESENTATION BY DCA BUDGET OFFICE REGARDING BOARD ANNUAL BUDGET UPDATE

Paul McDermott, Budget Analyst with the DCA Budget Office provided an overview of the Board's budget and fund condition. He provided an explanation of the budget cycle that begins at the start of the fiscal year in July. Mr. McDermott said during this time, there are budget drills, employee compensation, budget change proposals, and significant monetary revenues and expenditures to analyze that culminates in a new budget in January. He advised there are two documents provided monthly to the Board: 1) analysis of fund condition; and 2) expenditure projections. He highlighted that the Board is fiscally responsible, the fund condition looks positive and he does not expect any surprises.

Ms. Campos inquired if departments are audited and if so, what would trigger an audit. Mr. McDermott stated he would follow-up with an email response to her question through Ms. Zuniga.

Mr. Pearman asked if through the new collection agency contract the Board's budget is being positively affected. Mr. McDermott responded that he did not see a significant impact to the Board's fund.

L. DISCUSS AND POSSIBLE ACTION ON PROPOSED ADOPTION OF CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 2, ARTICLE 5, SECTION 135 (PRESENTMENT AND ADVERTISING REQUIREMENTS)

Lead Enforcement Analyst Michael Sganga presented a report on the Board's proposed regulations to require architects to include their license number in advertising.

He advised the Board's Strategic Plan and the concerns of licensees led to efforts to restrict advertisements of unlicensed individuals offering architectural services or identifying themselves as architects or architectural firms. He indicated the

issue was determined to be especially prevalent on company websites, social media platforms like LinkedIn, Yelp, Facebook, Houzz and Manta, and job sites like Craigslist.

Mr. Sganga advised the Board's Regulatory and Enforcement Committee (REC) met last August and looked at several solutions including: 1) citing and fining people who are miscategorized on those sites; 2) sending a demand letter to the companies who run the sites; and 3) asking architects to identify themselves in advertising by license number to distinguish themselves from unlicensed designers.

He mentioned that Board staff continue to enforce Business and Professions Code (BPC) section 5536 against individuals who actively post misleading advertising, but those subjects are often not in control of which category the website uses to classify them.

Mr. Sganga explained that staff has sent letters to the platform companies with little effect because the Board does not have jurisdiction to demand that they change their categorization procedures.

He said the Board discussed the benefits of asking architects to use their license number in advertising at their September 2019 meeting, and staff was asked to develop proposed regulatory language and solicit input from licensees.

For regulatory language, staff started with the enabling law, BPC section 137 which allows any agency within DCA to promulgate regulations requiring licensees to include their license numbers in advertising, soliciting or other presentments to the public.

He advised staff also examined similar laws and regulations in effect at the Department of Insurance; Board of Behavioral Science; Contractors State License Board (CSLB); Department of Real Estate; Board of Professional Engineers, Land Surveyors and Geologists; and the pending regulation the Board approved for the LATC. Mr. Sganga drew the members' attention to the resulting proposed regulatory language attached to Agenda Item L in the meeting packet as CCR, title 16, section 135.

He advised Board staff also sent a survey to all licensees by email and collected responses for two weeks last November. They received input from more than 1,500 architects and the response was overwhelmingly positive with 66% reacting positively or very positively to the proposed regulation. Of those who objected, staff asked what their major concerns were and tried to incorporate those concerns into the proposed language, specifically as to how it would apply to large firms.

With regard to how it would be enforced in general, staff emphasized that the proposal is designed to identify unlicensed practice and advertising, not to punish licensed architects who fail to comply.

The Board was asked to review and discuss the proposed regulation and delegate authority to the EO to adopt the regulation subject to public comment.

A Board member asked if the EO should reach out to DCA and determine the possibility of legislation that would address the problem with the websites.

Ms. Zuniga responded that CSLB experiences the same problem and that it might be something that all the boards could address together with DCA.

Ms. Kwan recognized that social media platforms cannot even be forced to regulate blatantly false political content, so it is unlikely that they would recognize our licensing issues as a priority.

Ms. Serrano stated that, as a consumer advocate, it is a great idea. Other professions must do it and it provides a great added value to consumers.

Ebony Lewis recognized that many people do not understand that the word architect is a protected term, so it would be good for the public in general.

Sonny Ward asked if there is a list of professions that require license numbers in advertising. Mr. Sganga replied that the Department of Insurance; Board of Behavioral Science; CSLB; Department of Real Estate; Board of Professional Engineers, Land Surveyors and Geologists; and the LATC currently do.

Ms. Lewis stated that it would benefit consumers to be able to see that an architect is licensed but she does not see how we can really regulate this. She asked about the ramifications for architects who are found to be advertising without their license number. Mr. Sganga answered that there would likely be a graduated response, but that the purpose of the proposed regulation is to help identify unlicensed individuals, not to punish architects.

Mr. Gutierrez acknowledged that the Board does exist to protect the consumer, but that the consumer already has the ability to check licensure on the Board website. He also expressed great concern for larger firms because it would be impractical to change their office signs and letterhead. Every time the architect in management control changed, there would have to be a wholesale change in stationery. He wholly supports that the license number should be on solicitations to prospective clients as well as on contract proposals. He doesn't want to have to hand a business card to someone with a different person's license number on it.

Ms. Kwan stated her understanding that the proposed regulation does not include business cards and stationery, only public presentations and advertisements.

Mr. Sganga pointed out that the regulation specifies cards and letterhead, but that the number on the card should be the individual architect's number, not someone else's.

Ms. Serrano stated that people do not generally print out hundreds of copies of their letterhead anymore; they just add the letterhead to their word processing so it can be easily changed.

Ms. Welch directed the members to LATC regulation CCR section 2671 which does not include office signs or websites, so the list could be refined.

Mr. Christian stated that AIA California does not take a position on this issue yet, although some concerns have been raised. How would a national firm advertise in a national publication without violating the law? Would an architect have to include their license in an advertisement in their child's local high school football program, subjecting them to an administrative penalty? While he trusts today's staff when they say they are not targeting architects, Mr. Christian is afraid of what a different staff in 10 years might do. This is just creating a technical violation that will impact architects. Contractors have this requirement, but contractors and architects in many ways are different. Fraud committed by unlicensed contractors is a much greater problem than that committed by unlicensed architects.

Mr. Christian believes the average client of an architect is a sophisticated individual and is not hiring an architect for the first time. They are in the development business. They may be hiring an architect for the first time to design a residence, but that is not a first-time home buyer. It is different from when somebody hires a contractor to fix a fence or to trim branches off a tree.

Mr. Christian advised that AIA California completely supports the attempt to protect consumers and go after people if they are not licensed. If architects in California are required to fill out a Business Entity Reporting Form, there is already a database at the Board that lists all the businesses that provide architectural services. If a firm that puts out an advertisement is in that database, the Board already knows that the business is complying, so the regulation is not necessary.

Ms. Serrano reiterated that the Board is tasked to protect the public. The typical consumer is a person, not a hospital, not someone who is going to build a prison or big infrastructure. Those organizations that hire architects have the staff and resources to do the research and investigation. The typical consumer does not. We as a Board need to move forward to protect those consumers.

Mr. Feng believes that the purpose is right, but that the implementation would be too challenging, and might not even be needed. It would take tremendous resources away from the organization and might be impossible. Since we already have LATC practicing this method, we can look to them to see if it is protecting the public. He believes we should collect data and analyze the degree to which it improves protection of our consumers. His recommendation is to defer the item to the Communications Committee and REC and continue the conversation at a future meeting. Ms. Zuniga pointed out that the REC already took up this issue, but that it could be sent back for further consideration. Mr. Feng believes it would

benefit from the input of the Communications Committee as well. Mr. Gutierrez wants the committees to provide data to show why this is necessary.

Ms. Lewis stated that the reason this came up was because of concerns over false advertising of architectural services on social media and the internet and the intent was to address these concerns by letting consumers know who was licensed or not.

Mr. Gutierrez stated that this particular concern was raised in the absence of knowledge that there is a tab on the Board website labeled License Verification. Ms. Zuniga stated that most consumers do not know to go to the Board's website, and this is one more way to get consumers to think about licensure and that they can look up more information. A Board member pointed out that it is no different from the contractors in that you can look it up, but the law says you must put the number on advertising. We have to try to help the consumers find the information that they might not be able to otherwise.

Mr. Pearman stated that, as the chairman of the REC, he does not mind taking it back to wait for feedback from AIA.

Mr. Christian said that any position would have to be adopted by their board of directors, which convenes on March 13. He will see if he can get it on the agenda for discussion.

Mr. Bowden stated that the intent of their regulation was never to put license numbers on the side of a building in downtown Los Angeles, but to act as a deterrent to unlicensed people who would advertise their services. Also, consumers will realize that real landscape architects have a license number associated with their name.

Mr. Ward expressed his belief that there is a difference between architecture and landscape architecture because the architects' board has existed longer. Also, whereas someone can pretend to be a landscape designer, there is no possibility of someone calling themselves an architectural designer. He would like to see data about the number of complaints before and after the advent of new media. Mr. Bowden replied that the state of California has licensed landscape architects since 1953. Landscape architects were identified as a profession in 1899. Mr. Ward clarified that the point of his comment was that it is much easier to identify unlicensed activity among landscape architects because of the profession. It is easier for people to hold themselves out as a landscape designer.

Ms. Serrano took a final opportunity to remind the Board of their mandate to protect the consumer, even if it is a little cumbersome for the architects.

The issue was sent back to the REC and Communications Committee to find data to answer the question of how such a regulation would increase consumer protection.

M. REVIEW AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY LANGUAGE FOR CCR, TITLE 16, DIVISION 2, ARTICLE 2, SECTIONS 110 SUBSTANTIAL RELATIONSHIP CRITERIA AND 110.1 CRITERIA FOR REHABILITATION

Ms. Welch presented proposed modifications to pending language in regulations regarding substantial relationship and rehabilitation criteria. These modifications were suggested following concerns that were raised by Office of Administrative Law (OAL) in reference to similar regulations proposed by the Veterinary Medical Board.

The proposed revisions to CCR section 110 would clarify reference to the Architects Practice Act provision that allows the Board to suspend or revoke a license.

The proposed revisions to CCR section 110.1 would clarify the distinction between the two steps involved in denial of a license described under subsections (a)(1) and (a)(2).

Mr. Gladstone pointed out that the reference in the proposed language for CCR section 110.1(a)(2) to “subsection (c)(1)” should be “subsection (a)(1).” Ms. Welch agreed.

Ms. Kwan stated that the new language makes a stronger distinction between people who have completed probation and become good citizens again versus those that have not.

The same modification is proposed for subsection (b) which applies to the suspension or revocation of a license. In addition, it includes violations of the practice act among the rehabilitation criteria to be considered. This is a more equitable analysis.

Mr. Gladstone asked for clarification of the term “reinstatement” in the unchanged language under CCR section 110.1 subsection (c). Ms. Welch stated that reinstatement means following license revocation or surrender and not modification of probation.

- **Nilza Serrano moved to approve the Modified Proposed Regulatory Language for CCR Sections 110 and 110.1 including the change from “subsection (c)(1)” to “subsection (a)(1)” and authorize the EO to make any technical or nonsubstantive changes to the rulemaking package; notice the proposed text for a 15-day comment period and, if no adverse comments are received during the 15-day comment period and no hearing is requested, adopt the proposed regulatory changes as modified.**

Ebony Lewis seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

N. UPDATE ON JANUARY 23, 2020 PROFESSIONAL QUALIFICATIONS COMMITTEE MEETING

Mr. Gutierrez summarized the 2019-2021 Strategic Plan objectives and other agenda items discussed by the Professional Qualifications Committee (PQC) at its January 23, 2020 meeting. He provided an overview of the resultant outcomes.

Ms. Kwan commented on the objective related to mandatory continuing education (CE) and complimented the PQC for deciding to wait until the conclusion of the National Council of Architectural Registration Boards (NCARB) practice analysis (PA) before presenting a proposal for consideration. She opined that the empirical data collected during the PA will lend greater persuasiveness for arguments promoting a more well-rounded approach for CE.

O. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

1. Update on February 5, 2020 LATC Meeting

Ms. Rodriguez announced that the LATC held its meeting on February 5, 2020 at Southwestern College in Chula Vista and presented the Committee's recommendations for Strategic Plan objectives to the Board.

2. Review and Possible Action on Proposed Amendments to CCR, Title 16, Division 26, Article 1, Sections 2611 Abandonment of Application and 2616 Application for Licensure Following Examination, and Adoption of Section 2611.5 Retention of Candidate Files

Ms. Rodriguez explained that during the February LATC meeting, the Committee discussed the regulatory proposals as presented in the meeting materials regarding CCR sections 2611 (Abandonment of Application), 2611.5 (Retention of Candidate Files), and 2616 (Application for Licensure Following Examination). She explained that while staff were updating the LATC's retention schedule, it was determined that the abandonment of an application needed to be further defined in regulation. She added that the proposed amendments to CCR section 2611 clearly identify when an application is deemed to be abandoned and continued that the proposal to adopt CCR section 2611.5 outlines the retention process of candidate files, as recommended by DCA Legal Counsel to ensure continued maintenance of candidate records. She concluded that the proposal to amend CCR section 2616 includes minor clarifying language and that the Committee

recommended to the Board all of the proposed changes presented.

Mr. Feng stated that because the LATC is a subcommittee of the Board he recommended the processes for both programs to align where possible.

Ms. Zuniga concurred that staff attempt to align wherever possible between the Board and LATC, understanding that there are differences. She offered to review the Board's regulations in this area to determine whether additional regulations or clarifications are needed.

- **Nilza Serrano moved to approve the proposed regulatory changes as modified, direct the EO to take all steps necessary to initiate the rulemaking process, authorize the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and if no adverse comments are received during that 45-day comment period and no hearing is requested, adopt the proposed regulatory changes as modified.**

Robert Pearman seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

3. Review and Possible Action on Modified Proposed Regulatory Language for CCR, Title 16, Division 26, Article 1, Sections 2655 Substantial Relationship Criteria and 2656 Criteria for Rehabilitation

Ms. Welch explained that this item mirrors the previous conversation under Agenda Item M regarding the Board's Substantial Relationship and Rehabilitation Criteria. She clarified that this proposal would apply the relevant Landscape Architects Practice Act provisions regarding rehabilitation criteria.

Ms. Welch recommended that the Board approve the provided Modified Proposed Regulatory Language for CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) to address the same OAL concerns that were raised by the Veterinary Medicine Board's regulatory package.

- **Ebony Lewis moved to approve the modified text for a 15-day comment period and if there are no adverse comments received during that 15-day public comment period, delegate to the EO the authority to adopt the proposed regulatory changes as modified, and also delegate to the EO the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.**

Nilza Serrano seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

4.* Review and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 5659 Regarding Local Jurisdiction Acceptance of Landscape Architecture Documents

Ms. Rodriguez explained that LATC has a Strategic Plan objective to “Educate the different jurisdictional agencies (state and local) about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations.” She added that when researching how to go about educating the different jurisdictions, staff determined that language could be added to BPC section 5659 (Inclusion of License Number – Requirement) specifying that “plans, specifications, and other instruments of service shall not be rejected from the filing with a local jurisdiction on the grounds that the plans, specifications, or other instruments of service were prepared by, signed, dated, and sealed or stamped by a licensed landscape architect, as specified under this section.” She added that the LATC recommended Board approval of the new language to help address issues licensees have had with the acceptance of the landscape architecture stamp. Ms. Welch explained that after the LATC approved a similar proposal to amend BPC section 5659, she made slight revisions to the language to appropriately respond to the issue at hand.

Ms. Kwan asked if local jurisdictions have denied plans stamped by a landscape architect even though the plans were within the licensee’s scope of practice. Mr. Bowden confirmed and explained that some building officials require a civil engineer or an architect to sign off on landscape architecture plans. He added that the intention of this change is to ensure that building officials realize that if a landscape architect is operating within their scope of practice then the building official should accept their plans.

Mr. Gladstone stated that the proposal approved by the LATC seemed enough. Ms. Welch explained that the version approved by the LATC could potentially create an opening for local jurisdictions to create additional grounds to reject plans submitted by a landscape architect such that they are still denying documents even though they should accept them because they are being presented by licensed professionals. Mr. Gladstone offered to draft an alternative proposal retaining some of the initial language approved by LATC. Mr. Pearman opined that the revised proposal helps emphasize that building officials cannot reject plans signed by a landscape architect if the submitted plans are within the discipline of landscape architecture. He asked if staff are concerned that other professions under BPC section 460 will want to

make a similar change to their statutes. Ms. Welch responded that if other professions can demonstrate a problem that is like what landscape architects are experiencing then perhaps the legislature should determine if those professionals need this type of protection as well.

Mr. Feng announced that the Board would move on to the next item temporarily while Mr. Gladstone prepares an alternate proposal to amend BPC section 5659.

Ms. Rodriguez added that aside from amending BPC section 5659, the LATC also discussed the possibility of incorporating additional information in the Board's *Building Official Information Guide* in order to fulfil this Strategic Plan objective.

Agenda item continued after item O.5.

5. Review and Possible Action on Legislative Proposal to Implement Fingerprint Requirement

Ms. Zuniga explained that this item was intended as a verbal update on the legislative proposal to implement a fingerprint requirement. She explained that the Board-approved statutory language to allow LATC to implement the fingerprint requirement was inadvertently omitted from the Sunset Bill last year; however, the Senate Business and Professions Committee will introduce the language in an omnibus bill this year and attempt to avoid any delay in implementation.

4. Review and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 5659 Regarding Local Jurisdiction Acceptance of Landscape Architecture Documents (Continued)

Mr. Gladstone explained that after consideration he is convinced that the current proposal, drafted by DCA Legal Counsel, to amend BPC section 5659 is sufficient.

- **Sonny Ward moved to recommend this legislative proposal to the legislature for enactment.**

Nilza Serrano seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

P. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

1. Review of the 2020 NCARB Regional Summit Agenda

Ms. Zuniga presented this agenda item. She informed the Board members that Mr. Feng, Mses. Serrano and Campos, and herself would be attending the NCARB Regional Summit and Ms. Kwan would be attending as an officer of the Western Council of Architectural Registration Boards (WCARB) on March 6-7 in Cambridge, Massachusetts. She referred members to the agenda in the Board's meeting packet.

2. Consider and Take Action on Candidates for 2020 NCARB Region VI Officers and Directors

Ms. Zuniga advised that during the Regional Summit the 2020 elections of officers and directors of the NCARB and Region VI will be held. She explained that Region VI Executive Committee has seven positions, with three open positions that will be voted upon at the Regional Summit, as well as the Region VI Regional Director and that Executive Committee members are elected for a term of two years—three members to be elected in odd numbered years. She referred the members to the election packet contained in the meeting materials. She stated that Mr. Feng is a candidate for committee member.

Ms. Kwan explained that California is a member of Region VI, highlighted candidates applying for committee member positions, and provided information on NCARBs voting process.

Ms. Serrano encouraged NCARB to increase diversity amongst NCARB candidates that are architects.

The Board agreed that those members attending the Regional Summit may take appropriate voting action for the elected positions.

3. Discuss and Possible Action on NCARB Resolutions:

a. 2020-A NCARB Certification Guidelines Amendment – Qualifications for Education Alternative

Ms. Zuniga and Mr. Feng summarized and explained the resolution for members. Ms. Zuniga said the resolution relates to proposed changes in the processes NCARB uses to recognize educational alternatives. Mr. Feng explained the essence of the changes is that NCARB will undertake responsibility to review the specific curriculum for nontraditional candidates. He said the focus will be upon the courses completed rather than the degree earned for nontraditional education.

Mr. Gutierrez clarified the resolution applies to those seeking NCARB certification. He added the resolution preserves the multiple paths used by California candidates.

- **Robert Pearman moved to support the resolution.**
- **Denise Campos seconded the motion.**

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 8-0. Nilza Serrano was absent for the vote.

b. 2020-B Sunset of Resolution 2000-1 (Opposition to Interior Design Licensing)

Ms. Zuniga explained the current resolution calls for the sunseting of an existing one from nearly 20 years ago (NCARB Resolution 2000-1) regarding the opposition to interior design licensing. She said the thinking in the profession has changed and NCARB would like to eliminate the prior resolution.

Ms. Kwan commented that opposition to interior design licensing is no longer universal and seems outdated. Mr. Feng asked for comment from Mr. Christian who was representing AIA California at the meeting. Mr. Christian advised that AIA California has historically opposed a practice act for interior design. He reminded members that the Board and CALBO also historically opposed a practice act; however, he said each of the organizations support certification for interior designers.

Ms. Zuniga advised members that opposing NCARB Resolution 2020-B would indicate the Board's opposition to licensure for interior designers. She added that many states license interior designers and have multidisciplinary boards; citing for example the Nevada board whose chair is an interior designer.

- **Denise Campos moved to support the resolution.**
- **Ebony Lewis seconded the motion.**

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

c. 2020-C Amendment and Restatement of the NCARB Legislative Guidelines and Model Law/Model Regulations

Ms. Zuniga advised that the resolution was forwarded as a handout because the final draft of the revised NCARB Model Law/Model Regulations (Model Law) was received after the meeting materials were distributed to members.

Mr. Gutierrez explained that the related NCARB task force has been working for the past four years to modernize and update the Model Law relative to contemporary practice. He said with the release of the initial revised Model Law there was confusion surrounding the resolution and whether approval meant adoption of it. Mr. Gutierrez clarified that approval by an NCARB Member Board (MB) is not adoption of Model Law and that an MB may adopt the Model Law or adapt it, so there would be no conflict with existing jurisdictional laws or regulations.

Members discussed the revised Model Law and any potential impact upon California statutes and regulations. Mr. Gutierrez said the PQC recommended the Board send NCARB a letter of support for the resolution because it is prohibited by travel restrictions from attending events held in states considered to have discriminatory laws; the NCARB 2020 Annual Business Meeting is being held in Texas – one such prohibited state.

- **Nilza Serrano moved to send NCARB a letter of support for Resolution 2020-C.**

Ebony Lewis seconded the motion.

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.

Q. EO'S REPORT – UPDATE ON BOARD'S ADMINISTRATION / MANGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS

Ms. Zuniga summarized the report and stated that she attended an NCARB orientation and is attending an education summit with NCARB and AIA Los Angeles emerging professionals and another event at Woodbury University. She discussed that the business modernization system planning is going well. Two publications were recently promoted: 1) *Building Official Information Guide* and 2) Board's newsletter. Ms. Campos reiterated that she would like staff to continue promoting on social media sites.

Ms. Serrano shared concern regarding Architect Registration Examination low pass rates among California candidates and questioned whether it was an educational problem and how California candidates can improve upon the pass rates. Mr. Gutierrez explained that California does have 22,000 plus licensees and the state has an excess number of architects to serve consumers and historically the pass rates have remained consistent. Ms. Serrano expressed it was her opinion the state needs to increase diversity within the profession of women and people of color.

Mr. Ward advised he discussed with NCARB whether more research was available. He stated the demographic data is available but not queried.

Ms. Zuniga briefly discussed the Board's California Supplemental Examination statistics, enforcement cases and increased complaints, use of subject matter experts, and LATC updates.

R. REVIEW OF FUTURE BOARD MEETING DATES

Board members reviewed a schedule of planned meetings and events for 2020. Mr. Feng inquired if Board members would have a conflict of changing/swapping geographical locations in September and December. There was no dissension amongst the Board.

S. ADJOURNMENT

The meeting adjourned at 2:33 p.m.

** Agenda items for this meeting were taken out of order to accommodate presenters of items. The order of business conducted herein follows the transaction of business.*

AGENDA ITEM F: DISCUSS AND POSSIBLE ACTION ON ADOPTION OF PROPOSED CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 2, ARTICLE 10, SECTION 165 (CONTINUING EDUCATION)

Summary

Business and Professions Code (BPC) section 5600.05 mandates, as a condition of license renewal, architects complete five hours of continuing education (CE) coursework on disability access requirements. The coursework must include information and practical guidance on requirements imposed by the Americans with Disabilities Act of 1990 (ADA) (Public Law 101–336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. (BPC § 5600.05, subd. (a)(2).)

Licensees are required to maintain records of completion of this coursework for two years from the date of license renewal. (BPC § 5600.05, subd. (b).) BPC section 5600.05, subdivision (a)(2), requires the coursework to be presented by trainers or educators with knowledge and expertise on the mandatory subject matter. BPC section 5600.05, subdivision (b), authorizes the Board to conduct CE audits as a method to verify compliance with the CE requirement, and subdivision (c) requires the Board to audit at least 3% of the license renewals each year. Architects who are found noncompliant may be subject to an administrative citation which may include a fine or disciplinary action. (BPC § 5600.05, subd. (b).)

Last year the Board’s sunset bill, Senate Bill 608 (Glazer, Chapter 376, Statutes of 2019) amended BPC section 5600.05 to require, among other things, the Board to promulgate regulations by January 1, 2023, that would establish qualifications for CE courses and course providers.

Staff, in consultation with the Department of Consumer Affairs, Legal Affairs Division, drafted the proposed regulatory language being presented today for the Board’s consideration.

Rationale for the Regulatory Proposal

CCR, Title 16, Division 2, Article 10, Section 165: The proposed regulatory language would adopt, in CCR, title 16, division 2, a new Article 10 Continuing Education and section 165, Continuing Education Coursework Regarding Disability Access Requirements. Creating a new article leaves space available for future regulations in existing articles and easily identifies the subject matter of this regulatory language.

Section 165, subsection (a): This subsection would provide two definitions for new terms used in the regulation. The definitions used rely on existing definitions under the Civil and Government Codes to maintain uniformity among the laws.

First, the proposal would define “certified access specialist” to mean a person certified through the State Architect’s certification program, which includes minimum criteria a person is required to meet in order to be a certified access specialist and may include knowledge sufficient to review, inspect, or advocate universal design requirements, completion of specified training, and testing on standards governing access to buildings for persons with disabilities. (Gov. Code § 4459.5.)

Second, the proposal would define “disability access requirement” to mean a provision, standard, or regulation under state or federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including, but not limited to, any provision of, or standard or regulation set forth the list of laws enumerated in Civil Code section 55.52, subdivision (a)(6). That section provides a definition for “construction-related accessibility standard” for purposes of Construction-Related Accessibility Standards Compliance, which is well-established and familiar to construction-related professionals.

Section 165, subsection (b): This subsection clarifies the two-year timeline for completion of the CE requirement regardless of whether a licensee renews timely or is delinquent. The reference to BPC section 5600.05 incorporates the two-year period during which a licensee is required to maintain records of course completion. Each licensee is provided the same length of time, 24 months, to complete their CE coursework regardless of when a licensee chooses to renew their license. This would alleviate licensee concerns of the Board taking action against a licensee for coursework taken more than two years ago if a licensee could not provide evidence of having taken it. The proposal also clarifies that a licensee cannot use completion of CE coursework to fulfill the CE requirement for multiple renewal periods. Not allowing credit for CE coursework previously used to fulfil the CE requirement ensures that licensees take new courses each renewal period.

Section 165, subsections (c) and (d): These subsections establish minimum qualifications for courses on disability access requirements to ensure the courses are of sufficient quality and adequately cover the intended subject matter areas. The minimum qualifications for courses are based on the instructional cycle used by credentialed teachers in their teaching practices. In the instructional cycle, credentialed teachers consider the interactions between learning outcomes, presentation of material, and assessments when creating lessons for students. A simple instructional cycle provides guidance for CE providers on developing CE courses. Trainers or educators using systematic presentation of material in CE course demonstrates consideration and forethought assisted in the formulation of the course curriculum. Articulation of clear and identifiable learning objectives allows staff and licensees to verify the subject matter of a course is on disability access requirements.

A summative assessment at the conclusion of a course demonstrates the degree to which a licensee retained the knowledge presented in the course and provides the public with assurance that licensees are receiving quality instruction on the required subject matter. The major professional organization for architects requires its providers include a summative assessment with a minimum passing score of 80%, which demonstrates adequate retention of the course content.

Section 165, subsection (e): This subsection establishes trainer or educator minimum qualifications for knowledge and expertise required to teach, instruct, or present CE coursework. BPC section 5600.05 does not sufficiently specify the knowledge and expertise required for trainers or educators to teach, instruct, or present courses on disability access requirements. A Certified Access Specialist (CAsp) is regarded as having a specialized high standard of

knowledge and expertise on disability access provisions. Staff researched the knowledge and expertise required to become a CASp and collaborated with consultants who recommended acceptance of these qualifications for CE trainer/educator criteria.

Research also discovered that individuals employed by building departments or other building code enforcement agencies in California are required to obtain certification from the International Code Council (ICC). Staff broadened the horizons of acceptable certification options for trainers or educators who do not reside in California, or who only have knowledge or expertise in federal laws regarding disability access requirements. This serves to prevent unreasonable restrictions that would deny otherwise qualified individuals from providing courses to architects.

Occupations listed in this subsection require an individual to maintain up-to-date knowledge on disability access requirements in the performance of examinations, inspections, or reviews for compliance with state and federal laws regarding disability access requirements.

Section 165, subsection (f): This subsection restricts a licensee from fulfillment of their own personal CE requirement through self-teaching, self-directed activities, or by teaching, instructing, or presenting course on disability access requirements. Staff does not have procedures to investigate in depth whether a licensee selected for an audit self-taught themselves or completed self-directed activities; completion of appropriate CE courses is based only on a licensee's word. Through a neutral, third-party CE provider, staff can review those completion certificates, records or other evidence provided to the licensee to verify fulfillment of the CE requirement. No credit for teaching, instructing, or presenting creates an equitable situation where all licensees meet the mandated CE requirement in the same manner. Another benefit of having trainers or educators attend other CE courses is it improves the content of trainer or educator's own course curriculum and teaching, instructing, or presenting practices.

Section 165, subsections (g), (h), and (i): These subsections specify course provider requirements related to the maintenance of course records, issuance of certificates of completion, and issuance of coursework documentation to licensee participants in conjunction with CE audits. Requiring a CE provider to issue a certificate of completion or provide copies of records to a licensee is the least burdensome and most effective way to ensure a licensee has satisfied their CE requirements. A short response window exists for a licensee to produce evidence of their compliance with the CE requirement when selected for a Board audit. The proposed provider requirements ensure the ability of staff to efficiently conduct CE audits, assess licensee compliance with the CE requirements. The proposal establishes the appropriate burden of responsibility with respect to which party is obligated to obtain coursework documentation from CE providers in relation to a CE audit.

Section 165, subsection (j): This subsection defines the disciplinary or other administrative actions that may be taken or required when a licensee has evidenced noncompliance with the CE requirement. This subsection will encourage noncompliant licensees to fulfill the CE requirement by clarifying Board authority to take disciplinary and other administrative actions for noncompliance. It also creates a degree of equity by requiring the fulfillment of CE deficiencies prior to the next license renewal. The compounding of delinquent CE coursework is intended to serve as a deterrent against noncompliance. Increased compliance with the CE requirement is of great benefit to the disabled community and furthers the legislative intent of requiring disability access CE.

Action Requested

The Board is asked to consider, discuss, and approve the proposed regulatory language to adopt CCR section 165, direct the Executive Officer (EO) to take all steps necessary to initiate the rulemaking process, authorize the EO to make any technical or nonsubstantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes.

Attachment(s)

Proposed Regulatory Language to Adopt CCR, Title 16, Division 2, Article 10, Section 165
(Continuing Education Coursework Regarding Disability Access Requirements)

CALIFORNIA ARCHITECTS BOARD

PROPOSED REGULATORY LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Adopt Section 165 of Article 10 of Division 2 of Title 16 of the California Code of Regulations as follows:

Article 10. Continuing Education

§ 165. Continuing Education Coursework Regarding Disability Access Requirements.

(a) For purposes of this section, the following terms have the following meanings:

(1) “Certified access specialist” means a person who is certified pursuant to Government Code section 4459.5.

(2) “Disability access requirement” means a provision, standard, or regulation under state or federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including, but not limited to, any provision of, or standard or regulation set forth in, the following:

(A) Civil Code sections 51, 54, 54.1, and 55.

(B) Part 5.5 (commencing with section 19955) of the Health and Safety Code.

(C) California Building Standards Code, section 1.9.1 and chapters 11A and 11B of volume 1 of part 2 of title 24 of the California Code of Regulations.

(D) Titles II and III of the federal Americans with Disabilities Act of 1990 (“ADA”) (42 U.S.C. § 12101 et seq.).

(E) Title II of the ADA Standards for Accessible Design (state and local government facilities), consisting of section 35.151 of title 28 of the Code of Federal Regulations (CFR) and the ADA Accessibility Guidelines (36 CFR part 1191, appendices B and D).

(F) Title III of the ADA Standards for Accessible Design (public accommodations and commercial facilities), consisting of subpart D (commencing with section 36.401) of part 36 of title 28 of the CFR and the ADA Accessibility Guidelines (36 CFR part 1191, appendices B and D).

(b) For the purposes of section 5600.05 of the code, a licensee shall complete continuing education (CE) coursework on the subject of California and federal disability access requirements that meets the criteria specified in this section during

each two-year license renewal period prior to the license expiration date, or, if the license is delinquent, during the 24 months immediately preceding the date on which the licensee submits the delinquent renewal application. A licensee shall not have already used the CE coursework to satisfy CE coursework requirements for a prior renewal period. Any CE coursework for which the licensee, in contravention of section 5600.05(b) of the code, does not maintain, or cannot otherwise make available to the board, at the board's request, either a certificate of completion described in subsection (h), records described in subsection (g), or such other evidence that, in the board's determination, establishes that the licensee completed CE coursework meeting the criteria specified in this section, shall not qualify as credit toward fulfillment of this CE requirement.

(c) The CE coursework shall have clear and identifiable learning objectives, systematic presentation of material, and be presented by trainers or educators who meet the qualifications in subsection (e).

(d) A provider shall only issue a certificate of completion to a participant upon the participant's passage of a summative assessment of the participant's understanding of the CE coursework. The assessment shall have a minimum cumulative passing score of at least eighty percent (80%).

(e) A provider shall use trainers or educators who have knowledge and expertise in disability access requirements and meet one of the following criteria:

(1) Be a certified access specialist or certified by another United States jurisdiction to perform one or more of the services described in section 113 of title 21 of the California Code of Regulations.

(2) Hold a certification from the International Code Council ("ICC") National Certification as one of the following:

(A) Residential Building Inspector.

(B) Commercial Building Inspector.

(C) Building Plans Examiner.

(D) Certified Building Official.

(E) Code Specialist.

(F) Accessibility Inspector/Plans Examiner.

(3) Hold a certification from the ICC California Certification Program as one of the following:

(A) California Residential Building Inspector.

(B) California Commercial Building Inspector.

(C) California Building Plans Examiner.

- (4) Hold a license or registration issued by a United States jurisdiction as an architect or a professional, civil, or structural engineer.
- (5) At least two years' employment by a building department or other building code enforcement agency of any state or local governmental jurisdiction as a plan reviewer, plans examiner, building inspector, building or construction consultant or construction inspector.
- (6) At least three years' employment as a disability access specialist conducting assessment of facilities for specific needs of the disability community.
- (f) An architect shall not certify completion of the CE requirement through self-teaching or self-directed activities. Teaching, instructing, or presenting a course on disability access requirements shall not qualify as credit for fulfillment of the CE requirement.
- (g) A provider shall maintain for at least three years records of participant attendance and course completion, including the information specified in section 5600.05(b) of the code.
- (h) A provider shall issue within five business days of the assessment a certificate of completion to each participant who passes the assessment described in subsection (d). The certificate of completion shall include the information specified in section 5600.05(b) of the code.
- (i) Upon request by a licensee who is the subject of a CE audit, a provider shall issue within five business days of the request a copy of the records specified in subsection (g). It shall be the responsibility of a licensee to obtain those records from the provider if they are requested by the board and make those records available to the board.
- (j) A licensee found noncompliant with the CE coursework requirement of subsection (b) is subject to administrative citation. The licensee shall remedy any deficiency during the current renewal period, in addition to completing the CE coursework requirement for the current renewal period. Before the end of the current renewal period, the licensee shall provide the board evidence, as described in subsection (g), that the deficiency is remedied. A licensee who fails to comply with this subsection shall be subject to further administrative citation or discipline.

Note: Authority cited: Sections 5526 and 5600.05, Business and Professions Code.

Reference: Sections 5578 and 5600.05, Business and Professions Code.

AGENDA ITEM G: UPDATE ON INTRA-DEPARTMENTAL CONTRACTS WITH THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) FOR OCCUPATIONAL ANALYSIS (OA) AND EXAMINATION DEVELOPMENT

Summary

OPES is charged with providing professional psychometric services to the boards and bureaus within the Department of Consumer Affairs. These services include all aspects of the examination validation process, such as OAs, examination development, test scoring and statistical analyses, and national examination reviews.

The Board's examination development for the California Supplemental Examination (CSE) is usually conducted via in-person workshops and should be taking place now. However, such workshops have temporarily been suspended due to the spread of the Novel Coronavirus and related executive orders issued by Governor Gavin Newsom directing Californians to stay at home. Consequently, OPES recommended the Board instead advance its plans and conduct the OA originally anticipated to commence later this year. OPES determined OA workshops could be remotely conducted without impacting validity.

Staff subsequently coordinated with OPES on the development of the related Intra-Departmental Contract (IDC) and work on the OA commenced in early April. The IDC will continue through June 30, 2021, when OPES plans to commence its review of the Architect Registration Examination and conduct the related linkage study.

The Board's current IDC for examination development of the CSE expires on June 30, 2020. Staff are coordinating with OPES on the development of a new IDC for continued examination development set to commence on July 1, 2020, and continue through the next fiscal year.

Action Requested

None

Attachment(s)

None

AGENDA ITEM H.1: ASSEMBLY BILL (AB) 1263 (LOW) CONTRACTS: CONSUMER SERVICES: CONSUMER COMPLAINTS

Status: Senate Rules Committee

Summary

This bill:

1. Provides that a contract or proposed contracts for service between a consumer and a licensee shall not include a provision limiting the consumer's ability to file a complaint with the licensing board.
2. Defines "consumer service" to mean any service which is obtained for use primarily for personal, family, or household purposes.
3. Defines "licensing board" as any entity contained in section 101 of the Business and Professions Code, the State Bar of California, the Department of Real Estate, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

Background:

According to the author, "When consumers are defrauded or injured by those who have received special privileges by the state, they rely on our regulatory boards to ensure that the public is protected, and victims are made whole. However, it has recently come to light that certain unscrupulous businesses have sought to circumvent these safeguards by requiring their customers to sign contracts waiving their right to notify boards of misconduct. This bill would make it absolutely clear that such contractual provisions unacceptably undermine our state's consumer protections and are contrary to law."

This issue came to the author's attention during the recent sunset review of the Dental Board of California, which found that some contracts for direct-to-consumer orthodontics products contained this type of provision.

Prior legislation:

AB 2570 (Hill, Chapter 561, Statutes of 2012) prohibits licensees regulated by the Department of Consumer Affairs from including a provision preventing an individual from filing a complaint with a licensing board in a civil settlement agreement.

Action Requested

None

Attachment(s)

AB 1263 (Low) Amended 1/6/2020

AMENDED IN ASSEMBLY JANUARY 6, 2020

AMENDED IN ASSEMBLY APRIL 1, 2019

california legislature—2019–20 regular session

ASSEMBLY BILL

No. 1263

Introduced by Assembly Member Low

February 21, 2019

An act to add Chapter 1.6 (commencing with Section 1939.60) to Title 5 of Part 4 of Division 3 of the Civil Code, to add Article 5.1 (commencing with Section 11629.6) to Chapter 1 of Part 3 of Division 2 of, and to repeal Section 11580.24 of, the Insurance Code, and to amend Sections 11752, 11754, and 11760 of the Vehicle Code, Section 1670.8.5 to the Civil Code, relating to business regulation.

legislative counsel's digest

AB 1263, as amended, Low. ~~Peer-to-peer car sharing. Contracts: consumer services: consumer complaints.~~

Existing law regulates the formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals.

Existing law regulates licensees who are subject to the jurisdiction of a state licensing entity, including the State Bar of California, the Department of Real Estate, the Department of Consumer Affairs, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

This bill would prohibit a contract or proposed contract involving the provision of a consumer service by a licensee regulated by a

licensing board from including a provision limiting the consumer's ability to file a complaint with that board or to participate in the board's investigation into the licensee. The bill would specify that a waiver of these provisions is contrary to public policy and is void and unenforceable. The bill would provide that a violation of these provisions by a licensee constitutes unprofessional conduct subject to discipline by the licensee's regulatory board.

~~Existing law defines a personal vehicle sharing program as a legal entity qualified to do business in the state that is engaged in the business of facilitating the sharing of private passenger vehicles for noncommercial use by individuals within the state.~~

~~This bill would rename "personal vehicle sharing program" to "peer to peer car sharing program" and would require specified disclosures to be made in a peer to peer car sharing contract. This bill would authorize a peer to peer car sharing program to only enter into a contract with a licensed driver, as specified. The bill would make a peer to peer car sharing program responsible for any equipment that is to be installed in a vehicle to facilitate car sharing transactions. The bill would authorize airports to regulate access and use by peer to peer car sharing vehicles. The bill would also require peer to peer car sharing programs and participants to be insured, as specified.~~

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

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

- 1 SECTION 1. Section 1670.8.5 is added to the Civil Code, to
- 2 read:
- 3 1670.8.5. (a) A contract or proposed contract involving the
- 4 provision of a consumer service by a licensee regulated by a
- 5 licensing board shall not include a provision limiting the
- 6 consumer's ability to file a complaint with that board or to
- 7 participate in the board's investigation into the licensee.
- 8 (b) Any waiver of the provisions of this section is contrary to
- 9 public policy, and is void and unenforceable.
- 10 (c) For purposes of this section, the following terms apply:
- 11 (1) "Consumer service" means any service which is obtained
- 12 for use primarily for personal, family, or household purposes.
- 13 (2) "Licensing board" means any entity contained in Section
- 14 101 of the Business and Professions Code, the State Bar of

1 *California, the Department of Real Estate, or any other state*
2 *agency that issues a license, certificate, or registration authorizing*
3 *a person to engage in a business or profession.*

4 *(d) Violation of this section by a licensee shall constitute*
5 *unprofessional conduct subject to discipline by the licensee's*
6 *licensing board.*

7 ~~SECTION 1. Chapter 1.6 (commencing with Section 1939.60)~~
8 ~~is added to Title 5 of Part 4 of Division 3 of the Civil Code, to~~
9 ~~read:~~

10
11 ~~Chapter 1.6. Peer-to-Peer Car Sharing Programs~~
12

13 ~~1939.60. This chapter may be cited as the Peer-to-Peer Car~~
14 ~~Sharing Program Act.~~

15 ~~1939.61. As used in this chapter, the following terms have the~~
16 ~~following meanings:~~

17 ~~(a) "Car sharing delivery period" means the period of time~~
18 ~~during which a shared vehicle is being delivered to the location~~
19 ~~where the car sharing start time will commence, if applicable, as~~
20 ~~documented by the governing car sharing program agreement.~~

21 ~~(b) "Car sharing period" means the period of time from the~~
22 ~~commencement of the car sharing delivery period or, if there is no~~
23 ~~car sharing delivery period, from the car sharing start time, through~~
24 ~~the car sharing termination time.~~

25 ~~(c) "Car sharing program agreement" means the terms and~~
26 ~~conditions applicable to a shared vehicle owner and a shared~~
27 ~~vehicle driver that govern the use of a shared vehicle through a~~
28 ~~peer-to-peer car sharing program.~~

29 ~~(d) "Car sharing start time" means the time when the shared~~
30 ~~vehicle driver takes control of the shared vehicle at or after the~~
31 ~~time the reservation of a shared vehicle is scheduled to begin as~~
32 ~~documented in the records of a peer-to-peer car sharing program.~~

33 ~~(e) "Car sharing termination time" means the time when the~~
34 ~~shared vehicle is returned to the location designated by the shared~~
35 ~~vehicle owner through a peer-to-peer car sharing program, and the~~
36 ~~earliest of one of the following occurs:~~

37 ~~(1) The intent to terminate the use of the shared vehicle is~~
38 ~~verifiably communicated by the shared vehicle driver to the shared~~
39 ~~vehicle owner using the peer-to-peer car sharing program.~~

~~(2) The shared vehicle owner or the shared vehicle owner's authorized designee takes possession and control of the shared vehicle.~~

~~(3) The period of time established for the use of a shared vehicle in the governing car sharing program agreement expires.~~

~~(f) "Peer to peer car sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a peer to peer car sharing program.~~

~~(g) "Peer to peer car sharing program" means a business platform that connects vehicle owners with licensed drivers to enable the sharing of vehicles for financial consideration. "Peer to peer car sharing program" does not mean car rental agency.~~

~~(h) "Shared vehicle" means a vehicle that is available for sharing through a peer to peer car sharing program.~~

~~(i) "Shared vehicle driver" means a person who is authorized to drive a shared vehicle by the shared vehicle owner under a car sharing program agreement.~~

~~(j) "Shared vehicle owner" means the registered owner of a vehicle made available for sharing to shared vehicle drivers through a peer to peer car sharing program.~~

~~1939.62. Each car sharing program agreement made in the state shall disclose to the shared vehicle owner and the shared vehicle driver all of the following:~~

~~(a) Any right of the peer to peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer to peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.~~

~~(b) That an automobile liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer to peer car sharing program.~~

~~(c) That the peer to peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver, required pursuant to Article 5.1 (commencing with Section 11629.6) to Chapter 1 of Part 3 of Division 2 of the Insurance Code, is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the~~

1 ~~car sharing termination time, the shared vehicle driver and the~~
2 ~~shared vehicle owner may not be covered.~~

3 ~~(d) The amounts of the daily rate, additional mandatory charges,~~
4 ~~fees, and, if applicable, any insurance or protection plan costs that~~
5 ~~are charged to the shared vehicle owner or the shared vehicle~~
6 ~~driver.~~

7 ~~(e) That the shared vehicle owner's motor vehicle liability~~
8 ~~insurance may not provide coverage for a shared vehicle.~~

9 ~~(f) An emergency telephone number for customer service~~
10 ~~inquiries, including requests for emergency roadside assistance.~~

11 ~~1939.63. A peer-to-peer car sharing program shall disclose the~~
12 ~~daily rate, charges, fees, and costs when providing a quote and~~
13 ~~shall not require any other fees or charges to be paid as a condition~~
14 ~~of using the shared vehicle.~~

15 ~~1939.64. (a) A peer to peer car sharing program shall only~~
16 ~~enter into a car sharing program agreement with a shared vehicle~~
17 ~~driver who is at least 18 years of age and who provides~~
18 ~~documentation of either of the following documents:~~

19 ~~(1) A valid, unexpired California driver's license that authorizes~~
20 ~~the driver to operate a vehicle of the same class as the shared~~
21 ~~vehicle.~~

22 ~~(2) A valid, unexpired driver's license issued by the state or~~
23 ~~country of the shared vehicle driver's residence that authorizes the~~
24 ~~driver in that state or country to drive a vehicle of the same class~~
25 ~~as the shared vehicle.~~

26 ~~1939.65. A peer-to-peer car sharing program shall have sole~~
27 ~~responsibility for any equipment that is installed in or on the~~
28 ~~vehicle to facilitate the car sharing transaction, and shall agree to~~
29 ~~indemnify and hold harmless the shared vehicle owner for any~~
30 ~~damage to or theft of the equipment during the sharing period not~~
31 ~~caused by the vehicle owner. The peer-to-peer car sharing program~~
32 ~~has the right to seek indemnity from the shared vehicle driver for~~
33 ~~any loss or damage to the equipment that occurs during the car~~
34 ~~sharing period.~~

35 ~~1939.66. (a) Notwithstanding any other law, a commercial~~
36 ~~airport authority is authorized to regulate access to an airport and~~
37 ~~set access fees for peer-to-peer car sharing programs. If required,~~
38 ~~a peer-to-peer car sharing program shall obtain a permit or other~~
39 ~~written authorization from the airport operator prior to facilitating~~
40 ~~the sharing of vehicles at that airport.~~

~~(b) This section does not affect the authority of any political subdivision of the state to regulate access to an airport it owns or operates and to set access fees or requirements for a peer-to-peer car sharing program.~~

~~SEC. 2. Section 11580.24 of the Insurance Code is repealed.~~

~~SEC. 3. Article 5.1 (commencing with Section 11629.6) is added to Chapter 1 of Part 3 of Division 2 of the Insurance Code, to read:~~

~~Article 5.1. Peer-to-Peer Car Sharing Programs~~

~~11629.6. For purposes of this article, the definitions set forth in Section 1939.61 of the Civil Code shall apply.~~

~~11629.61. (a) A peer-to-peer car sharing program shall assume the liability of a shared vehicle owner for any property damage to the shared vehicle or any bodily injury or property damage to third parties or uninsured and underinsured motorist or personal injury protection losses during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement which amount may not be less than those set forth in Section 16056 of the Vehicle Code. In addition, a peer-to-peer car sharing program shall also assume liability for the shared vehicle.~~

~~The assumption of liability does not apply if the shared vehicle owner makes an intentional or fraudulent material misrepresentation to the peer-to-peer car sharing program before the car sharing period in which the loss occurred.~~

~~(b) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage in amounts no less than~~

~~_____.~~

~~(c) The insurance described in subdivision (b) may be satisfied by motor vehicle liability insurance maintained by any of the following:~~

~~(1) The shared vehicle owner.~~

~~(2) The shared vehicle driver.~~

~~(3) The peer-to-peer car sharing program.~~

~~(4) Any combination of the above.~~

~~(d) The peer-to-peer car sharing program shall assume primary liability for a claim when it is, in whole or in part, providing the~~

1 insurance required under subdivision (b) and both of the following
2 are true:

3 (1) A dispute exists as to who was in control of the shared motor
4 vehicle at the time of the loss.

5 (2) The peer-to-peer car sharing program does not have
6 available, did not retain, or fails to provide the information required
7 pursuant to Section 11629.65.

8 (e) If a peer-to-peer car sharing program assumes liability for
9 a claim pursuant to subdivision (d), and it is later determined that
10 the shared motor vehicle's owner was in control of the shared
11 motor vehicle at the time of the loss, the shared motor vehicle's
12 insurer shall indemnify the car sharing program to the extent of
13 its obligation, if any, under the applicable insurance policy.

14 (f) If the insurance described in subdivision (e) maintained by
15 a shared vehicle owner or shared vehicle driver has lapsed or does
16 not provide the required coverage, insurance maintained by the
17 peer-to-peer car sharing program shall provide the coverage
18 required pursuant to subdivision (b) beginning with the first dollar
19 of a claim and shall have the duty to defend such a claim.

20 (g) Coverage under an automobile insurance policy maintained
21 by the peer-to-peer car sharing program shall not be dependent on
22 a personal automobile insurer first denying a claim nor shall a
23 personal automobile insurance policy be required to first deny a
24 claim.

25 (h) This article does not limit either of the following:

26 (1) The liability of a peer-to-peer car sharing program for any
27 act or omission of the peer-to-peer car sharing program itself that
28 results in injury to any person as a result of the use of a shared
29 vehicle through a peer-to-peer car sharing program.

30 (2) The ability of a peer-to-peer car sharing program to, by
31 contract, seek indemnification from the shared vehicle owner or
32 the shared vehicle driver for economic loss sustained by the
33 peer-to-peer car sharing program resulting from a breach of the
34 terms and conditions of the car sharing program agreement.

35 11629.62. Before a shared vehicle is made available for car
36 sharing on the peer-to-peer car sharing program, the peer-to-peer
37 car sharing program shall notify the shared vehicle owner that, if
38 the shared vehicle has a lien against it, the use of the shared vehicle
39 through a peer-to-peer car sharing program, including use without

1 physical damage coverage, may violate the terms of the contract
2 with the lienholder.

3 ~~11629.63. An authorized insurer that writes motor vehicle~~
4 ~~liability insurance may exclude any and all coverage and the duty~~
5 ~~to defend or indemnify for any claim afforded under a shared~~
6 ~~vehicle owner's personal motor vehicle liability insurance policy.~~
7 ~~This article does not invalidate or limit an exclusion contained in~~
8 ~~a motor vehicle liability insurance policy, including any insurance~~
9 ~~policy in use or approved for use that excludes coverage for motor~~
10 ~~vehicles made available for rent, sharing, or hire or for any business~~
11 ~~use.~~

12 ~~11629.64. A motor vehicle insurer may not deny, cancel, void,~~
13 ~~terminate, rescind, or nonrenew a policy of personal private~~
14 ~~passenger automobile liability insurance of a shared vehicle owner~~
15 ~~solely on the basis that vehicle covered under the policy has been~~
16 ~~made available for sharing through a peer-to-peer car sharing~~
17 ~~program.~~

18 ~~11629.65. A peer-to-peer car sharing program shall collect and~~
19 ~~verify records pertaining to the use of a vehicle, including, but not~~
20 ~~limited to, times used, fees paid by the shared vehicle driver, and~~
21 ~~revenues received by the shared vehicle owner and provide that~~
22 ~~information upon request to the shared vehicle owner, the shared~~
23 ~~vehicle owner's insurer, or the shared vehicle driver's insurer to~~
24 ~~facilitate a claim coverage investigation. The peer-to-peer car~~
25 ~~sharing program shall retain the records for not less than five years~~
26 ~~unless a longer retention period is otherwise required by law.~~

27 ~~11629.66. A motor vehicle insurer that defends or indemnifies~~
28 ~~a claim involving a shared vehicle that is excluded under the terms~~
29 ~~of its policy shall have the right to seek contribution against the~~
30 ~~motor vehicle insurer of the peer-to-peer car sharing program if~~
31 ~~both of the following are true:~~

32 ~~(a) The claim is made against the shared vehicle owner or the~~
33 ~~shared vehicle driver for loss or injury that occurs during the car~~
34 ~~sharing period.~~

35 ~~(b) Coverage for peer-to-peer vehicle sharing is excluded under~~
36 ~~the terms of its policy.~~

37 ~~11629.67. A peer-to-peer car sharing program shall, for each~~
38 ~~vehicle that it facilitates the use of, provide the registered owner~~
39 ~~of the vehicle with a Department of Motor Vehicles Form REG~~
40 ~~5085 or other suitable proof of compliance with the insurance~~

1 requirements of this section and the requirements of the California
2 Financial Responsibility Law in Section 1656.2 of the Vehicle
3 Code, a copy of which shall be maintained in the vehicle by the
4 vehicle's registered owner during any time when the vehicle is
5 operated by any person other than the vehicle's owner pursuant to
6 a peer-to-peer car sharing program.

7 SEC. 4. Section 11752 of the Vehicle Code is amended to read:

8 11752. As used in this article, the following definitions apply:

9 (a) The term "dealer" has the same meaning as in Section 285.

10 (b) (1) A "manufacturer's recall" is a recall conducted pursuant
11 to Sections 30118 to 30120, inclusive, of Title 49 of the United
12 States Code.

13 (2) A manufacturer's recall does not include a service campaign
14 or emission recall when the vehicle manufacturer or the National
15 Highway Traffic Safety Administration has not issued a recall
16 notice to owners of affected vehicles, pursuant to Section 30118
17 of Title 49 of the United States Code.

18 (c) A "peer-to-peer car sharing program" has the same meaning
19 as defined in Section 1939.61 of the Civil Code.

20 (d) A "recall database" is a database from which an individual
21 may obtain vehicle identification number (VIN) specific
22 manufacturer's recall information relevant to a specific vehicle.

23 (1) For a vehicle manufacturer that is not subject to the
24 regulations adopted pursuant to Section 31301 of the federal
25 Moving Ahead for Progress in the 21st Century Act (Public Law
26 112-141), a recall database is one of the following:

27 (A) The recall data on a vehicle manufacturer's internet website
28 for a specific vehicle's line make.

29 (B) The recall data in a vehicle manufacturer's internal system
30 that provides information to its franchisees on vehicles subject to
31 recall.

32 (C) The recall data in subparagraph (A) or (B) that is contained
33 in a commercially available vehicle history system.

34 (2) For a vehicle manufacturer that is subject to the regulations
35 adopted pursuant to Section 31301 of the federal Moving Ahead
36 for Progress in the 21st Century Act (Public Law 112-141), a recall
37 database shall include, at a minimum, the recall information
38 required pursuant to Section 573.15 of Title 49 of the Code of
39 Federal Regulations.

1 (e) A “recall database report” is a report, specific to a vehicle
2 that is identified by its VIN, containing information obtained from
3 a recall database.

4 (f) A “rental car company” is a person or entity in the business
5 of renting passenger vehicles to the public in California.

6 SEC. 5. Section 11754 of the Vehicle Code is amended to read:

7 11754. (a) No later than 48 hours after receiving a notice of a
8 manufacturer’s recall, or sooner if practicable, a dealer or rental
9 car company with a motor vehicle fleet of 34 or fewer loaner or
10 rental vehicles shall not loan, rent, or offer for loan or rent a vehicle
11 subject to that recall until the recall repair has been made.

12 (b) If a recall notification indicates that the remedy for the recall
13 is not immediately available and specifies actions to temporarily
14 repair the vehicle in a manner to eliminate the safety risk that
15 prompted the recall, the dealer or rental car company, after having
16 the repairs completed, may loan or rent the vehicle. Once the
17 remedy for the vehicle becomes available to the dealer or rental
18 car company, the dealer or rental car company shall not loan or
19 rent the vehicle until the vehicle has been repaired.

20 (c) As soon as practicable but not more than 48 hours after a
21 vehicle is subject to a manufacturer’s recall, as defined in
22 subdivision (b) of Section 11752, and a recall notice has been
23 issued by the manufacturer and appears in the recall database
24 provided by the National Highway Traffic Safety Administration
25 pursuant to Section 573.15 of Title 49 of the Code of Federal
26 Regulations, or not more than 48 hours after the peer-to-peer car
27 sharing program receives notification of a manufacturer’s recall
28 by a third party with which the peer-to-peer car sharing program
29 contracts to provide notification of active recalls, a peer-to-peer
30 car sharing program shall not facilitate or otherwise arrange for
31 transportation with that vehicle until after any recall notices for
32 that vehicle no longer appear in the recall database provided by
33 the National Highway Traffic Safety Administration.

34 (d) The changes to this section made by Chapter 591 of the
35 Statutes of 2018 do not apply in any manner to litigation pending
36 as of January 1, 2019.

37 (e) This section does not affect the determination of whether or
38 not a company is a rental car company or whether or not a company
39 is a peer-to-peer car sharing company.

40 SEC. 6. Section 11760 of the Vehicle Code is amended to read:

1 ~~11760. (a) This article does not create any legal duty upon the~~
2 ~~dealer, rental car company, peer to peer car sharing program, or~~
3 ~~department related to the accuracy, errors, or omissions contained~~
4 ~~in a recall database report or any legal duty to provide information~~
5 ~~added to a recall database after the dealer, rental car company,~~
6 ~~peer to peer car sharing program, or department obtained the recall~~
7 ~~database report pursuant to Sections 11754 and 11758.~~

8 ~~(b) The changes to this section made by Chapter 591 of the~~
9 ~~statutes of 2018 shall not apply in any manner to litigation that is~~
10 ~~pending as of January 1, 2019.~~

11 ~~(c) This section does not affect the determination of whether or~~
12 ~~not a company is a rental car company or whether or not a company~~
13 ~~is a peer to peer car sharing program.~~

AGENDA ITEM H.2: AB 1616 (LOW) DEPARTMENT OF CONSUMER AFFAIRS: BOARDS: EXPUNGED CONVICTIONS

Status: Senate Rules Committee

Summary

1. This bill requires a board within the Department of Consumer Affairs (DCA), for those licenses that were revoked due to an individual's conviction of a crime, to either:
 - a. Post online a certified copy of an expungement order within six months of receipt of that order if the individual reappplies for licensure or has been relicensed.
 - b. Remove the initial posting of the revocation if the individual is not currently licensed and does not reapply for licensure.
2. Requires the individual to pay a fee, as determined by DCA.

Background:

According to the author, this bill "...is designed to reduce employment barriers for people with previous criminal records who have been rehabilitated and whose conviction has been dismissed, or expunged, through the judicial process. Under current law, individuals who have successfully rehabilitated may continue to face stigma and barriers to find employment. Although they are intent on positively contributing to society by finding employment and self-sufficiency, state records may not reflect an expungement that was granted by the courts. [This bill] allows individuals who were formerly licensed through the state of California to appropriately reflect the record of their rehabilitation as granted by the judicial branch and improve their opportunity to seek meaningful employment."

Prior Legislation:

AB 2138 (Chiu, Chapter 995, Statutes of 2018) limited the current discretion provided to regulatory entities within DCA to apply criminal history background, as it relates to denial of an application for licensure.

Action Requested

None

Attachment(s)

AB 1616 (Low) Amended 1/6/2020

AMENDED IN ASSEMBLY JANUARY 6, 2020

AMENDED IN ASSEMBLY APRIL 1, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1616

Introduced by Assembly Member Low
(Coauthor: Assembly Member Eduardo Garcia)

February 22, 2019

An act to ~~amend Section 10295.6 of the Insurance Code, relating to insurance;~~ *add Section 493.5 to the Business and Professions Code, relating to professions and vocations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as amended, Low. ~~Accelerated death benefits.~~ *Department of Consumer Affairs: boards: expunged convictions.*

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime to, within 6 months of receiving the expungement order for the underlying offense from the person, post notification of the expungement order and the date thereof on the board's internet website if the person applies for licensure or is relicensed, or remove the initial posting on its internet website that the person's license was revoked if the person is not currently licensed and does not reapply for licensure, as specified. The bill would require a person to pay a fee, to be determined by the department, to the board for the cost of administering the bill's provisions.

~~Existing law regulates classes of insurance, including life insurance, and prescribes certain requirements governing the payment of an accelerated death benefit under a life insurance policy. Existing law authorizes an accelerated death benefit to be added to a life insurance policy to provide for the advance payment of a part of the death proceeds if a qualifying event, including a terminal or chronic illness, occurs. Existing law prohibits an accelerated death benefit from being effective more than 30 days following the effective date of the policy provision, rider, endorsement, or certificate.~~

~~This bill would authorize the effective period of an accelerated death benefit to be extended to not more than 60 days following the effective date of the policy provision, rider, endorsement, or certificate.~~

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

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

1 SECTION 1. Section 493.5 is added to the Business and
2 Professions Code, to read:
3 493.5. (a) A board within the department that has posted on
4 its internet website that a person's license was revoked because
5 the person was convicted of a crime, upon receiving from the
6 person a certified copy of an expungement order granted pursuant
7 to Section 1203.4 of the Penal Code for the underlying offense,
8 shall, within six months of receiving the expungement order, unless
9 it is otherwise prohibited by law, or by other terms or conditions,
10 do either of the following:

1 (1) *If the person reapplies for licensure or has been relicensed,*
2 *post notification of the expungement order and the date thereof*
3 *on its internet website.*

4 (2) *If the person is not currently licensed and does not reapply*
5 *for licensure, remove the initial posting on its internet website that*
6 *the person's license was revoked.*

7 (b) *A person described in subdivision (a) shall pay to the board*
8 *a fee in an amount to be determined by the department that does*
9 *not exceed the reasonable cost of administering this section. The*
10 *fee shall be deposited by the board into the appropriate fund and*
11 *shall be available only upon appropriation by the Legislature.*

12 (c) *For purposes of this section "board" means an entity listed*
13 *in Section 101.*

14 (d) *If any provision in this section conflicts with Section 2027,*
15 *Section 2027 shall prevail.*

16 ~~SECTION 1. Section 10295.6 of the Insurance Code is~~
17 ~~amended to read:~~

18 ~~10295.6. (a) If a policyholder or certificate holder requests an~~
19 ~~acceleration of death benefits, the insurer shall send a statement~~
20 ~~to the policyholder or certificate holder and irrevocable beneficiary~~
21 ~~showing any effect that the payment of the accelerated death benefit~~
22 ~~would have on the policy's cash value, accumulation account,~~
23 ~~death benefit, premium, policy loans, and policy liens. The~~
24 ~~statement shall disclose that receipt of accelerated death benefit~~
25 ~~payments may adversely affect the recipient's eligibility for~~
26 ~~Medicaid or other government benefits or entitlements. In addition,~~
27 ~~receipt of an accelerated death benefit payment may be taxable~~
28 ~~and assistance should be sought from a personal tax adviser. If a~~
29 ~~previous disclosure statement becomes invalid as a result of an~~
30 ~~acceleration of the death benefit, the insurer shall send a revised~~
31 ~~disclosure statement to the policyholder or certificate holder and~~
32 ~~irrevocable beneficiary.~~

33 ~~(b) The accelerated death benefit shall be effective not more~~
34 ~~than 60 days following the effective date of the policy provision,~~
35 ~~rider, endorsement, or certificate.~~

36 ~~(c) If the insurer charges a separate premium for the accelerated~~
37 ~~death benefit, then the insurer may also offer a waiver of premium~~
38 ~~benefit as defined in subdivision (a) of Section 10271.1. At the~~
39 ~~time the waiver of the accelerated death benefit premium benefit~~

1 is claimed, the insurer shall explain any continuing premium
2 requirement to keep the underlying policy in force.

3 (d) ~~An insurer shall not unfairly discriminate among insureds~~
4 ~~with different qualifying events covered under the policy or among~~
5 ~~insureds with similar qualifying events covered under the policy.~~
6 ~~An insurer shall not apply further conditions on the payment of~~
7 ~~the accelerated death benefits other than those conditions specified~~
8 ~~in the accelerated death benefit.~~

9 (e) ~~No later than one month after payment of an accelerated~~
10 ~~death benefit, the insurer shall provide the policyholder or~~
11 ~~certificate holder with a report of any accelerated death benefits~~
12 ~~paid out during the prior month, an explanation of any changes to~~
13 ~~the policy or certificate, death benefits, and cash values on account~~
14 ~~of the benefits being paid out, and the amount of the remaining~~
15 ~~benefits that may be accelerated at the end of the prior month. The~~
16 ~~insurer may use a calendar month or policy or certificate month.~~

17 (f) ~~The conversion benefit available to group certificate holders~~
18 ~~on termination of employment pursuant to paragraph (2) of~~
19 ~~subdivision (a) of Section 10209 shall include a benefit comparable~~
20 ~~to the accelerated death benefit. This requirement may be satisfied~~
21 ~~by an individual policy or certificate. This requirement, subject to~~
22 ~~the approval of the commissioner, may be satisfied by arrangement~~
23 ~~with another insurer to provide the required coverage.~~

24 (g) ~~If payment of an accelerated death benefit results in a pro~~
25 ~~rata reduction in cash value, the payment may be applied toward~~
26 ~~repaying a portion of the loan equal to a pro rata portion of any~~
27 ~~outstanding policy loans if disclosure of the effect of acceleration~~
28 ~~upon any remaining death benefit, cash value or accumulation~~
29 ~~account, policy loan, and premium payments, including a statement~~
30 ~~of the possibility of termination of any remaining death benefit,~~
31 ~~is provided to the policyholder or certificate holder. The~~
32 ~~policyholder or certificate holder shall provide written consent~~
33 ~~authorizing any other arrangement for the repayment of outstanding~~
34 ~~policy loans.~~

1
2 REVISIONS:
3 Heading—Line 2.
4

O

AGENDA ITEM H.3: AB 2028 (AGUIAR-CURRY) STATE AGENCIES: MEETINGS

Status: Assembly Governmental Organization Committee

Summary

Existing law, the Bagley-Keene Open Meetings Act (Act) requires all meetings of a state body to be open to the public and for the notice of the meeting to be made publicly available at least 10 days prior to the meeting date.

This bill requires all meeting materials, except those for closed session, to also be made publicly available at least 10 days prior to the meeting date. This bill additionally specifies that public comment shall be available for each agenda item.

Background:

According to the author, “this bill ensures the public has access to all relevant background documents prior to the meeting of a state agency, board or commission. Public access to information is a critical component of our democratic process and encourages informed public engagement with our state leaders. This bill provides the diverse public of our state with a platform to share their opinions and make their voices heard.”

Support:

California Teachers Association
California Labor Federation
California Federation of Teachers
California Nurses Association/National Nurses United
California School Employees Association

Opposition:

The Board of Behavioral Sciences, which notes that “...the proposed requirement that all writings or materials be made available online at least 10 days in advance of a meeting for them to be discussed will have a chilling effect on the Board’s ability to take action based on the most recent available information.”

Action Requested

None

Attachment(s)

AB 2028 (Aguiar-Curry) Introduced 1/30/2020

ASSEMBLY BILL

No. 2028

Introduced by Assembly Member Aguiar-Curry

January 30, 2020

An act to amend Sections 11125 and 11125.7 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, as introduced, Aguiar-Curry. State agencies: meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require these writings and materials to be made available on the internet at least 10 days in advance of the meeting. The bill would provide that a state body may only distribute or discuss these writings or materials at a meeting of the state body if it has complied with these requirements.

Existing law requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item.

Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

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

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

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) The Bagley-Keene Open Meeting Act (Article 9
- 3 (commencing with Section 11120) of Chapter 1 of Part 1 of
- 4 Division 3 of Title 2 of the Government Code) (hereafter
- 5 “Bagley-Keene”) was intended to implement Section 3 of Article
- 6 I of the California Constitution, which states in part, “The people
- 7 have the right of access to information concerning the conduct of
- 8 the people’s business, and, therefore, the meetings of public bodies
- 9 and the writings of public officials and agencies shall be open to
- 10 public scrutiny.”
- 11 (b) Bagley-Keene was written to protect public meetings and
- 12 public notice and to ensure the transparency of actions taken by
- 13 state agencies, boards, and commissions.
- 14 (c) Californians have the right to participate in state body
- 15 deliberations. This includes the public’s ability to comment on all
- 16 agenda items discussed at a meeting of the state body, regardless
- 17 of whether an item has been discussed previously in a committee
- 18 of the state body.
- 19 (d) The purpose of public notice is so that state bodies give the
- 20 public adequate time for review of the substance of a state body
- 21 meeting and for comment.
- 22 (e) Public notice must also include any writings or materials
- 23 provided by a state body’s staff or by a member of the state body
- 24 to other members of the state body for a noticed meeting of the
- 25 body held at least 10 days prior to the meeting.

(f) Bagley-Keene affirms these rights by stating in Section 11120 of the Government Code, “The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

SEC. 2. Section 11125 of the Government Code is amended to read:

11125. (a) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the ~~Internet~~ *internet* at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the ~~Internet~~ *internet website* where notices required by this article are made available.

(b) The notice of a meeting of a body that is a state body shall include a specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

(c) (1) *Except as otherwise provided in paragraph (4), any notice provided pursuant to subdivision (a) shall include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting.*

(2) *The writings or materials described in paragraph (1) shall be made available on the internet at least 10 days in advance of the meeting, and to any person who requests that notice in writing.*

1 (3) *A state body may distribute or discuss writings or materials*
2 *described in paragraph (1) at a meeting of the state body only if*
3 *it has complied with this subdivision.*

4 (4) *This subdivision does not apply to writings or materials*
5 *prepared for a matter to be discussed in a closed session of the*
6 *state body.*

7 ~~(e)~~

8 (d) Notice of a meeting of a state body that complies with this
9 section shall also constitute notice of a meeting of an advisory
10 body of that state body, provided that the business to be discussed
11 by the advisory body is covered by the notice of the meeting of
12 the state body, provided that the specific time and place of the
13 advisory body's meeting is announced during the open and public
14 state body's meeting, and provided that the advisory body's
15 meeting is conducted within a reasonable time of, and nearby, the
16 meeting of the state body.

17 ~~(d)~~

18 (e) A person may request, and shall be provided, notice pursuant
19 to subdivision (a) for all meetings of a state body or for a specific
20 meeting or meetings. In addition, at the state body's discretion, a
21 person may request, and may be provided, notice of only those
22 meetings of a state body at which a particular subject or subjects
23 specified in the request will be discussed.

24 ~~(e)~~

25 (f) A request for notice of more than one meeting of a state body
26 shall be subject to the provisions of Section 14911.

27 ~~(f)~~

28 (g) The notice shall be made available in appropriate alternative
29 formats, as required by Section 202 of the Americans with
30 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal
31 rules and regulations adopted in implementation thereof, upon
32 request by any person with a disability. The notice shall include
33 information regarding how, to whom, and by when a request for
34 any disability-related modification or accommodation, including
35 auxiliary aids or services may be made by a person with a disability
36 who requires these aids or services in order to participate in the
37 public meeting.

38 SEC. 3. Section 11125.7 of the Government Code is amended
39 to read:

1 11125.7. (a) Except as otherwise provided in this section, the
2 state body shall provide an opportunity for members of the public
3 to directly address the state body on each agenda item before or
4 during the state body's discussion or consideration of the item.
5 ~~This section is not applicable if the agenda item has already been~~
6 ~~considered by a committee composed exclusively of members of~~
7 ~~the state body at a public meeting where interested members of~~
8 ~~the public were afforded the opportunity to address the committee~~
9 ~~on the item, before or during the committee's consideration of the~~
10 ~~item, unless the item has been substantially changed since the~~
11 ~~committee heard the item, as determined by the state body.~~ Every
12 notice for a special meeting at which action is proposed to be taken
13 on an item shall provide an opportunity for members of the public
14 to directly address the state body concerning that item prior to
15 action on the item. In addition, the notice requirement of Section
16 11125 shall not preclude the acceptance of testimony at meetings,
17 other than emergency meetings, from members of the public if no
18 action is taken by the state body at the same meeting on matters
19 brought before the body by members of the public.

20 (b) The state body may adopt reasonable regulations to ensure
21 that the intent of subdivision (a) is carried out, including, but not
22 limited to, regulations limiting the total amount of time allocated
23 for public comment on particular issues and for each individual
24 speaker.

25 (c) (1) Notwithstanding subdivision (b), when a state body
26 limits time for public comment the state body shall provide at least
27 twice the allotted time to a member of the public who utilizes a
28 translator to ensure that non-English speakers receive the same
29 opportunity to directly address the state body.

30 (2) Paragraph (1) shall not apply if the state body utilizes
31 simultaneous translation equipment in a manner that allows the
32 state body to hear the translated public testimony simultaneously.

33 (d) The state body shall not prohibit public criticism of the
34 policies, programs, or services of the state body, or of the acts or
35 omissions of the state body. Nothing in this subdivision shall confer
36 any privilege or protection for expression beyond that otherwise
37 provided by law.

38 (e) This section is not applicable to ~~closed~~ *any of the following*:
39 (1) *Closed* sessions held pursuant to Section 11126.

40 (f) ~~This section is not applicable to decisions~~

1 (2) *Decisions* regarding proceedings held pursuant to Chapter
2 5 (commencing with Section 11500), relating to administrative
3 adjudication, or to the conduct of those proceedings.
4 ~~(g) This section is not applicable to hearings~~
5 (3) *Hearings* conducted by the California Victim Compensation
6 Board pursuant to Sections 13963 and 13963.1.
7 ~~(h) This section is not applicable to agenda~~
8 (4) *Agenda* items that involve decisions of the Public Utilities
9 Commission regarding adjudicatory hearings held pursuant to
10 Chapter 9 (commencing with Section 1701) of Part 1 of Division
11 1 of the Public Utilities Code. For all other agenda items, the
12 commission shall provide members of the public, other than those
13 who have already participated in the proceedings underlying the
14 agenda item, an opportunity to directly address the commission
15 before or during the commission's consideration of the item.

AGENDA ITEM H.4: AB 3045 (GRAY) DEPARTMENT OF CONSUMER AFFAIRS: BOARDS: VETERANS: MILITARY SPOUSES: LICENSES

Status: Assembly Business and Professions Committee

Summary

Existing law requires certain boards under the Department of Consumer Affairs (DCA) to issue a temporary license to an applicant that is married to or in a domestic partnership with an active duty member of the Armed Forces of the United States, if certain conditions are met.

This bill:

1. Requires all boards under DCA to issue a license to an applicant who meets all of the following conditions:
 - a) That the applicant is an honorably discharged veteran or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces who is assigned to a duty station in this state under official duty military orders.
 - b) The applicant shall hold a current, active and unrestricted license that confers upon the applicant the ability to practice in another jurisdiction.
 - c) The applicant shall submit a signed affidavit attesting to the fact that the applicant meets all of the requirements for the license. The application shall also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing.
 - d) The applicant shall not have committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under the Business and Professions Code at the time the act was committed. A violation of this provision may be grounds for the denial or revocation of a license issued by a board.
 - e) The applicant shall not have been disciplined by a licensing entity in another jurisdiction and shall not be the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.
 - f) The applicant shall, upon the board's request, furnish a full set of fingerprints for purposes of conducting a criminal background check.
2. Provides that a board may adopt regulations to implement this requirement.

Background:

According to the author, "... the US Air Force recently announced that it will consider a state's policies for accepting professional licenses as part of future basing decisions. Base Realignment and Closure (BRAC) has had a devastating impact on the communities that grew up around and depended on military bases as economic engines. If California does not improve our policies

around veteran and military spouse licensure, the state may be vulnerable to additional closures and ineligible for future base expansions.”

Comments:

The profession of architecture has a pathway to mobility that is proven and effective. The National Council of Architectural Registration Boards (NCARB) facilitates licensure and reciprocity with other jurisdictions.

The Board works to ensure that professionals who enter into practice in California meet state requirements, minimize administrative costs and ensure consumer protection.

Under AB 3045, it does not seem as if the Board could require these applicants to pay the fees required of all other applicants. These applicants also appear to be exempt from the requirement to complete the California Supplemental Examination, which is required for all other applicants, including reciprocity applicants.

Action Requested

None

Attachment(s)

AB 3045 (Gray) Introduced 2/21/2020

ASSEMBLY BILL

No. 3045

Introduced by Assembly Member Gray

February 21, 2020

An act to add Section 115.7 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3045, as introduced, Gray. Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Under existing law, the Department of Consumer Affairs, under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Existing law requires these temporary licenses to expire 12 months after issuance. Under existing law, some of the funds within

the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would require boards not subject to the temporary licensing provisions described above to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as provided. The bill would require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 115.7 is added to the Business and
- 2 Professions Code, to read:
- 3 115.7. (a) A board not specified in subdivision (a) of Section
- 4 115.6 shall, after appropriate investigation, issue a license to an
- 5 applicant if the applicant meets all of the following requirements:
- 6 (1) The applicant shall supply evidence satisfactory to the board
- 7 that the applicant is an honorably discharged veteran of the Armed
- 8 Forces of the United States or is married to, or in a domestic
- 9 partnership or other legal union with, an active duty member of
- 10 the Armed Forces of the United States who is assigned to a duty
- 11 station in this state under official active duty military orders.
- 12 (2) The applicant shall hold a current, active, and unrestricted
- 13 license that confers upon the applicant the authority to practice,

1 in another state, district, or territory of the United States, the
2 profession or vocation for which the applicant seeks a license from
3 the board.

4 (3) The applicant shall submit an application to the board that
5 shall include a signed affidavit attesting to the fact that the
6 applicant meets all of the requirements for the license and that the
7 information submitted in the application is accurate, to the best of
8 the applicant's knowledge. The application shall also include
9 written verification from the applicant's original licensing
10 jurisdiction stating that the applicant's license is in good standing
11 in that jurisdiction.

12 (4) The applicant shall not have committed an act in any
13 jurisdiction that would have constituted grounds for denial,
14 suspension, or revocation of the license under this code at the time
15 the act was committed. A violation of this paragraph may be
16 grounds for the denial or revocation of a license issued by the
17 board.

18 (5) The applicant shall not have been disciplined by a licensing
19 entity in another jurisdiction and shall not be the subject of an
20 unresolved complaint, review procedure, or disciplinary proceeding
21 conducted by a licensing entity in another jurisdiction.

22 (6) The applicant shall, upon request by a board, furnish a full
23 set of fingerprints for purposes of conducting a criminal
24 background check.

25 (b) A board may adopt regulations necessary to administer this
26 section.

27 SEC. 2. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.

AGENDA ITEM H.5: SENATE BILL (SB) 1168 (MORRELL) STATE AGENCIES: LICENSING SERVICES

Status: Senate Appropriations Committee

Summary

This bill requires that a state agency that issues any business license to:

1. Establish a process for a person or business that is experiencing economic hardship as a result of an emergency caused by a virus to submit an application so that the agency may grant a deferral of any fees required to obtain, renew or replace a physical copy of a license.
2. Establish a process to expedite licensing services for a person or business that meets either of the following criteria:
 - a) The person or business has been displaced by an emergency proclaimed or declared within 365 days of the request for licensing services.
 - b) The person or business is experiencing economic hardship directly resulting from an emergency proclaimed or declared within 365 days of the request for licensing services.

Background:

According to the author, “disasters can cause those affected to become severely economically disadvantaged. In the aftermath, expenses pile up as victims must replace important documents and possessions, including licensing documents. These documents are integral in getting businesses up and running and helping employees go back to work and on the path to economic recovery. SB 1168 would be an important step in giving these individuals a leg up in getting back on their feet as quickly as possible after an emergency.”

Prior Legislation:

SB 601 (Morrell, Chapter 854, Statutes of 2019) authorized any state agency that issues a business license to establish a process for a person or business that has been displaced or is experiencing economic hardship as a result of an emergency to submit an application for reduction or waiver of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

Action Requested

None

Attachment(s)

SB 1168 (Morrell) Amended 5/13/2020

AMENDED IN SENATE MAY 13, 2020
AMENDED IN SENATE APRIL 17, 2020
AMENDED IN SENATE MARCH 25, 2020

SENATE BILL

No. 1168

Introduced by Senator Morrell

February 20, 2020

An act to amend Section 11009.5 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Morrell. State agencies: licensing services.

Existing law authorizes a state agency that issues any business license to establish a process for a person or business that has been displaced or is experiencing economic hardship as a result of an emergency, as defined, to submit an application for reduction or waiver of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

This bill would require a state agency that issues any business license to establish a process for a person or business that is experiencing economic hardship as a result of an emergency caused by a virus to submit an application for deferral of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display. ~~The bill would require the deferral period to end 60 days following the end of the emergency.~~

This bill would also require a state agency that issues any business license to establish a process to expedite licensing services, as defined, for a person or business that meets specified criteria, including that the

person or business has been displaced by an emergency proclaimed or declared within 365 days of the request for licensing services.

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

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

1 SECTION 1. Section 11009.5 of the Government Code is
2 amended to read:

3 11009.5. (a) For purposes of this section:

4 (1) “Displaced” means a condition in which the person or
5 business is unable to return to the address of record or other address
6 associated with the license before experiencing economic hardship.

7 (2) “Economic hardship” means the inability to pay living or
8 business expenses, unless otherwise defined by a state agency
9 pursuant to subdivision (c).

10 (3) “Emergency” means an emergency as defined in Section
11 8558 or a declared federal emergency.

12 (4) “License” includes, but is not limited to, a certificate,
13 registration, or other document required to engage in business.

14 (5) “Licensing services” includes, but is not limited to, replacing
15 a physical copy of a license that is required to be displayed or
16 carried, applying for or renewing a license, and applying for a
17 waiver or reduction of licensing fees.

18 (b) (1) Notwithstanding any other law, a state agency that issues
19 any business license may, in addition to the requirements of
20 paragraph (2), establish a process for a person or business that has
21 been displaced or is experiencing economic hardship as a result
22 of an emergency to submit an application, that the agency may
23 grant, for a reduction or waiver of any fees required by the agency
24 to obtain a license, renew or activate a license, or replace a physical
25 license for display.

26 (2) ~~(A)~~—A state agency that issues any business license shall
27 establish a process for a person or business that is experiencing
28 economic hardship as a result of an emergency caused by a virus
29 to submit an application, that the agency ~~shall~~ *may* grant, for a
30 deferral of any fees required by the agency to obtain a license,
31 renew or activate a license, or replace a physical license for display.

32 ~~(B)~~—The deferral period granted pursuant to this paragraph shall
33 end 60 days following the end of the emergency.

1 (c) A fee deferral, reduction, or waiver process established
2 pursuant to subdivision (b) shall specify, at a minimum, all of the
3 following:

4 (1) The methodology used by the agency for determining
5 whether a person, as a result of an emergency, has been displaced
6 or is experiencing economic hardship.

7 (2) The procedure for applying for a fee deferral, reduction, or
8 waiver.

9 (3) That the application shall be made within one year of the
10 date on which the emergency was proclaimed or declared.

11 (d) Notwithstanding any other law, a state agency that issues
12 any business license shall establish a process to expedite licensing
13 services for a person or business that meets either of the following
14 criteria:

15 (1) The person or business has been displaced by an emergency
16 proclaimed or declared within 365 days of the request for licensing
17 services.

18 (2) The person or business is experiencing economic hardship
19 directly resulting from an emergency proclaimed or declared within
20 365 days of the request for licensing services.

AGENDA ITEM H.6: SB 1474 (BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT COMMITTEE) BUSINESS AND PROFESSIONS

Status: Senate Business, Professions and Economic Development Committee

Summary

This bill, as it pertains to the California Architects Board (Board) and Landscape Architects Technical Committee (LATC):

1. Further define the procedure for the holder of a retired license to reinstate that license to active status.
2. Contains language to implement the fingerprint requirement for LATC.

Background:

The Architects Practice Act (Act) authorizes the issuance of a retired license. Business and Professions Code (BPC) section 5600.4 establishes the retired license and specifies how the holder of a retired license can reinstate their license to active status. However, it specifies that to reinstate, the individuals should comply with BPC section 5600.3. That section only applies to licenses that have not been renewed for more than five years and requires individuals in those circumstances to reapply for a new license. BPC section 5600.2 defines the renewal process for a license that is expired but for not more than five years. Individuals meeting these circumstances are able to renew their license and are not required to apply for a new one. SB 1474 amends BPC section 5600.4 to add a reference to BPC section 5600.2, so that the holder of a retired license, who last renewed it to active status less than five years ago, can reinstate their license to active status without applying for a new license.

SB 608 (Glazer, Chapter 376, Statutes of 2019) requires the Board and LATC to begin fingerprinting new applicants for licensure, beginning January 1, 2021. SB 608 contained language to further define the implementation for the Board but did not add similar language to LATC's statute. SB 1474 adds language to the Landscape Architects Practice Act, modeled on the language SB 608 added to the Architects Practice Act.

Action Requested

Staff recommends a Support position.

Attachment(s)

SB 1474 (Business, Professions and Economic Development Committee) Amended 5/14/2020

AMENDED IN SENATE MAY 14, 2020

SENATE BILL

No. 1474

Introduced by Committee on Business, Professions and Economic Development (Senators Glazer (Chair), Archuleta, Chang, Dodd, Galgiani, Hill, Leyva, Pan, and Wilk)
(Principal coauthor: Assembly Member Low)

March 16, 2020

An act to amend Sections 27, 101, 125.9, 130, 144, 200.1, 205, 494.5, 1913, 1917, 1917.1, 1922, 2065, 2113, 2135.5, 2460, 2841, 2920, 2933, 3504, 3512, 4001, 4003, 4501, 4503, 4621, 4800, 4804.5, 4990, 4990.04, 5600.4, 7000, 7000.5, 7000.6, 7011.4, 7011.5, 7011.8, 7015, 7017.3, 7028.7, 7030, 7031, 7058.7, 7071.4, 7080.5, 7085.5, 7099.2, 7123.5, 7135, 7136, 7137, 7137.5, 7138, 7139.1, 7139.2, 7145.5, 7159, 7170, 7303, 8516, 10050, 11301, 16100, and 19164 of, and to add Sections 5650.5 and 7099.9 to, the Business and Professions Code, *and to amend Section 94950 of the Education Code*, relating to ~~professions and vocations~~, *business and professions*, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, as amended, Committee on Business, Professions and Economic Development. ~~Professions and vocations.~~ *Business and professions.*

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board in the Department of Consumer Affairs. Existing law requires fees and penalties received pursuant to the law to be deposited in the Contractors' License Fund, a continuously appropriated fund,

except that certain service fees for the deposit of money in lieu of paying a bond are required to be deposited in the Contractors' Deposit Fund.

This bill would rename the Contractors' State license Law as the Contractors State License Law, would rename the Contractors' State License Board as the Contractors State License Board, and would rename the Contractors' License Fund as the Contractors License Fund. The bill would delete the provision establishing the Contractors' Deposit Fund, and would therefore require those service fees to be deposited in the Contractors License Fund. By authorizing a new source of revenue to be deposited into a continuously appropriated fund, the bill would make an appropriation.

Existing law authorizes a licensee who is subject to a bonding provision under the law, in lieu of giving a bond, to deposit money or a cashier's check with the registrar of contractors.

This bill would prohibit the deposit from being released if the board is notified of a civil action against the deposit and, if the amount of the deposit is insufficient to pay all claims, would require the deposit to be distributed to claimants in proportion to the amount of the claims.

(2) Existing law authorizes the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California and any board within the Department of Consumer Affairs to issue a citation that may contain an order of abatement or an order to pay an administrative fine, and provides that a failure to pay a fine within 30 days of the date of assessment may result in disciplinary action.

This bill would also make a failure to comply with the order of abatement within 30 days of the date of the order subject to disciplinary action.

(3) Existing law provides for the licensure and regulation of registered dental hygienists by the Dental Hygiene Board of California. Existing law authorizes a registered dental hygienist to perform a procedure or provide a service within the scope of their practice under the appropriate level of supervision, as specified.

This bill would also require a registered dental hygienist to have completed the appropriate education and training required to perform the procedure or provide the service.

Existing law requires a person to have satisfactorily completed a specified examination within the preceding 2 years as a condition of licensure as a registered dental hygienist.

This bill would instead require completion of the dental hygiene examination within the preceding 3 years.

Existing law requires a person, as a condition for licensure as a registered dental hygienist in alternative practice, to successfully complete a bachelor's degree or its equivalent from an accredited college or institution of higher education, among other requirements.

This bill would specify that the equivalent of a bachelor's degree is recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education.

(4) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California, and requires an applicant for a physician's and surgeon's license who has completed 36 months of approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training program in California to obtain their physician's and surgeon's license within 90 days after beginning the postgraduate training program.

This bill would delete the requirement that the person be accepted into an approved postgraduate training in another state or Canada.

Existing law authorizes the Medical Board of California, in its discretion, to waive certain examination and certification requirements for licensure for a graduate of a foreign medical school who holds a certificate of registration issued by the board to practice medicine as a full-time faculty member at a medical school.

This bill would also authorize the board to accept clinical practice in an appointment as qualifying time to meet specified postgraduate training requirements for licensure for those registrants.

Existing law authorizes the Medical Board of California, upon and review and recommendation, to determine that an applicant for a physician and surgeon's certificate has satisfied the medical education and examination requirements for an applicant who holds an unlimited and unrestricted license as a physician and surgeon in another state and has held the license continuously for a minimum of 4 years, subject to satisfaction of specified requirements.

This bill would also require the applicant to meet specified postgraduate training requirements.

(5) Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board. Existing law requires the board to issue a retired license to an architect who meets specified requirements, and also provides for the restoration of a retired license to active status upon satisfaction of specified

requirements applicable to licenses that are not renewed within 5 years of its expiration.

This bill would also authorize the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are renewed within 5 years of its expiration.

(6) Existing law provides for the licensure and regulation of landscape architects by the California Architects Board and the Landscape Architects Technical Committee of the California Architects Board.

This bill would authorize the board to obtain and review criminal offender record information and would require an applicant, as a condition of licensure, to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The bill would require the applicant to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches, and would require the applicant to certify, under penalty of perjury, whether the applicant's fingerprints have been furnished to the Department of Justice. By expanding the crime of perjury, the bill would impose a state-mandated local program.

(7) Existing law provides for the January 1, 2021, repeal of provisions creating the Podiatric Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Board of Psychology, the Physician Assistant Board, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Behavioral Sciences, and the State Board of Barbering and Cosmetology.

This bill would extend the operation of those provisions to January 1, 2022, and make conforming changes relating to the appointment of an executive officer, as applicable.

(8) Existing law, the Massage Therapy Act, until January 1, 2021, provides for the certification and regulation of massage therapists by the California Massage Therapy Council.

This bill would extend the operation of the Massage Therapy Act to January 1, 2022.

(9) Existing law, the Real Estate Law, provides for the licensure and regulation of real estate brokers by the Real Estate Commissioner, the chief officer of the Department of Real Estate within the Business, Consumer Services, and Housing Agency. The Real Estate Law subjects the powers and duties of the department, under specified provisions of law, to review by the appropriate policy committees of the Legislature,

performed as if those provisions were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(10) Existing law, the Real Estate Appraisers' Licensing and Certification Law, creates a Bureau of Real Estate Appraisers within the Department of Consumer Affairs to administer and enforce that law. The Real Estate Appraisers' Licensing and Certification Law subjects the powers and duties of the bureau to review by the appropriate policy committees of the Legislature, performed as if that law were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(11) Existing law, the California Private Postsecondary Education Act of 2009, until January 1, 2021, provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state, enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs.

This bill would extend the operation of the California Private Postsecondary Education Act of 2009 to January 1, 2022.

~~(7)~~

(12) This bill would make other conforming, technical, and nonsubstantive changes.

~~(8)~~

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.*

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

- 1 SECTION 1. Section 27 of the Business and Professions Code
- 2 is amended to read:
- 3 27. (a) Each entity specified in subdivisions (c), (d), and (e)
- 4 shall provide on the internet information regarding the status of
- 5 every license issued by that entity in accordance with the California
- 6 Public Records Act (Chapter 3.5 (commencing with Section 6250)
- 7 of Division 7 of Title 1 of the Government Code) and the
- 8 Information Practices Act of 1977 (Chapter 1 (commencing with

1 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).
2 The public information to be provided on the internet shall include
3 information on suspensions and revocations of licenses issued by
4 the entity and other related enforcement action, including
5 accusations filed pursuant to the Administrative Procedure Act
6 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
7 Division 3 of Title 2 of the Government Code) taken by the entity
8 relative to persons, businesses, or facilities subject to licensure or
9 regulation by the entity. The information may not include personal
10 information, including home telephone number, date of birth, or
11 social security number. Each entity shall disclose a licensee's
12 address of record. However, each entity shall allow a licensee to
13 provide a post office box number or other alternate address, instead
14 of the licensee's home address, as the address of record. This
15 section shall not preclude an entity from also requiring a licensee,
16 who has provided a post office box number or other alternative
17 mailing address as the licensee's address of record, to provide a
18 physical business address or residence address only for the entity's
19 internal administrative use and not for disclosure as the licensee's
20 address of record or disclosure on the internet.

21 (b) In providing information on the internet, each entity specified
22 in subdivisions (c) and (d) shall comply with the Department of
23 Consumer Affairs' guidelines for access to public records.

24 (c) Each of the following entities within the Department of
25 Consumer Affairs shall comply with the requirements of this
26 section:

27 (1) The Board for Professional Engineers, Land Surveyors, and
28 Geologists shall disclose information on its registrants and
29 licensees.

30 (2) The Bureau of Automotive Repair shall disclose information
31 on its licensees, including auto repair dealers, smog stations, lamp
32 and brake stations, smog check technicians, and smog inspection
33 certification stations.

34 (3) The Bureau of Household Goods and Services shall disclose
35 information on its licensees and registrants, including major
36 appliance repair dealers, combination dealers (electronic and
37 appliance), electronic repair dealers, service contract sellers, service
38 contract administrators, and household movers.

39 (4) The Cemetery and Funeral Bureau shall disclose information
40 on its licensees, including cemetery brokers, cemetery salespersons,

1 cemetery managers, crematory managers, cemetery authorities,
2 crematories, cremated remains disposers, embalmers, funeral
3 establishments, and funeral directors.

4 (5) The Professional Fiduciaries Bureau shall disclose
5 information on its licensees.

6 (6) The Contractors State License Board shall disclose
7 information on its licensees and registrants in accordance with
8 Chapter 9 (commencing with Section 7000) of Division 3. In
9 addition to information related to licenses as specified in
10 subdivision (a), the board shall also disclose information provided
11 to the board by the Labor Commissioner pursuant to Section 98.9
12 of the Labor Code.

13 (7) The Bureau for Private Postsecondary Education shall
14 disclose information on private postsecondary institutions under
15 its jurisdiction, including disclosure of notices to comply issued
16 pursuant to Section 94935 of the Education Code.

17 (8) The California Board of Accountancy shall disclose
18 information on its licensees and registrants.

19 (9) The California Architects Board shall disclose information
20 on its licensees, including architects and landscape architects.

21 (10) The State Athletic Commission shall disclose information
22 on its licensees and registrants.

23 (11) The State Board of Barbering and Cosmetology shall
24 disclose information on its licensees.

25 (12) The Acupuncture Board shall disclose information on its
26 licensees.

27 (13) The Board of Behavioral Sciences shall disclose
28 information on its licensees and registrants.

29 (14) The Dental Board of California shall disclose information
30 on its licensees.

31 (15) The State Board of Optometry shall disclose information
32 on its licensees and registrants.

33 (16) The Board of Psychology shall disclose information on its
34 licensees, including psychologists, psychological assistants, and
35 registered psychologists.

36 (17) The Veterinary Medical Board shall disclose information
37 on its licensees, registrants, and permit holders.

38 (d) The State Board of Chiropractic Examiners shall disclose
39 information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Cannabis Control shall disclose information on its licensees.

(g) “Internet” for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

SEC. 2. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of the following:

- (a) The Dental Board of California.
- (b) The Medical Board of California.
- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Veterinary Medical Board.
- (f) The California Board of Accountancy.
- (g) The California Architects Board.
- (h) The State Board of Barbering and Cosmetology.
- (i) The Board for Professional Engineers, Land Surveyors, and Geologists.
- (j) The Contractors State License Board.
- (k) The Bureau for Private Postsecondary Education.
- (l) The Bureau of Household Goods and Services.
- (m) The Board of Registered Nursing.
- (n) The Board of Behavioral Sciences.
- (o) The State Athletic Commission.
- (p) The Cemetery and Funeral Bureau.
- (q) The Bureau of Security and Investigative Services.
- (r) The Court Reporters Board of California.
- (s) The Board of Vocational Nursing and Psychiatric Technicians.
- (t) The Landscape Architects Technical Committee.
- (u) The Division of Investigation.
- (v) The Bureau of Automotive Repair.
- (w) The Respiratory Care Board of California.
- (x) The Acupuncture Board.
- (y) The Board of Psychology.
- (z) The Podiatric Medical Board of California.

- 1 (aa) The Physical Therapy Board of California.
- 2 (ab) The Arbitration Review Program.
- 3 (ac) The Physician Assistant Board.
- 4 (ad) The Speech-Language Pathology and Audiology and
- 5 Hearing Aid Dispensers Board.
- 6 (ae) The California Board of Occupational Therapy.
- 7 (af) The Osteopathic Medical Board of California.
- 8 (ag) The Naturopathic Medicine Committee.
- 9 (ah) The Dental Hygiene Board of California.
- 10 (ai) The Professional Fiduciaries Bureau.
- 11 (aj) The State Board of Chiropractic Examiners.
- 12 (ak) The Bureau of Real Estate Appraisers.
- 13 (al) The Structural Pest Control Board.
- 14 (am) The Bureau of Cannabis Control.
- 15 (an) Any other boards, offices, or officers subject to its
- 16 jurisdiction by law.
- 17 (ao) This section shall become operative on July 1, 2018.

18 SEC. 3. Section 125.9 of the Business and Professions Code
19 is amended to read:

20 125.9. (a) Except with respect to persons regulated under
21 Chapter 11 (commencing with Section 7500), any board, bureau,
22 or commission within the department, the State Board of
23 Chiropractic Examiners, and the Osteopathic Medical Board of
24 California, may establish, by regulation, a system for the issuance
25 to a licensee of a citation which may contain an order of abatement
26 or an order to pay an administrative fine assessed by the board,
27 bureau, or commission where the licensee is in violation of the
28 applicable licensing act or any regulation adopted pursuant thereto.

29 (b) The system shall contain the following provisions:

30 (1) Citations shall be in writing and shall describe with
31 particularity the nature of the violation, including specific reference
32 to the provision of law determined to have been violated.

33 (2) Whenever appropriate, the citation shall contain an order of
34 abatement fixing a reasonable time for abatement of the violation.

35 (3) In no event shall the administrative fine assessed by the
36 board, bureau, or commission exceed five thousand dollars (\$5,000)
37 for each inspection or each investigation made with respect to the
38 violation, or five thousand dollars (\$5,000) for each violation or
39 count if the violation involves fraudulent billing submitted to an
40 insurance company, the Medi-Cal program, or Medicare. In

1 assessing a fine, the board, bureau, or commission shall give due
2 consideration to the appropriateness of the amount of the fine with
3 respect to factors such as the gravity of the violation, the good
4 faith of the licensee, and the history of previous violations.

5 (4) A citation or fine assessment issued pursuant to a citation
6 shall inform the licensee that if the licensee desires a hearing to
7 contest the finding of a violation, that hearing shall be requested
8 by written notice to the board, bureau, or commission within 30
9 days of the date of issuance of the citation or assessment. If a
10 hearing is not requested pursuant to this section, payment of any
11 fine shall not constitute an admission of the violation charged.
12 Hearings shall be held pursuant to Chapter 5 (commencing with
13 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
14 Code.

15 (5) Failure of a licensee to pay a fine or comply with an order
16 of abatement, or both, within 30 days of the date of assessment or
17 order, unless the citation is being appealed, may result in
18 disciplinary action being taken by the board, bureau, or
19 commission. Where a citation is not contested and a fine is not
20 paid, the full amount of the assessed fine shall be added to the fee
21 for renewal of the license. A license shall not be renewed without
22 payment of the renewal fee and fine.

23 (c) The system may contain the following provisions:

24 (1) A citation may be issued without the assessment of an
25 administrative fine.

26 (2) Assessment of administrative fines may be limited to only
27 particular violations of the applicable licensing act.

28 (d) Notwithstanding any other provision of law, if a fine is paid
29 to satisfy an assessment based on the finding of a violation,
30 payment of the fine and compliance with the order of abatement,
31 if applicable, shall be represented as satisfactory resolution of the
32 matter for purposes of public disclosure.

33 (e) Administrative fines collected pursuant to this section shall
34 be deposited in the special fund of the particular board, bureau, or
35 commission.

36 SEC. 4. Section 130 of the Business and Professions Code is
37 amended to read:

38 130. (a) Notwithstanding any other law, the term of office of
39 any member of an agency designated in subdivision (b) shall be
40 for a term of four years expiring on June 1.

(b) Subdivision (a) applies to the following boards or committees:

- (1) The Medical Board of California.
- (2) The Podiatric Medical Board of California.
- (3) The Physical Therapy Board of California.
- (4) The Board of Registered Nursing, except as provided in subdivision (c) of Section 2703.
- (5) The Board of Vocational Nursing and Psychiatric Technicians.
- (6) The State Board of Optometry.
- (7) The California State Board of Pharmacy.
- (8) The Veterinary Medical Board.
- (9) The California Architects Board.
- (10) The Landscape Architect Technical Committee.
- (11) The Board for Professional Engineers and Land Surveyors.
- (12) The Contractors State License Board.
- (13) The Board of Behavioral Sciences.
- (14) The Court Reporters Board of California.
- (15) The State Athletic Commission.
- (16) The Osteopathic Medical Board of California.
- (17) The Respiratory Care Board of California.
- (18) The Acupuncture Board.
- (19) The Board of Psychology.
- (20) The Structural Pest Control Board.

SEC. 5. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) Dental Board of California.
- (6) California State Board of Pharmacy.

- 1 (7) Board of Registered Nursing.
- 2 (8) Veterinary Medical Board.
- 3 (9) Board of Vocational Nursing and Psychiatric Technicians.
- 4 (10) Respiratory Care Board of California.
- 5 (11) Physical Therapy Board of California.
- 6 (12) Physician Assistant Committee.
- 7 (13) Speech-Language Pathology and Audiology and Hearing
- 8 Aid Dispensers Board.
- 9 (14) Medical Board of California.
- 10 (15) State Board of Optometry.
- 11 (16) Acupuncture Board.
- 12 (17) Cemetery and Funeral Bureau.
- 13 (18) Bureau of Security and Investigative Services.
- 14 (19) Division of Investigation.
- 15 (20) Board of Psychology.
- 16 (21) California Board of Occupational Therapy.
- 17 (22) Structural Pest Control Board.
- 18 (23) Contractors State License Board.
- 19 (24) Naturopathic Medicine Committee.
- 20 (25) Professional Fiduciaries Bureau.
- 21 (26) Board for Professional Engineers, Land Surveyors, and
- 22 Geologists.
- 23 (27) Bureau of Cannabis Control.
- 24 (28) Podiatric Medical Board of California.
- 25 (29) Osteopathic Medical Board of California.
- 26 (30) California Architects Board, beginning January 1, 2021.
- 27 (31) Landscape Architects Technical Committee, beginning
- 28 January 1, 2021.
- 29 (c) For purposes of paragraph (26) of subdivision (b), the term
- 30 “applicant” shall be limited to an initial applicant who has never
- 31 been registered or licensed by the board or to an applicant for a
- 32 new licensure or registration category.
- 33 SEC. 6. Section 200.1 of the Business and Professions Code
- 34 is amended to read:
- 35 200.1. (a) Any accruals that occur on or after September 11,
- 36 1993, to any funds or accounts within the Professions and
- 37 Vocations Fund that realize increased revenues to that fund or
- 38 account as a result of legislation enacted on or after September 11,
- 39 1993, and that have not been transferred pursuant to Sections 13.50,
- 40 13.60, and 13.70 of the Budget Act of 1993 on the effective date

1 of the act that enacted this section, shall be exempt from the
2 transfers contained in Sections 13.50, 13.60, and 13.70 of the
3 Budget Act of 1993. These funds shall include, but not be limited
4 to, all of the following:

- 5 (1) Athletic Commission Fund.
- 6 (2) Bureau of Home Furnishings and Thermal Insulation Fund.
- 7 (3) Contractors License Fund.
- 8 (4) Private Investigator Fund.
- 9 (5) Respiratory Care Fund.
- 10 (6) Vocational Nursing and Psychiatric Technicians Fund.

11 (b) Subdivision (a) shall not apply to the Contingent Fund of
12 the Medical Board of California.

13 SEC. 7. Section 205 of the Business and Professions Code, as
14 amended by Section 2 of Chapter 865 of the Statutes of 2019, is
15 amended to read:

16 205. (a) There is in the State Treasury the Professions and
17 Vocations Fund. The fund shall consist of the following special
18 funds:

- 19 (1) Accountancy Fund.
- 20 (2) California Architects Board Fund.
- 21 (3) Athletic Commission Fund.
- 22 (4) Barbering and Cosmetology Contingent Fund.
- 23 (5) Cemetery and Funeral Fund.
- 24 (6) Contractors License Fund.
- 25 (7) State Dentistry Fund.
- 26 (8) Home Furnishings and Thermal Insulation Fund.
- 27 (9) California Architects Board-Landscape Architects Fund.
- 28 (10) Contingent Fund of the Medical Board of California.
- 29 (11) Optometry Fund.
- 30 (12) Pharmacy Board Contingent Fund.
- 31 (13) Physical Therapy Fund.
- 32 (14) Private Investigator Fund.
- 33 (15) Private Security Services Fund.
- 34 (16) Professional Engineer's, Land Surveyor's, and Geologist's
35 Fund.
- 36 (17) Consumer Affairs Fund.
- 37 (18) Behavioral Sciences Fund.
- 38 (19) Licensed Midwifery Fund.
- 39 (20) Court Reporters' Fund.
- 40 (21) Veterinary Medical Board Contingent Fund.

- 1 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 2 (23) Electronic and Appliance Repair Fund.
- 3 (24) Dispensing Opticians Fund.
- 4 (25) Acupuncture Fund.
- 5 (26) Physician Assistant Fund.
- 6 (27) Board of Podiatric Medicine Fund.
- 7 (28) Psychology Fund.
- 8 (29) Respiratory Care Fund.
- 9 (30) Speech-Language Pathology and Audiology and Hearing
- 10 Aid Dispensers Fund.
- 11 (31) Board of Registered Nursing Fund.
- 12 (32) Animal Health Technician Examining Committee Fund.
- 13 (33) State Dental Hygiene Fund.
- 14 (34) State Dental Assistant Fund.
- 15 (35) Structural Pest Control Fund.
- 16 (36) Structural Pest Control Eradication and Enforcement Fund.
- 17 (37) Structural Pest Control Research Fund.
- 18 (38) Household Movers Fund.
- 19 (b) For accounting and recordkeeping purposes, the Professions
- 20 and Vocations Fund shall be deemed to be a single special fund,
- 21 and each of the several special funds therein shall constitute and
- 22 be deemed to be a separate account in the Professions and
- 23 Vocations Fund. Each account or fund shall be available for
- 24 expenditure only for the purposes as are now or may hereafter be
- 25 provided by law.
- 26 (c) This section shall be repealed on July 1, 2022.
- 27 SEC. 8. Section 205 of the Business and Professions Code, as
- 28 added by Section 3 of Chapter 865 of the Statutes of 2019, is
- 29 amended to read:
- 30 205. (a) There is in the State Treasury the Professions and
- 31 Vocations Fund. The fund shall consist of the following special
- 32 funds:
- 33 (1) Accountancy Fund.
- 34 (2) California Architects Board Fund.
- 35 (3) Athletic Commission Fund.
- 36 (4) Barbering and Cosmetology Contingent Fund.
- 37 (5) Cemetery and Funeral Fund.
- 38 (6) Contractors License Fund.
- 39 (7) State Dentistry Fund.
- 40 (8) Home Furnishings and Thermal Insulation Fund.

- 1 (9) California Architects Board-Landscape Architects Fund.
- 2 (10) Contingent Fund of the Medical Board of California.
- 3 (11) Optometry Fund.
- 4 (12) Pharmacy Board Contingent Fund.
- 5 (13) Physical Therapy Fund.
- 6 (14) Private Investigator Fund.
- 7 (15) Private Security Services Fund.
- 8 (16) Professional Engineer's, Land Surveyor's, and Geologist's
- 9 Fund.
- 10 (17) Consumer Affairs Fund.
- 11 (18) Behavioral Sciences Fund.
- 12 (19) Licensed Midwifery Fund.
- 13 (20) Court Reporters' Fund.
- 14 (21) Veterinary Medical Board Contingent Fund.
- 15 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 16 (23) Electronic and Appliance Repair Fund.
- 17 (24) Dispensing Opticians Fund.
- 18 (25) Acupuncture Fund.
- 19 (26) Physician Assistant Fund.
- 20 (27) Board of Podiatric Medicine Fund.
- 21 (28) Psychology Fund.
- 22 (29) Respiratory Care Fund.
- 23 (30) Speech-Language Pathology and Audiology and Hearing
- 24 Aid Dispensers Fund.
- 25 (31) Board of Registered Nursing Fund.
- 26 (32) Animal Health Technician Examining Committee Fund.
- 27 (33) State Dental Hygiene Fund.
- 28 (34) Structural Pest Control Fund.
- 29 (35) Structural Pest Control Eradication and Enforcement Fund.
- 30 (36) Structural Pest Control Research Fund.
- 31 (37) Household Movers Fund.
- 32 (b) For accounting and recordkeeping purposes, the Professions
- 33 and Vocations Fund shall be deemed to be a single special fund,
- 34 and each of the several special funds therein shall constitute and
- 35 be deemed to be a separate account in the Professions and
- 36 Vocations Fund. Each account or fund shall be available for
- 37 expenditure only for the purposes as are now or may hereafter be
- 38 provided by law.
- 39 (c) This section shall become operative on July 1, 2022.

SEC. 9. Section 494.5 of the Business and Professions Code is amended to read:

494.5. (a) (1) Except as provided in paragraphs (2), (3), and (4), a state governmental licensing entity shall refuse to issue, reactivate, reinstate, or renew a license and shall suspend a license if a licensee's name is included on a certified list.

(2) The Department of Motor Vehicles shall suspend a license if a licensee's name is included on a certified list. Any reference in this section to the issuance, reactivation, reinstatement, renewal, or denial of a license shall not apply to the Department of Motor Vehicles.

(3) The State Bar of California may recommend to refuse to issue, reactivate, reinstate, or renew a license and may recommend to suspend a license if a licensee's name is included on a certified list. The word "may" shall be substituted for the word "shall" relating to the issuance of a temporary license, refusal to issue, reactivate, reinstate, renew, or suspend a license in this section for licenses under the jurisdiction of the California Supreme Court.

(4) The Department of Alcoholic Beverage Control may refuse to issue, reactivate, reinstate, or renew a license, and may suspend a license, if a licensee's name is included on a certified list.

(b) For purposes of this section:

(1) "Certified list" means either the list provided by the State Board of Equalization or the list provided by the Franchise Tax Board of persons whose names appear on the lists of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code, as applicable.

(2) "License" includes a certificate, registration, or any other authorization to engage in a profession or occupation issued by a state governmental licensing entity. "License" includes a driver's license issued pursuant to Chapter 1 (commencing with Section 12500) of Division 6 of the Vehicle Code. "License" excludes a vehicle registration issued pursuant to Division 3 (commencing with Section 4000) of the Vehicle Code.

(3) "Licensee" means an individual authorized by a license to drive a motor vehicle or authorized by a license, certificate, registration, or other authorization to engage in a profession or occupation issued by a state governmental licensing entity.

(4) "State governmental licensing entity" means any entity listed in Section 101, 1000, or 19420, the office of the Attorney General,

1 the Department of Insurance, the Department of Motor Vehicles,
2 the State Bar of California, the Department of Real Estate, and
3 any other state agency, board, or commission that issues a license,
4 certificate, or registration authorizing an individual to engage in
5 a profession or occupation, including any certificate, business or
6 occupational license, or permit or license issued by the Department
7 of Motor Vehicles or the Department of the California Highway
8 Patrol. “State governmental licensing entity” shall not include the
9 Contractors State License Board.

10 (c) The State Board of Equalization and the Franchise Tax Board
11 shall each submit its respective certified list to every state
12 governmental licensing entity. The certified lists shall include the
13 name, social security number or taxpayer identification number,
14 and the last known address of the persons identified on the certified
15 lists.

16 (d) Notwithstanding any other law, each state governmental
17 licensing entity shall collect the social security number or the
18 federal taxpayer identification number from all applicants for the
19 purposes of matching the names of the certified lists provided by
20 the State Board of Equalization and the Franchise Tax Board to
21 applicants and licensees.

22 (e) (1) Each state governmental licensing entity shall determine
23 whether an applicant or licensee is on the most recent certified list
24 provided by the State Board of Equalization and the Franchise Tax
25 Board.

26 (2) If an applicant or licensee is on either of the certified lists,
27 the state governmental licensing entity shall immediately provide
28 a preliminary notice to the applicant or licensee of the entity’s
29 intent to suspend or withhold issuance or renewal of the license.
30 The preliminary notice shall be delivered personally or by mail to
31 the applicant’s or licensee’s last known mailing address on file
32 with the state governmental licensing entity within 30 days of
33 receipt of the certified list. Service by mail shall be completed in
34 accordance with Section 1013 of the Code of Civil Procedure.

35 (A) The state governmental licensing entity shall issue a
36 temporary license valid for a period of 90 days to any applicant
37 whose name is on a certified list if the applicant is otherwise
38 eligible for a license.

39 (B) The 90-day time period for a temporary license shall not be
40 extended. Only one temporary license shall be issued during a

1 regular license term and the term of the temporary license shall
2 coincide with the first 90 days of the regular license term. A license
3 for the full term or the remainder of the license term may be issued
4 or renewed only upon compliance with this section.

5 (C) In the event that a license is suspended or an application for
6 a license or the renewal of a license is denied pursuant to this
7 section, any funds paid by the applicant or licensee shall not be
8 refunded by the state governmental licensing entity.

9 (f) (1) A state governmental licensing entity shall refuse to
10 issue or shall suspend a license pursuant to this section no sooner
11 than 90 days and no later than 120 days of the mailing of the
12 preliminary notice described in paragraph (2) of subdivision (e),
13 unless the state governmental licensing entity has received a release
14 pursuant to subdivision (h). The procedures in the administrative
15 adjudication provisions of the Administrative Procedure Act
16 (Chapter 4.5 (commencing with Section 11400) and Chapter 5
17 (commencing with Section 11500) of Part 1 of Division 3 of Title
18 2 of the Government Code) shall not apply to the denial or
19 suspension of, or refusal to renew, a license or the issuance of a
20 temporary license pursuant to this section.

21 (2) Notwithstanding any other law, if a board, bureau, or
22 commission listed in Section 101, other than the Contractors State
23 License Board, fails to take action in accordance with this section,
24 the Department of Consumer Affairs shall issue a temporary license
25 or suspend or refuse to issue, reactivate, reinstate, or renew a
26 license, as appropriate.

27 (g) Notices shall be developed by each state governmental
28 licensing entity. For an applicant or licensee on the State Board
29 of Equalization's certified list, the notice shall include the address
30 and telephone number of the State Board of Equalization, and shall
31 emphasize the necessity of obtaining a release from the State Board
32 of Equalization as a condition for the issuance, renewal, or
33 continued valid status of a license or licenses. For an applicant or
34 licensee on the Franchise Tax Board's certified list, the notice shall
35 include the address and telephone number of the Franchise Tax
36 Board, and shall emphasize the necessity of obtaining a release
37 from the Franchise Tax Board as a condition for the issuance,
38 renewal, or continued valid status of a license or licenses.

39 (1) The notice shall inform the applicant that the state
40 governmental licensing entity shall issue a temporary license, as

1 provided in subparagraph (A) of paragraph (2) of subdivision (e),
2 for 90 calendar days if the applicant is otherwise eligible and that
3 upon expiration of that time period, the license will be denied
4 unless the state governmental licensing entity has received a release
5 from the State Board of Equalization or the Franchise Tax Board,
6 whichever is applicable.

7 (2) The notice shall inform the licensee that any license
8 suspended under this section will remain suspended until the state
9 governmental licensing entity receives a release along with
10 applications and fees, if applicable, to reinstate the license.

11 (3) The notice shall also inform the applicant or licensee that if
12 an application is denied or a license is suspended pursuant to this
13 section, any moneys paid by the applicant or licensee shall not be
14 refunded by the state governmental licensing entity. The state
15 governmental licensing entity shall also develop a form that the
16 applicant or licensee shall use to request a release by the State
17 Board of Equalization or the Franchise Tax Board. A copy of this
18 form shall be included with every notice sent pursuant to this
19 subdivision.

20 (h) If the applicant or licensee wishes to challenge the
21 submission of their name on a certified list, the applicant or licensee
22 shall make a timely written request for release to the State Board
23 of Equalization or the Franchise Tax Board, whichever is
24 applicable. The State Board of Equalization or the Franchise Tax
25 Board shall immediately send a release to the appropriate state
26 governmental licensing entity and the applicant or licensee, if any
27 of the following conditions are met:

28 (1) The applicant or licensee has complied with the tax
29 obligation, either by payment of the unpaid taxes or entry into an
30 installment payment agreement, as described in Section 6832 or
31 19008 of the Revenue and Taxation Code, to satisfy the unpaid
32 taxes.

33 (2) The applicant or licensee has submitted a request for release
34 not later than 45 days after the applicant's or licensee's receipt of
35 a preliminary notice described in paragraph (2) of subdivision (e),
36 but the State Board of Equalization or the Franchise Tax Board,
37 whichever is applicable, will be unable to complete the release
38 review and send notice of its findings to the applicant or licensee
39 and state governmental licensing entity within 45 days after the
40 State Board of Equalization's or the Franchise Tax Board's receipt

1 of the applicant's or licensee's request for release. Whenever a
2 release is granted under this paragraph, and, notwithstanding that
3 release, the applicable license or licenses have been suspended
4 erroneously, the state governmental licensing entity shall reinstate
5 the applicable licenses with retroactive effect back to the date of
6 the erroneous suspension and that suspension shall not be reflected
7 on any license record.

8 (3) The applicant or licensee is unable to pay the outstanding
9 tax obligation due to a current financial hardship. "Financial
10 hardship" means financial hardship as determined by the State
11 Board of Equalization or the Franchise Tax Board, whichever is
12 applicable, where the applicant or licensee is unable to pay any
13 part of the outstanding liability and the applicant or licensee is
14 unable to qualify for an installment payment arrangement as
15 provided for by Section 6832 or Section 19008 of the Revenue
16 and Taxation Code. In order to establish the existence of a financial
17 hardship, the applicant or licensee shall submit any information,
18 including information related to reasonable business and personal
19 expenses, requested by the State Board of Equalization or the
20 Franchise Tax Board, whichever is applicable, for purposes of
21 making that determination.

22 (i) An applicant or licensee is required to act with diligence in
23 responding to notices from the state governmental licensing entity
24 and the State Board of Equalization or the Franchise Tax Board
25 with the recognition that the temporary license will lapse or the
26 license suspension will go into effect after 90 days and that the
27 State Board of Equalization or the Franchise Tax Board must have
28 time to act within that period. An applicant's or licensee's delay
29 in acting, without good cause, which directly results in the inability
30 of the State Board of Equalization or the Franchise Tax Board,
31 whichever is applicable, to complete a review of the applicant's
32 or licensee's request for release shall not constitute the diligence
33 required under this section which would justify the issuance of a
34 release. An applicant or licensee shall have the burden of
35 establishing that they diligently responded to notices from the state
36 governmental licensing entity or the State Board of Equalization
37 or the Franchise Tax Board and that any delay was not without
38 good cause.

39 (j) The State Board of Equalization or the Franchise Tax Board
40 shall create release forms for use pursuant to this section. When

1 the applicant or licensee has complied with the tax obligation by
2 payment of the unpaid taxes, or entry into an installment payment
3 agreement, or establishing the existence of a current financial
4 hardship as defined in paragraph (3) of subdivision (h), the State
5 Board of Equalization or the Franchise Tax Board, whichever is
6 applicable, shall mail a release form to the applicant or licensee
7 and provide a release to the appropriate state governmental
8 licensing entity. Any state governmental licensing entity that has
9 received a release from the State Board of Equalization and the
10 Franchise Tax Board pursuant to this subdivision shall process the
11 release within five business days of its receipt. If the State Board
12 of Equalization or the Franchise Tax Board determines subsequent
13 to the issuance of a release that the licensee has not complied with
14 their installment payment agreement, the State Board of
15 Equalization or the Franchise Tax Board, whichever is applicable,
16 shall notify the state governmental licensing entity and the licensee
17 in a format prescribed by the State Board of Equalization or the
18 Franchise Tax Board, whichever is applicable, that the licensee is
19 not in compliance and the release shall be rescinded. The State
20 Board of Equalization and the Franchise Tax Board may, when it
21 is economically feasible for the state governmental licensing entity
22 to develop an automated process for complying with this
23 subdivision, notify the state governmental licensing entity in a
24 manner prescribed by the State Board of Equalization or the
25 Franchise Tax Board, whichever is applicable, that the licensee
26 has not complied with the installment payment agreement. Upon
27 receipt of this notice, the state governmental licensing entity shall
28 immediately notify the licensee on a form prescribed by the state
29 governmental licensing entity that the licensee's license will be
30 suspended on a specific date, and this date shall be no longer than
31 30 days from the date the form is mailed. The licensee shall be
32 further notified that the license will remain suspended until a new
33 release is issued in accordance with this subdivision.

34 (k) The State Board of Equalization and the Franchise Tax Board
35 may enter into interagency agreements with the state governmental
36 licensing entities necessary to implement this section.

37 (l) Notwithstanding any other law, a state governmental
38 licensing entity, with the approval of the appropriate department
39 director or governing body, may impose a fee on a licensee whose
40 license has been suspended pursuant to this section. The fee shall

1 not exceed the amount necessary for the state governmental
2 licensing entity to cover its costs in carrying out the provisions of
3 this section. Fees imposed pursuant to this section shall be
4 deposited in the fund in which other fees imposed by the state
5 governmental licensing entity are deposited and shall be available
6 to that entity upon appropriation in the annual Budget Act.

7 (m) The process described in subdivision (h) shall constitute
8 the sole administrative remedy for contesting the issuance of a
9 temporary license or the denial or suspension of a license under
10 this section.

11 (n) Any state governmental licensing entity receiving an inquiry
12 as to the licensed status of an applicant or licensee who has had a
13 license denied or suspended under this section or who has been
14 granted a temporary license under this section shall respond that
15 the license was denied or suspended or the temporary license was
16 issued only because the licensee appeared on a list of the 500
17 largest tax delinquencies pursuant to Section 7063 or 19195 of the
18 Revenue and Taxation Code. Information collected pursuant to
19 this section by any state agency, board, or department shall be
20 subject to the Information Practices Act of 1977 (Chapter 1
21 (commencing with Section 1798) of Title 1.8 of Part 4 of Division
22 3 of the Civil Code). Any state governmental licensing entity that
23 discloses on its internet website or other publication that the
24 licensee has had a license denied or suspended under this section
25 or has been granted a temporary license under this section shall
26 prominently disclose, in bold and adjacent to the information
27 regarding the status of the license, that the only reason the license
28 was denied, suspended, or temporarily issued is because the
29 licensee failed to pay taxes.

30 (o) Any rules and regulations issued pursuant to this section by
31 any state agency, board, or department may be adopted as
32 emergency regulations in accordance with the rulemaking
33 provisions of the Administrative Procedure Act (Chapter 3.5
34 (commencing with Section 11340) of Part 1 of Division 3 of Title
35 2 of the Government Code). The adoption of these regulations
36 shall be deemed an emergency and necessary for the immediate
37 preservation of the public peace, health, and safety, or general
38 welfare. The regulations shall become effective immediately upon
39 filing with the Secretary of State.

1 (p) The State Board of Equalization, the Franchise Tax Board,
2 and state governmental licensing entities, as appropriate, shall
3 adopt regulations as necessary to implement this section.

4 (q) (1) Neither the state governmental licensing entity, nor any
5 officer, employee, or agent, or former officer, employee, or agent
6 of a state governmental licensing entity, may disclose or use any
7 information obtained from the State Board of Equalization or the
8 Franchise Tax Board, pursuant to this section, except to inform
9 the public of the denial, refusal to renew, or suspension of a license
10 or the issuance of a temporary license pursuant to this section. The
11 release or other use of information received by a state governmental
12 licensing entity pursuant to this section, except as authorized by
13 this section, is punishable as a misdemeanor. This subdivision may
14 not be interpreted to prevent the State Bar of California from filing
15 a request with the Supreme Court of California to suspend a
16 member of the bar pursuant to this section.

17 (2) A suspension of, or refusal to renew, a license or issuance
18 of a temporary license pursuant to this section does not constitute
19 denial or discipline of a licensee for purposes of any reporting
20 requirements to the National Practitioner Data Bank and shall not
21 be reported to the National Practitioner Data Bank or the Healthcare
22 Integrity and Protection Data Bank.

23 (3) Upon release from the certified list, the suspension or
24 revocation of the applicant's or licensee's license shall be purged
25 from the state governmental licensing entity's internet website or
26 other publication within three business days. This paragraph shall
27 not apply to the State Bar of California.

28 (r) If any provision of this section or the application thereof to
29 any person or circumstance is held invalid, that invalidity shall not
30 affect other provisions or applications of this section that can be
31 given effect without the invalid provision or application, and to
32 this end the provisions of this section are severable.

33 (s) All rights to review afforded by this section to an applicant
34 shall also be afforded to a licensee.

35 (t) Unless otherwise provided in this section, the policies,
36 practices, and procedures of a state governmental licensing entity
37 with respect to license suspensions under this section shall be the
38 same as those applicable with respect to suspensions pursuant to
39 Section 17520 of the Family Code.

1 (u) No provision of this section shall be interpreted to allow a
2 court to review and prevent the collection of taxes prior to the
3 payment of those taxes in violation of the California Constitution.

4 (v) This section shall apply to any licensee whose name appears
5 on a list of the 500 largest tax delinquencies pursuant to Section
6 7063 or 19195 of the Revenue and Taxation Code on or after July
7 1, 2012.

8 SEC. 10. Section 1913 of the Business and Professions Code
9 is amended to read:

10 1913. Unless otherwise specified in this chapter, a registered
11 dental hygienist may perform any procedure or provide any service
12 within the scope of their practice in any setting under the
13 appropriate level of supervision required by this article, if the
14 registered dental hygienist has completed the appropriate education
15 and training required to perform the procedure or provide the
16 service.

17 SEC. 11. Section 1917 of the Business and Professions Code
18 is amended to read:

19 1917. The dental hygiene board shall grant initial licensure as
20 a registered dental hygienist to a person who satisfies all of the
21 following requirements:

22 (a) Completion of an educational program for registered dental
23 hygienists, approved by the dental hygiene board, accredited by
24 the Commission on Dental Accreditation, and conducted by a
25 degree-granting, postsecondary institution.

26 (b) Within the preceding three years, satisfactory completion
27 of the dental hygiene examination given by the Western Regional
28 Examining Board or any other clinical or dental hygiene
29 examination approved by the dental hygiene board.

30 (c) Satisfactory completion of the National Board Dental
31 Hygiene Examination.

32 (d) Satisfactory completion of the examination in California
33 law and ethics as prescribed by the dental hygiene board.

34 (e) Submission of a completed application form and all fees
35 required by the dental hygiene board.

36 (f) Satisfactory completion of dental hygiene board-approved
37 instruction in gingival soft-tissue curettage, nitrous oxide-oxygen
38 analgesia, and local anesthesia.

39 SEC. 12. Section 1917.1 of the Business and Professions Code
40 is amended to read:

1 1917.1. (a) The dental hygiene board may grant a license as
2 a registered dental hygienist to an applicant who has not taken a
3 clinical examination before the dental hygiene board, if the
4 applicant submits all of the following to the dental hygiene board:

5 (1) A completed application form and all fees required by the
6 dental hygiene board.

7 (2) Proof of a current license as a registered dental hygienist
8 issued by another state that is not revoked, suspended, or otherwise
9 restricted.

10 (3) Proof that the applicant has been in clinical practice as a
11 registered dental hygienist or has been a full-time faculty member
12 in an accredited dental hygiene education program for a minimum
13 of 750 hours per year for at least five years immediately preceding
14 the date of application under this section. The clinical practice
15 requirement shall be deemed met if the applicant provides proof
16 of at least three years of clinical practice and commits to
17 completing the remaining two years of clinical practice by filing
18 with the dental hygiene board a copy of a pending contract to
19 practice dental hygiene in any of the following facilities:

20 (A) A primary care clinic licensed under subdivision (a) of
21 Section 1204 of the Health and Safety Code.

22 (B) A primary care clinic exempt from licensure pursuant to
23 subdivision (c) of Section 1206 of the Health and Safety Code.

24 (C) A clinic owned or operated by a public hospital or health
25 system.

26 (D) A clinic owned and operated by a hospital that maintains
27 the primary contract with a county government to fill the county's
28 role under Section 17000 of the Welfare and Institutions Code.

29 (4) Satisfactory performance on a California law and ethics
30 examination and any examination that may be required by the
31 dental hygiene board.

32 (5) Proof that the applicant has not been subject to disciplinary
33 action by any state in which the applicant is or has been previously
34 issued any professional or vocational license. If the applicant has
35 been subject to disciplinary action, the dental hygiene board shall
36 review that action to determine if it warrants refusal to issue a
37 license to the applicant.

38 (6) Proof of graduation from a school of dental hygiene
39 accredited by the Commission on Dental Accreditation.

(7) Proof of satisfactory completion of the National Board Dental Hygiene Examination and of a state clinical examination, regional clinical licensure examination, or any other clinical dental hygiene examination approved by the dental hygiene board.

(8) Proof that the applicant has not failed the state clinical examination, the examination given by the Western Regional Examining Board, or any other clinical dental hygiene examination approved by the dental hygiene board for licensure to practice dental hygiene under this chapter more than once or once within five years prior to the date of application for a license under this section.

(9) Documentation of completion of a minimum of 25 units of continuing education earned in the two years preceding application, including completion of any continuing education requirements imposed by the dental hygiene board on registered dental hygienists licensed in this state at the time of application.

(10) Any other information as specified by the dental hygiene board to the extent that it is required of applicants for licensure by examination under this article.

(b) The dental hygiene board may periodically request verification of compliance with the requirements of paragraph (3) of subdivision (a) and may revoke the license upon a finding that the employment requirement or any other requirement of paragraph (3) of subdivision (a) has not been met.

(c) The dental hygiene board shall provide in the application packet to each out-of-state dental hygienist pursuant to this section the following information:

(1) The location of dental manpower shortage areas in the state.

(2) Any nonprofit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.

SEC. 13. Section 1922 of the Business and Professions Code is amended to read:

1922. The dental hygiene board shall license as a registered dental hygienist in alternative practice a person who demonstrates satisfactory performance on an examination in California law and ethics required by the dental hygiene board and who completes an application form and pays all application fees required by the dental hygiene board and meets either of the following requirements:

1 (a) Holds a current California license as a registered dental
2 hygienist and meets the following requirements:

3 (1) Has been engaged in the practice of dental hygiene, as
4 defined in Section 1908, as a registered dental hygienist in any
5 setting, including, but not limited to, educational settings and public
6 health settings, for a minimum of 2,000 hours during the
7 immediately preceding 36 months.

8 (2) Has successfully completed a bachelor's degree or its
9 equivalent, recognized as a minimum of 120 semester credit hours
10 or 180 quarter credit hours in postsecondary education, from a
11 college or institution of higher education that is accredited by a
12 national or regional accrediting agency recognized by the United
13 States Department of Education, and a minimum of 150 hours of
14 additional educational requirements, as prescribed by the dental
15 hygiene board by regulation, that are consistent with good dental
16 and dental hygiene practice, including, but not necessarily limited
17 to, dental hygiene technique and theory including gerontology and
18 medical emergencies, and business administration and practice
19 management.

20 (b) Has received a letter of acceptance into the employment
21 utilization phase of the Health Workforce Pilot Project No. 155
22 established by the Office of Statewide Health Planning and
23 Development pursuant to Article 1 (commencing with Section
24 128125) of Chapter 3 of Part 3 of Division 107 of the Health and
25 Safety Code.

26 SEC. 14. Section 2065 of the Business and Professions Code
27 is amended to read:

28 2065. (a) Unless otherwise provided by law, no postgraduate
29 trainee, intern, resident, postdoctoral fellow, or instructor may
30 engage in the practice of medicine, or receive compensation
31 therefor, or offer to engage in the practice of medicine unless they
32 hold a valid, unrevoked, and unsuspended physician's and
33 surgeon's certificate issued by the board. However, a graduate of
34 an approved medical school may engage in the practice of medicine
35 whenever and wherever required as a part of a postgraduate training
36 program under the following conditions:

37 (1) The medical school graduate has taken and passed the
38 board-approved medical licensing examinations required to qualify
39 the applicant to participate in an approved postgraduate training
40 program.

1 (2) If the medical school graduate graduated from a foreign
2 medical school approved by the board pursuant to Section 2084,
3 the Educational Commission for Foreign Medical Graduates
4 (ECFMG) has submitted an official ECFMG Certification Status
5 Report directly to the board confirming the graduate is ECFMG
6 certified.

7 (3) The medical school graduate is enrolled in a postgraduate
8 training program approved by the board.

9 (4) The board-approved postgraduate training program has
10 submitted the required board-approved form to the board
11 documenting the medical school graduate is enrolled in an
12 approved postgraduate training program.

13 (5) The medical school graduate obtains a physician's and
14 surgeon's postgraduate training license in accordance with Section
15 2064.5.

16 (b) A medical school graduate enrolled in an approved first-year
17 postgraduate training program in accordance with this section may
18 engage in the practice of medicine whenever and wherever required
19 as a part of the training program, and may receive compensation
20 for that practice.

21 (c) A graduate who has completed the first year of postgraduate
22 training may, in an approved residency or fellowship, engage in
23 the practice of medicine whenever and wherever required as part
24 of that residency or fellowship, and may receive compensation for
25 that practice. The resident or fellow shall qualify for, take, and
26 pass the next succeeding written examination for licensure. If the
27 resident or fellow fails to receive a license to practice medicine
28 under this chapter within 27 months from the commencement of
29 the residency or fellowship, except as otherwise allowed under
30 subdivision (g) or (h), or if the board denies their application for
31 licensure, all privileges and exemptions under this section shall
32 automatically cease.

33 (d) All approved postgraduate training the medical school
34 graduate has successfully completed in the United States or Canada
35 shall count toward the 39-month license exemption, except as
36 otherwise allowed under subdivision (h).

37 (e) A medical school graduate from a medical school approved
38 by the board shall have successfully completed a minimum of 36
39 months of approved postgraduate training, which includes

1 successful progression through 24 months in the same program,
2 to be eligible for a California physician's and surgeon's certificate.

3 (f) The program director for an approved postgraduate training
4 program in California shall report to the board, on a form approved
5 by the board, and provide any supporting documents as required
6 by the board, the following actions within 30 days of the action:

7 (1) A postgraduate trainee is notified that they have received
8 partial or no credit for a period of postgraduate training, and their
9 postgraduate training period is extended.

10 (2) A postgraduate trainee takes a leave of absence or any break
11 from their postgraduate training, and they are notified that their
12 postgraduate training period is extended.

13 (3) A postgraduate trainee is terminated from the postgraduate
14 training program.

15 (4) A postgraduate trainee resigns, dies, or otherwise leaves the
16 postgraduate training program.

17 (5) A postgraduate trainee has completed a one-year contract
18 approved by the postgraduate training program.

19 (g) Upon review of supporting documentation, the board, in its
20 discretion, may grant an extension beyond 39 months to a
21 postgraduate training licensee to successfully complete the 36
22 months of required approved postgraduate training.

23 (h) An applicant for a physician's and surgeon's license who
24 has successfully completed 36 months of approved postgraduate
25 training in another state or in Canada and who is accepted into an
26 approved postgraduate training program in California shall obtain
27 their physician's and surgeon's license within 90 days after
28 beginning that postgraduate training program or all privileges and
29 exemptions under this section shall automatically cease.

30 (i) This section shall become operative on January 1, 2020.

31 SEC. 15. Section 2113 of the Business and Professions Code
32 is amended to read:

33 2113. (a) Any person who does not immediately qualify for
34 a physician's and surgeon's certificate under this chapter and who
35 is offered by the dean of an approved medical school in this state
36 a full-time faculty position may, after application to and approval
37 by the board, be granted a certificate of registration to engage in
38 the practice of medicine only to the extent that the practice is
39 incident to and a necessary part of their duties as approved by the
40 board in connection with the faculty position. A certificate of

1 registration does not authorize a registrant to admit patients to a
2 nursing or a skilled or assisted living facility unless that facility is
3 formally affiliated with the sponsoring medical school. A clinical
4 fellowship shall not be submitted as a faculty service appointment.

5 (b) Application for a certificate of registration shall be made on
6 a form prescribed by the board and shall be accompanied by a
7 registration fee fixed by the board in an amount necessary to
8 recover the actual application processing costs of the program. To
9 qualify for the certificate, an applicant shall submit all of the
10 following:

11 (1) If the applicant is a graduate of a medical school other than
12 in the United States or Canada, documentary evidence satisfactory
13 to the board that they have been licensed to practice medicine and
14 surgery for not less than four years in another state or country
15 whose requirements for licensure are satisfactory to the board, or
16 has been engaged in the practice of medicine in the United States
17 for at least four years in approved facilities, or has completed a
18 combination of that licensure and training.

19 (2) If the applicant is a graduate of a medical school in the
20 United States or Canada, documentary evidence that the medical
21 school is approved by the board.

22 (3) Written certification by the head of the department in which
23 the applicant is to be appointed of all of the following:

24 (A) The applicant will be under their direction.

25 (B) The applicant will not be permitted to practice medicine
26 unless incident to and a necessary part of their duties as approved
27 by the board in subdivision (a).

28 (C) The applicant will be accountable to the medical school's
29 department chair or division chief for the specialty in which the
30 applicant will practice.

31 (D) The applicant will be proctored in the same manner as other
32 new faculty members, including, as appropriate, review by the
33 medical staff of the school's medical center.

34 (E) The applicant will not be appointed to a supervisory position
35 at the level of a medical school department chair or division chief.

36 (4) Demonstration by the dean of the medical school that the
37 applicant has the requisite qualifications to assume the position to
38 which they are to be appointed and that shall include a written
39 statement of the recruitment procedures followed by the medical
40 school before offering the faculty position to the applicant.

1 (c) A certificate of registration shall be issued only for a faculty
2 position at one approved medical school, and no person shall be
3 issued more than one certificate of registration for the same period
4 of time.

5 (d) (1) A certificate of registration is valid for one year from
6 its date of issuance and may be renewed twice.

7 A request for renewal shall be submitted on a form prescribed
8 by the board and shall be accompanied by a renewal fee fixed by
9 the board in an amount necessary to recover the actual application
10 processing costs of the program.

11 (2) The dean of the medical school may request renewal of the
12 registration by submitting a plan at the beginning of the third year
13 of the registrant's appointment demonstrating the registrant's
14 continued progress toward licensure and, if the registrant is a
15 graduate of a medical school other than in the United States or
16 Canada, that the registrant has been issued a certificate by the
17 Educational Commission for Foreign Medical Graduates. The
18 board may, in its discretion, extend the registration for a two-year
19 period to facilitate the registrant's completion of the licensure
20 process.

21 (e) If the registrant is a graduate of a medical school other than
22 in the United States or Canada, they shall meet the requirements
23 of Section 2065 or 2135, as appropriate, in order to obtain a
24 physician's and surgeon's certificate. Notwithstanding any other
25 provision of law, the board may accept clinical practice in an
26 appointment pursuant to this section as qualifying time to meet
27 the postgraduate training requirements in Section 2065, and, in its
28 discretion, waive the examination and the Educational Commission
29 for Foreign Medical Graduates certification requirements specified
30 in paragraph (3) of subdivision (a) of Section 2065 in the event
31 the registrant applies for a physician's and surgeon's certificate.
32 As a condition to waiving any examination or the Educational
33 Commission for Foreign Medical Graduates certification
34 requirement, the board in its discretion, may require an applicant
35 to pass a clinical competency examination approved by the board.
36 The board shall not waive any examination for an applicant who
37 has not completed at least one year in the faculty position.

38 (f) Except to the extent authorized by this section, the registrant
39 shall not engage in the practice of medicine, bill individually for
40 medical services provided by the registrant, or receive

1 compensation therefor, unless they are issued a physician's and
2 surgeon's certificate.

3 (g) When providing clinical services, the registrant shall wear
4 a visible name tag containing the title "visiting professor" or
5 "visiting faculty member," as appropriate, and the institution at
6 which the services are provided shall obtain a signed statement
7 from each patient to whom the registrant provides services
8 acknowledging that the patient understands that the services are
9 provided by a person who does not hold a physician's and
10 surgeon's certificate but who is qualified to participate in a special
11 program as a visiting professor or faculty member.

12 (h) The board shall notify both the registrant and the dean of
13 the medical school of a complaint made about the registrant. The
14 board may terminate a registration for any act that would be
15 grounds for discipline if done by a licensee. The board shall provide
16 both the registrant and the dean of the medical school with written
17 notice of the termination and the basis for that termination. The
18 registrant may, within 30 days after the date of the notice of
19 termination, file a written appeal to the board. The appeal shall
20 include any documentation the registrant wishes to present to the
21 board.

22 (i) This section shall become operative on January 1, 2020.

23 SEC. 16. Section 2135.5 of the Business and Professions Code
24 is amended to read:

25 2135.5. Upon review and recommendation, the board may
26 determine that an applicant for a physician's and surgeon's
27 certificate has satisfied the medical education requirements of
28 Sections 2084 and 2135 and the examination requirements of
29 Section 2170 if the applicant meets all of the following criteria:

30 (a) They hold an unlimited and unrestricted license as a
31 physician and surgeon in another state and has held that license
32 continuously for a minimum of four years prior to the date of
33 application.

34 (b) They meet the postgraduate training requirements in Section
35 2096 and are certified by a specialty board that is a member board
36 of the American Board of Medical Specialties.

37 (c) They are not subject to denial of licensure under Division
38 1.5 (commencing with Section 475) or Article 12 (commencing
39 with Section 2220).

1 (d) They have not been the subject of a disciplinary action by
2 a medical licensing authority or of an adverse judgment or
3 settlement resulting from the practice of medicine that, as
4 determined by the board, constitutes a pattern of negligence or
5 incompetence.

6 (e) This section shall become operative on January 1, 2020.

7 *SEC. 17. Section 2460 of the Business and Professions Code*
8 *is amended to read:*

9 2460. (a) There is created in the Department of Consumer
10 Affairs the California Board of Podiatric Medicine. Commencing
11 July 1, 2019, the California Board of Podiatric Medicine is renamed
12 the Podiatric Medical Board of California. Any reference in any
13 provision of law to the California Board of Podiatric Medicine
14 shall, commencing July 1, 2019, be deemed to refer to the Podiatric
15 Medical Board of California.

16 (b) This section shall remain in effect only until January 1, ~~2021~~,
17 2022, and as of that date is repealed. Notwithstanding any other
18 law, the repeal of this section renders the California Board of
19 Podiatric Medicine subject to review by the appropriate policy
20 committees of the Legislature.

21 (c) The amendments made by Chapter 775 of the Statutes of
22 2017 relating to podiatrists shall not be construed to change any
23 rights or privileges held by podiatrists prior to the enactment of
24 that act.

25 *SEC. 18. Section 2841 of the Business and Professions Code*
26 *is amended to read:*

27 2841. (a) There is in the Department of Consumer Affairs a
28 Board of Vocational Nursing and Psychiatric Technicians of the
29 State of California, which consists of 11 members.

30 (b) Within the meaning of this chapter, “board,” or “the board,”
31 refers to the Board of Vocational Nursing and Psychiatric
32 Technicians of the State of California.

33 (c) This section shall remain in effect only until January 1, ~~2021~~,
34 2022, and as of that date is repealed.

35 *SEC. 19. Section 2920 of the Business and Professions Code*
36 *is amended to read:*

37 2920. (a) The Board of Psychology shall enforce and
38 administer this chapter. The board shall consist of nine members,
39 four of whom shall be public members.

(b) This section shall remain in effect only until January 1, ~~2021~~, 2022, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 20. Section 2933 of the Business and Professions Code is amended to read:

2933. (a) Except as provided by Section 159.5, the board shall employ and shall make available to the board within the limits of the funds received by the board all personnel necessary to carry out this chapter. The board may employ, exempt from the State Civil Service Act, an executive officer to the Board of Psychology. The board shall make all expenditures to carry out this chapter. The board may accept contributions to effectuate the purposes of this chapter.

(b) This section shall remain in effect only until January 1, ~~2021~~, 2022, and as of that date is repealed.

SEC. 21. Section 3504 of the Business and Professions Code is amended to read:

3504. There is established a Physician Assistant Board within the jurisdiction of the Medical Board of California. The board consists of nine members. This section shall remain in effect only until January 1, ~~2021~~, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 22. Section 3512 of the Business and Professions Code is amended to read:

3512. (a) Except as provided in Sections 159.5 and 2020, the board shall employ within the limits of the Physician Assistant Fund all personnel necessary to carry out this chapter including an executive officer who shall be exempt from civil service. The Medical Board of California and board shall make all necessary expenditures to carry out this chapter from the funds established by Section 3520. The board may accept contributions to effect the purposes of this chapter.

(b) This section shall remain in effect only until January 1, ~~2021~~, 2022, and as of that date is repealed.

SEC. 23. Section 4001 of the Business and Professions Code is amended to read:

1 4001. (a) There is in the Department of Consumer Affairs a
2 California State Board of Pharmacy in which the administration
3 and enforcement of this chapter is vested. The board consists of
4 13 members.

5 (b) The Governor shall appoint seven competent pharmacists
6 who reside in different parts of the state to serve as members of
7 the board. The Governor shall appoint four public members, and
8 the Senate Committee on Rules and the Speaker of the Assembly
9 shall each appoint a public member who shall not be a licensee of
10 the board, any other board under this division, or any board referred
11 to in Section 1000 or 3600.

12 (c) At least five of the seven pharmacist appointees to the board
13 shall be pharmacists who are actively engaged in the practice of
14 pharmacy. Additionally, the membership of the board shall include
15 at least one pharmacist representative from each of the following
16 practice settings: an acute care hospital, an independent community
17 pharmacy, a chain community pharmacy, and a long-term health
18 care or skilled nursing facility. The pharmacist appointees shall
19 also include a pharmacist who is a member of a labor union that
20 represents pharmacists. For the purposes of this subdivision, a
21 “chain community pharmacy” means a chain of 75 or more stores
22 in California under the same ownership, and an “independent
23 community pharmacy” means a pharmacy owned by a person or
24 entity who owns no more than four pharmacies in California.

25 (d) Members of the board shall be appointed for a term of four
26 years. No person shall serve as a member of the board for more
27 than two consecutive terms. Each member shall hold office until
28 the appointment and qualification of ~~his or her~~ *their* successor or
29 until one year shall have elapsed since the expiration of the term
30 for which the member was appointed, whichever first occurs.
31 Vacancies occurring shall be filled by appointment for the
32 unexpired term.

33 (e) Each member of the board shall receive a per diem and
34 expenses as provided in Section 103.

35 (f) This section shall remain in effect only until January 1, ~~2021~~,
36 2022, and as of that date is repealed. Notwithstanding any other
37 law, the repeal of this section renders the board subject to review
38 by the appropriate policy committees of the Legislature.

39 *SEC. 24. Section 4003 of the Business and Professions Code*
40 *is amended to read:*

1 4003. (a) The board, with the approval of the director, may
2 appoint a person exempt from civil service who shall be designated
3 as an executive officer and who shall exercise the powers and
4 perform the duties delegated by the board and vested in ~~him or her~~
5 ~~them~~ by this chapter. The executive officer may or may not be a
6 member of the board as the board may determine.

7 (b) The executive officer shall receive the compensation as
8 established by the board with the approval of the Director of
9 Finance. The executive officer shall also be entitled to travel and
10 other expenses necessary in the performance of ~~his or her~~ ~~their~~
11 duties.

12 (c) The executive officer shall maintain and update in a timely
13 fashion records containing the names, titles, qualifications, and
14 places of business of all persons subject to this chapter.

15 (d) The executive officer shall give receipts for all money
16 received by ~~him or her~~ ~~them~~ and pay it to the department, taking
17 its receipt therefor. Besides the duties required by this chapter, the
18 executive officer shall perform other duties pertaining to the office
19 as may be required of ~~him or her~~ ~~them~~ by the board.

20 (e) This section shall remain in effect only until January 1, ~~2021~~,
21 2022, and as of that date is repealed.

22 *SEC. 25. Section 4501 of the Business and Professions Code*
23 *is amended to read:*

24 4501. (a) “Board,” as used in this chapter, means the Board
25 of Vocational Nursing and Psychiatric Technicians of the State of
26 California.

27 (b) This section shall remain in effect only until January 1, ~~2021~~,
28 2022, and as of that date is repealed.

29 *SEC. 26. Section 4503 of the Business and Professions Code*
30 *is amended to read:*

31 4503. (a) The board shall administer and enforce this chapter.

32 (b) This section shall remain in effect only until January 1, ~~2021~~,
33 2022, and as of that date is repealed.

34 *SEC. 27. Section 4621 of the Business and Professions Code*
35 *is amended to read:*

36 ~~4621. (a) This chapter shall remain in effect only until January~~
37 ~~1, 2021, and as of that date is repealed, unless a later enacted~~
38 ~~statute, that is enacted before January 1, 2021, deletes or extends~~
39 ~~that date.~~

1 4621. (a) *This chapter shall remain in effect only until January*
2 *1, 2022, and as of that date is repealed.*

3 (b) Notwithstanding any other law, the powers and duties of the
4 council shall be subject to review by the appropriate policy
5 committees of the Legislature.

6 *SEC. 28. Section 4800 of the Business and Professions Code*
7 *is amended to read:*

8 4800. (a) There is in the Department of Consumer Affairs a
9 Veterinary Medical Board in which the administration of this
10 chapter is vested. The board consists of the following members:

11 (1) Four licensed veterinarians.

12 (2) One registered veterinary technician.

13 (3) Three public members.

14 (b) This section shall remain in effect only until January 1, ~~2021~~,
15 ~~2022~~, and as of that date is repealed.

16 (c) Notwithstanding any other law, the repeal of this section
17 renders the board subject to review by the appropriate policy
18 committees of the Legislature. However, the review of the board
19 shall be limited to those issues identified by the appropriate policy
20 committees of the Legislature and shall not involve the preparation
21 or submission of a sunset review document or evaluative
22 questionnaire.

23 *SEC. 29. Section 4804.5 of the Business and Professions Code*
24 *is amended to read:*

25 4804.5. The board may appoint a person exempt from civil
26 service who shall be designated as an executive officer and who
27 shall exercise the powers and perform the duties delegated by the
28 board and vested in ~~him or her~~ *them* by this chapter.

29 This section shall remain in effect only until January 1, ~~2021~~,
30 ~~2022~~, and as of that date is repealed.

31 *SEC. 30. Section 4990 of the Business and Professions Code*
32 *is amended to read:*

33 4990. (a) There is in the Department of Consumer Affairs, a
34 Board of Behavioral Sciences that consists of the following
35 members:

36 (1) Two state licensed clinical social workers.

37 (2) One state licensed educational psychologist.

38 (3) Two state licensed marriage and family therapists.

39 (4) One state licensed professional clinical counselor.

40 (5) Seven public members.

1 (b) Each member, except the seven public members, shall have
2 at least two years of experience in ~~her or his~~ *their* profession.

3 (c) Each member shall reside in the State of California.

4 (d) The Governor shall appoint five of the public members and
5 the six licensed members with the advice and consent of the Senate.
6 The Senate Committee on Rules and the Speaker of the Assembly
7 shall each appoint a public member.

8 (e) Each member of the board shall be appointed for a term of
9 four years. A member appointed by the Senate Committee on Rules
10 or the Speaker of the Assembly shall hold office until the
11 appointment and qualification of ~~his or her~~ *their* successor or until
12 one year from the expiration date of the term for which ~~she or he~~
13 ~~was they were~~ appointed, whichever first occurs. Pursuant to
14 Section 1774 of the Government Code, a member appointed by
15 the Governor shall hold office until the appointment and
16 qualification of ~~her or his~~ *their* successor or until 60 days from the
17 expiration date of the term for which ~~he or she~~ *was they were*
18 appointed, whichever first occurs.

19 (f) A vacancy on the board shall be filled by appointment for
20 the unexpired term by the authority who appointed the member
21 whose membership was vacated.

22 (g) Not later than the first of June of each calendar year, the
23 board shall elect a chairperson and a vice chairperson from its
24 membership.

25 (h) Each member of the board shall receive a per diem and
26 reimbursement of expenses as provided in Section 103.

27 (i) This section shall remain in effect only until January 1, ~~2021,~~
28 ~~2022,~~ and as of that date is repealed.

29 (j) Notwithstanding any other provision of law, the repeal of
30 this section renders the board subject to review by the appropriate
31 policy committees of the Legislature.

32 *SEC. 31. Section 4990.04 of the Business and Professions Code*
33 *is amended to read:*

34 4990.04. (a) The board shall appoint an executive officer. This
35 position is designated as a confidential position and is exempt from
36 civil service under subdivision (e) of Section 4 of Article VII of
37 the California Constitution.

38 (b) The executive officer serves at the pleasure of the board.

1 (c) The executive officer shall exercise the powers and perform
2 the duties delegated by the board and vested in ~~her or him~~ *them*
3 by this chapter.

4 (d) With the approval of the director, the board shall fix the
5 salary of the executive officer.

6 (e) The chairperson and executive officer may call meetings of
7 the board and any duly appointed committee at a specified time
8 and place. For purposes of this section, “call meetings” means
9 setting the agenda, time, date, or place for any meeting of the board
10 or any committee.

11 (f) This section shall remain in effect only until January 1, ~~2021~~,
12 ~~2022~~, and as of that date is repealed.

13 ~~SEC. 17.~~

14 *SEC. 32.* Section 5600.4 of the Business and Professions Code
15 is amended to read:

16 5600.4. (a) The board shall issue, upon application and
17 payment of the fee fixed by this chapter, a retired license to an
18 architect who holds a license that is current and active or capable
19 of being renewed pursuant to Section 5600.2 and whose license
20 is not suspended, revoked, or otherwise punitively restricted by
21 the board or subject to disciplinary action under this chapter.

22 (b) The holder of a retired license issued pursuant to this section
23 shall not engage in any activity for which an active architect’s
24 license is required. An architect holding a retired license shall be
25 permitted to use the title “architect retired” or “retired architect.”

26 (c) The holder of a retired license shall not be required to renew
27 that license.

28 (d) In order for the holder of a retired license issued pursuant
29 to this section to restore their license to active status, the holder
30 of a retired license shall comply with Section 5600.2 or 5600.3,
31 as applicable.

32 ~~SEC. 18.~~

33 *SEC. 33.* Section 5650.5 is added to the Business and
34 Professions Code, to read:

35 5650.5. (a) Pursuant to Section 144, the board has the authority
36 to obtain and review criminal offender record information. The
37 information obtained as a result of the fingerprinting shall be used
38 in accordance with Section 11105 of the Penal Code to determine
39 whether the applicant is subject to denial of license pursuant to

1 Division 1.5 (commencing with Section 475) or Section 5660,
2 5675, or 5676.

3 (b) As a condition of application for a license, each applicant
4 shall furnish to the Department of Justice a full set of fingerprints
5 for the purpose of conducting a criminal history record check and
6 to undergo a state- and federal- level criminal offender record
7 information search conducted through the Department of Justice.

8 (c) The board shall request from the Department of Justice
9 subsequent arrest notification service, pursuant to subdivision (p)
10 of Section 11105 of the Penal Code.

11 (d) The applicant shall pay the reasonable regulatory costs for
12 furnishing the fingerprints and conducting the searches.

13 (e) The applicant shall certify, under penalty of perjury, when
14 applying for a license whether the applicant's fingerprints have
15 been furnished to the Department of Justice in compliance with
16 this section.

17 (f) Failure to comply with the requirements of this section
18 renders the application for a license incomplete, and the application
19 shall not be considered until the applicant demonstrates compliance
20 with all requirements of this section.

21 (g) Notwithstanding any other law, the results of any criminal
22 offender record information request by either state or federal law
23 enforcement authorities shall not be released by the board except
24 in accordance with state and federal requirements.

25 (h) As used in this section, the term "applicant" shall be limited
26 to an initial applicant who has never been registered or licensed
27 by the board or to an applicant for a new licensure or registration
28 category.

29 (i) As a condition of petitioning the board for reinstatement of
30 a revoked or surrendered license, an applicant shall comply with
31 subdivision (a).

32 ~~SEC. 19:~~

33 *SEC. 34.* Section 7000 of the Business and Professions Code
34 is amended to read:

35 7000. This chapter constitutes, and may be cited as, the
36 Contractors State License Law.

37 ~~SEC. 20:~~

38 *SEC. 35.* Section 7000.5 of the Business and Professions Code
39 is amended to read:

1 7000.5. (a) There is in the Department of Consumer Affairs
2 a Contractors State License Board, which consists of 15 members.

3 (b) Notwithstanding any other provision of law, the repeal of
4 this section renders the board subject to review by the appropriate
5 policy committees of the Legislature.

6 (c) This section shall remain in effect only until January 1, 2024,
7 and as of that date is repealed.

8 ~~SEC. 21.~~

9 *SEC. 36.* Section 7000.6 of the Business and Professions Code
10 is amended to read:

11 7000.6. Protection of the public shall be the highest priority
12 for the Contractors State License Board in exercising its licensing,
13 regulatory, and disciplinary functions. Whenever the protection
14 of the public is inconsistent with other interests sought to be
15 promoted, the protection of the public shall be paramount.

16 ~~SEC. 22.~~

17 *SEC. 37.* Section 7011.4 of the Business and Professions Code
18 is amended to read:

19 7011.4. (a) Notwithstanding Section 7011, there is in the
20 Contractors State License Board, a separate enforcement division
21 that shall rigorously enforce this chapter prohibiting all forms of
22 unlicensed activity and shall enforce the obligation to secure the
23 payment of valid and current workers' compensation insurance in
24 accordance with Section 3700.5 of the Labor Code.

25 (b) Persons employed as enforcement representatives of the
26 Contractors State License Board and designated by the Director
27 of Consumer Affairs shall have the authority to issue a written
28 notice to appear in court pursuant to Chapter 5C (commencing
29 with Section 853.5) of Title 3 of Part 2 of the Penal Code. An
30 employee so designated is not a peace officer and is not entitled
31 to safety member retirement benefits as a result of that designation.
32 They do not have the power of arrest.

33 (c) When participating in the activities of the Joint Enforcement
34 Strike Force on the Underground Economy pursuant to Section
35 329 of the Unemployment Insurance Code, the enforcement
36 division shall have free access to all places of labor.

37 ~~SEC. 23.~~

38 *SEC. 38.* Section 7011.5 of the Business and Professions Code
39 is amended to read:

1 7011.5. Persons employed as investigators of the Special
2 Investigations Unit of the Contractors State License Board and
3 designated by the Director of Consumer Affairs have the authority
4 of peace officers while engaged in exercising the powers granted
5 or performing the duties imposed upon them in investigating the
6 laws administered by the Contractors State License Board or
7 commencing directly or indirectly any criminal prosecution arising
8 from any investigation conducted under these laws. All persons
9 herein referred to shall be deemed to be acting within the scope
10 of employment with respect to all acts and matters in this section
11 set forth.

12 ~~SEC. 24.~~

13 *SEC. 39.* Section 7011.8 of the Business and Professions Code
14 is amended to read:

15 7011.8. (a) Any person subject to licensure under this chapter
16 who reports to, or causes a complaint to be filed with, the
17 Contractors State License Board that a person licensed by that
18 entity has engaged in professional misconduct, knowing the report
19 or complaint to be false, may be issued a citation by the registrar.

20 (b) The board may notify the appropriate district attorney or
21 city attorney that a person subject to licensure under this chapter
22 has made or filed what the entity believes to be a false report or
23 complaint against a licensee.

24 ~~SEC. 25.~~

25 *SEC. 40.* Section 7015 of the Business and Professions Code
26 is amended to read:

27 7015. The board shall adopt a seal for its own use. The seal
28 shall have the words "Contractors State License Board, State of
29 California, Department of Consumer Affairs," and the care and
30 custody thereof shall be in the hands of the registrar.

31 ~~SEC. 26.~~

32 *SEC. 41.* Section 7017.3 of the Business and Professions Code
33 is amended to read:

34 7017.3. The Contractors State License Board shall report
35 annually to the Legislature, not later than October 1 of each year,
36 the following statistical information for the prior fiscal year. The
37 following data shall be reported on complaints filed with the board
38 against licensed contractors, registered home improvement
39 salespersons, and unlicensed persons acting as licensees or
40 registrants:

1 (a) The number of complaints received by the board categorized
2 by source, such as public, trade, profession, government agency,
3 or board-initiated, and by type of complaint, such as licensee or
4 nonlicensee.

5 (b) The number of complaints closed prior to referral for field
6 investigation, categorized by the reason for the closure, such as
7 settled, referred for mandatory arbitration, or referred for voluntary
8 arbitration.

9 (c) The number of complaints referred for field investigation
10 categorized by the type of complaint, such as licensee or
11 nonlicensee.

12 (d) The number of complaints closed after referral for field
13 investigation categorized by the reason for the closure, such as
14 settled, referred for mandatory arbitration, or referred for voluntary
15 arbitration.

16 (e) For the board's Intake/Mediation Center and the board's
17 Investigation Center closures, respectively, the total number of
18 complaints closed prior to a field investigation per consumer
19 services representative, and the total number of complaints closed
20 after referral for a field investigation per enforcement
21 representative. Additionally, the board shall report the total number
22 of complaints closed by other board staff during the year.

23 (f) The number of complaints pending at the end of the fiscal
24 year grouped in 90-day increments, and the percentage of total
25 complaints pending, represented by the number of complaints in
26 each grouping.

27 (g) The number of citations issued to licensees categorized by
28 the type of citation such as order of correction only or order of
29 correction and fine, and the number of citations issued to licensees
30 that were vacated or withdrawn.

31 (h) The number of citations issued to nonlicensees and the
32 number of these citations that were vacated or withdrawn.

33 (i) The number of complaints referred to a local prosecutor for
34 criminal investigation or prosecution, the number of complaints
35 referred to the Attorney General for the filing of an accusation,
36 and the number of complaints referred to both a local prosecutor
37 and the Attorney General, categorized by type of complaint, such
38 as licensee and nonlicensee.

39 (j) Actions taken by the board, including, but not limited to, the
40 following:

(1) The number of disciplinary actions categorized by type, such as revocations or suspensions, categorized by whether the disciplinary action resulted from an accusation, failure to comply with a citation, or failure to comply with an arbitration award.

(2) The number of accusations dismissed or withdrawn.

(k) For subdivisions (g) and (j), the number of cases containing violations of Sections 7121 and 7121.5, and paragraph (5) of subdivision (a) of Section 7159.5, categorized by section.

(l) The number of interim suspension orders sought, the number of interim suspension orders granted, the number of temporary restraining orders sought, and the number of temporary restraining orders granted.

(m) The amount of cost recovery ordered and the amount collected.

(n) Case aging data, including data for each major stage of the enforcement process, including the following:

(1) The average number of days from the filing of a complaint to its closure by the board's Intake/Mediation Center prior to the referral for an investigation categorized by the type of complaint, such as licensee or nonlicensee.

(2) The average number of days from the referral of a complaint for an investigation to its closure by the Investigation Center categorized by the type of complaint, such as licensee or nonlicensee.

(3) The average number of days from the filing of a complaint to the referral of the completed investigation to the Attorney General.

(4) The average number of days from the referral of a completed investigation to the Attorney General to the filing of an accusation by the Attorney General.

(5) The average number of days from the filing of an accusation to the first hearing date or date of a stipulated settlement.

(6) The average number of days from the receipt of the Administrative Law Judge's proposed decision to the registrar's final decision.

~~SEC. 27.~~

SEC. 42. Section 7028.7 of the Business and Professions Code is amended to read:

7028.7. (a) If upon inspection or investigation, either upon complaint or otherwise, the registrar has probable cause to believe

1 that a person is acting in the capacity of or engaging in the business
2 of a contractor or salesperson within this state without having a
3 license or registration in good standing to so act or engage, and
4 the person is not otherwise exempted from this chapter, the registrar
5 shall issue a citation to that person.

6 (b) Within 72 hours of receiving notice that a public entity is
7 intending to award, or has awarded, a contract to an unlicensed
8 contractor, the registrar shall give written notice to the public entity
9 that a citation may be issued if a contract is awarded to an
10 unlicensed contractor. If after receiving the written notice from
11 the registrar that the public entity has awarded or awards the
12 contract to an unlicensed contractor, the registrar may issue a
13 citation to the responsible officer or employee of the public entity
14 as specified in Section 7028.15.

15 (c) Each citation shall be in writing and shall describe with
16 particularity the basis of the citation. Notwithstanding Sections
17 125.9 and 148, each citation shall contain an order of abatement
18 and an assessment of a civil penalty in an amount not less than
19 two hundred dollars (\$200) nor more than fifteen thousand dollars
20 (\$15,000).

21 (d) With the approval of the Contractors State License Board,
22 the registrar shall prescribe procedures for the issuance of a citation
23 under this section. The board shall adopt regulations covering the
24 assessment of a civil penalty that shall give due consideration to
25 the gravity of the violation, and any history of previous violations.

26 (e) The sanctions authorized under this section shall be separate
27 from, and in addition to, all other remedies either civil or criminal.

28 ~~SEC. 28.~~

29 *SEC. 43.* Section 7030 of the Business and Professions Code
30 is amended to read:

31 7030. (a) Except for contractors writing home improvement
32 contracts pursuant to Section 7151.2 and contractors writing service
33 and repair contracts pursuant to Section 7159.10, every person
34 licensed pursuant to this chapter shall include the following
35 statement in at least 10-point type on all written contracts with
36 respect to which the person is a prime contractor:

37
38 “Contractors are required by law to be licensed and regulated
39 by the Contractors State License Board which has jurisdiction to
40 investigate complaints against contractors if a complaint regarding

1 a patent act or omission is filed within four years of the date of the
2 alleged violation. A complaint regarding a latent act or omission
3 pertaining to structural defects must be filed within 10 years of
4 the date of the alleged violation. Any questions concerning a
5 contractor may be referred to the Registrar, Contractors State
6 License Board, P.O. Box 26000, Sacramento, CA 95826.”

7
8 (b) Every person licensed pursuant to this chapter shall include
9 the following statement in at least 12-point type in all home
10 improvement contracts written pursuant to Section 7151.2 and
11 service and repair contracts written pursuant to Section 7159.10:
12

13 “Information about the Contractors State License Board (CSLB):
14 CSLB is the state consumer protection agency that licenses and
15 regulates construction contractors.

16 Contact CSLB for information about the licensed contractor you
17 are considering, including information about disclosable
18 complaints, disciplinary actions and civil judgments that are
19 reported to CSLB.

20 Use only licensed contractors. If you file a complaint against a
21 licensed contractor within the legal deadline (usually four years),
22 CSLB has authority to investigate the complaint. If you use an
23 unlicensed contractor, CSLB may not be able to help you resolve
24 your complaint. Your only remedy may be in civil court, and you
25 may be liable for damages arising out of any injuries to the
26 unlicensed contractor or the unlicensed contractor’s employees.

27 For more information:

28 Visit CSLB’s internet website at www.cslb.ca.gov

29 Call CSLB at 800-321-CSLB (2752)

30 Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”

31
32 (c) Failure to comply with the notice requirements set forth in
33 subdivision (a) or (b) of this section is cause for disciplinary action.

34 ~~SEC. 29.~~

35 *SEC. 44.* Section 7031 of the Business and Professions Code
36 is amended to read:

37 7031. (a) Except as provided in subdivision (e), no person
38 engaged in the business or acting in the capacity of a contractor,
39 may bring or maintain any action, or recover in law or equity in
40 any action, in any court of this state for the collection of

1 compensation for the performance of any act or contract where a
2 license is required by this chapter without alleging that they were
3 a duly licensed contractor at all times during the performance of
4 that act or contract regardless of the merits of the cause of action
5 brought by the person, except that this prohibition shall not apply
6 to contractors who are each individually licensed under this chapter
7 but who fail to comply with Section 7029.

8 (b) Except as provided in subdivision (e), a person who utilizes
9 the services of an unlicensed contractor may bring an action in
10 any court of competent jurisdiction in this state to recover all
11 compensation paid to the unlicensed contractor for performance
12 of any act or contract.

13 (c) A security interest taken to secure any payment for the
14 performance of any act or contract for which a license is required
15 by this chapter is unenforceable if the person performing the act
16 or contract was not a duly licensed contractor at all times during
17 the performance of the act or contract.

18 (d) If licensure or proper licensure is controverted, then proof
19 of licensure pursuant to this section shall be made by production
20 of a verified certificate of licensure from the Contractors State
21 License Board which establishes that the individual or entity
22 bringing the action was duly licensed in the proper classification
23 of contractors at all times during the performance of any act or
24 contract covered by the action. Nothing in this subdivision shall
25 require any person or entity controverting licensure or proper
26 licensure to produce a verified certificate. When licensure or proper
27 licensure is controverted, the burden of proof to establish licensure
28 or proper licensure shall be on the licensee.

29 (e) The judicial doctrine of substantial compliance shall not
30 apply under this section where the person who engaged in the
31 business or acted in the capacity of a contractor has never been a
32 duly licensed contractor in this state. However, notwithstanding
33 subdivision (b) of Section 143, the court may determine that there
34 has been substantial compliance with licensure requirements under
35 this section if it is shown at an evidentiary hearing that the person
36 who engaged in the business or acted in the capacity of a contractor
37 (1) had been duly licensed as a contractor in this state prior to the
38 performance of the act or contract, (2) acted reasonably and in
39 good faith to maintain proper licensure, and (3) acted promptly

1 and in good faith to remedy the failure to comply with the licensure
2 requirements upon learning of the failure.

3 (f) The exceptions to the prohibition against the application of
4 the judicial doctrine of substantial compliance found in subdivision
5 (e) shall apply to all contracts entered into on or after January 1,
6 1992, and to all actions or arbitrations arising therefrom, except
7 that the amendments to subdivisions (e) and (f) enacted during the
8 1994 portion of the 1993–94 Regular Session of the Legislature
9 shall not apply to either of the following:

10 (1) Any legal action or arbitration commenced prior to January
11 1, 1995, regardless of the date on which the parties entered into
12 the contract.

13 (2) Any legal action or arbitration commenced on or after
14 January 1, 1995, if the legal action or arbitration was commenced
15 prior to January 1, 1995, and was subsequently dismissed.

16 ~~SEC. 30.~~

17 *SEC. 45.* Section 7058.7 of the Business and Professions Code
18 is amended to read:

19 7058.7. (a) No contractor may engage in a removal or remedial
20 action, as defined in subdivision (d), unless the qualifier for the
21 license has passed an approved hazardous substance certification
22 examination.

23 (b) (1) The Contractors State License Board, the Division of
24 Occupational Safety and Health of the Department of Industrial
25 Relations, and the Department of Toxic Substances Control shall
26 jointly select an advisory committee, which shall be composed of
27 two representatives of hazardous substance removal workers in
28 California, two general engineering contractors in California, and
29 two representatives of insurance companies in California who shall
30 be selected by the Insurance Commissioner.

31 (2) The Contractors State License Board shall develop a written
32 test for the certification of contractors engaged in hazardous
33 substance removal or remedial action, in consultation with the
34 Division of Occupational Safety and Health, the State Water
35 Resources Control Board, the Department of Toxic Substances
36 Control, and the advisory committee.

37 (c) The Contractors State License Board may require additional
38 updated approved hazardous substance certification examinations
39 of licensees currently certified based on new public or occupational
40 health and safety information. The Contractors State License Board,

1 in consultation with the Department of Toxic Substances Control
2 and the State Water Resources Control Board, shall approve other
3 initial and updated hazardous substance certification examinations
4 and determine whether to require an updated certification
5 examination of all current certificate holders.

6 (d) For purposes of this section “removal or remedial action”
7 has the same meaning as found in Chapter 6.8 (commencing with
8 Section 25300) of Division 20 of the Health and Safety Code, if
9 the action requires the contractor to dig into the surface of the earth
10 and remove the dug material and the action is at a site listed
11 pursuant to Section 25356 of the Health and Safety Code or any
12 other site listed as a hazardous substance release site by the
13 Department of Toxic Substances Control or a site listed on the
14 National Priorities List compiled pursuant to the Comprehensive
15 Environmental Response, Compensation, and Liability Act of 1980
16 (42 U.S.C. Sec. 9601 et seq.). “Removal or remedial action” does
17 not include asbestos-related work, as defined in Section 6501.8 of
18 the Labor Code, or work related to a hazardous substance spill on
19 a highway.

20 (e) (1) A contractor may not install or remove an underground
21 storage tank, unless the contractor has passed the hazardous
22 substance certification examination developed pursuant to this
23 section.

24 (2) A contractor who is not certified may bid on or contract for
25 the installation or removal of an underground tank, if the work is
26 performed by a contractor who is certified pursuant to this section.

27 (3) For purposes of this subdivision, “underground storage tank”
28 has the same meaning as defined in subdivision (y) of Section
29 25281 of the Health and Safety Code.

30 ~~SEC. 31.~~

31 *SEC. 46.* Section 7071.4 of the Business and Professions Code
32 is amended to read:

33 7071.4. (a) Each person licensed under the provisions of this
34 chapter and subject to any of the bonding provisions of this article
35 shall maintain the requisite bond as executed by an admitted surety
36 insurer or as deposited with the registrar pursuant to paragraph (1)
37 of subdivision (a) of Section 995.710 of the Code of Civil
38 Procedure in the appropriate amount. Notwithstanding Article 7
39 (commencing with Section 995.710) of Chapter 2 of Title 14 of
40 Part 2 of the Code of Civil Procedure, no other method of deposit,

1 including, but not limited to, a certificate of deposit, shall satisfy
2 a bond requirement under this article.

3 (b) All existing alternatives in lieu of a bond currently filed with
4 the registrar shall be replaced for a surety bond or the deposit
5 prescribed by paragraph (1) of subdivision (a) of Section 995.710
6 of the Code of Civil Procedure by January 1, 2020.

7 (c) (1) If the board is notified, in writing, of a civil action
8 against the deposit authorized under this section, the deposit or
9 any portion thereof shall not be released for any purpose, except
10 as determined by the court.

11 (2) If any deposit authorized under this section is insufficient
12 to pay, in full, all claims that have been adjudicated under any
13 action filed in accordance with this section, the amount of the
14 deposit shall be distributed to all claimants in proportion to the
15 amount of their respective claims.

16 (d) Notwithstanding subdivision (a), this section shall not apply
17 to the bond equivalents described in Section 7159.5 of this chapter.

18 (e) (1) This section shall be operative on and after January 1,
19 2019, upon which date the registrar shall thereafter no longer accept
20 alternatives in lieu of a bond, other than as provided in this section.

21 (2) Notwithstanding any other law, in order to comply with the
22 bonding provisions of this article, a person shall only be required
23 to provide information consistent with the requirements for an
24 applicant under Section 30.

25 (f) All alternatives in lieu of a bond filed with the registrar before
26 January 1, 2019, and any lawful money or cashier's check
27 deposited pursuant to paragraph (1) of subdivision (a) of Section
28 995.710 of the Code of Civil Procedure after January 1, 2019, shall
29 be subject to the following limitations periods:

30 (1) Any action, other than an action to recover wages or fringe
31 benefits, against a deposit given in lieu of a contractor's bond or
32 bond of a qualifying individual filed by an active licensee shall be
33 brought within three years after the expiration of the license period
34 during which the act or omission occurred, or within three years
35 of the date the license of the active licensee was inactivated,
36 canceled, or revoked by the board, whichever occurs first.

37 (2) Any action, other than an action to recover wages or fringe
38 benefits, against a deposit given in lieu of a disciplinary bond filed
39 by an active licensee pursuant to Section 7071.8 shall be brought
40 within three years after the expiration of the license period during

1 which the act or omission occurred, or within three years of the
2 date the license of the active licensee was inactivated, canceled,
3 or revoked by the board, or within three years after the last date
4 for which a deposit given in lieu of a disciplinary bond filed
5 pursuant to Section 7071.8 was required, whichever date is first.

6 (3) A claim to recover wages or fringe benefits shall be brought
7 within six months from the date that the wage or fringe benefit
8 delinquencies were discovered, but in no event shall a civil action
9 thereon be brought later than two years from the date the wage or
10 fringe benefit contributions were due.

11 (g) In any case in which a claim is filed against an alternative
12 given in lieu of a bond filed with the registrar before January 1,
13 2019, or deposited with the registrar pursuant to subdivision (a),
14 by any employee or by an employee organization on behalf of an
15 employee, concerning wages or fringe benefits based upon the
16 employee's employment, claims for the nonpayment shall be filed
17 with the Labor Commissioner. The Labor Commissioner shall,
18 pursuant to the authority vested by Section 96.5 of the Labor Code,
19 conduct hearings to determine whether or not the wages or fringe
20 benefits should be paid to the complainant. Upon a finding by the
21 commissioner that the wages or fringe benefits should be paid to
22 the complainant, the commissioner shall notify the registrar of the
23 findings. The registrar shall not make payment from the deposit
24 on the basis of findings by the commissioner for a period of 10
25 days following determination of the findings. If, within the period,
26 the complainant or the contractor files written notice with the
27 registrar and the commissioner of an intention to seek judicial
28 review of the findings pursuant to Section 11523 of the
29 Government Code, the registrar shall not make payment if an action
30 is actually filed, except as determined by the court. If, thereafter,
31 no action is filed within 60 days following determination of
32 findings by the commissioner, the registrar shall make payment
33 from the deposit to the complainant.

34 (h) Legal fees may not be charged by the board against any
35 alternative given in lieu of a bond filed with the registrar before
36 January 1, 2019, or deposited with the registrar pursuant to
37 subdivision (a).

38 ~~SEC. 32.~~

39 *SEC. 47.* Section 7080.5 of the Business and Professions Code
40 is amended to read:

1 7080.5. When an application has been accepted by the registrar,
2 the name and address of the applicant, every classification for
3 which the applicant has applied, and the names and titles of all
4 personnel who have signed the application shall be publicly posted
5 by the registrar, on the day following acceptance, in the office of
6 the Contractors State License Board in Sacramento.

7 ~~SEC. 33.~~

8 *SEC. 48.* Section 7085.5 of the Business and Professions Code
9 is amended to read:

10 7085.5. Arbitrations of disputes arising out of cases filed with
11 or by the board shall be conducted in accordance with the following
12 rules:

13 (a) All “agreements to arbitrate” shall include the names,
14 addresses, and telephone numbers of the parties to the dispute, the
15 issue in dispute, and the amount in dollars or any other remedy
16 sought. The appropriate fee shall be paid by the board from the
17 Contractors License Fund.

18 (b) (1) The board or appointed arbitration association shall
19 appoint an arbitrator in the following manner: immediately after
20 the filing of the agreement to arbitrate, the board or appointed
21 arbitration association shall submit simultaneously to each party
22 to the dispute, an identical list of names of persons chosen from
23 the panel. Each party to the dispute shall have seven days from
24 the mailing date in which to cross off any names to which it objects,
25 number the remaining names to indicate the order of preference,
26 and return the list to the board or appointed arbitration association.
27 If a party does not return the list within the time specified, all
28 persons named in the list are acceptable. From among the persons
29 who have been approved on both lists, and in accordance with the
30 designated order of mutual preference, the board or appointed
31 arbitration association shall appoint an arbitrator to serve. If the
32 parties fail to agree on any of the parties named, if acceptable
33 arbitrators are unable to act, or if, for any other reason, the
34 appointment cannot be made from the submitted lists, the board
35 or appointed arbitration association shall have the power to make
36 the appointment from among other members of the panel without
37 the submission of any additional lists. Each dispute shall be heard
38 and determined by one arbitrator unless the board or appointed
39 arbitration association, in its discretion, directs that a greater
40 number of arbitrators be appointed.

1 (2) In all cases in which a complaint has been referred to
2 arbitration pursuant to subdivision (b) of Section 7085, the board
3 or the appointed arbitration association shall have the power to
4 appoint an arbitrator to hear the matter.

5 (3) The board shall adopt regulations setting minimum
6 qualification standards for listed arbitrators based upon relevant
7 training, experience, and performance.

8 (c) No person shall serve as an arbitrator in any arbitration in
9 which that person has any financial or personal interest in the result
10 of the arbitration. Prior to accepting an appointment, the
11 prospective arbitrator shall disclose any circumstances likely to
12 prevent a prompt hearing or to create a presumption of bias. Upon
13 receipt of that information, the board or appointed arbitration
14 association shall immediately replace the arbitrator or communicate
15 the information to the parties for their comments. Thereafter, the
16 board or appointed arbitration association shall determine whether
17 the arbitrator should be disqualified and shall inform the parties
18 of its decision, which shall be conclusive.

19 (d) The board or appointed arbitration association may appoint
20 another arbitrator if a vacancy occurs, or if an appointed arbitrator
21 is unable to serve in a timely manner.

22 (e) (1) The board or appointed arbitration association shall
23 provide the parties with a list of the times and dates, and locations
24 of the hearing to be held. The parties shall notify the arbitrator,
25 within seven calendar days of the mailing of the list, of the times
26 and dates convenient to each party. If the parties fail to respond
27 to the arbitrator within the seven-day period, the arbitrator shall
28 fix the time, place, and location of the hearing. An arbitrator may,
29 at the arbitrator's sole discretion, make an inspection of the
30 construction site which is the subject of the arbitration. The
31 arbitrator shall notify the parties of the time and date set for the
32 inspection. Any party who so desires may be present at the
33 inspection.

34 (2) The board or appointed arbitration association shall fix the
35 time, place, and location of the hearing for all cases referred to
36 arbitration pursuant to subdivision (b) of Section 7085. An
37 arbitrator may, at the arbitrator's sole discretion, make an
38 inspection of the construction site which is the subject of the
39 arbitration. The arbitrator shall notify the parties of the time and

1 date set for the inspection. Any party who desires may be present
2 at the inspection.

3 (f) Any person having a direct interest in the arbitration is
4 entitled to attend the hearing. The arbitrator shall otherwise have
5 the power to require the exclusion of any witness, other than a
6 party or other essential person, during the testimony of any other
7 witness. It shall be discretionary with the arbitrator to determine
8 the propriety of the attendance of any other person.

9 (g) Hearings shall be adjourned by the arbitrator only for good
10 cause.

11 (h) A record is not required to be taken of the proceedings.
12 However, any party to the proceeding may have a record made at
13 its own expense. The parties may make appropriate notes of the
14 proceedings.

15 (i) The hearing shall be conducted by the arbitrator in any
16 manner which will permit full and expeditious presentation of the
17 case by both parties. Consistent with the expedited nature of
18 arbitration, the arbitrator shall establish the extent of, and schedule
19 for, the production of relevant documents and other information,
20 the identification of any witnesses to be called, and a schedule for
21 any hearings to elicit facts solely within the knowledge of one
22 party. The complaining party shall present its claims, proofs, and
23 witnesses, who shall submit to questions or other examination.
24 The defending party shall then present its defenses, proofs, and
25 witnesses, who shall submit to questions or other examination.
26 The arbitrator has discretion to vary this procedure but shall afford
27 full and equal opportunity to the parties for the presentation of any
28 material or relevant proofs.

29 (j) The arbitration may proceed in the absence of any party who,
30 after due notice, fails to be present. The arbitrator shall require the
31 attending party to submit supporting evidence in order to make an
32 award. An award for the attending party shall not be based solely
33 on the fact that the other party has failed to appear at the arbitration
34 hearing.

35 (k) The arbitrator shall be the sole judge of the relevancy and
36 materiality of the evidence offered and conformity to legal rules
37 of evidence shall not be required.

38 (l) The arbitrator may receive and consider documentary
39 evidence. Documents to be considered by the arbitrator may be
40 submitted prior to the hearing. However, a copy shall be

1 simultaneously transmitted to all other parties and to the board or
2 appointed arbitration association for transmittal to the arbitrator
3 or board appointed arbitrator.

4 (m) The arbitrator shall specifically inquire of the parties
5 whether they have any further proofs to offer or witnesses to be
6 heard. Upon receiving negative replies, the arbitrator shall declare
7 the hearing closed and minutes thereof shall be recorded. If briefs
8 are to be filed, the hearing shall be declared closed as of the final
9 date set by the arbitrator for the receipt of briefs. If documents are
10 to be filed as requested by the arbitrator and the date set for their
11 receipt is later than that set for the receipt of briefs, the later date
12 shall be the date of closing the hearings. The time limit within
13 which the arbitrator is required to make the award shall commence
14 to run, in the absence of other agreements by the parties, upon the
15 closing of the hearings.

16 (n) The hearing may be reopened on the arbitrator's own motion.

17 (o) Any party who proceeds with the arbitration after knowledge
18 that any provision or requirement of these rules has not been
19 complied with, and who fails to state their objections to the
20 arbitrator in writing, within 10 calendar days of close of hearing,
21 shall be deemed to have waived their right to object.

22 (p) (1) Except as provided in paragraph (2), any papers or
23 process necessary or proper for the initiation or continuation of an
24 arbitration under these rules and for any court action in connection
25 therewith, or for the entry of judgment on an award made
26 thereunder, may be served upon any party (A) by regular mail
27 addressed to that party or their attorney at the party's last known
28 address, or (B) by personal service.

29 (2) Notwithstanding paragraph (1), in all cases referred to
30 arbitration pursuant to subdivision (b) of Section 7085 in which
31 the contractor fails or refuses to return an executed copy of the
32 notice to arbitrate within the time specified, any papers or process
33 specified in paragraph (1) to be sent to the contractor, including
34 the notice of hearing, shall be mailed by certified mail to the
35 contractor's address of record.

36 (q) The award shall be made promptly by the arbitrator, and
37 unless otherwise agreed by the parties, no later than 30 calendar
38 days from the date of closing the hearing, closing a reopened
39 hearing, or if oral hearing has been waived, from the date of
40 transmitting the final statements and proofs to the arbitrator.

1 The arbitrator may for good cause extend any period of time
2 established by these rules, except the time for making the award.
3 The arbitrator shall notify the parties of any extension and the
4 reason therefor.

5 (r) (1) The arbitrator may grant any remedy or relief that the
6 arbitrator deems just and equitable and within the scope of the
7 board's referral and the requirements of the board. The arbitrator,
8 in their sole discretion, may award costs or expenses.

9 (2) The amendments made in paragraph (1) during the 2003–04
10 Regular Session shall not be interpreted to prevent an arbitrator
11 from awarding a complainant all direct costs and expenses for the
12 completion or repair of the project.

13 (s) The award shall become final 30 calendar days from the date
14 the arbitration award is issued. The arbitrator, upon written
15 application of a party to the arbitration, may correct the award
16 upon the following grounds:

17 (1) There was an evident miscalculation of figures or an evident
18 mistake in the description of any person, things, or property
19 referred to in the award.

20 (2) There is any other clerical error in the award, not affecting
21 the merits of the controversy.

22 An application for correction of the award shall be made within
23 10 calendar days of the date of service of the award by serving a
24 copy of the application on the arbitrator, and all other parties to
25 the arbitration. Any party to the arbitration may make a written
26 objection to the application for correction by serving a copy of the
27 written objection on the arbitrator, the board, and all other parties
28 to the arbitration, within 10 calendar days of the date of service of
29 the application for correction.

30 The arbitrator shall either deny the application or correct the
31 award within 30 calendar days of the date of service of the original
32 award by mailing a copy of the denial or correction to all parties
33 to the arbitration. Any appeal from the denial or correction shall
34 be filed with a court of competent jurisdiction and a true copy
35 thereof shall be filed with the arbitrator or appointed arbitration
36 association within 30 calendar days after the award has become
37 final. The award shall be in writing, and shall be signed by the
38 arbitrator or a majority of them. If no appeal is filed within the
39 30-calendar day period, it shall become a final order of the registrar.

1 (t) Service of the award by certified mail shall be effective if a
2 certified letter containing the award, or a true copy thereof, is
3 mailed by the arbitrator or arbitration association to each party or
4 to a party's attorney of record at their last known address, address
5 of record, or by personally serving any party. Service may be
6 proved in the manner authorized in civil actions.

7 (u) The board shall pay the expenses of one expert witness
8 appointed by the board when the services of an expert witness are
9 requested by either party involved in arbitration pursuant to this
10 article and the case involves workmanship issues that are itemized
11 in the complaint and have not been repaired or replaced. Parties
12 who choose to present the findings of another expert witness as
13 evidence shall pay for those services. Payment for expert witnesses
14 appointed by the board shall be limited to the expert witness costs
15 for inspection of the problem at the construction site, preparation
16 of the expert witness' report, and expert witness fees for appearing
17 or testifying at a hearing. All requests for payment to an expert
18 witness shall be submitted on a form that has been approved by
19 the registrar. All requests for payment to an expert witness shall
20 be reviewed and approved by the board prior to payment. The
21 registrar shall advise the parties that names of industry experts
22 may be obtained by requesting this information from the registrar.

23 (v) The arbitrator shall interpret and apply these rules insofar
24 as they relate to their powers and duties.

25 (w) The following shall apply as to court procedure and
26 exclusion of liability:

27 (1) The board, the appointed arbitration association, or any
28 arbitrator in a proceeding under these rules is not a necessary party
29 in judicial proceedings relating to the arbitration.

30 (2) Parties to these rules shall be deemed to have consented that
31 judgment upon the arbitration award may be entered in any federal
32 or state court having jurisdiction thereof.

33 (3) The board, the appointed arbitration association, or any
34 arbitrator is not liable to any party for any act or omission in
35 connection with any arbitration conducted under these rules.

36 ~~SEC. 34.~~

37 *SEC. 49.* Section 7099.2 of the Business and Professions Code
38 is amended to read:

39 7099.2. (a) The board shall promulgate regulations covering
40 the assessment of civil penalties under this article that give due

1 consideration to the appropriateness of the penalty with respect to
2 the following factors:

- 3 (1) The gravity of the violation.
- 4 (2) The good faith of the licensee or applicant for licensure
5 being charged.
- 6 (3) The history of previous violations.

7 (b) Except as otherwise provided by this chapter, no civil penalty
8 shall be assessed in an amount greater than five thousand dollars
9 (\$5,000). Notwithstanding Section 125.9, a civil penalty not to
10 exceed fifteen thousand dollars (\$15,000) may be assessed for a
11 violation of Section 7114 or 7118.

12 ~~SEC. 35.~~

13 *SEC. 50.* Section 7099.9 is added to the Business and
14 Professions Code, to read:

15 7099.9. (a) If, upon investigation, the registrar has probable
16 cause to believe that a licensee, registrant, or applicant has
17 committed acts or omissions that are grounds for denial,
18 suspension, or revocation of a license or registration, the registrar,
19 or their designee, may issue a letter of admonishment to an
20 applicant, licensee, or registrant in lieu of issuing a citation.
21 Nothing in this article shall in any way limit the registrar's
22 discretionary authority or ability to issue a letter of admonishment
23 as prescribed by this subdivision.

24 (b) The letter of admonishment shall be in writing and shall
25 describe in detail the nature and facts of the violation, including a
26 reference to the statutes or regulations violated. The letter of
27 admonishment shall inform the licensee, registrant, or applicant
28 that within 30 days of service of the letter of admonishment the
29 licensee, registrant, or applicant may do either of the following:

30 (1) Submit a written request for an office conference to the
31 registrar to contest the letter of admonishment. Upon a timely
32 request, the registrar, or their designee, shall hold an office
33 conference with the licensee, registrant, or applicant and, if
34 applicable, their legal counsel or authorized representative.

35 (A) No individual other than the legal counsel or authorized
36 representative of the licensee, registrant, or applicant may
37 accompany the licensee, registrant, or applicant to the office
38 conference.

1 (B) Prior to or at the office conference, the licensee, registrant,
2 or applicant may submit to the registrar declarations and documents
3 pertinent to the subject matter of the letter of admonishment.

4 (C) The office conference is intended to be informal and shall
5 not be subject to the Administrative Procedure Act (Chapter 4.5
6 commencing with Section 11400) or Chapter 5 (commencing with
7 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
8 Code).

9 (D) After the office conference, the registrar, or their designee,
10 may affirm, modify, or withdraw the letter of admonishment.
11 Within 14 calendar days from the date of the office conference,
12 the registrar, or their designee, shall personally serve or send the
13 written decision by certified mail to the licensee's, registrant's, or
14 applicant's address of record. This decision shall be deemed the
15 final administrative decision concerning the letter of
16 admonishment.

17 (E) Judicial review of the decision may be had by filing a
18 petition for a writ of mandate in accordance with the provisions
19 of Section 1094.5 of the Code of Civil Procedure within 30 days
20 after the date the decision was personally served or sent by certified
21 mail. The judicial review shall extend to the question of whether
22 or not there was a prejudicial abuse of discretion in the issuance
23 of the letter of admonishment or in the decision after the office
24 conference.

25 (2) Comply with the letter of admonishment and, if required,
26 submit a written corrective action plan to the registrar documenting
27 compliance. If an office conference is not requested pursuant to
28 this section, compliance with the letter of admonishment shall not
29 constitute an admission of the violation noted in the letter of
30 admonishment.

31 (c) The letter of admonishment shall be served upon the licensee,
32 registrant, or applicant personally or by certified mail at their
33 address of record with the board. If the licensee, registrant, or
34 applicant is served by certified mail, service shall be effective upon
35 deposit in the United States mail.

36 (d) The licensee, registrant, or applicant shall maintain and have
37 readily available a copy of the letter of admonishment and
38 corrective action plan, if any, for at least one year from the date
39 of issuance of the letter of admonishment.

(e) Nothing in this subdivision shall in any way limit the board's authority or ability to do either of the following:

(1) Issue a citation pursuant to Section 125.9, 148, or 7099.

(2) Institute disciplinary proceedings pursuant to this article.

(f) The issuance of a letter of admonishment shall not be construed as a disciplinary action or discipline for purposes of licensure or the reporting of discipline for licensure.

(g) The board shall not issue a letter of admonishment when any one of the following factors is present:

(1) The licensee, registrant, or applicant was unlicensed at the time of the violation.

(2) Multiple violations have been established.

(3) The licensee, registrant, or applicant has a history of the same or similar violations.

(4) The violation resulted in financial harm to another.

(5) The victim is an elder or dependent adult as defined in Section 368 of the Penal Code.

(6) The violation is related to the repair of damage caused by a natural disaster.

(h) The board may adopt regulations to further define the circumstances under which a letter of admonishment may be issued.

~~SEC. 36.~~

SEC. 51. Section 7123.5 of the Business and Professions Code is amended to read:

7123.5. If a contractor is convicted of violating Section 396 of the Penal Code or any substantially similar local ordinance in connection with the sale, or offer for sale, of repair or reconstruction services, as defined in Section 396 of the Penal Code, the Contractors State License Board shall take disciplinary action against the contractor, which shall include a suspension of at least six months or the permanent revocation of the contractor's license.

~~SEC. 37.~~

SEC. 52. Section 7135 of the Business and Professions Code is amended to read:

7135. (a) The fees and civil penalties received under this chapter shall be deposited in the Contractors License Fund. All moneys in the fund are hereby appropriated for the purposes of this chapter.

(b) It is the intent of the Legislature that the board shall use moneys appropriated from the fund to improve its administrative and investigative oversight activities and capacity.

~~SEC. 38.~~

SEC. 53. Section 7136 of the Business and Professions Code is amended to read:

7136. The director shall designate a sum not to exceed 10 percent of the total income of the Contractors State License Board for each fiscal year to be transferred to the Consumer Affairs Fund as the board's share of the cost of administration of the department.

~~SEC. 39.~~

SEC. 54. Section 7137 of the Business and Professions Code is amended to read:

7137. The board may set fees by regulation. These fees shall be set according to the following schedule:

(a) (1) The application fee for an original license in a single classification shall be three hundred thirty dollars (\$330) and may be increased to not more than three hundred seventy-five dollars (\$375).

(2) The application fee for each additional classification applied for in connection with an original license shall not be more than eighty-five dollars (\$85).

(3) The application fee for each additional classification pursuant to Section 7059 shall be one hundred fifty dollars (\$150) and may be increased to not more than one hundred seventy-five dollars (\$175).

(4) The application fee to replace a responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee pursuant to Section 7068.2 shall be one hundred fifty dollars (\$150) and may be increased to not more than one hundred seventy-five dollars (\$175).

(5) The application fee to add personnel, other than a qualifying individual, to an existing license shall be one hundred dollars (\$100) and may be increased to not more than one hundred fifteen dollars (\$115).

(b) The fee for rescheduling an examination for an applicant who has applied for an original license, additional classification, a change of responsible managing officer, responsible managing manager, responsible managing member, or responsible managing

1 employee, or for an asbestos certification or hazardous substance
2 removal certification, shall not be more than seventy dollars (\$70).

3 (c) The fee for scheduling or rescheduling an examination for
4 a licensee who is required to take the examination as a condition
5 of probation shall not be more than seventy dollars (\$70).

6 (d) The initial license fee for an active or inactive license shall
7 be two hundred dollars (\$200) and may be increased to not more
8 than two hundred twenty-five dollars (\$225).

9 (e) (1) The renewal fee for an active license shall be four
10 hundred dollars (\$400) and may be increased to not more than four
11 hundred fifty dollars (\$450).

12 (2) The renewal fee for an inactive license shall be two hundred
13 dollars (\$200) and may be increased to not more than two hundred
14 twenty-five dollars (\$225).

15 (f) The delinquency fee is an amount equal to 50 percent of the
16 renewal fee, if the license is renewed after its expiration.

17 (g) The registration fee for a home improvement salesperson
18 shall be eighty-three dollars (\$83) and may be increased to not
19 more than ninety-five dollars (\$95).

20 (h) The renewal fee for a home improvement salesperson
21 registration shall be eighty-three dollars (\$83) and may be increased
22 to not more than ninety-five dollars (\$95).

23 (i) The application fee for an asbestos certification examination
24 shall be eighty-three dollars (\$83) and may be increased to not
25 more than ninety-five dollars (\$95).

26 (j) The application fee for a hazardous substance removal or
27 remedial action certification examination shall be eighty-three
28 dollars (\$83) and may be increased to not more than ninety-five
29 dollars (\$95).

30 (k) In addition to any other fees charged to C-10 contractors,
31 the board shall charge a fee of twenty dollars (\$20), to be assessed
32 with the renewal fee for an active license, which shall be used by
33 the board to enforce provisions of the Labor Code related to
34 electrician certification.

35 (l) The service fee to deposit with the registrar lawful money
36 or cashier's check pursuant to paragraph (1) of subdivision (a) of
37 Section 995.710 of the Code of Civil Procedure for purposes of
38 compliance with any provision of Article 5 (commencing with
39 Section 7065) shall be one hundred dollars (\$100), which shall be
40 used by the board only to process each deposit filed with the

1 registrar, to cover the reasonable costs to the registrar for holding
2 money or cashier's checks in trust in interest bearing deposit or
3 share accounts, and to offset the costs of processing payment of
4 lawful claims against a deposit in a civil action.

5 (m) The board shall, by regulation, establish criteria for the
6 approval of expedited processing of applications. Approved
7 expedited processing of applications for licensure or registration,
8 as required by other provisions of law, shall not be subject to this
9 subdivision.

10 ~~SEC. 40.~~

11 *SEC. 55.* Section 7137.5 of the Business and Professions Code
12 is amended to read:

13 7137.5. The sum of ten thousand dollars (\$10,000) shall be
14 transferred from the Contractors License Fund to the Controller
15 for the exclusive use of the California Uniform Construction Cost
16 Accounting Commission.

17 The commission shall prepare a recommendation to the
18 Legislature for a local public agency source to fund the commission
19 beginning July 1, 1991, which will provide revenue supported by
20 the contract activities represented by the commission's authority.

21 Upon adoption of this funding program, the commission shall
22 reimburse the Contractors License Fund in the amount of ten
23 thousand dollars (\$10,000).

24 ~~SEC. 41.~~

25 *SEC. 56.* Section 7138 of the Business and Professions Code
26 is amended to read:

27 7138. Notwithstanding any other provision of law, a fee paid
28 in connection with a service or application covered by Section
29 7137 shall accrue to the Contractors License Fund as an earned
30 fee and shall not be refunded.

31 ~~SEC. 42.~~

32 *SEC. 57.* Section 7139.1 of the Business and Professions Code
33 is amended to read:

34 7139.1. The Legislature hereby finds and declares all of the
35 following:

36 (a) There is a demand and increasing need for construction
37 management education programs and resources within the
38 postsecondary education system that prepare graduates for the
39 management of construction operations and companies regulated

1 by the Contractors State License Law and enforced by the
2 Contractors State License Board.

3 (b) Although construction management programs do exist within
4 the state university system, these programs are woefully
5 underfunded and insufficiently funded to provide training on
6 state-of-the-art management information systems for either
7 graduates or extension programs for continuing education of
8 licensed contractors. Construction industry associations have
9 provided some assistance through direct grants and scholarships,
10 but the industrywide service of these programs and the need for
11 additional assistance mandates broad based industrywide support.

12 (c) It is the intent of the Legislature that by enabling contractors
13 to designate a portion of their licensure fee and providing a format
14 for contractors to contribute funds to construction management
15 education, this article will receive broad based industry support.
16 In addition, this article allows the contractor to demonstrate the
17 importance of construction management education. This assistance
18 will enable greater development of construction management
19 curricula and will improve the overall quality of construction by
20 providing construction management training to California licensed
21 contractors and their current and future management personnel.

22 ~~SEC. 43.~~

23 *SEC. 58.* Section 7139.2 of the Business and Professions Code
24 is amended to read:

25 7139.2. (a) There is hereby created the Construction
26 Management Education Account (CMEA) as a separate account
27 in the Contractors License Fund for the purposes of construction
28 management education. Funds in the account shall be available
29 for the purposes of this article upon appropriation by the
30 Legislature.

31 (b) The Contractors State License Board shall allow a contractor
32 to make a contribution to the Construction Management Education
33 Account at the time of the contractor license fee payment. The
34 license fee form shall clearly display this alternative on its face
35 and shall clearly inform the licensee that this provision is a
36 contribution to the Construction Management Education Account
37 and is in addition to the fees.

38 (c) The board may accept grants from federal, state, or local
39 public agencies, or from private foundations or individuals, in
40 order to assist it in carrying out its duties, functions, and powers

1 under this article. Grant moneys shall be deposited into the
2 Construction Management Education Account.

3 ~~SEC. 44.~~

4 *SEC. 59.* Section 7145.5 of the Business and Professions Code
5 is amended to read:

6 7145.5. (a) The registrar may refuse to issue, reinstate,
7 reactivate, or renew a license or may suspend a license for the
8 failure of a licensee to resolve all outstanding final liabilities, which
9 include taxes, additions to tax, penalties, interest, and any fees that
10 may be assessed by the board, the Department of Industrial
11 Relations, the Employment Development Department, the
12 Franchise Tax Board, or the State Board of Equalization.

13 (1) Until the debts covered by this section are satisfied, the
14 qualifying person and any other personnel of record named on a
15 license that has been suspended under this section shall be
16 prohibited from serving in any capacity that is subject to licensure
17 under this chapter, but shall be permitted to act in the capacity of
18 a nonsupervising bona fide employee.

19 (2) The license of any other renewable licensed entity with any
20 of the same personnel of record that have been assessed an
21 outstanding liability covered by this section shall be suspended
22 until the debt has been satisfied or until the same personnel of
23 record disassociate themselves from the renewable licensed entity.

24 (b) The refusal to issue a license or the suspension of a license
25 as provided by this section shall be applicable only if the registrar
26 has mailed a notice preliminary to the refusal or suspension that
27 indicates that the license will be refused or suspended by a date
28 certain. This preliminary notice shall be mailed to the licensee at
29 least 60 days before the date certain.

30 (c) In the case of outstanding final liabilities assessed by the
31 Franchise Tax Board, this section shall be operative within 60 days
32 after the Contractors State License Board has provided the
33 Franchise Tax Board with the information required under Section
34 30, relating to licensing information that includes the federal
35 employer identification number, individual taxpayer identification
36 number, or social security number.

37 (d) All versions of the application for a contractor's license shall
38 include, as part of the application, an authorization by the applicant,
39 in the form and manner mutually agreeable to the Franchise Tax
40 Board and the board, for the Franchise Tax Board to disclose the

1 tax information that is required for the registrar to administer this
2 section. The Franchise Tax Board may from time to time audit
3 these authorizations.

4 (e) In the case of outstanding final liabilities assessed by the
5 State Board of Equalization, this section shall not apply to any
6 outstanding final liability if the licensee has entered into an
7 installment payment agreement for that liability with the State
8 Board of Equalization and is in compliance with the terms of that
9 agreement.

10 ~~SEC. 45.~~

11 *SEC. 60.* Section 7159 of the Business and Professions Code
12 is amended to read:

13 7159. (a) (1) This section identifies the projects for which a
14 home improvement contract is required, outlines the contract
15 requirements, and lists the items that shall be included in the
16 contract, or may be provided as an attachment.

17 (2) This section does not apply to service and repair contracts
18 that are subject to Section 7159.10, if the contract for the applicable
19 services complies with Sections 7159.10 to 7159.14, inclusive.

20 (3) This section does not apply to the sale, installation, and
21 servicing of a fire alarm sold in conjunction with an alarm system,
22 as defined in Section 7590.1, if all costs attributable to making the
23 fire alarm system operable, including sale and installation costs,
24 do not exceed five hundred dollars (\$500), and the licensee
25 complies with the requirements set forth in Section 7159.9.

26 (4) This section does not apply to any costs associated with
27 monitoring a burglar or fire alarm system.

28 (5) Failure by the licensee, their agent or salesperson, or by a
29 person subject to be licensed under this chapter, to provide the
30 specified information, notices, and disclosures in the contract, or
31 to otherwise fail to comply with any provision of this section, is
32 cause for discipline.

33 (b) For purposes of this section, “home improvement contract”
34 means an agreement, whether oral or written, or contained in one
35 or more documents, between a contractor and an owner or between
36 a contractor and a tenant, regardless of the number of residence
37 or dwelling units contained in the building in which the tenant
38 resides, if the work is to be performed in, to, or upon the residence
39 or dwelling unit of the tenant, for the performance of a home
40 improvement, as defined in Section 7151, and includes all labor,

1 services, and materials to be furnished and performed thereunder,
2 if the aggregate contract price specified in one or more
3 improvement contracts, including all labor, services, and materials
4 to be furnished by the contractor, exceeds five hundred dollars
5 (\$500). “Home improvement contract” also means an agreement,
6 whether oral or written, or contained in one or more documents,
7 between a salesperson, whether or not they are a home
8 improvement salesperson, and an owner or a tenant, regardless of
9 the number of residence or dwelling units contained in the building
10 in which the tenant resides, which provides for the sale, installation,
11 or furnishing of home improvement goods or services.

12 (c) In addition to the specific requirements listed under this
13 section, every home improvement contract and any person subject
14 to licensure under this chapter or their agent or salesperson shall
15 comply with all of the following:

16 (1) The writing shall be legible.

17 (2) Any printed form shall be readable. Unless a larger typeface
18 is specified in this article, text in any printed form shall be in at
19 least 10-point typeface and the headings shall be in at least 10-point
20 boldface type.

21 (3) (A) Before any work is started, the contractor shall give the
22 buyer a copy of the contract signed and dated by both the contractor
23 and the buyer. The buyer’s receipt of the copy of the contract
24 initiates the buyer’s rights to cancel the contract pursuant to
25 Sections 1689.5 to 1689.14, inclusive, of the Civil Code.

26 (B) The contract shall contain on the first page, in a typeface
27 no smaller than that generally used in the body of the document,
28 both of the following:

29 (i) The date the buyer signed the contract.

30 (ii) The name and address of the contractor to which the
31 applicable “Notice of Cancellation” is to be mailed, immediately
32 preceded by a statement advising the buyer that the “Notice of
33 Cancellation” may be sent to the contractor at the address noted
34 on the contract.

35 (4) The contract shall include a statement that, upon satisfactory
36 payment being made for any portion of the work performed, the
37 contractor, prior to any further payment being made, shall furnish
38 to the person contracting for the home improvement or swimming
39 pool work a full and unconditional release from any potential lien
40 claimant claim or mechanics lien authorized pursuant to Sections

1 8400 and 8404 of the Civil Code for that portion of the work for
2 which payment has been made.

3 (5) A change-order form for changes or extra work shall be
4 incorporated into the contract and shall become part of the contract
5 only if it is in writing and signed by the parties prior to the
6 commencement of any work covered by a change order.

7 (6) The contract shall contain, in close proximity to the
8 signatures of the owner and contractor, a notice stating that the
9 owner or tenant has the right to require the contractor to have a
10 performance and payment bond.

11 (7) If the contract provides for a contractor to furnish joint
12 control, the contractor shall not have any financial or other interest
13 in the joint control.

14 (8) The provisions of this section are not exclusive and do not
15 relieve the contractor from compliance with any other applicable
16 provision of law.

17 (d) A home improvement contract and any changes to the
18 contract shall be in writing and signed by the parties to the contract
19 prior to the commencement of work covered by the contract or an
20 applicable change order and, except as provided in paragraph (8)
21 of subdivision (a) of Section 7159.5, shall include or comply with
22 all of the following:

23 (1) The name, business address, and license number of the
24 contractor.

25 (2) If applicable, the name and registration number of the home
26 improvement salesperson that solicited or negotiated the contract.

27 (3) The following heading on the contract form that identifies
28 the type of contract in at least 10-point boldface type: "Home
29 Improvement."

30 (4) The following statement in at least 12-point boldface type:
31 "You are entitled to a completely filled in copy of this agreement,
32 signed by both you and the contractor, before any work may be
33 started."

34 (5) The heading: "Contract Price," followed by the amount of
35 the contract in dollars and cents.

36 (6) If a finance charge will be charged, the heading: "Finance
37 Charge," followed by the amount in dollars and cents. The finance
38 charge is to be set out separately from the contract amount.

39 (7) The heading: "Description of the Project and Description
40 of the Significant Materials to be Used and Equipment to be

1 Installed,” followed by a description of the project and a description
2 of the significant materials to be used and equipment to be installed.
3 For swimming pools, the project description required under this
4 paragraph also shall include a plan and scale drawing showing the
5 shape, size, dimensions, and the construction and equipment
6 specifications.

7 (8) If a downpayment will be charged, the details of the
8 downpayment shall be expressed in substantially the following
9 form, and shall include the text of the notice as specified in
10 subparagraph (C):

11 (A) The heading: “Downpayment.”

12 (B) A space where the actual downpayment appears.

13 (C) The following statement in at least 12-point boldface type:

14
15 “THE DOWNPAYMENT MAY NOT EXCEED \$1,000 OR 10
16 PERCENT OF THE CONTRACT PRICE, WHICHEVER IS
17 LESS.”
18

19 (9) If payments, other than the downpayment, are to be made
20 before the project is completed, the details of these payments,
21 known as progress payments, shall be expressed in substantially
22 the following form, and shall include the text of the statement as
23 specified in subparagraph (C):

24 (A) A schedule of progress payments shall be preceded by the
25 heading: “Schedule of Progress Payments.”

26 (B) Each progress payment shall be stated in dollars and cents
27 and specifically reference the amount of work or services to be
28 performed and materials and equipment to be supplied.

29 (C) The section of the contract reserved for the progress
30 payments shall include the following statement in at least 12-point
31 boldface type:

32
33 “The schedule of progress payments must specifically describe
34 each phase of work, including the type and amount of work or
35 services scheduled to be supplied in each phase, along with the
36 amount of each proposed progress payment. IT IS AGAINST THE
37 LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR
38 WORK NOT YET COMPLETED, OR FOR MATERIALS NOT
39 YET DELIVERED. HOWEVER, A CONTRACTOR MAY
40 REQUIRE A DOWNPAYMENT.”

1
2 (10) The contract shall address the commencement of work to
3 be performed in substantially the following form:

4 (A) A statement that describes what constitutes substantial
5 commencement of work under the contract.

6 (B) The heading: "Approximate Start Date."

7 (C) The approximate date on which work will be commenced.

8 (11) The estimated completion date of the work shall be
9 referenced in the contract in substantially the following form:

10 (A) The heading: "Approximate Completion Date."

11 (B) The approximate date of completion.

12 (12) If applicable, the heading: "List of Documents to be
13 Incorporated into the Contract," followed by the list of documents
14 incorporated into the contract.

15 (13) The heading: "Note About Extra Work and Change Orders,"
16 followed by the following statement:

17
18 "Extra Work and Change Orders become part of the contract
19 once the order is prepared in writing and signed by the parties prior
20 to the commencement of work covered by the new change order.
21 The order must describe the scope of the extra work or change,
22 the cost to be added or subtracted from the contract, and the effect
23 the order will have on the schedule of progress payments."
24

25 (e) Except as provided in paragraph (8) of subdivision (a) of
26 Section 7159.5, all of the following notices shall be provided to
27 the owner as part of the contract form as specified or, if otherwise
28 authorized under this subdivision, may be provided as an
29 attachment to the contract:

30 (1) A notice concerning commercial general liability insurance.
31 This notice may be provided as an attachment to the contract if
32 the contract includes the following statement: "A notice concerning
33 commercial general liability insurance is attached to this contract."
34 The notice shall include the heading "Commercial General Liability
35 Insurance (CGL)," followed by whichever of the following
36 statements is both relevant and correct:

37 (A) "(The name on the license or 'This contractor') does not
38 carry commercial general liability insurance."

39 (B) "(The name on the license or 'This contractor') carries
40 commercial general liability insurance written by (the insurance

1 company). You may call (the insurance company) at _____
2 to check the contractor's insurance coverage."

3 (C) "(The name on the license or 'This contractor') is
4 self-insured."

5 (D) "(The name on the license or 'This contractor') is a limited
6 liability company that carries liability insurance or maintains other
7 security as required by law. You may call (the insurance company
8 or trust company or bank) at _____ to check on the contractor's
9 insurance coverage or security."

10 (2) A notice concerning workers' compensation insurance. This
11 notice may be provided as an attachment to the contract if the
12 contract includes the statement: "A notice concerning workers'
13 compensation insurance is attached to this contract." The notice
14 shall include the heading "Workers' Compensation Insurance"
15 followed by whichever of the following statements is correct:

16 (A) "(The name on the license or 'This contractor') has no
17 employees and is exempt from workers' compensation
18 requirements."

19 (B) "(The name on the license or 'This contractor') carries
20 workers' compensation insurance for all employees."

21 (3) A notice that provides the buyer with the following
22 information about the performance of extra or change-order work:

23 (A) A statement that the buyer may not require a contractor to
24 perform extra or change-order work without providing written
25 authorization prior to the commencement of work covered by the
26 new change order.

27 (B) A statement informing the buyer that extra work or a change
28 order is not enforceable against a buyer unless the change order
29 also identifies all of the following in writing prior to the
30 commencement of work covered by the new change order:

31 (i) The scope of work encompassed by the order.

32 (ii) The amount to be added or subtracted from the contract.

33 (iii) The effect the order will make in the progress payments or
34 the completion date.

35 (C) A statement informing the buyer that the contractor's failure
36 to comply with the requirements of this paragraph does not
37 preclude the recovery of compensation for work performed based
38 upon legal or equitable remedies designed to prevent unjust
39 enrichment.

(4) A notice with the heading “Mechanics Lien Warning” written as follows:

“MECHANICS LIEN WARNING:

Anyone who helps improve your property, but who is not paid, may record what is called a mechanics lien on your property. A mechanics lien is a claim, like a mortgage or home equity loan, made against your property and recorded with the county recorder.

Even if you pay your contractor in full, unpaid subcontractors, suppliers, and laborers who helped to improve your property may record mechanics liens and sue you in court to foreclose the lien. If a court finds the lien is valid, you could be forced to pay twice or have a court officer sell your home to pay the lien. Liens can also affect your credit.

To preserve their right to record a lien, each subcontractor and material supplier must provide you with a document called a ‘Preliminary Notice.’ This notice is not a lien. The purpose of the notice is to let you know that the person who sends you the notice has the right to record a lien on your property if they are not paid.

BE CAREFUL. The Preliminary Notice can be sent up to 20 days after the subcontractor starts work or the supplier provides material. This can be a big problem if you pay your contractor before you have received the Preliminary Notices.

You will not get Preliminary Notices from your prime contractor or from laborers who work on your project. The law assumes that you already know they are improving your property.

PROTECT YOURSELF FROM LIENS. You can protect yourself from liens by getting a list from your contractor of all the subcontractors and material suppliers that work on your project. Find out from your contractor when these subcontractors started work and when these suppliers delivered goods or materials. Then wait 20 days, paying attention to the Preliminary Notices you receive.

PAY WITH JOINT CHECKS. One way to protect yourself is to pay with a joint check. When your contractor tells you it is time to pay for the work of a subcontractor or supplier who has provided you with a Preliminary Notice, write a joint check payable to both the contractor and the subcontractor or material supplier.

1 For other ways to prevent liens, visit CSLB’s internet website
2 at www.cslb.ca.gov or call CSLB at 800-321-CSLB (2752).

3 REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING
4 A LIEN PLACED ON YOUR HOME. This can mean that you
5 may have to pay twice, or face the forced sale of your home to pay
6 what you owe.”
7

8 (5) The following notice shall be provided in at least 12-point
9 typeface:
10

11 “Information about the Contractors State License Board (CSLB):
12 CSLB is the state consumer protection agency that licenses and
13 regulates construction contractors.

14 Contact CSLB for information about the licensed contractor you
15 are considering, including information about disclosable
16 complaints, disciplinary actions, and civil judgments that are
17 reported to CSLB.

18 Use only licensed contractors. If you file a complaint against a
19 licensed contractor within the legal deadline (usually four years),
20 CSLB has authority to investigate the complaint. If you use an
21 unlicensed contractor, CSLB may not be able to help you resolve
22 your complaint. Your only remedy may be in civil court, and you
23 may be liable for damages arising out of any injuries to the
24 unlicensed contractor or the unlicensed contractor’s employees.

25 For more information:

26 Visit CSLB’s internet website at www.cslb.ca.gov

27 Call CSLB at 800-321-CSLB (2752)

28 Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”
29

30 (6) (A) The notice set forth in subparagraph (B) and entitled
31 “Three-Day Right to Cancel,” shall be provided to the buyer unless
32 the contract is:

33 (i) Negotiated at the contractor’s place of business.

34 (ii) Subject to the “Seven-Day Right to Cancel,” as set forth in
35 paragraph (7).

36 (iii) Subject to licensure under the Alarm Company Act (Chapter
37 11.6 (commencing with Section 7590)), provided the alarm
38 company licensee complies with Sections 1689.5, 1689.6, and
39 1689.7 of the Civil Code, as applicable.
40

1 (B) “Three-Day Right to Cancel

2 You, the buyer, have the right to cancel this contract within three
3 business days. You may cancel by emailing, mailing, faxing, or
4 delivering a written notice to the contractor at the contractor’s
5 place of business by midnight of the third business day after you
6 received a signed and dated copy of the contract that includes this
7 notice. Include your name, your address, and the date you received
8 the signed copy of the contract and this notice.

9 If you cancel, the contractor must return to you anything you
10 paid within 10 days of receiving the notice of cancellation. For
11 your part, you must make available to the contractor at your
12 residence, in substantially as good condition as you received them,
13 goods delivered to you under this contract or sale. Or, you may,
14 if you wish, comply with the contractor’s instructions on how to
15 return the goods at the contractor’s expense and risk. If you do
16 make the goods available to the contractor and the contractor does
17 not pick them up within 20 days of the date of your notice of
18 cancellation, you may keep them without any further obligation.
19 If you fail to make the goods available to the contractor, or if you
20 agree to return the goods to the contractor and fail to do so, then
21 you remain liable for performance of all obligations under the
22 contract.”

23
24 (C) The “Three-Day Right to Cancel” notice required by this
25 paragraph shall comply with all of the following:

26 (i) The text of the notice is at least 12-point boldface type.

27 (ii) The notice is in immediate proximity to a space reserved
28 for the owner’s signature.

29 (iii) The owner acknowledges receipt of the notice by signing
30 and dating the notice form in the signature space.

31 (iv) The notice is written in the same language, e.g., Spanish,
32 as that principally used in any oral sales presentation.

33 (v) The notice may be attached to the contract if the contract
34 includes, in at least 12-point boldface type, a checkbox with the
35 following statement: “The law requires that the contractor give
36 you a notice explaining your right to cancel. Initial the checkbox
37 if the contractor has given you a ‘Notice of the Three-Day Right
38 to Cancel.’”

39 (vi) The notice shall be accompanied by a completed form in
40 duplicate, captioned “Notice of Cancellation,” which also shall be

1 attached to the agreement or offer to purchase and be easily
2 detachable, and which shall contain the following statement written
3 in the same language, e.g., Spanish, as used in the contract:

4
5 “Notice of Cancellation”

6 /enter date of transaction/
7 _____

8 (Date)
9

10 “You may cancel this transaction, without any penalty or
11 obligation, within three business days from the above date.

12 If you cancel, any property traded in, any payments made by
13 you under the contract or sale, and any negotiable instrument
14 executed by you will be returned within 10 days following receipt
15 by the seller of your cancellation notice, and any security interest
16 arising out of the transaction will be canceled.

17 If you cancel, you must make available to the seller at your
18 residence, in substantially as good condition as when received,
19 any goods delivered to you under this contract or sale, or you may,
20 if you wish, comply with the instructions of the seller regarding
21 the return shipment of the goods at the seller’s expense and risk.

22 If you do make the goods available to the seller and the seller
23 does not pick them up within 20 days of the date of your notice of
24 cancellation, you may retain or dispose of the goods without any
25 further obligation. If you fail to make the goods available to the
26 seller, or if you agree to return the goods to the seller and fail to
27 do so, then you remain liable for performance of all obligations
28 under the contract.”
29

30 To cancel this transaction, mail or deliver a signed and dated copy of this
31 cancellation notice, or any other written notice, or send a telegram

32 to _____,

33 /name of seller/

34 at _____

35 /address of seller’s place of business/

36 not later than midnight of _____.

37 (Date)

38 I hereby cancel this transaction. _____

39 (Date)
40 _____

(Buyer's signature)

(7) (A) The following notice entitled "Seven-Day Right to Cancel" shall be provided to the buyer for any contract that is written for the repair or restoration of residential premises damaged by any sudden or catastrophic event for which a state of emergency has been declared by the President of the United States or the Governor, or for which a local emergency has been declared by the executive officer or governing body of any city, county, or city and county:

"Seven-Day Right to Cancel

You, the buyer, have the right to cancel this contract within seven business days. You may cancel by emailing, mailing, faxing, or delivering a written notice to the contractor at the contractor's place of business by midnight of the seventh business day after you received a signed and dated copy of the contract that includes this notice. Include your name, your address, and the date you received the signed copy of the contract and this notice.

If you cancel, the contractor must return to you anything you paid within 10 days of receiving the notice of cancellation. For your part, you must make available to the contractor at your residence, in substantially as good condition as you received them, goods delivered to you under this contract or sale. Or, you may, if you wish, comply with the contractor's instructions on how to return the goods at the contractor's expense and risk. If you do make the goods available to the contractor and the contractor does not pick them up within 20 days of the date of your notice of cancellation, you may keep them without any further obligation. If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then you remain liable for performance of all obligations under the contract."

(B) The "Seven-Day Right to Cancel" notice required by this subdivision shall comply with all of the following:

- (i) The text of the notice is at least 12-point boldface type.
- (ii) The notice is in immediate proximity to a space reserved for the owner's signature.

(iii) The owner acknowledges receipt of the notice by signing and dating the notice form in the signature space.

(iv) The notice is written in the same language, e.g., Spanish, as that principally used in any oral sales presentation.

(v) The notice may be attached to the contract if the contract includes, in at least 12-point boldface type, a checkbox with the following statement: “The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Seven-Day Right to Cancel.’”

(vi) The notice shall be accompanied by a completed form in duplicate, captioned “Notice of Cancellation,” which shall also be attached to the agreement or offer to purchase and be easily detachable, and which shall contain the following statement written in the same language, e.g., Spanish, as used in the contract:

“Notice of Cancellation”

/enter date of transaction/

(Date)

“You may cancel this transaction, without any penalty or obligation, within seven business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.”

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram

to _____,

/name of seller/

at _____

/address of seller's place of business/

not later than midnight of _____.

(Date)

I hereby cancel this transaction. _____

(Date)

(Buyer's signature)

~~SEC. 46.~~

SEC. 61. Section 7170 of the Business and Professions Code is amended to read:

7170. (a) The Contractors State License Board shall receive and review complaints and consumer questions regarding solar energy systems companies and solar contractors. The board shall also receive complaints received from state agencies regarding solar energy systems companies and solar contractors.

(b) Beginning on July 1, 2019, the board annually shall compile a report documenting consumer complaints relating to solar contractors. The report shall be made available publicly on the board's and the Public Utilities Commission's internet websites. The report shall contain all of the following:

- (1) The number and types of complaints.
- (2) The ZIP Code where the consumer complaint originated.
- (3) The disposition of all complaints received against a solar contractor.

(c) For purposes of this section, "solar energy system" means a solar energy device to be installed on a residential building that has the primary purpose of providing for the collection and distribution of solar energy for the generation of electricity, that produces at least one kW, and not more than five MW, alternating current rated peak electricity, and that meets or exceeds the eligibility criteria established pursuant to Section 25782 of the Public Resources Code.

SEC. 62. Section 7303 of the Business and Professions Code is amended to read:

1 7303. (a) Notwithstanding Article 8 (commencing with Section
2 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
3 Government Code, there is in the Department of Consumer Affairs
4 the State Board of Barbering and Cosmetology in which the
5 administration of this chapter is vested.

6 (b) The board shall consist of nine members. Five members
7 shall be public members, and four members shall represent the
8 professions. The Governor shall appoint three of the public
9 members and the four professional members. The Senate
10 Committee on Rules and the Speaker of the Assembly shall each
11 appoint one public member. Members of the board shall be
12 appointed for a term of four years, except that of the members
13 appointed by the Governor, two of the public members and two
14 of the professions members shall be appointed for an initial term
15 of two years. No board member may serve longer than two
16 consecutive terms.

17 (c) The board may appoint an executive officer who is exempt
18 from civil service. The executive officer shall exercise the powers
19 and perform the duties delegated by the board and vested in the
20 executive officer by this chapter. The appointment of the executive
21 officer is subject to the approval of the director. In the event that
22 a newly authorized board replaces an existing or previous bureau,
23 the director may appoint an interim executive officer for the board
24 who shall serve temporarily until the new board appoints a
25 permanent executive officer.

26 (d) The executive officer shall provide examiners, inspectors,
27 and other personnel necessary to carry out the provisions of this
28 chapter.

29 (e) This section shall remain in effect only until January 1, 2021,
30 2022, and as of that date is repealed, unless a later enacted statute,
31 that is enacted before January 1, 2021, deletes or extends that date.
32 *repealed.* Notwithstanding any other law, the repeal of this section
33 renders the board subject to review by the appropriate policy
34 committees of the Legislature.

35 ~~SEC. 47.~~

36 *SEC. 63.* Section 8516 of the Business and Professions Code
37 is amended to read:

38 8516. (a) This section, and Section 8519, apply only to wood
39 destroying pests or organisms.

(b) A registered company or licensee shall not commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator employed by a registered company, except as provided in Section 8519.5. The address of each property inspected or upon which work is completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.

Every property inspected pursuant to this subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674.

Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8518 or this section is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars (\$2,500). The address of an inspection report prepared for use by an attorney for litigation purposes shall not be required to be reported to the board and shall not be assessed a filing fee.

A written inspection report conforming to this section and a form approved by the board shall be prepared and delivered to the person requesting the inspection and the property owner, or to the property owner's designated agent, within 10 business days from the start of the inspection, except that an inspection report prepared for use by an attorney for litigation purposes is not required to be reported to the board or the property owner. An inspection report may be a complete, limited, supplemental, or reinspection report, as defined by Section 1993 of Title 16 of the California Code of Regulations. The report shall be delivered before work is commenced on any property. The registered company shall retain for three years all inspection reports, field notes, and activity forms.

Reports shall be made available for inspection and reproduction to the executive officer of the board or their duly authorized representative during business hours. All inspection reports or copies thereof shall be submitted to the board upon demand within two business days. The following shall be set forth in the report:

(1) The start date of the inspection and the name of the licensed field representative or operator making the inspection.

1 (2) The name and address of the person or firm ordering the
2 report.

3 (3) The name and address of the property owner and any person
4 who is a party in interest.

5 (4) The address or location of the property.

6 (5) A general description of the building or premises inspected.

7 (6) A foundation diagram or sketch of the structure or structures
8 or portions of the structure or structures inspected, including the
9 approximate location of any infested or infected areas evident, and
10 the parts of the structure where conditions that would ordinarily
11 subject those parts to attack by wood destroying pests or organisms
12 exist. Reporting of the infested or infected wood members, or parts
13 of the structure identified, shall be listed in the inspection report
14 to clearly identify them, as is typical in standard construction
15 components, including, but not limited to, siding, studs, rafters,
16 floor joists, fascia, subfloor, sheathing, and trim boards.

17 (7) Information regarding the substructure, foundation walls
18 and footings, porches, patios and steps, air vents, abutments, attic
19 spaces, roof framing that includes the eaves, rafters, fascias,
20 exposed timbers, exposed sheathing, ceiling joists, and attic walls,
21 or other parts subject to attack by wood destroying pests or
22 organisms. Conditions usually deemed likely to lead to infestation
23 or infection, such as earth-wood contacts, excessive cellulose
24 debris, faulty grade levels, excessive moisture conditions, evidence
25 of roof leaks, and insufficient ventilation are to be reported.

26 (8) One of the following statements, as appropriate, printed in
27 bold type:

28 (A) The exterior surface of the roof was not inspected. If you
29 want the water tightness of the roof determined, you should contact
30 a roofing contractor who is licensed by the Contractors State
31 License Board.

32 (B) The exterior surface of the roof was inspected to determine
33 whether or not wood destroying pests or organisms are present.

34 (9) Indication or description of any areas that are inaccessible
35 or not inspected with recommendation for further inspection if
36 practicable. If, after the report has been made in compliance with
37 this section, authority is given later to open inaccessible areas, a
38 supplemental report on conditions in these areas shall be made.

39 (10) Recommendations for corrective measures.

1 (11) Information regarding the pesticide or pesticides to be used
2 for their control or prevention as set forth in subdivision (a) of
3 Section 8538.

4 (12) The inspection report shall clearly disclose that if requested
5 by the person ordering the original report, a reinspection of the
6 structure will be performed if an estimate or bid for making repairs
7 was given with the original inspection report, or thereafter.

8 An estimate or bid shall be given separately allocating the costs
9 to perform each and every recommendation for corrective measures
10 as specified in subdivision (c) with the original inspection report
11 if the person who ordered the original inspection report so requests,
12 and if the registered company is regularly in the business of
13 performing each corrective measure.

14 If no estimate or bid was given with the original inspection
15 report, or thereafter, then the registered company shall not be
16 required to perform a reinspection.

17 A reinspection shall be an inspection of those items previously
18 listed on an original report to determine if the recommendations
19 have been completed. Each reinspection shall be reported on an
20 original inspection report form and shall be labeled "Reinspection."
21 Each reinspection shall also identify the original report by date.

22 After four months from an original inspection, all inspections
23 shall be original inspections and not reinspections.

24 Any reinspection shall be performed for not more than the price
25 of the registered company's original inspection price and shall be
26 completed within 10 business days after a reinspection has been
27 ordered.

28 (13) The inspection report shall contain the following statement,
29 printed in boldface type:
30

31 "NOTICE: Reports on this structure prepared by various
32 registered companies should list the same findings (i.e. termite
33 infestations, termite damage, fungus damage, etc.). However,
34 recommendations to correct these findings may vary from company
35 to company. You have a right to seek a second opinion from
36 another company."
37

38 (c) At the time a report is ordered, the registered company or
39 licensee shall inform the person or entity ordering the report, that
40 a separate report is available pursuant to this subdivision. If a

1 separate report is requested at the time the inspection report is
2 ordered, the registered company or licensee shall separately identify
3 on the report each recommendation for corrective measures as
4 follows:

5 (1) The infestation or infection that is evident.

6 (2) The conditions that are present that are deemed likely to
7 lead to infestation or infection.

8 If a registered company or licensee fails to inform as required
9 by this subdivision and a dispute arises, or if any other dispute
10 arises as to whether this subdivision has been complied with, a
11 separate report shall be provided within 24 hours of the request
12 but, in no event, later than the next business day, and at no
13 additional cost.

14 (d) When a corrective condition is identified, either as paragraph
15 (1) or (2) of subdivision (c), and the property owner or the property
16 owner's designated agent chooses not to correct those conditions,
17 the registered company or licensee shall not be liable for damages
18 resulting from a failure to correct those conditions or subject to
19 any disciplinary action by the board. Nothing in this subdivision,
20 however, shall relieve a registered company or a licensee of any
21 liability resulting from negligence, fraud, dishonest dealing, other
22 violations pursuant to this chapter, or contractual obligations
23 between the registered company or licensee and the responsible
24 parties.

25 (e) The inspection report form prescribed by the board shall
26 separately identify the infestation or infection that is evident and
27 the conditions that are present that are deemed likely to lead to
28 infestation or infection. If a separate form is requested, the form
29 shall explain the infestation or infection that is evident and the
30 conditions that are present that are deemed likely to lead to
31 infestation or infection and the difference between those conditions.
32 In no event, however, shall conditions deemed likely to lead to
33 infestation or infection be characterized as actual "defects" or as
34 actual "active" infestations or infections or in need of correction
35 as a precondition to issuing a certification pursuant to Section
36 8519.

37 (f) The report and any contract entered into shall also state
38 specifically when any guarantee for the work is made, and if so,
39 the specific terms of the guarantee and the period of time for which
40 the guarantee shall be in effect. If a guarantee extends beyond three

1 years, the registered company shall maintain all original inspection
2 reports, field notes, activity forms, and notices of completion for
3 the duration of the guarantee period and for one year after the
4 guarantee expires.

5 (g) For purposes of this section, “control service agreement”
6 means an agreement, including extended warranties, to have a
7 licensee conduct over a period of time regular inspections and
8 other activities related to the control or eradication of wood
9 destroying pests and organisms. Under a control service agreement
10 a registered company shall refer to the original report and contract
11 in a manner as to identify them clearly, and the report shall be
12 assumed to be a true report of conditions as originally issued,
13 except it may be modified after a control service inspection. A
14 registered company is not required to issue a report as outlined in
15 paragraphs (1) to (11), inclusive, of subdivision (b) after each
16 control service inspection. If after control service inspection, no
17 modification of the original report is made in writing, then it will
18 be assumed that conditions are as originally reported. A control
19 service contract shall state specifically the particular wood
20 destroying pests or organisms and the portions of the buildings or
21 structures covered by the contract.

22 (h) A registered company or licensee may enter into and
23 maintain a control service agreement provided the following
24 requirements are met:

25 (1) The control service agreement shall be in writing, signed by
26 both parties, and shall specifically include the following:

27 (A) The wood destroying pests and organisms covered by the
28 control service agreement.

29 (B) Any wood destroying pest or organism that is not covered
30 must be specifically listed.

31 (C) The type and manner of treatment to be used to correct the
32 infestations or infections.

33 (D) The structures or buildings, or portions thereof, covered by
34 the agreement, including a statement specifying whether the
35 coverage for purposes of periodic inspections is limited or full.
36 Any exclusions from those described in the original report must
37 be specifically listed.

38 (E) A reference to the original inspection report.

39 (F) The frequency of the inspections to be provided, the fee to
40 be charged for each renewal, and the duration of the agreement.

1 (G) Whether the fee includes structural repairs.

2 (H) If the services provided are guaranteed, and, if so, the terms
3 of the guarantee.

4 (I) A statement that all corrections of infestations or infections
5 covered by the control service agreement shall be completed within
6 six months of discovery, unless otherwise agreed to in writing by
7 both parties.

8 (2) The original inspection report, the control service agreement,
9 and completion report shall be maintained for three years after the
10 cancellation of the control service agreement.

11 (3) Inspections made pursuant to a control service agreement
12 shall be conducted by a Branch 3 licensee. Section 8506.1 does
13 not modify this provision.

14 (4) A full inspection of the property covered by the control
15 service agreement shall be conducted and a report filed pursuant
16 to subdivision (b) at least once every three years from the date that
17 the agreement was entered into, unless the consumer cancels the
18 contract within three years from the date the agreement was entered
19 into.

20 (5) Under a control service agreement, a written report shall be
21 required for the correction of any infestation or infection unless
22 all of the following conditions are met:

23 (A) The infestation or infection has been previously reported.

24 (B) The infestation or infection is covered by the control service
25 agreement.

26 (C) There is no additional charge for correcting the infestation
27 or infection.

28 (D) Correction of the infestation or infection takes place within
29 45 days of its discovery.

30 (E) Correction of the infestation or infection does not include
31 fumigation.

32 (6) All notice requirements pursuant to Section 8538 shall apply
33 to all pesticide treatments conducted under control service
34 agreements.

35 (i) All work recommended by a registered company, where an
36 estimate or bid for making repairs was given with the original
37 inspection report, or thereafter, shall be recorded on this report or
38 a separate work agreement and shall specify a price for each
39 recommendation. This information shall be provided to the person

1 requesting the inspection, and shall be retained by the registered
2 company with the inspection report copy for three years.

3 *SEC. 64. Section 10050 of the Business and Professions Code*
4 *is amended to read:*

5 10050. (a) (1) There is in the Business, Consumer Services,
6 and Housing Agency a Department of Real Estate, the chief officer
7 of which department is named the Real Estate Commissioner.

8 (2) Notwithstanding any other law, the powers and duties of the
9 department, as set forth in this part and Chapter 1 (commencing
10 with Section 11000) of Part 2, shall be subject to review by the
11 appropriate policy committees of the Legislature. The review shall
12 be performed as if this part and that chapter were scheduled to be
13 repealed as of January 1, ~~2021~~, 2022.

14 (b) It shall be the principal responsibility of the commissioner
15 to enforce all laws in this part and Chapter 1 (commencing with
16 Section 11000) of Part 2 in a manner that achieves the maximum
17 protection for the buyers of real property and those persons dealing
18 with real estate licensees.

19 (c) Wherever the term “commissioner” is used in this division,
20 it means the Real Estate Commissioner.

21 (d) This section shall become operative on July 1, 2018.

22 *SEC. 65. Section 11301 of the Business and Professions Code*
23 *is amended to read:*

24 11301. (a) (1) There is hereby created within the Department
25 of Consumer Affairs a Bureau of Real Estate Appraisers to
26 administer and enforce this part.

27 (2) Notwithstanding any other law, the powers and duties of the
28 bureau, as set forth in this part, shall be subject to review by the
29 appropriate policy committees of the Legislature. The review shall
30 be performed as if this part were scheduled to be repealed as of
31 January 1, ~~2021~~, 2022.

32 (b) Whenever the term “Office of Real Estate Appraisers”
33 appears in any other law, it means the “Bureau of Real Estate
34 Appraisers.”

35 ~~SEC. 48.~~

36 *SEC. 66. Section 16100 of the Business and Professions Code*
37 *is amended to read:*

38 16100. (a) The board of supervisors may in the exercise of its
39 police powers, and for the purpose of regulation, as herein
40 provided, and not otherwise, license any kind of business not

1 prohibited by law, transacted and carried on within the limits of
2 its jurisdiction, including all shows, exhibitions, and lawful games,
3 and may fix the rate of the license fee and provide for its collection
4 by suit or otherwise.

5 (b) No license fee levied pursuant to subdivision (a) that is
6 measured by the licensee's income or gross receipts, whether levied
7 by a charter or general law county, shall apply to any nonprofit
8 organization that is exempted from taxes by Chapter 4
9 (commencing with Section 23701) of Part 11 of Division 2 of the
10 Revenue and Taxation Code or Subchapter F (commencing with
11 Section 501) of Chapter 1 of Subtitle A of the Internal Revenue
12 Code of 1986, or the successor of either, or to any minister,
13 clergyman, Christian Science practitioner, rabbi, or priest of any
14 religious organization that has been granted an exemption from
15 federal income tax by the United States Commissioner of Internal
16 Revenue as an organization described in Section 501(c)(3) of the
17 Internal Revenue Code or a successor to that section.

18 (c) Before a county issues a business license to a person to
19 conduct business as a contractor, as defined by Section 7026, the
20 county shall verify that the person is licensed by the Contractors
21 State License Board.

22 ~~SEC. 49.~~

23 *SEC. 67.* Section 19164 of the Business and Professions Code
24 is amended to read:

25 19164. The bureau may, by regulation, establish insulation
26 material standards governing the quality of all insulation material
27 sold or installed within this state, including those properties that
28 affect the safety and thermal performance of insulation material
29 during application and in the use intended. The standards shall
30 specify the initial performance of the insulation material and the
31 performance expected during the design life of the insulation
32 material. Until the bureau has adopted these regulations, the
33 regulations of the State Energy Resources Conservation and
34 Development Commission in effect on the effective date of this
35 section relating to those standards shall remain in full force and
36 effect. However, wherever those regulations specify that the
37 commission shall perform an act, the bureau instead shall perform
38 the act.

39 Prior to establishing the standards and procedures required by
40 this chapter, the bureau shall conduct at least two public hearings,

1 and shall invite the State Energy Resources Conservation and
2 Development Commission, the State Fire Marshal, manufacturers,
3 distributors, and licensed installers of insulation materials, and
4 appropriate members of the public to participate in the hearings.
5 Immediately upon adoption of the standards and procedures, the
6 bureau shall provide a copy of the standards to the State Energy
7 Resources Conservation and Development Commission, and the
8 Contractors State License Board. Within 30 days after receipt of
9 the bureau's standards, the Contractors State License Board shall
10 notify all state licensed contractors who install insulation of the
11 standards.

12 Insulation standards adopted by the bureau, pursuant to this
13 section, and by the State Energy Resources Conservation and
14 Development Commission, pursuant to Section 25402 of the Public
15 Resources Code, which are building standards, as defined in
16 Section 25488.5 of the Public Resources Code, shall be submitted
17 to the California Building Standards Commission for approval
18 pursuant to, and are governed by, the California Building Standards
19 Law (Part 2.5 (commencing with Section 18901) of Division 13
20 of the Health and Safety Code). The building standards adopted
21 by the bureau and published in the California Building Standards
22 Code shall comply with, and be enforced as provided in, this
23 section.

24 *SEC. 68. Section 94950 of the Education Code is amended to*
25 *read:*

26 94950. This chapter shall remain in effect only until January
27 1, 2021, 2022, and as of that date is ~~repealed, unless a later enacted~~
28 ~~statute, that is enacted before January 1, 2021, deletes or extends~~
29 ~~that date.~~ *repealed.*

30 ~~SEC. 50.~~

31 *SEC. 69.* No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

O

AGENDA ITEM I: NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

1. Review of 2020 NCARB Annual Business Meeting Agenda
2. Discuss and Take Action on Letter of Credentials for Annual Business Meeting
3. Consider and Take Action on Candidates for 2020 NCARB Board of Directors

AGENDA ITEM I.1: REVIEW OF 2020 NCARB ANNUAL BUSINESS MEETING AGENDA

Summary

Due to the COVID-19 pandemic and its impact on travel and safety, the 2020 National Council of Architectural Registration Boards (NCARB) Annual Business Meeting (ABM) will be slightly different this year. The ABM will be a virtual one-day meeting on June 19, 2020 with a Mandatory Voting Delegate Procedures Meeting for the Board's delegate on June 15, 2020. The Order of Business (attached) has been streamlined compared to in-person ABMs. At the meeting, essential business will include reports from the Treasurer, Chief Executive Officer, President, and Chair of the Board; a financial and organizational overview; and elections for the fiscal year 2021 Board of Directors. There will also be an opportunity to ask NCARB's leadership questions during a town hall session. The resolutions will be shifted to a future in-person event or the next ABM. Region 6 will not be holding a meeting the day before the ABM as are other regions.

Action Requested

None

Attachment(s)

2020 NCARB Annual Business Meeting Agenda (Order of Business)

Order of Business

Monday, June 15, 2020

5 – 6 p.m. ET.....Mandatory Voting Delegate Procedures Meeting

Tuesday, June 16, 2020

9 a.m. ET NCARB Board of Directors Election Voting Opens

Wednesday, June 17, 2020

10 a.m. – 1 p.m. ET.....FY20 NCARB Board of Directors Meeting

2 – 5 p.m. ET.....Past Presidents Council

Thursday, June 18, 2020

9 a.m. ET.....Region 1

1 p.m. ETRegion 2

1 p.m. CT.....Region 3

5 p.m. CT.....Region 4

10 a.m. CTRegion 5

N/ARegion 6 will not hold a meeting.

5 p.m. ETNCARB Board of Directors Election Voting Closes

Friday, June 19, 2020

3 – 4:30 p.m. ET First Business Session

- Call to Order
- Welcoming Remarks & Introductions
- 2020 President's Medalists for Distinguished Service
- Report of the Treasurer
- Report of the Chief Executive Officer
- Town Hall

5:30 – 7 p.m. ET Second Business Session

- Welcome Back
- Report of the President/Chair of the Board
- Election Results
- Remarks of the First Vice President/President-elect
- 2020 Laudatories
- Invitation from the 2021 Annual Business Meeting Host Board

Saturday, June 20, 2020

11 a.m. – 2 p.m. ET FY21 NCARB Board of Directors Meeting

AGENDA ITEM I.2: DISCUSS AND TAKE ACTION ON LETTER OF CREDENTIALS FOR ANNUAL BUSINESS MEETING

Summary

Elections for FY21 National Council of Architectural Registration Boards (NCARB) Board of Directors will occur by electronic voting, rather than at an Annual Business Meeting (ABM) as provided in the NCARB *Bylaws*. Because of this, the election procedures that the *Bylaws* establish for an in-person meeting (e.g., nominations) will not apply. The “Letter of Credentials” must indicate the Board’s voting delegate (only one) and be signed on behalf of the Board by any duly authorized person (board officer or board executive). The letter is due to NCARB June 10, 2020.

Action Requested

Authorize President Tian Feng to serve as the Board’s official delegate for the 2020 NCARB Annual Business Meeting.

Attachment(s)

NCARB Letter of Credentials (Draft)

Please submit this form by **June 10, 2020** to:
Knox Tumlin, Credentials Committee Chair
credentials-committee@ncarb.org

To: Knox H. Tumlin, FCSI, CDT, AIA
FY20 NCARB Credentials Committee Chair

From: Laura Zuniga
BOARD CHAIR/EXECUTIVE
California Architects Board
BOARD NAME

Date: May 26, 2020

RE: Letter of Credentials

Dear Chairman Tumlin,

The California Architects Board *[BOARD NAME]* is pleased to submit the following names for official delegate and alternate official delegate for the 2020 virtual Annual Business Meeting. Both individuals are duly appointed members of the board.

Official Delegate: Tian Feng *[BOARD MEMBER FULL NAME]*

Position on Board: President

Term Expiration Date: June 30, 2021

Email: tfeng@bart.gov

Phone Number: 510-468-6297

The board acknowledges that the official delegate is authorized to cast a vote on its behalf prior to, and if necessary during, the virtual Annual Business Meeting. Furthermore, the board understands that in order to replace its official delegate and alternate, a new letter of credentials must be issued and returned to the Credentials Committee Chair prior to Thursday, June 18.

The undersigned has been duly authorized by the vote of the board to execute and deliver to NCARB this document on its behalf.

Signature

Laura Zuniga, Executive Officer

Type or Print Name & Title

AGENDA ITEM I.3: CONSIDER AND TAKE ACTION ON CANDIDATES FOR 2020 NCARB BOARD OF DIRECTORS

Summary


The 2020 elections for the National Council of Architectural Registration Boards (NCARB) Board of Directors for FY21 will be held during the NCARB Annual Business Meeting. Attached are the candidates' resumes.

Action Requested

Discuss and consider the candidates for the 2020 elections.

Attachment(s)

FY21 NCARB Board of Directors Candidate Resumes

The background of the slide is a solid blue color. Overlaid on this are several abstract, stylized lines in white and orange, which appear to be part of a larger graphic or map. These lines are accompanied by numerous small white dots, some of which are arranged in a grid-like pattern. The overall aesthetic is modern and technical.

FY21 NCARB Board of Directors Candidate Resumes

FY21 Board of Directors Candidates



Alfred Vidaurri Jr., FAIA, NCARB, AICP
First Vice President/President-elect



Bayliss Ward, NCARB, AIA
Second Vice President



Jon Alan Baker, FAIA, NCARB, LEED AP
Treasurer



Mary Morissette, FAIA, NCARB, LEED AP
Secretary

-OR-



Stephen D. Schreiber, FAIA, NCARB
Secretary

-OR-



Kenneth Van Tine, AIA, NCARB, LEED AP
Secretary



Janet L. Hansen, AIA, NCARB, LEED AP
Director, Region 1



Philip M. Leinbach, NCARB, AIA, CSI
Director, Region 2



Robert W. McKinney, Ed.D., AIA, NCARB
Director, Region 3

FY21 Board of Directors Candidates



John P. Rademacher, AIA, NCARB,
Director, Region 4



David W. Hornbeek, AIA, NCARB
Director, Region 5



Edward T. Marley, NCARB, AIA, LEED AP
Director, Region 6



Gary Ey, CDT
Public Director

-OR-



Mark A. Glenn
Public Director



Katherine E. Hillegas
Member Board Executive Director

FY21 BOD Candidate Resumes

First Vice President/President-elect



Innovative approaches
Practical results
Outstanding service

4055 International Plaza, Suite 200 + Fort Worth, Texas 76109 + 817-735-7300 + FAX 817-735-7491

www.freese.com

February 1, 2020

To Officers, Board Members, Member Board Executives
Re: Candidacy for First Vice President

Dear Friends,

Fifteen years ago, I attended my first NCARB meeting as a new board member with the Texas Board of Architectural Examiners. As many of you have done in the past, I responded to the call for volunteers and started my NCARB journey with a committee assignment. I would have never imagined this moment where I am declaring my candidacy for the position of First Vice President/President Elect! It has been one of the most amazing and meaningful journeys of my career. Over the years, I have witnessed a huge organizational change that has positioned NCARB as a “thought leader” among our peers. This is the direct result of the visionary leadership of those before us, the incredible NCARB staff, and all of your volunteer efforts. Together we have made a difference!

As we embark upon our Second Century of Service, I am excited about the future, our focus, and the opportunities that are ahead. It has been an honor to serve as your Second Vice President this past year. As your Second VP, I have had the opportunity to work alongside many of you, represent the Council to our collaterals, and engage in thoughtful considerations of the future as a member of the Futures Collaborative and Resiliency Work Group.

I look forward to the work ahead and supporting the initiatives and focus that President Calvani will lead us through. The organization has worked hard to ensure that there is a continuity of leadership focus at each transition, blended with the goals that each new leader brings to the position. As I have stated many times in the past, I am interested in, not only, increasing the value of the organization to its members, but I want us to continue to expand and explore those services. We have worked hard to create and maintain a portfolio of services, programs, and outreach that are critical to those we support. I look forward to challenging us to explore how the future will require us to rethink what we do today.

Attached, you will find my resume that reflects my years of experience with NCARB, the NAAB, the State Licensing Board, and my civic involvement. I ask for your support and advice as I pursue this important position. I look forward to connecting with you throughout the year, and please do not hesitate to contact me at any time.

A handwritten signature in blue ink, appearing to read 'Alfred Vidaurri, Jr.' with a stylized flourish at the end.

Alfred Vidaurri, Jr., NCARB FAIA, AICP
NCARB Second Vice President
AV@freese.com
817 735 7404



Education

M.A., Architecture,
University of Texas at
Arlington

B.S., Architecture,
University of Texas at
Arlington

Professional Training

Campus Master Planning,
Harvard University

Registrations

Registered Architect,
Texas, Oklahoma, North
Carolina,
Florida, Georgia
Registered Interior
Designer, Texas
National Council of
Architectural Registration
Board
LEED-Accredited
Professional BD+C
American Institute
of Certified Planners

Contact Information

4055 International Plaza,
Suite 200
Ft. Worth, TX 76109-4895
817-735-7300
817-735-7404 (direct)
AV@freese.com

Alfred Vidaurri, Jr., NCARB, FAIA, AICP

Alfred Vidaurri is an Owner/Vice President at Freese and Nichols, Inc., a 900- person firm headquartered in Texas. His experience is varied and includes work for higher education, government and healthcare clients in master planning, program management and architectural design. Most recently he has focused on corporate communications, marketing and corporate branding.

National Council of Architectural Registration Boards (NCARB)

NCARB Board of Directors Second Vice President (2019-Present)
NCARB Board of Directors Treasure (2018-2019)
NCARB Board of Directors Secretary (2017-2018)
NCARB Board of Directors Region 3 Director (2015-2017)
NCARB Board of Directors Audit Committee (2016-2018)
NCARB Board Liaison P&D Committee (2017-2018)
NCARB Futures Collaborative (2019-Present)
NCARB Board Liaison MBE Committee (2019-Present)
NCARB Board Liaison Futures Task Force (2017-2018)
NCARB Board of Directors Secretary (2017-2018)
NCARB Board Liaison Ethics Task Force (2016-2017)
NCARB Board Liaison Examination Committee (2015-2016)
NAAB/ACSA Path Forward Task Force (2015)
NCARB Regional Leadership Committee (2013-2015)
NCARB P&D Committee (2013-2014)
NCARB BEA Tri-National Representative to Mexico (2010, 2013)
NCARB ARF19 (2019)
NAAB ARC13 NCARB Representative (2013)
NCARB Education Committee (2011-2012)
NCARB Broadly Experienced Architect Committee Chairman (2011-2012)
NCARB Broadly Experienced Architect Committee (2007-2012)
NCARB Broadly Experienced Architect Task Force (2008)
NCARB Credentials Committee at Annual Meeting (2008)
NCARB ARE Structures Committee (2005-2006)

Southern Conference, Region 3, NCARB

NCARB Region 3 Regional Director (2015-Present)
NCARB Region 3 Chairman (2013-2015)
NCARB Region 3 Vice Chairman (2011-2013)
NCARB Region 3 Treasurer (2010-2011)
NCARB Region 3 Secretary (2009-2010)
Southern Conference Educators Conference (2007, 2011, 2014, 2016)

National Architectural Accrediting Board (NAAB)

Accreditation Teams:
2016 Massachusetts College of Art and Design, Boston, MA
2015 Portland State University, Portland, WA
2015 NCARB Rep to the NAAB/ACSA Path Forward Committee
2014 Southern Poly Technical University, Marietta, GA



Innovative approaches...practical results...outstanding service

Texas Board of Architectural Examiners

Texas Board of Architectural Examiners, Chairman (2009-2015)
Texas Board of Architectural Examiners, Vice Chairman (2008)
Texas Board of Architectural Examiners, Member (2004-2015)

Civic

Fort Worth AIA – Design Award - Past Chairman
City of Fort Worth (Fairmount Historical District) - Past Chairman
City of Fort Worth (Mid-Southside Revitalization Plan) - Former Member
City of Fort Worth (Fairmount Association) - Former Vice President
Texas Health Research Institute - Leadership Council
Former Member
United Way Tarrant County - Proposal Review Committee Past Member
University of Texas at Arlington - Distinguished Alumni Committee
University of Texas at Arlington - Judge, Student Excellence Program
University of Texas at Arlington Alumni Association - President
University of Texas at Arlington Alumni Association - Board of Director
University of Texas at Arlington Alumni Association (School of Architecture) - Past Vice President
University of Texas at Arlington (School of Architecture) - Advisory Committee
“Vision North Texas” Planning Workshop - Volunteer
Society for College and University Planning Annual Conference - Proposal Judge

Presentations

AIA National Conference on Architecture, “Professional Ethics” (2019)
Metrcon 18, 10-year Journey of a Sustainable Home (2018)
Texas Facilities Commission, Sustainability (2017)
Oklahoma Engineering Conference, Sustainability (2017)
University of Texas at Arlington, “Path to Licensure” (2016)
Dallas Young Architects Forum, Dallas, TX (2015)
Texas Architects Convention, New Architects Ceremony, Houston, TX (2014, 2015)
City of Houston Mentor-Protégé Presentation (2013)
Texas Architecture Convention, New Architects Ceremony, Fort Worth, TX (2013)
Dallas Institute of Art, Sustainability Presentation (2011)

Professional Organizations

American Institute of Architects
American Institute of Certified Planners
National Council of Architectural Registration Boards
U.S. Green Building Council
Texas Society of Architects
Fort Worth American Institute of Architects
Society of College and University Planners

Service Awards/Honors

American Institute of Architects - College of Fellows (2015)
NCARB Presidents Medal (2014)
American Society of Interior Designers, Design Ovation (2008)
United Way Award of Excellence

Second Vice President



February 6, 2020

NCARB Members

RE: Officer Candidacy for Second First President

Dear Fellow MBM's, MBE's and Public Members,

I am pleased to announce my candidacy for the office of Second Vice President for the NCARB Board of Directors, and I am asking for your continued support. This past year, I have had the privilege to be your Treasurer and have submerged myself into the financial aspects of the Council. After my initial exposure to the budget in last March, the Council was anticipating a planned deficit for FY20. However, after our meeting in Washington, we proposed several cost saving ideas and increased the estimated number of exams that would be taken by twenty percent. These ideas along with staff's reductions would help minimize the budget deficit. In our January Board of Directors meeting, it was announced that we are on track to surpass the number of exams currently budgeted to be taken by exam candidates this year. This additional revenue will allow the Council's financial position to remain very strong and we should not be experiencing the planned deficit, but rather show a profit due to the increased exams being taken and other line items that are currently under budget.

Recently, President Allers asked me to Chair the search committee for a new Investor Advisor company to help manage NCARB's short term and strategic funds. This process has already begun with soliciting RFP's from four pre-qualified firms. The committee has already reviewed these, made a short list recommendation and we are on track to interview the two firms while we are in Cambridge for the Region Summit. Final firm selection will take place in March with the investment management transition being completed by the end of June.

I have served on the Model Law Task Force (MLTF) for the entire 4 years of this task force. The committee has completed the majority of the work in modernizing these documents and is anticipating a resolution this June that will highlight this new Model Law and Model Regulation document. It has taken a tremendous amount of work from this 14-person committee and NCARB's staff. Hopefully, the Member Boards will vote in favor of this resolution at this year's Annual Business Meeting in Austin, Texas and jurisdictions will begin to implement this into their own model laws and regulations.

This is a very short list of the achievements that I have been involved with this year and I want to say what a privilege it has been to work with the staff at NCARB, as well as the very talented and diverse group of individuals that form the Board of Directors for NCARB.

So, once again I want to thank everyone for their support over the years and will appreciate your continued support as I seek the office of Second Vice President. I hope we can have some great discussions while we all are gathered in Cambridge or please feel free to contact me anytime at my office.

Regards,

A handwritten signature in black ink, appearing to read 'Bayliss Ward'.

Bayliss Ward, NCARB, AIA

person

place

lifestyle

sustainability



Bayliss Ward, NCARB, AIA

PO Box 1134 Bozeman, Montana 59771 • 406-586-5007 • bayliss@baylissarchitects.com



Principal Architect/Owner: Bayliss Architects, P.C., Since 1993

Education: Master of Architecture 2008, Montana State University, Bozeman, Montana
Bachelor of Architecture 1988, Montana State University, Bozeman, Montana

Registrations: Montana, Wyoming, Idaho, Nevada, Utah, Nebraska, North Dakota, Minnesota.

Bayliss Ward is the owner and principal architect of Bayliss Architects, located in Bozeman, Montana. He possesses a wide range of experience and a strong sense of creative design. He is a longstanding resident of the Bozeman area and has developed an excellent rapport with his peers and clients. His project experience includes large scale commercial/office projects, high density residential, master planning, medical facilities, classroom facilities, and large custom residential homes.

Montana State Board of Architects and Landscape Architects

President (2007-2019)
Vice President (2006-2007)
Architect Member (2005-2006, 2019-2020)

NCARB Central States Conference, Region 5

NCARB Board of Directors Region 5 Director (2016-2018)
NCARB Central States Conference Region 5 Regional Director (2015-2016)
NCARB Central States Conference Region 5 Chair (2012-2015)

National Council of Architectural Registration Boards (NCARB)

NCARB Board of Directors-Treasurer 2019-2020
NCARB Chairman for Investment Advisory Search Committee 2019-2020
NCARB Chairman for Audit Committee 2019-2020
NCARB Model Law Task Force Board of Directors Liaison (2016-2017, 2019-2020)
NCARB Board of Directors-Secretary 2018-2019
NCARB Model Law Task Force (2017-2019)
NCARB Continuing Education Subcommittee Board of Directors Liaison (2017-Present)
NCARB Education Committee Board of Directors Liaison (2017-Present)
NCARB Board of Directors Regional Director (2015-2017)
NCARB Integrated Path Evaluation Committee Board of Directors Liaison (2015-2016)
NCARB Licensure Task Force Board of Directors Liaison (2015-2016)
NCARB Procedures & Documents Committee (2014-2015)
NCARB Project Development and Documentation Group/ ARE 5.0 Case Study Task Force (2014-2015)
NCARB Future Title Task Force (2014-2015)
NCARB Test Specification Task Force (2013-2014)
NCARB Credentials Committee (2012-2013)
NCARB Governance Task Force/ Regional Leadership Committee (2012-2013)
NCARB ARE Graphics Grading Subcommittee (2012-2013)
NCARB Regional Leadership Committee (2012-2015)
NCARB Practice Analysis Task Force (2011-2012)
NCARB ARE Subcommittee: Graphics Group 1 (2008-2012)

Civic

Board of Appeals, Building Codes – City of Bozeman
Board of Appeals, Fire Codes – City of Bozeman

Professional Organizations

American Institute of Architects
National Council of Architectural Registration Boards

Service Awards and Honors

Historic Preservation Award for Excellence, Bozeman, Montana 1997
Historic Preservation Award for Excellence, Bozeman, Montana 1998
Historic Preservation Award for Excellence, Bozeman, Montana 2005

person

place

lifestyle

sustainability

Treasurer



January 28, 2020

NCARB Members
(via electronic distribution)

Re: NCARB Board Elections

Greetings,

I am pleased to announce my candidacy for the office of Treasurer of the Council, and I ask for your support. As the current Board Secretary and member of the Executive Committee, it has been my privilege to serve you in helping to guide the Council through several milestone events this year: Working together with NCARB leadership staff and fellow board members, we influenced the up-coming and soon to be approved procedures and conditions for NAAB Accreditation; we honored NCARB's 100th year of service during our Centennial celebration in June; we successfully launched NCARB's first independent business venture with the development of the new Lineup volunteer management software which has received high levels of interest in the marketplace; and we have updated many legacy policies including Model Law, Model Regulations, and Rules of Conduct. This has been a busy year and it doesn't appear to be letting up any time soon.

I believe my experience and credentials can continue to provide the Council with sound professional leadership as we address the many remaining issues facing our profession, our constituents and the regulatory environment in which our member boards must operate:

- Over 35 years of professional practice and firm ownership.
- NCARB certified since 1987 with licenses held in ten states.
- 13 years of service on the California Architects Board including four terms as board president.
- Active NCARB involvement since 2005 including committee participation and chair positions, NAAB accreditation team member, and Regional and National leadership.

As treasurer I will generally oversee the financial affairs of the Council and will chair the Audit Committee. As many of you know, 35 years in business is a great proving ground in financial management. As a firm owner overseeing a design practice grow and development from startup to very large, I have successfully navigated the many challenges that most of you understand so well. Through this experience I have developed a very practical approach to financial and business management that has proven to be very successful. I will continue to apply this experience in my service to you and the Council if elected Treasurer.

I humbly and respectfully request your vote when we meet in June and look forward to continuing my service. Attached is a brief summary of my experience. I look forward to seeing and talking with you during our upcoming meetings and invite you to reach out if you would like further information or if I can be of service.

Thank you,

A handwritten signature in black ink, appearing to read "JAB", enclosed within a circular scribble.

Jon Alan Baker, FAIA, NCARB, LEED AP

731 Ninth Avenue, Suite A
San Diego, CA 92101
619.795.2450
www.bn.designstudio.com



Jon Alan Baker, FAIA, NCARB, LEED AP

Education

School of Architecture, Cal Poly, Pomona

Professional Registrations

California Registered Architect #14513

Former Registrations: Arizona, Connecticut, Florida, Hawaii, Idaho, Nevada, New Mexico, Ohio, & Oregon

NCARB Certified

LEED Accredited Professional

Regulatory Appointments & Affiliations

California Architects Board, Member & Past President

- Board President

2005-2018

2007-2009 & 2015-2017

NCARB (National Council of Architectural Registration Boards)

- Awarded President's Medal
- NCARB Board of Directors

2016

- Regional Director
- Secretary

2010-2012 & 2018-2019

2019-2020

- NAAB Accreditation Team

2010-Present

- Education Committee

2018-Present

- Chair – Procedures and Documents

2017-2018

- Chair – ARE Case Study Task Force

2014-2016

- Regional Leadership Committee

2007-2009 & 2015-2017

- COE (Committee on Examination)

2009-2016

- Chair - Continuing Education Strategic Workgroup

2011-2012

- Chair, Experience Advisory Committee (Formerly IDP)

2011-2013

- Governance Policies Workgroup

2010-2011

- ARE Committees

2008-2016

WCARB (Western Conference of Architectural Registration boards)

- Regional Chair

2007-2009 & 2016-2018

- Region-6 Executive Committee

2007-2009 & 2016-2018

- Regional Director

2010-2012 & 2018-2019

Professional Affiliations

American Institute of Architects,

- College of Fellows Induction
- AIA California Council, Board of Directors
- San Diego Chapter, Board of Directors, Past President
- Chair, AIA/AGC Joint Commission

2009

1994-1996

1987-1995

2008-2011

Community Service

New School of Architecture & Design

- iPAL Advisory Committee

2015-Present

Downtown Community Planning Council, San Diego

- Elected Planning Advisory Position

2014-Present

Education Foundation - Poway Unified School District

- Board of Directors

2003-2012

Jr. Achievement of San Diego & Imperial Counties

- Board of Directors

2007-2011

Secretary

February 14, 2020

RE: Candidate for NCARB Board Secretary

Dear MBM's, MBE's and Public Members,

I enthusiastically announce my candidacy for NCARB Board Secretary. When I attended my first Annual Business Meeting 6 years ago, I was greeted with warmth and inclusion and immediately impressed with the organization. At that first meeting I knew I wanted to serve on the Board of Directors. A few points about my candidacy:

Framing the Future: If elected, I will use my communication and consensus building skills to help further the mission of NCARB's Member Boards. If Model Law is passed at the upcoming Annual Business Meeting, we have work to do towards achieving mobility and consistency between jurisdictions. With the advent of the Analysis of Practice (AOP) initiative, a variety of perspectives will be important to discussions about the future of practice. And, opportunities identified by the Futures Collaborative may propel the profession into uncharted territories. The future of our profession needs to be framed by experienced leaders who can strategize the best paths forward.

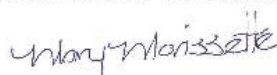
Diversity: In response to concerns that NCARB leadership does not reflect the profession, I want to touch on diversity. I believe the face and leadership of NCARB should reflect the growing diversity of the profession, and that diversity of experiences and perspectives are equally important and result in impactful contributions to the profession. Through my service to NCARB, the AIA at local, state, regional and national levels and my community, I have made significant contributions to the profession through leadership, advocacy and mentoring. A few notable advocacy accomplishments that relate to regulation include:

- * **Repealed Continuing Competency (2010):** In 2008, Colorado passed a Continuing Education Bill. However, DORA amended the bill to include an untested continuing competency requirement which was signed into law. This amendment proved detrimental to architects, and a potentially devastating precedent affecting licensed professionals nationwide. I successfully led efforts to repeal this requirement and include in our statutes a more reasonable requirement for demonstrating continued competency.
- * **Concurrent IDP and ARE (2010):** I successfully led efforts to work with DORA to allow Interns to take the Architectural Registration Exams concurrently with the Intern Development Program.

These accomplishments are examples of how advocacy is necessary for implementation of regulatory initiatives and reflect my commitment to implementation of reasonable regulation. As regulators we typically cannot function as advocates or lobbyist. I support and hope to strengthen NCARB's focus on positive relationships with not only AIA, but our allied professions to advocate for each other when the needs arise.

NCARB Service: My primary involvement has been on the Model Law Task Force. Appointed by President Kristine Harding in 2016, I am one of only a few members who have served on this task force for all four years. This experience has offered significant insights into regulation and updating the laws and regulations has been deeply meaningful work. This experience has also strengthened my resolve to support the profession through regulation. In addition to MLTF, I have participated on the ARE Committee and was appointed to represent NCARB on the NAAB visiting teams.

I am running for this position because of my commitment to licensing, regulation and NCARB's Member Boards. I want to continue making lasting contributions to our profession. **"Let's Go Further, Faster"** by embracing diversity through inclusion, experiences and perspectives. I look forward to serving as Board Secretary and working with the Member Boards, Member Board Executives and NCARB to frame our future. I respectfully ask for your support.



Mary Morisette, FAIA NCARB LEED AP





MARY MORISSETTE, FAIA NCARB LEED AP

mary@4-mdesign.com / 303-956-5612

Education and Licensure

Bachelor of Architecture; Virginia Polytechnic Institute and State University
Licensed Architect; Colorado, Virginia, Kansas and Montana
LEED Accredited Professional
OSHA 30 Certified

Summary Statement

Mary Morissette, FAIA NCARB LEED AP is a Principal with Hord Coplan Macht, responsible for the healthcare studio in the Denver, Colorado office. She has focused her career on institutional projects, primarily healthcare, higher education and judicial including both courthouses and detention facilities. The scope of her projects has exceeded two million square feet and construction costs of more than \$1.8 billion.

She has been responsible for the management of complex project teams and is skilled at managing multiple projects simultaneously. Ms. Morissette's successes lie in her communication and consensus building skills.

Volunteer Service

Since 1988, Mary Morissette, FAIA NCARB LEED AP has embraced volunteer positions within the architectural profession and her community. For over 30 years she has focused her service on **LEADERSHIP, ADVOCACY** and **MENTORSHIP**, instituting changes that have outlived her involvement. Following are key positions Mary has held since 2000.

2019-Present	Hilltop Cranmer Park Civic Association, Board of Directors
2018-Present	Cherry Creek North Business District Steering Committee, Vice Chair
2016-Present	NCARB Model Law Task Force, Member
2015	NCARB ARE 4.0 Item Writing Committee,
2015	NCARB ARE 5.0 Item Writing Committee
2014-Present	Colorado Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors, Chair 2018
2014-Present	AIA Colorado Fellows Nominating Committee & Fellowship Sponsor
2014	Elevated to a Fellow of the American Institute of Architects (FAIA)
2014	AIA National Honor Awards for Interior Architecture, Juror
2013 - 2014	Cherry Creek Retail District Re-zoning Technical Task Force
2012 - 2014	AIA Nevada Honor Awards Jury, Chair 2014
2011 - 2013	AIA National Convention, Host Chapter PR & Media Outreach, Committee Chair
2011 - 2012	AIA National Board Advocacy Committee
2010	AIA Western Mountain Region Strategic Planning Task Force
2010	AIA Colorado Board of Directors, President
2010	Advocated to Pass Legislation allowing Concurrent IDP and ARE in Colorado
2009 - 2011	Cherry Creek North Design Guidelines Development Committee, Co-chair



Volunteer Service (cont.)

2009 - 2011	Architectural Education Foundation, Board of Trustees
2009 - 2010	<i>ArchitectColorado</i> Editorial Board
2009	AIA Colorado Practice Management Symposium, Chair
2008	AIA Colorado Design Conference, Co-chair
2008	AIA Colorado Board of Directors, Treasurer
2007	AIA Colorado Board of Directors, Treasurer-elect
2006 - 2011	AIA Colorado Government Affairs Committee
2006	AIA Colorado Board of Directors, Secretary
2006-2007	UCDenver, College of Architecture & Planning, Adjunct Professor
2004 - 2012	Cherry Creek North Design Advisory Board, Vice Chair
2003 - Present	UCDenver, College of Architecture & Planning, Design Studio Juror
2002 - 2014	UCDenver, College of Architecture & Planning, Mentor
2002 - 2006	The Russian Ballet, Board Member/President
2002 - 2003	AIA Denver Public Relations Committee, Founder/Chair
2001 - 2003	AIA Denver Board of Directors Vice President

Honors/Awards

Commercial Real Estate Women – Woman of Influence
AIA Colorado Design Award – Lindsey Flanigan Courthouse
AIA Denver Honor Design Award – Lindsey Flanigan Courthouse
AGC Golden Hard Hat Award – Lindsey Flanigan Courthouse
GSA National Environmental Award – Byron Rogers US Courthouse
AIA Denver Honor Design Award – Byron Rogers US Courthouse
AIA Denver Committee on the Environment – Byron Rogers US Courthouse
AGC Golden Hardhat Award Sustainability – Byron Rogers US Courthouse

Fun Fact

NCARB ARE Exam Grader: Ms. Morissette served as a grader of the exam's design section, which at the time was a manually graded process.



Secretary

Stephen Schreiber, FAIA, NCARB

ACSA Distinguished Professor

Amherst, Massachusetts

413-230-8639 schreiber@umass.edu

Candidate for NCARB Secretary

January 2020

Dear Colleagues:

I am a candidate for Secretary of NCARB.

My experiences as architect, educator, regulator, and city councilor will help the Council steer through rapidly changing professional, educational, regulatory and external environments.

I have served on 3 licensing boards (New Mexico, Florida, and Massachusetts) in 3 regions. Two of those Regions (1 and 3) elected to their executive committees (Chair and Secretary, respectively). I have been involved with NCARB in numerous ways over 2 decades, including Region 1 Director for the past 3 years.

As founding Chair of the Department of Architecture at UMass Amherst, the first public program in New England, I have helped develop interdisciplinary programs that set high standard for professionalism, equity, and diversity. *Design Intelligence* ranks UMass as the #1 M.Arch. program "Most Hired From" among small schools. We have the largest percentage of female full-time faculty (77%) and students (66%) at NAAB programs. David Dillon (*Dallas Morning News*) wrote: "The architecture program at UMass Amherst opens the door to a design career for hundreds of students who might not otherwise get the chance."

I helped lead the effort to create a new Design Building at UMass. The 87,200 square-foot cross laminated timber facility, which opened in 2017, is a model of sustainable, resilient practices.

During my term as President of the ACSA (architecture schools), our board worked closely with NCARB on new initiatives to further integrate practice into education, to make AXP and the ARE more accessible, and to publish the ARE pass rate by schools.

My practice, based in Amherst, focusses on infill residential, small commercial buildings and planning. My professional and academic work has been honored by AIA National (Fellowship), AIA Tampa Bay (Award of Excellence) and ACSA (Distinguished Professor).

Last year, Amherst elected me to its first-ever city council. I am an advocate for progressive planning and zoning, that will help our community (population 40,000) become a leader in smart growth.

For NCARB, I am particularly interested in increasing the transportability of credentials (the original purpose of the Council), enhancing the rigor of education and experience, strengthening ethics and professionalism, diversifying our discipline, and addressing urgent environmental and social issue.

I have the background, leadership skills, passion and good humor to help NCARB go further. Please feel free to contact me at 413-230-8639 or schreiber@umass.edu.

I ask for your support this June.

Sincerely



Stephen Schreiber, FAIA, NCARB, ACSA Distinguished Professor

Stephen Schreiber, FAIA, NCARB
ACSA Distinguished Professor
Amherst, Massachusetts

Education:

Harvard University, Master of Architecture, 1984
Letter of commendation
Dartmouth College, Bachelor of Arts, 1979

Academic:

University of Massachusetts Amherst, 2005 to present
Professor, Director and
Founding Chair of Department of Architecture
University of South Florida, 2000 to 2005
Professor, Director, and Dean
University of New Mexico, 1989 to 2000,
Associate Professor and Director
University of Miami, 1987 to 1989,
Visiting Professor
Boston Architectural College, 1983 to 1987, instructor



Practice:

Stephen Schreiber Architect, 1990 to present
Daniel Mulliken, North Easton, MA, 1986-7
Notter Finegold Alexander, Boston, MA 1985-6
Moshe Safdie, Boston, MA 1984-5

Notable Service:

Member of Architect Registration Boards
New Mexico (1996-2000), appointed by Gov. Gary Johnson
Florida (2003-2006), appointed by Gov. Jeb Bush
Massachusetts (2006-2017, chair 2015-17), appointed by Gov. Mitt Romney
Association of Collegiate Schools of Architecture (ACSA)
President (2005-2006)
National Council of Architecture Registration Boards (NCARB)
Director, Region 1 (2017-present)
Chair, Region 1 (2014-2017)
Secretary, Region 3 (2005-2006)
NCARB Education award juries (2004, 2015)
Broadly Experienced Architect (2002-2005)
ARE Subcommittees (1997-2002)
Amherst, Massachusetts
Elected as inaugural city councilor, 2018-2021
Planning Board (2008-2018), Chair

Selected Awards:

Association of Collegiate Schools of Architecture
Distinguished Professor, 2019
American Institute of Architects (National)
Fellow of American Institute of Architects, 2004
Exemplary university research, 2005
American Institute of Architects (Tampa Bay)
Award of Excellence, 2003
American Institute of Architecture Students (South Florida chapter)
Outstanding teacher, 2001
Landscape Architecture Magazine
Design award for University Village project (with others), 2000

Licenses/Registration:

Massachusetts, 1985 to present
New Mexico (1989-2001)
Florida (2000-2007)

Secretary



235 east main st., ste 102b
northville, michigan 48167

www.in-formstudio.com

CHICAGO
TRAVERSE CITY
DETROIT

January 10, 2020

NCARB Members

Re: Candidate for Office of Secretary of the NCARB Board of Directors

Dear Colleagues:

I am pleased to announce my candidacy for the position of Secretary of the NCARB Board of Directors and I ask for your support. As the current Region 4 Director, it has been an honor and privilege to serve the Board and entire membership.

Because of my strong beliefs in the mission and goals of the council, I am passionate about its future. Nine years ago I had the privilege of being appointed to my state board. Because effective involvement in an organization requires active participation in support of the organization's goals, I immediately sought involvement in NCARB and have served Region 4 as Secretary/Treasurer, Vice Chair, Chair and I am currently completing my second year as Region 4 Director. As one of the founding members, I was an active participant in the creation and development of the first three Region 4 Educator's Symposiums. During my tenure in serving the council, I have worked to earn and maintain a mutual relationship of trust and respect with my peers while establishing a reputation which has embodied passionate leadership.

I believe in diversity. As one of the founding Principals of a forward thinking architectural design firm, we strive to be inclusive. Our staff is currently composed of 37 people, with 45 percent women and seven different nationalities where we place the value of others above ourselves. I also have a passion for mentoring and developing the young professional. It is my strong desire and belief that I can use my current experiences to further the board's own commitment to diversity at the board and regional levels.

Technological advancements are challenging the way we practice and potentially the regulatory environment. To be a leader in this current environment one must be on the forefront of these advances by understanding and taking advantage of the opportunities that technology brings. Our firm is committed to being an industry leader in technology as evidenced by the support of a full time software programmer on our staff, specializing in computational design. My involvement on the Board of Directors for LineUp has exposed me to the business side of technology. I can provide a unique perspective to the board regarding the implementation and impact of technology on the profession and will work to help NCARB understand and communicate that impact may have for regulators. I'm committed to always evaluating and improving programs. Through critical and innovative thinking we can work together to challenge the norm of how we practice today and in the future, moving forward to a better tomorrow.

I believe that my credentials, professional experience and thoughtful insight will provide a sound perspective to the board as we address the many issues that face our profession, member boards and the regulatory environment.

Therefore after careful consideration and encouragement from my peers, I would like to announce my candidacy to continue my service to the Council as Secretary. I do not take this position lightly and would like to continue working to develop and advance the common goals of the council, membership and profession. I ask for your support in June and look forward to continuing my service. Please do not hesitate to reach out if you would like further information or if I can be of service.

Sincerely,

A blue ink signature of Kenneth Van Tine.

KENNETH VAN TINE
AIA, LEED AP



Experience: Kenneth R. Van Tine has been involved in a variety of architectural projects as a founding principal of PDA Architects in 1989 and inFORM studio, p.c. (Formerly Van Tine|Guthrie Studio of Architecture, p.c.) in April 2000. Experience includes healthcare facilities, education, religious, commercial office, retail, libraries, museums, air transportation, R & D and municipal.

Education: Bachelor of Architecture, Lawrence Institute of Technology (1986)
Bachelor of Science in Architecture, Lawrence Institute of Technology (1984)

Academic Experience: Visiting Critic: University of Michigan, University of Detroit Mercy, and Lawrence Technological University.

Registrations:

NCARB Certification, LEED AP

Michigan, Alabama, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, District of Columbia, West Virginia, Wisconsin

Member Board Service:

State of Michigan (2011 – 2019)

Vice Chair (2012 -2013)

Chair (2013-2019)

National Council of Architectural Registration Boards (NCARB)

NCARB Board of Directors – Regional 4 Director	2018 –present
NCARB Professional Conduct Committee	2019 – present
NCARB Experience Advisory Committee	2018 – 2019
NCARB Audit Committee	2018 – 2019
NCARB Region 4 Chair	2015 – 2018
NCARB Procedures & Documents Committee	2015 – 2018
NCARB Regional Leadership Committee	2015 – 2018
NCARB Region 4 Vice-Chair	2013 – 2015
ARE 5.0 Committee	2014 – 2015
NCARB Region 4 Educator Symposiums	2013, 2015, 2017, 2019
NAAB Accreditation Visits	2014, 2015, 2016, 2018
NCARB Region 4 Treasurer	2012 – 2013

Professional Organizations:

National Council of Architectural Registration Boards (NCARB)
American Institute of Architects (AIA)
United States Green Building Council (USGBC)
International Code Council (ICC)

Professional Service:

AIA Detroit House Tour Committee
AIA Mentorship Program
AIA Michigan Design Retreat Presenter
NVARB IDP Supervisor & Mentor

Community Service:

Volunteers time supporting local non-profit organizations (Life Remodeled and Gleaners Food Bank) in Detroit, Habitat for Humanity, Compassion Evangelical Hospital – Guinea West Africa and local youth programs.

Region 1 Director

Dear Region 1 Colleagues:

I do hereby announce my interest in becoming the Region 1 Director on the NCARB Board of Directors. My involvement with NCARB dates to September of 2001 when I attended my first committee meeting in San Diego. I was assigned to the Graphics 2 Group of the ARE 4.0. Having taken the ARE in the old pencil and paper days, I had to become familiar with the computer version of the test. After spending several years developing and pre-testing items for the ARE, I transitioned to the Grading Committee which was necessary in those days. The Grading Committee reviewed all failed and borderline graphic items for possible passes due to software issues.

After a few years' hiatus serving on committees, but still continuing to serve the Maine Board of Architects, Landscape Architects and Interior Designers, I was asked to help with ARE 5.0. The ARE 5.0 required a whole paradigm shift with respect to creating items. Utilizing the Case Studies to create items was more like real world architecture practice.

Five years ago, it became apparent to me that no one was going to represent Maine at the Annual Business Meeting. I volunteered to attend and have been to all of the ABM's since. At that meeting, I met Chris Williams from New Hampshire who encouraged me to become involved in Region 1 affairs. His passion for NCARB was contagious. After attending my first Region 1 Fall Meeting in Vermont, I found that I had been nominated and elected in absentia to be the Vice Chair of the Region. I served in that position for 2 years then became the Chair as Steve Schreiber moved on to be our Regional Director.

As Chair of Region 1, I have served on the Regional Leadership Committee, responsible for organizing and planning the Regional Summits. With Dawne Broadfield, our Region 1 Board Executive, I have planned Summits in Wichita, Nashville and our upcoming Summit in Cambridge that Region 1 is hosting. The other committee that all Regional Chairs serve on is the Policy Advisory Committee. This committee is key to future National Board participation as its' primary charge is to review resolutions that will be voted on at the Annual Business Meeting. This year we have spent considerable time and effort reviewing the Model Law and Regulations – a much-needed, 4 year re-write effort.

With this varied experience over my 18 years of NCARB involvement, I feel that I am ready to represent Region 1 as a Regional Director on the NCARB Board beginning in 2020. Please do not hesitate to contact me if you have any questions or concerns about my candidacy.

Respectfully,

Janet Hansen, AIA, NCARB, LEED AP
Licensed in Maine

CURRICULUM VITAE



Janet L. Hansen, AIA, NCARB, LEED AP
173 Bluff Road, Yarmouth, Maine 04096 p. 207.807.4676
email: hansenjanet53@gmail.com

PROFESSIONAL PRACTICE:

Retired from practice - December 2018

SMRT - Portland, Maine 1992 - 2018
Principal and Architect

Heery Architects - London, England, UK 1986
Architect

JRH Architects - Dallas, Texas 1984 - 1992
Principal and Architect

RepublicBank Dallas - Dallas, Texas 1982 - 1984
Facilities Staff Designer

Indiana University - Bloomington, Indiana 1981-1982
Facilities Staff Drafter

New England Nuclear - No. Billerica, Massachusetts 1980-1981
Facilities Staff Drafter

Charles Nelson Associates - Newton, Massachusetts 1977-1980
Architectural office experience while attending architectural school

PROFESSIONAL REGISTRATIONS:

Maine Architectural Registration No. ARC1991
Certificate Holder: National Council of Architectural Registration Boards No. 51701

EDUCATION:

Bachelor of Arts
Colby College, Waterville, ME 1975

JANET L. HANSEN, AIA, NCARB, LEED AP
Page 2

Bachelor of Architecture
Boston Architectural College, Boston, MA 1982

NCARB COMMITTEES

NCARB, Written Exam Committee, Graphic (3 years)
NCARB, Grading Committee for Graphic Exam (2 years)
NCARB, 5.0 Item Development Subcommittee - PPD (2 years)
NCARB, Regional Leadership Committee (3-years)
NCARB, Policy Advisory Committee (3-years)

NAAB ACCREDITATION VISITS:

2012- Roger Williams University
2013- American University of Sharjah
2014 - University of Louisiana, Lafayette
2017 - City College of New York, NYC
2018 - Wentworth Institute of Technology, Boston, MA (Chair)
2018 - dar el Aluum University, Riyadh, Saudi Arabia - 3rd and Final Visit for Substantial
Equivalency

BOARD POSITIONS:

Chair, Maine State Board for Licensure of Architects, Landscape Architects and Interior
Designers 2015- 2017
Vice President, Properties, Pine Tree Council, Boy Scouts of America, 2006-present
Chair of New England Council of Architectural Registration Boards (NECARB), 2017 - present

Region 3 Director



MEMBERSHIP

Alabama
Arkansas
Florida
Georgia
Louisiana
Mississippi
North Carolina
Puerto Rico
South Carolina
Tennessee
Texas
Virgin Islands

Robert McKinney, Ed. D., NCARB,
AIA
Regional Director

Richard H. McNeel, NCARB, AIA
Chair

Miguel A. Rodriguez, NCARB, FAIA
Vice-Chair

Larry W. Bishop, NCARB, AIA
Treasurer

Richard D. Thompson, NCARB, AIA
Secretary

Cathe Evans
MBE Representative

Jenny Owen
Executive Director

Post Office Box 1394
Ridgeland, MS 39158
601-259-0881
exec@scncarb.org
www.scncarb.org

February 1, 2020

Dear Region 3 Member Board Members, Public Members, and Member Board Executives:

This letter is to announce my candidacy formally to seek a second term Regional Director of the Southern Conference of the National Council of Architectural Registration Boards (SCNCARB). The principal role of the Regional Director is to serve as a liaison between the Southern Conference and the National Council Board. I am endeavoring to do this term by representing the region and by responding to issues within a national context. I will continue to work with the Chair and Executive Director to ensure the region's members are informed regarding the problems of regulation, programs, and governance of NCARB and to drive on with your feedback.

I served on the Louisiana State Board of Architectural Examiners (LSBAE) for two terms for a total of twelve years. During that time, I served two terms as secretary and two terms as President of the Board. My experience during the course of the past nine years serving the region as chair, vice-chair, treasurer, and secretary prepare me to continue to serve the Region as Regional Director.

Thus far this year, I have represented Region 3 at Board of Directors meetings, conveying the perspective of the region on several critical issues relating to budget and development of programs. In July, I represented the regions and NCARB at the Architecture Review Forum, actively engaging in the discussions that will shape the future of architectural accreditation as directed by the National Architectural Accrediting Board by revising the Conditions and Procedures for architectural accreditation. Currently, I am serving as the Board Liaison to the Futures Collaborative, which is engaging in considering the ever-evolving profession of architecture.

I began my National Council of Architectural Registration Boards service on the Construction Documents and Services and Building Design and Construction Systems committees for the Architecture Registration Exam. Next, I served on the Internship and Examination Committees. During the course of the past two years, I have served on the Policy Advisory Committee (formerly the Procedures and Documents Committee) and the Regional Leadership Committee. I have also served as a juror for both the NCARB Prize and NCARB Award and as the NCARB representative chairing accrediting teams for the National Architectural Accrediting Board (NAAB).

My work for Region 3 has allowed me to bridge together the academy and practice, which continues to drive me to serve as Regional Director. The next step with the implementation of the NAAB 2020 Conditions and Procedures will be to establish team training, and it is my goal to represent NCARB by serving on one of the teams piloting the new conditions. The next practice analysis is beginning to get underway, and this will be an essential source of data that will help shape licensing and NCARB's core programs, of AXP, ARE, and certification. As your Regional Director, I will have the opportunity to engage in discussions on current issues in architectural education and architectural practice.

My passion is architecture; I am committed to serving the architectural profession. Therefore, respectfully I request your support to continue to serve the members of Region 3 as your Regional Director.

Sincerely,

Dr. Robert McKinney, Architect, NCARB

BIO McKinney

Robert W. McKinney, Ed.D., NCARB, of Washington, Louisiana, served as a member of the Louisiana State Board of Architectural Examiners for two terms totaling 12 years, including twice as president. McKinney's service to NCARB includes volunteering on several Architect Registration Examination® (ARE®) subcommittees and the NCARB Award Jury, as well as the Education, Experience, Examination, Policy Advisory, and Regional Leadership committees, and the Futures Collaborative has served as secretary, treasurer, vice chair, chair and director of Region 3, and is pursuing a second term as the regional director in 2020. McKinney has also represented NCARB and the Association of Collegiate Schools of Architecture (ACSA) on six National Architectural Accrediting Board (NAAB) accreditation teams since 2014, serving as a member or visiting team chair.

McKinney served as secretary, treasurer, vice president, president and director of the American Institute of Architects (AIA) South Louisiana Chapter and on the AIA Louisiana board of directors. He chaired the Louisiana Architects Selection Board responsible for the selection of architects for state funded projects. He also chaired an ACSA Regional Conference and worked on the ACSA Data Committee. He has also served on an accrediting team for the Southern Association of Schools and Colleges Commission on Colleges.

McKinney currently is the Assistant Vice President for Academic Affairs at the University of Louisiana at Lafayette. He is responsible for leading five areas; student records and data, student success and achievement, student and faculty engagement, faculty affairs and development, and faculty data. He works with the Registrar to ensure accuracy and security of student data, and with Student Success to provide advising, tutoring, and retention programs to facilitate the achievement of students goals. McKinney has implemented high impact practices to advance student learning including service learning, student research, and study abroad programs. He works to advance hiring qualifications, workload, and evaluation processes and leads initiatives that include training, grants, endowments, and recognition to develop faculty.

McKinney has worked at the University of Louisiana at Lafayette since 1989, including 13 years as chair of the architecture program. He taught architectural design, graphic communications, materials and methods of construction, Louisiana architecture history, and historic preservation. He has been recognized by the University of Louisiana multiple times as an Outstanding Advisor, held the Louisiana Contractors BORSF Endowed Professorship, was a fellow in a National Endowment for the Humanities Summer Institute, and received an Honorable Mention in the Peterson Prize for a project for the Historic American Building Survey. McKinney is a two-time graduate of the University of Louisiana with a B.Arch. and Ed.D., and he earned an M.Arch. from Virginia Tech. He was recently recognized for thirty-years of outstanding service at the university. McKinney is an NCARB Certificate holder and is licensed in Louisiana.

Region 4 Director



Fellow Region 4 NCARB Members

Please accept this correspondence as my request for your support to serve as your NCARB Region 4 Director.

Architecture has provided me the platform to create and expand my personal and profession life. I am humbled to have had the opportunity to work with amazing people, as we chase our hopes and dreams and capture them in the built environment. The opportunity I have been given has come with the thankful responsibility to generously give back.

This is why I am asking for your support in my continuing service to NCARB, and to our Region. I have been fortunate over the years to serve the Architectural profession, holding local and national positions with the American Institute of Architects, offering my expertise where and when it was needed. I currently serve as a Member of the Ohio Architects Board, NCARB's Region 4 Chair and on the Policy Advisory and the Regional Leadership Committees

I am now asking for the opportunity to serve as your Region 4 Director. I look forward to your support as we all strive to create a profession focused on supporting those that will come after us, assuring the public of unquestioned professionalism, supporting our peers in their drive to continually excel beyond even their own imaginations and continuing to support a rich and diverse profession, reflecting the public we serve.

Thank you for the continued opportunity to serve the members of Region 4 and our NCARB community.

A handwritten signature in blue ink, appearing to read 'John Patrick Rademacher'.

John Patrick Rademacher, AIA, NCARB



John Patrick Rademacher, AIA, NCARB 2020 Biography

John Patrick Rademacher has worked in Architecture, development and construction for almost 40 years. Currently, he is a Principal at Elevar Design Group in Cincinnati, Ohio, where he is in his 20th year.

Mr. Rademacher is currently a Member and the Past President of the Ohio Architects Board, National Council of Architectural Registration Board's (NCARB) Region 4 Chair and currently serving on NCARB's Policy Advisory and the Regional Leadership Committees and the Diversity Collaborative. Previously, he has served as the Chair of NCARB's Experience and Experience Advisory Committees, a member of the ARE 5.0 Item Development Project Management Subcommittee, a member of the US/UK Competencies Review Team and the Continuing Education Committee.

He is a Past President of AIA Cincinnati and a past member of the Board Advocacy Committee for the national component of the American Institute of Architects (AIA) where he worked to develop the Citizen Architect Program and the organization's legislative efforts.

As a civically engaged Architect, Mr. Rademacher is currently the Past Chair of the Miami Township Zoning Commission and a member of the Dayton Chamber of Commerce, Minority Business Partnership. Mr. Rademacher is actively engaged on behalf of his clients and community on legislative and project development issues. Mr. Rademacher has used his insights, talents, training and experience to contribute meaningfully, beyond self, to the improvement of the community and human condition.

Mr. Rademacher received a Bachelor's of Architecture Degree from the University of Cincinnati's College of Design, Architecture, Art and Planning (DAAP). He is licensed as an Architect in Ohio, Alabama, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, West Virginia, Wisconsin and is certified by the National Council of Architectural Registration Boards (NCARB).

Mr. Rademacher has volunteered his time supporting youth oriented organizations including the Boy Scouts of America, YMCA, St. Columban sports programs and the Lionheart Junior Racing cycling program. He also serves on the Hillsdale College, Parent's Association Steering Committee where he is Chair of the Career Opportunities Sub-Committee. Mr. Rademacher has lived in the Greater Cincinnati area for more than 50 years and currently resides in Loveland with his wife and two children.

Region 5 Director

HORNBECK • BLATT
a r c h i t e c t s

Region 5 - Regional Director Candidate Statement for David Hornbeck

1. Desired Office (*e.g. Regional Director, Regional Chair, Region Secretary, Treasurer*): **Regional Director**
2. Explain why you would like to be considered for this position and what you hope to contribute to the NCARB community through your service.
As current Chair of Region 5, my re-election to this position would provide continuity of leadership and institutional knowledge to the NCARB members that regularly attend our Regional Summit and Annual Meetings. My desire to "Give Back" to the profession would be enhanced as well by re-election, as I currently in position to move into national leadership as a future regional board member on the national leadership committee.
3. Note if you are an architect and if you are NCARB certified.
I am a Licensed Architect
I am also NCARB Certified - (#24,335)
4. List your years of professional practice:
40 Years of Professional Practice
5. Note the jurisdictions that you are licensed in. Oklahoma
Oklahoma and Texas
6. Note the positions and duration of time spent on your state's regulatory board.
5 years from 1984 to 1989 – Past Chairman of Board (1988 & 1990)
8 years from 2001 to Present – Past Chairman of Board (2014 & 2016)
7. Highlight any NCARB service, including committee and regional service.
NCARB ARE Committee Member 2013
NCARB Region 5 - Chairman
NCARB Representative on NAAB Accreditation Team for Philadelphia
University – March 2018
NCARB Policy Advisory Committee Member 2018
NCARB Procedures and Documents Committee Member 2017- 2018
NCARB Regional Leadership Committee Member 2018 -2019
8. Note any additional professional appointments or service
Visiting Adjunct Professor, University of Oklahoma College of
Architecture: 1991 – 1994
Past Chairman, State of Oklahoma Board of Governors of Licensed
Architects (1988 – 1990) & (2014-2016)

Past Chairman, Central States Regional Design Awards Program
for the AIA - 1983
Past Director and Vice-President Central Oklahoma Chapter –
American Institute of Architects -1984
Professional Advisory Board, University of Oklahoma College of
Architecture: 2010 – 2017
Board of Visitors, University of Oklahoma College of
Architecture: 2018 – 2020

9. Highlight any community service.

After designing and building the UCO Jazz Lab as a design/build project, Hornbeek created "Tres Amigos Productions" a non-profit organization to guarantee artists performance contracts for headline performers to appear at the unique venue. Past acts that have been performed and produced by Tres Amigos include Ann Hampton Callaway, Maynard Ferguson, Jerry Jeff Walker, Kenny Rankin, Diane Schuur, Steve Tyrell, Guy Clark, Christopher Cross, Jane Monheit, Wynton Marsalis, Karla Bonoff, Karrin Allison, Peter Cincotti, Django Walker, Ben Taylor, Chick Corea, Stacey Kent, Chris Botti, George Winston, John Pizzarelli, JD Souther, Judy Collins, Ray Manzarek (the Doors), Lindsey Buckingham (Fleetwood Mac) and Boz Scaggs.

Region 6 Director



February 1, 2020

To: All NCARB Region 6 Member Board Members

From Edward T. Marley, NCARB, AIA, LEEDap

Greetings Fellow WCARB members:

I would like to take this opportunity to officially announce my candidacy for re-election as the Region 6 **Regional Director** on the NCARB Board of Directors and would appreciate your support. Over the last 8 months I have passionately pursued the duties of Regional Director. I have provided input into the forthcoming 2020 NAAB Conditions and Procedures for Accreditation through a detailed review and commentary of both draft documents and participation in the Accreditation Review Forum in July of 2019. I have also served on the 2019 Audit Committee. Conducting Pre-Board of Directors Meeting Calls to the region as well as attending the WCARB Executive Committee Meeting have allowed me to stay in touch with issues of importance to our region and subsequently communicating those issues back to the national Board. Over the past seven years I have been involved at the Arizona Board, WCARB and NCARB in the following capacities:

- 2019-2020 Regional Director Region 6
- 2019-2020 NCARB Audit Committee
- 2018-2019 WCARB Chair.
- 2018-2019 NCARB Regional Leadership Committee
- 2018-2019 NCARB Policy Advisory Committee
- 2016-2018 WCARB Vice Chair. Working with the Executive Committee and the Strategic Planning Committee to enhance the value of WCARB to its members.
- 2015-2016 WCARB Secretary/Treasurer.
- 2015: WCARB Executive Committee: produced video/slide show featuring the Architecture of Region 6 which premiered at the 2015 Regional Summit.
- 2015: NCARB Annual meeting Credentials Committee Chair.
- 2014-2017: NCARB Broadly Experienced Architect (BEA) Committee.
- 2017- 2019: NCARB Certification Alternative Review Team inaugural member.
- 2018-Present: NCARB Tri-National Dossier Review Team. One of three NCARB representatives to the Tri-National program with the US, Mexico and Canada. Chaired Interview team for two interviews.
- 2013-2015: Two terms as Chairman of the Arizona Board of Technical Registration.
- 2016: Vice Chair, Arizona Board of Technical Registration.
- 2013-Present: Chair Arizona Board of Technical Registration Legislative and Rules Committee.

7350 E SPEEDWAY 210
TUCSON, ARIZONA 85710
(520) 326-3700 FAX 326-1148

Other Professional Service:

- 2003: AIA Southern Arizona Chapter President
- 2003: Chair: Mount Lemmon Restoration Committee Chair. Lead the effort to facilitate rebuilding of mountaintop community devastated by 80,000 acre wildfire.
- 2000-2001: AIA Arizona President.
- 1995-1998: AIA Arizona Government Affairs Chair.
- 1985-1999: Arizona IDP State Coordinator.
- 1985-1987: AIA Southern Arizona Secretary
- 1983-1985: AIA Southern Arizona Associate Director
- 2008-Present: President Cornerstone Building Foundation Charities.
- 2006-2014: Board Member Metropolitan Pima Alliance.
- 2012-2013: President, Metropolitan Pima Alliance.
- 2014-Present: Member DM50, Civic Group supporting the mission of our local Air Force Base.

Recognition:

- 2004: Arizona Architects Medal: The highest honor bestowed on Arizona Architects that have served the profession and society at an exemplary level.

Professional:

- 1983-Present: Swaim Associates, Ltd.
- 1995-Present: Principal: Swaim Associates, Ltd, Tucson, AZ, 21-person firm. If our firm used fancy titles, I would be the CFO.
- Registered Architect: Arizona, 1986
Also registered in OR, NM, KS, MN, VA, HI and SC.
- NCARB Certificate Holder

Education:

- 1982: Bachelor of Architecture, University of Arizona.
- 1981: Ecoles d'Arte Americaines, Fontainebleau, France, Summer program.

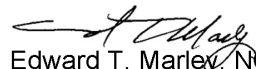
Personal:

- Married to Janice for 34 years.
- Two grown children, including a son who produces fantastic WCARB videos and daughter who plays the ukulele.

I am excited to continue to represent our region, its member boards, registrants, those aspiring to be registrants and the public as we all work with NCARB to further the profession of architecture.

On this basis, I ask you to support my candidacy for re-election as Region 6 Director so that I may continue to promote the interests of WCARB, NCARB and the Profession of Architecture.

Respectfully,



Edward T. Marley, NCARB, AIA, LEEDap
Principal, Swaim Associates, Ltd.

Public Director



Building Innovative Solutions

February 6, 2020

NCARB Members

Re: NCARB Board Elections

Dear Friends,

I am pleased to announce my candidacy for the position of Public Director on the NCARB Board of Directors, and I ask for your support. I feel that my 30+ years in Construction Supervision, along with 17 years of service on the Maryland State Board of Architects, make me a great candidate for this position. I look forward to the opportunity to provide the public perspective to the many issues that the NCARB Board faces.

I look forward to continuing the same mission as with the Maryland State Board: protecting the health, safety, and welfare of the public. NCARB achieves this mission by supporting licensure, education standards, and experience tracking. I have served on NCARB committees since 2016, including:

- Credentials
- Education
- Experience

I believe that each of us brings an important and unique perspective to the table. I appreciate the wisdom of the NCARB Board in the inclusion of the Public Member perspective in Board decisions. I realize that I will have a large presence to fill on the Board, and hope to continue to grow the Public Member involvement throughout NCARB.

Thank you for your consideration, and I humbly ask for your vote in June. Attached is a brief summary of my community service over the years. I look forward to seeing and speaking with you at the upcoming NCARB meetings. Please feel free to reach out with any questions or concerns.

Thank you,

A handwritten signature in black ink, appearing to read "Gary Ey".

Gary Ey, CDT



30+ YEARS OF
EXPERIENCE

EMPLOYMENT

Whiting Turner,
Superintendent

Quandel Enterprises,
Superintendent

Barton Malow,
Senior Superintendent

Gary R. Ey, CDT

SENIOR SUPERINTENDENT

3718 GOODWILL COURT
ABINGDON, MARYLAND 21009
CELL 443-987-5934
GARYEY@COMCAST.NET

PROFILE

Gary Ey has over 30 years as a Superintendent in the commercial construction industry. This experience has given him extensive experience as a consumer of architectural services. He has served the Harford County Public School system, monitoring magnet school programs to ensure they stay current with today's marketplace. He has also served in various capacities on two different homeowner associations and other community volunteer positions.

RELEVANT EXPERIENCE

Projects

- Open Gates Community Health Center
- Kennedy Krieger Institute, new parking garage
- Grace Community Church, Greenfield Campus
- Sheppard Pratt Health Systems, historic facility renovations
- Kennedy Krieger Institute, new outpatient center
- Warrior Transition Center at Bethesda Naval Hospital
- Community College of Baltimore County, new math and science building
- University of Maryland at Baltimore Health Science Facility III
- UMBC Event Center and Arena
- Richmond International Raceway Infield Improvements
- MDOT MTA Camden Station, commuter rail station
- Ocean City Convention Center Phase III Expansion

Maryland State Board of Architects

- Consumer Member, appointed by Governor Robert Erlich in 2003
- Reappointed by Governors O'Malley and Hogan for 3 successive terms, for a total of 17 years to date
- Co-chair of the Complaint Committee for the State Board of Architects

NCARB

- Started attending NCARB events at the Regional Summit in 2015
- Credentials Committee 2016 - 2017
- Education Committee 2017 – 2018
- Credentials Committee 2018 – 2019
- Experience Committee 2019 – 2020

Harford County Public Schools

- Member of the Career & Technology Education Committee 2008 – 2014



COMMUNITY SERVICE

Bel Air, Maryland Jaycees

- Volunteer for charity haunted house 1980 – 1981
- Volunteer for several carnivals

Franklin Square Hospital

- Volunteer service 1983

Chapel Gate Homeowners Association

- Board Member 1994
- President 1996 - 2000

Mountain Christian Church 2000 – 2006

- Sunday School teacher's assistant
- Staging, lighting and sound volunteer
- Co-Director Mountain Habitat for Humanity home build
- VBS Staging production manager
- Lighting Director for worship services and special event:

Constant Branch Homeowners Association

- Board Member 2015 - 2016
- President 2016 - 2018

Public Director

MARK A. GLENN
P.O. Box 27047
612 First Street NW
Albuquerque, NM 87125-7047
(505) 843-9440
mglenn46@comcast.net

February 6, 2020

NCARB Member Board Members and Member Board Executives:
(Via electronic distribution)

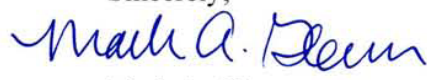
RE: Declaration for Candidacy for Public Director

I am pleased to announce my candidacy for Public Director on the NCARB Board of Directors. For more than five years, I have served as the public member on the New Mexico Board of Examiners for Architects and currently serve as the Board's Secretary/Treasurer. My fellow Board members who are registered architects and I share the same goal of protecting the public health, safety, and welfare.

I was appointed as a public member of the New Mexico Board in November 2014 to complete the unexpired term of the former public member and was re-appointed in June 2018. After I was first appointed to the Board and became somewhat familiar with a few of the peculiar acronyms architects toss around carelessly, I was encouraged by my fellow Board members to become involved with NCARB. When I attended my first NCARB annual meeting in 2016, opportunities for involvement in Council activities by public or consumer members were extremely limited. I was pleased when the Bylaws were changed to give public and consumer members a seat at the table by allowing a representative to serve on the Council's Board. Since 2017, I have volunteered to serve on the Region 6 Bylaws & Rules Committee.

As you know, today's political and business environment related to the regulation of professions poses many challenges and opportunities for the Council and each of its Member Boards. I believe my 30 years of practical legal experience will allow me to be a valuable addition as the Public Director of the NCARB Board. My private law practice is limited to civil law where I help clients solve problems involving a wide range of issues related to real estate, construction law, and contracts. This experience will allow me to bring a different perspective and new ideas to the Board's deliberations and strategic process.

While I recognize that I have big shoes to fill – both literally and figuratively – in attempting to replace Darryl Hamm, I stand ready to serve you all as Public Director and pledge that I will represent each of you honorably if elected. I respectfully and humbly ask for your support.

Sincerely,

Mark A. Glenn

Mark A. Glenn

EDUCATION

University of Iowa College of Law, Iowa City, Iowa
J.D. awarded May 1989 (with distinction)

Drake University, Des Moines, Iowa
Bachelor of Arts awarded, May 1980
Major: Journalism, news/editorial emphasis

REGULATORY APPOINTMENTS and AFFILIATIONS

New Mexico Board of Examiners for Architects,
Public Member, 2014-Present
Current Secretary/Treasurer
Bylaws & Rules Committee, Region 6, 2017-Present

EMPLOYMENT

Moses, Dunn, Farmer & Tuthill, P.C., attorney, 1989-present
Shareholder and director since 1995
President 2009-2015
Admitted to New Mexico Bar and U.S. District Court, District of New Mexico, 1989
Admitted to Tenth Circuit Court of Appeals, 1999

PRACTICE AREAS

I maintain a general civil practice that includes commercial litigation, real estate law, employment law, construction law, and probate litigation. I am past Chair and former member of the New Mexico Bar Board of Editors.



Member Board Executive Director



To: NCARB Member Board Executives

From: Kathy Hillegas 
Executive Director, Louisiana State Board of Architectural Examiners

Date: February 5, 2020

Subject: FY21 MBE Director Nomination

I would like to thank you for the opportunity to represent the Member Board Executive community on the Board of Directors. I cannot begin to express how humbling it is to represent this great group of people and serve with so many individuals who are full of such passion and commitment to the Council. It is with great humility that I ask for your support to serve as MBE Director on the NCARB Board of Directors for a third and final term.

The Board has been very busy this year with the launch of a new Strategic Plan and development of performance measures to assure optimal implementation of the initiatives supporting the Plan. The Board participated in the NAAB Accreditation Review Conference last summer which will result in updates to the *Conditions* and *Procedures* architecture programs must adhere to in order to maintain accreditation. Modifications to the *Education Guidelines* are being proposed to respond to the changes to *Conditions* and *Procedures* and will be available for Member Board comment shortly. Financial support has been provided for the launch of a spin-off company to market and sell volunteer management software developed by NCARB staff. We will be monitoring the growth and development of this company to assure that the investment will yield a positive return for the Council.

One issue near and dear to my heart is the updated NCARB *Model Law and Model Regulations* which will be presented as a resolution at the upcoming Regional Summit. I have been fortunate to serve on the Task Force that has worked on these documents for several years now and am excited to be at a point where Member Boards can begin consideration and deliberation of these documents. I urge you to make sure that your Board devotes the appropriate amount of time to this in your upcoming meetings to assure that the document truly becomes an agreed-upon national standard that can be utilized by all Member Boards.

As MBE Director, I have the privilege of serving with the MBE Committee. This year, the Committee has planned the upcoming MBE Workshop which always provides a great opportunity to learn from and with our peers. In addition, the Committee has launched a comprehensive review and update of the *MBE Operations Manual*; continued to collaborate with staff on the Quality Assurance Audit and Transmittal Feedback Tool and is also working on development of a catalogue of training materials to share with the MBE Community and will begin preparation of a resource document that will highlight the work of licensing boards and include case studies of when they were particularly effective. It is an honor to serve with the hard-working members of the Committee which is chaired by Emily Cronbaugh (WY) and comprised of Shannon Himes (OH), Alysia Jones (AK), Rob Lopez (NY), Laura Zuniga (CA) and Alfred Vidaurri (TX) as our Board liaison. They serve our community well!

Member Board Executives provide a valuable, unique perspective in the NCARB Community. We provide the historical knowledge and staying power as Board members rotate on and off. We are the ones in the trenches who have been tasked with communicating with the architects and candidates and enforcing the laws and rules. This year, we launched a new MBE Webinar series which is intended to provide us with the opportunity to learn and grow from each other by presenting opportunities to engage throughout the year and learning about specific topics. So far, the topics have been focused primarily on NCARB programs and services. It is my hope that we will find new topics specific to our positions that will allow us to further engage and learn from each other.

The perspective that MBEs bring to the table is important and necessary for the NCARB Board to engage in well-rounded discussions. As the Council continues to evolve and focus on strengthening support and services for Member Boards, I believe that this perspective will only grow in value. I look forward to seeing you in Cambridge in a few short weeks. As always, never hesitate to contact me if you have any issues or concerns you would like to discuss. I can be reached at 410-353-8360 or khillegas@lsbae.com.

cc: Emily Cronbaugh, Chair, MBE Committee

Katherine E. Hillegas

Candidate for FY21 MBE Director



NCARB Committee Service

Model Law Task Force 2017–2020

MBE Committee 2018-2020

Board of Directors 2018-2020

NCARB Committee Support

Member Board Executives Committee - 2005-2016

Board of Directors - 2006-2016

Executive Committee - 2007- 2016

Credentials Committee – 2009 - 2016

Governance Task Force – 2010-2012

Regional Chairs/Regional Leadership Committee - 2010-2016

Procedures & Documents Committee - 2011-2016

Work Experience

Louisiana State Board of Architectural Examiners

Executive Director - 2016-present

National Council of Architectural Registration Boards

Assistant Director, Corporate Affairs 2005-2007

Assistant Director, Executive Office - 2007-2010

Council Relations Director - 2010-2016

Association of Collegiate Schools of Architecture

Interim Executive Director - 2002-2005

American Society of Parenteral and Enteral Nutrition

Director of Conventions, Exhibits and Education - 1992-2001

MEMORANDUM

DATE	May 1, 2020
TO	Board and Landscape Architects Technical Committee (LATC) Members
FROM	Laura Zuniga, Executive Officer
SUBJECT	Executive Officer Report

The following information is provided as an overview of Board activities and projects as of April 30, 2020.

Administrative/Management

Board The Board met on February 28, 2020 in Sacramento.

Committee Meetings:

Professional Qualifications Committee (PQC) The next PQC meeting is scheduled for October 30th and is tentatively planned to be held in Sacramento. The PQC will continue its work on the assigned 2019-2021 Strategic Plan objectives. It is also planned for the Office of Professional Examination Services (OPES) to provide members with a presentation on the currently in progress 2020 Occupational Analysis (OA).

Regulatory and Enforcement Committee (REC) The next REC meeting has not yet been scheduled.

Communications Committee The next Communications Committee meeting has not yet been scheduled.

Coronavirus (COVID-19) As California continues to navigate strategies to limit the spread of COVID-19, the Department of Consumer Affairs (DCA) and the Board remain committed to supporting consumers, licensees, applicants, and other stakeholders by maintaining the delivery of services. The office is closed to public until further notice; however, it remains open to staff. Most staff are teleworking and while the public may not come to the service counter, employees may be contacted via email and telephone.

Budget A budget update was provided to the Board at its February 28, 2020 meeting by Paul McDermott, Budget Analyst of the DCA Budget Office. Staff continuously work with the Budget Office to monitor expenditures and revenues.

The Department of Finance has requested that all state departments provide monthly cost estimates associated with Novel Coronavirus (COVID-19) related activities including operational-type costs such as staff time. Staff completed the required report for March and April.

Business Modernization In December 2017, the Board, in collaboration with the DCA, finalized its Business Modernization Plan (Plan) to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Stage 1 Business Analysis report was signed by California Business, Consumer Services, and Housing Agency (Agency) Secretary, Alexis Podesta on October 17, 2019, and was forwarded to the California Department of Technology for approval. Stage 2 activities commenced in August 2019 and included software demonstrations by 10 vendors. Five cohort DCA programs met on November 18, 2019 to discuss the vendors including market research questionnaire results, consolidated business requirements, and cost. Both the Board and Landscape Architects Technical Committee (LATC) worked closely with DCA Budget Office and have confirmed their participation with the boards and bureaus in Cohort 2. A kick-off meeting was held on April 21, 2020 and the first steering committee meeting met on April 30, 2020 to discuss the roles and expectations for the project.

The project was estimated to commence by January 2021 and be completed by July 2022. However, the funding for the project that was planned for the 2020-2021 Fiscal Year (FY) has now been cut from the proposed Budget, and DCA will pursue funding for 2021-2022.

The Board and LATC pursued a stop gap measure to accept online credit card payments for license renewal applications, our highest volume transaction. The acceptance of online credit card payments for license renewal launched on February 5, 2019, for the Board and April 23, 2019, for LATC. As of April 30, 2020, the Board had 6,229 and the LATC 780 licensees renew online with a credit card payment.

Newsletter The *California Architects* newsletter was published March 18, 2020. The next edition is planned to be published in June.

Publications The *Building Official Information Guide*, which focuses on enforcement issues important to California Building Officials, was posted on the website in February. Outreach to California Building Officials resulted in approximately 100 hard copy *Guides* being distributed throughout the state. The *Guide* was also promoted via the Board's social media site and printed copies are available upon request.

Regulatory Proposals ***California Code of Regulations (CCR) Sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation)*** The Board approved proposed regulatory language to amend CCR sections 110 and 110.1 at its February 27, 2019, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR sections 110 and 110.1:

Date	Action Taken
February 27, 2019	Proposed regulatory language approved by the Board
March 5, 2019	Proposed regulation submitted to DCA Legal for prereview
March 7, 2019	DCA Legal concluded prereview
March 8, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 13, 2019	Proposed regulation submitted to Agency
December 27, 2019	Notice of Proposed changes in the Regulations published by Office of Administrative Law (OAL)
February 28, 2020	Proposed modified language approved by the Board
March 24, 2020	Approved for review by the Regulations Unit – Pending Legal and Budget review of Final Phase Package

CCR Section 154 (Disciplinary Guidelines) The Board's 2013 and 2014 Strategic Plans included an objective to review and update the Board's *Disciplinary Guidelines*. The REC reviewed recommended updates to the Board's *Disciplinary Guidelines* in 2013 and 2014. Additionally, at the request of the REC, staff consulted with a representative of the American Institute of Architects California to address a proposed modification to the "Obey All Laws" condition of probation. The Board approved the proposed regulatory language to amend CCR section 154 at its June 10, 2015 meeting and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed.

At its March 1, 2018 meeting, the Board reviewed and approved the proposed regulatory changes to the *Disciplinary Guidelines* and CCR section 154 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of Assembly Bill (AB) 2138 as well as proposed changes to CCR sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation) including two options. The Board adopted the proposed recommended changes for CCR section 110 and option 1 of section 110.1 and approved the revised *Disciplinary Guidelines* at its February 27, 2019 meeting. Staff is proceeding with the regulatory proposal process and submitted it to DCA Legal for pre-review on September 19, 2019. DCA Legal reviewed the regulatory package and provided input on the Initial Statement of Reasons (ISR) on April 8, 2020. Staff is revising the ISR to address Legal's issues.

CCR Section 144 (Fees) The Board discussed the fee associated with retiring an architectural license at its February, June and September 2019 meetings. The Board approved proposed regulatory language to amend CCR section 144 to set the fee at \$40

at its December 11, 2019 meeting and delegated the authority to the Executive Officer (EO) to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed. Staff continue to work with DCA Legal in the development of the regulatory package, which includes the Initial Statement of Reasons, Notice of Proposed Changes and Economic and Fiscal Impact Statement.

CCR Section 165 (Continuing Education) This is a regulatory proposal to establish requirements for continuing education courses and providers. Staff worked with DCA Legal to finalize the proposed regulatory language that will be discussed at the June 5, 2020 Board meeting. Board action is requested to approve the proposed language and delegate authority to the EO for adoption of the regulation.

Personnel Kim McDaniel joined the Board March 25, 2020, as an Associate Governmental Program Analyst in the Administration Unit. Recruitment efforts are underway to fill the Staff Services Manager I position which supervises the Administration Unit as a result of a recent reorganization.

Social Media

Platform	Q4 Posts	Q1* Posts	Difference	Followers 01/31/20	Followers 04/30/20	Difference
Twitter (launched in 2014)	27	43	+59%	1,301	1,332	+2.4%
Instagram (launched in 2016)	16	25	+56%	720	798	+11%
Facebook (launched in 2017)	12	38	+217%	166	200	+20%
LinkedIn (launched July 2019)	1	0	-	177	206	+16%

Q4 November 2019-January 2020,
Q1 February 2020-April 2020

Website The website was updated to reflect the Board's newsletter *California Architects* published on March 18, 2020, as well as changes in services due to the spread of the COVID-19. COVID-19 updates included information for licensees, guidance on determining essential and nonessential services, and closure notification for test centers that administer the National Council of Architectural Registration Boards (NCARB) Architect Registration Examination (ARE) and the California Supplemental Examination (CSE).

Examination and Licensing Programs

ARE Performance data for ARE 5.0 administrations to California candidates during FY 19/20 and comparisons of performance with NCARB data for prior FYs are shown in the following tables. There are no examination statistics available for April 2020 because of the current testing restrictions implemented by Prometric related to COVID-19.

California Performance ARE 5.0 (FY 2019/20 as of March 31, 2020)

ARE Division	Divisions Administered	Pass		Fail	
		Total	Rate	Total	Rate
Construction & Evaluation	186	102	55%	84	45%
Practice Management	330	149	45%	181	55%
Programming & Analysis	235	96	41%	139	59%
Project Development & Documentation	213	101	47%	112	53%
Project Management	275	149	54%	126	46%
Project Planning & Design	300	122	41%	178	59%

Multi-Year California and NCARB ARE 5.0 Performance Comparison (FY 2017/18 and 2018/19)

DIVISION	FY 2017/18 ARE 5.0			FY 2018/19 ARE 5.0		
	CA Pass	National Pass	▲ %	CA Pass	National Pass	▲ %
Construction & Evaluation	62%	69%	-7%	64%	71%	-7%
Practice Management	48%	52%	-4%	45%	49%	-4%
Programming & Analysis	45%	54%	-9%	45%	53%	-8%
Project Development & Documentation	50%	55%	-5%	43%	50%	-7%
Project Management	61%	62%	-1%	57%	62%	-5%
Project Planning & Design	43%	49%	-6%	35%	43%	-8%

▲ % is the difference in California and NCARB performance.

CSE The current Intra-Departmental Contract (IDC) with OPES for examination development expires on June 30, 2020. Staff coordinated with OPES on a new IDC for FY 20/21 and an IDC for the 2020 OA that commenced in April and runs through December.

Performance data for the CSE during the current and prior FYs is displayed in the following tables. There are no examination statistics available for April 2020 because of the current testing restrictions implemented by PSI related to COVID-19.

**CSE Performance by Candidate Type
(FY 2019/20 as of March 31, 2020)**

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
Instate First-time	269	75%	91	25%	360
Instate Repeat	155	62%	97	38%	252
Reciprocity First-time	79	53%	69	47%	148
Reciprocity Repeat	39	62%	24	38%	63
Relicensure First-time	4	67%	2	33%	6
Relicensure Repeat	0	0%	2	100%	2
TOTAL	546	66%	285	34%	831

CSE Performance by Candidate Type (FY 2018/19)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
Instate First-time	432	64%	240	36%	672
Instate Repeat	191	57%	144	43%	335
Reciprocity First-time	141	57%	106	43%	247
Reciprocity Repeat	40	57%	30	43%	70
Relicensure First-time	3	30%	7	70%	10
Relicensure Repeat	1	33%	2	67%	3
TOTAL	808	60%	529	40%	1337

Enforcement Program

Enforcement Subject Matter Expert (SME) Program Since November 2019, the Board has been using a pool of qualified SMEs to provide case review, technical evaluation, and courtroom testimony. This new process has enabled a more efficient use of the Board's resources. To date, the Board has a pool of 15 SMEs some of which have completed 6 expert opinion reports. Staff continue to assign cases on an ongoing basis as needed.

Enforcement Actions

John R. Garakian (Laguna Beach) The Board issued a one-count citation that included a \$500 administrative fine to John R. Garakian, architect license number C-9826, for an alleged violation of Business and Professions Code (BPC) section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Garakian certified false or misleading information on his 2019 License Renewal Application. Garakian paid the fine, satisfying the citation. The citation became final on February 24, 2020.

Rodolfo Garces (Palmdale) The Board issued a one-count citation that included a \$2,000 administrative fine to Rodolfo Garces, dba Affordable Blueprints Inc., ADS Architecture Group, and Affordable Drafting Services, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Garces' Buzzfile and LinkedIn profiles described him as providing "architecture" and "architectural" services. Further, his company's Manta, ProMatcher,

and Yelp profiles used the terms “architects,” “architecture,” and “architectural” in ADS Architecture Group and Affordable Drafting Services’ description of services, without an architect who is in management control of the services that are offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. The citation became final on March 1, 2020.

Roi Gavriely (Canoga Park) The Board issued a one-count citation that included a \$1,000 administrative fine to Roi Gavriely, dba Loyalty Construction, Inc., an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Gavriely’s company print advertisement, company website, and Angie’s List profile described him as providing “architectural” services and offering “architects” without an architect who is in management control of the services that are offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. The citation became final on February 13, 2020.

Michael J. Harlock (Corte Madera) The Board issued a one-count citation that included a \$500 administrative fine to Michael J. Harlock, architect license number C-12696, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Harlock certified false or misleading information on his 2019 License Renewal Application. Harlock paid the fine, satisfying the citation. The citation became final on February 20, 2020.

Jeffrey C. Kadlowec (Las Vegas, NV) The Board issued a one-count citation that included a \$500 administrative fine to Jeffrey C. Kadlowec, architect license number C-31642, for an alleged violation of BPC section 5579 (Fraud in Obtaining License). The action alleged that on or about June 12, 2019, a Settlement Agreement and Order by the Nevada State Board of Architecture, Interior Design and Residential Design (NSBAIDRD) became effective, based on a Notice of Charges filed on or about May 14, 2019 against Kadlowec, alleging that he failed to act with reasonable care and was negligent in the practice of architecture. NSBAIDRD sent Kadlowec a letter on or about June 13, 2019 stating, “be aware that this Board does consider this settlement agreement to constitute disciplinary action.” The action alleged that Kadlowec represented on his October 17, 2019 California license renewal application that he had not been disciplined by a public agency during the preceding two-year renewal period. The citation became final on February 27, 2020.

Robert J. Klob (Chandler, AZ) The Board issued a two-count citation that included a \$3,000 administrative fine to Robert J. Klob, dba Robert Klob Designs Inc., an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Klob’s company website advertised that he provides design plans for Insulated Concrete Forms (ICF) homes in California. The action further alleged that on or about June 18, 2018, Klob sent a client a Proposal and Agreement for Residential Design Services to provide designs, drawings and documents for a new custom home in Lake Arrowhead, California using ICF, which is not described in BPC section 5537(a) as an exempt building. The citation became final on February 20, 2020.

Erik Kramer (Redwood City) The Board issued a one-count citation that included a \$1,000 administrative fine to Erik Kramer, dba Speck Design, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Kramer identified himself as an “Architect” on his company website. The citation became final on February 13, 2020.

Kunal Nagpal (Santa Rosa) The Board issued a four-count citation that included a \$10,000 administrative fine to Kunal Nagpal, dba Emerge Rebuild, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect) and CCR, title 16, section 134(a) (Use of the Term Architect; Responsible Control Within Business Entity). The action alleged that Nagpal represented himself as an architect and his company as an architectural firm when he entered into contracts to rebuild the homes of three victims of the October 2017 Tubbs Fire. The parties executed a Detail Design Agreement, which provided for "Preliminary Architectural Designs," "architectural renderings," and "architectural and structural design and specifications," documents which were to be "checked and verified by a licensed professional." Nagpal's company website advertised that their natural disaster recovery team, "which comprises of insurance specialists, architects, and general contractors," would assist fire victims by "first getting funds approved by insurance companies and then assisting with rebuilding the home for you by managing every step along the way," including Debris Cleanup, Insurance, Financing, Design/ Architect/ Engineering/ Permitting, and General Contracting. Nagpal paid the fine, satisfying the citation. The citation became final on February 27, 2020.

John Newton (Oakland) The Board issued a three-count citation that included a \$2,500 administrative fine to John Newton, dba John Newton Design & Development, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Newton submitted plans for three three-story residences to the City of Berkeley. These plans were not stamped by a licensed professional. The plans prepared by Newton indicated three distinct living levels in each of the houses, which are not exempt from the requirements of the Architects Practice Act pursuant to BPC sections 5537(a) and 5538. Newton paid the fine, satisfying the citation. The citation became final on February 20, 2020.

Gales L. Suarez (Pico Rivera) The Board issued a two-count citation that included a \$2,000 administrative fine to Gales L. Suarez dba Arch-Co Designers & Builders, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Suarez's LinkedIn profile listed him as a “Self Employed Freelance Architect,” his Twitter profile stated that he was “a licensed architect and builder in the State of California,” and his Porch.com profile described his business as “an architecture firm” and listed “architectural engineering” and “Architecture” as services offered. Suarez was also using the name “Gales L. Suarez DBA Arch-Co Designers & Builders” for his contractor's license. The citation became final on February 25, 2020.

Gregory P. Wesner (Castro Valley) The Board issued a one-count citation that included a \$500 administrative fine to Gregory P. Wesner, architect license number C-27967, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False

or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Wesner certified false or misleading information on his 2019 License Renewal Application. Wesner paid the fine, satisfying the citation. The citation became final on February 26, 2020.

Mark G. Harold (Fresno) The Board issued a one-count citation that included a \$750 administrative fine to Mark G. Harold, architect license number C-10301, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Harold certified false or misleading information on his 2019 License Renewal Application and failed to complete the coursework on disability access requirements. The citation became final on March 20, 2020.

Thomas W. Jull (Oakland) The Board issued a one-count citation that included a \$750 administrative fine to Thomas W. Jull, architect license number C-25981, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Jull certified false or misleading information on his 2019 License Renewal Application and failed to complete the coursework on disability access requirements. The citation became final on March 19, 2020.

Ruth Michael (Chicago, IL) The Board issued a one-count citation that included a \$750 administrative fine to Ruth Michael, architect license number C-36234, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Michael certified false or misleading information on her 2019 License Renewal Application and failed to complete the coursework on disability access requirements. Michael paid the fine, satisfying the citation. The citation became final on March 19, 2020.

Jeffrey A. Shiozaki (Saratoga) The Board issued a one-count citation that included a \$500 administrative fine to Jeffrey A. Shiozaki, architect license number C-35153, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Shiozaki certified false or misleading information on his 2019 License Renewal Application and completed the coursework on disability access requirements after his November 30, 2019 license renewal date. Shiozaki paid the fine, satisfying the citation. The citation became final on March 13, 2020.

Anat Shmariahu (Los Gatos) The Board issued a one-count citation that included a \$2,000 administrative fine to Anat Shmariahu, dba Anav Design, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Shmariahu executed an "Architectural Design Proposal," which included a feasibility study for remodel designs, a complete set of "architectural drawings," delivery of drawings, and submittal to the City of San Jose to obtain a permit. Shmariahu's personal profile on Dwell.com described "White House" and "Japan House" projects, which identified her as the "architect" and stated, "I directed the architecture and interior design of the house..." Shmariahu's company website and

Bayfickr profile stated Anav Design “is specialized in single houses architecture.” The citation became final on March 6, 2020.

Zaven Ayvazian (Van Nuys) – The Board issued a one-count citation that included a \$750 administrative fine to Zaven Ayvazian, dba ZAA Studio, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged Ayvazian’s company profile on LinkedIn was categorized under “Architecture & Planning,” stated, “Recognized throughout the Los Angeles architect community for their communication and ongoing collaboration with clients and builders,” and offered “Architecture” under *Specialties*. Further, Ayvazian’s company signage was displayed in front of a residence located in Los Angeles, California offering “Residential & Commercial Architectural Design.” Ayvazian used the term “architectural” and “architecture” in ZAA Studio’s description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated BPC section 5536 and CCR, title 16, section 134. Ayvazian paid the fine, satisfying the citation. The citation became final on April 10, 2020.

Michael Burke (Irvine) – The Board issued a two-count citation that included a \$3,500 administrative fine to Michael Burke, dba Bar International Design and Development Co., Inc. (Bar International), Bar Building Division, LLC, and The Development Bar, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that an auto and truck services company (client) hired Burke and his company, Bar International, in September 2014, to design and engineer a 1,400 square foot gas station convenience store in Bell Gardens, California. The contract between the client and Bar International dated September 29, 2014, was signed by Burke as “Architect for Bar International Design & Development Inc.,” and promised schematic design, architectural sheets, and “plans finalized for architectural stamp.” Change orders dated October 14, 2014; October 30, 2014; January 8, 2015; February 10, 2015; and April 3, 2015, included an “Architect’s Project Number,” specified “Not valid until signed by architect,” and were signed by Burke.

Burke’s invoices to the client dated October 2, 2014, October 8, 2014, October 14, 2014, October 30, 2014, and November 13, 2014, itemized conceptual design, schematic design, and design development of “plans finalized for architectural stamp.” The company’s contract with an outside engineering firm dated March 5, 2015, designated Michael Burke of Bar International as the architect of record. Preliminary design sheets for the Bell Gardens project displayed a title block listing Commercial Design and Architecture under Bar International’s description of services. A design agreement between the client and Bar Building Division, LLC dated March 24, 2016, promised “Complete architectural drawings” and “All documentation for planning commission submittal.” Burke used a contract he signed as Architect for Bar Building Division, LLC, Project Status Reports specifying “architectural/ planning commission submittal,” and an Estimated Timeline for “complete architectural” services.

As new commercial construction, the designs for a gas station convenience store, restaurant, and expansion are not exempt from licensing requirements under BPC section 5537. Burke represented his company as an architectural firm, provided

architectural services, and included architecture in his company's description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated BPC section 5536 and CCR, title 16, section 134.

In February 2020, Burke's business, The Development Bar, maintained a website offering project management and design services and featured the design of the client's gas station convenience store among its many commercial design accomplishments. By advertising non-exempt commercial architectural services through his company's website, Burke violated BPC section 5536(a). The citation became final on March 11, 2020.

Helmi El Senoussi (Las Vegas, NV) – The Board issued a two-count citation that included a \$3,500 administrative fine to Helmi El Senoussi, dba Bar International Design and Development Co., Inc. (Bar International), Bar Building Division, LLC, and The Development Bar, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that an auto and truck services company (client) hired El Senoussi and his company, Bar International, in September 2014, to design and engineer a 1,400 square foot gas station convenience store in Bell Gardens, California. The contract between the client and Bar International dated September 29, 2014, was signed by El Senoussi's unlicensed partner, Michael Burke, as "Architect for Bar International Design & Development Inc.," and promised schematic design, architectural sheets, and "plans finalized for architectural stamp." Change orders dated October 14, 2014, October 30, 2014, January 8, 2015, February 10, 2015, and April 3, 2015, included an "Architect's Project Number," specified "Not valid until signed by architect," and were signed by Michael Burke.

El Senoussi's invoices to the client dated October 2, 2014, October 8, 2014, October 14, 2014, October 30, 2014, and November 13, 2014, itemized conceptual design, schematic design, and design development of "plans finalized for architectural stamp." The company's contract with an outside engineering firm dated March 5, 2015, designated Michael Burke of Bar International as the architect of record. Preliminary design sheets for the Bell Gardens project displayed a title block listing Commercial Design and Architecture under Bar International's description of services. A design agreement between the client and Bar Building Division, LLC dated March 24, 2016, promised "Complete architectural drawings" and "All documentation for planning commission submittal." El Senoussi used a contract signed by Michael Burke as Architect for Bar Building Division, LLC, Project Status Reports specifying "architectural/planning commission submittal," and an Estimated Timeline for "complete architectural" services.

As new commercial construction, the designs for a gas station convenience store, restaurant, and expansion are not exempt from licensing requirements under BPC section 5537. El Senoussi represented his company as an architectural firm, provided architectural services, and included architecture in his company's description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated BPC section 5536 and CCR, title 16, section 134.

In or around February 2020, El Senoussi's business, The Development Bar, maintained a website offering project management and design services and featured the design of the client's gas station convenience store among its many commercial design accomplishments. By advertising non-exempt commercial architectural services through his company's website, El Senoussi violated BPC section 5536(a). The citation became final on March 11, 2020.

Christopher Faulhammer (Venice) – The Board issued a one-count citation that included a \$1,500 administrative fine to Christopher Faulhammer, dba BSPK Design, Inc., E-Z Builders, Inc, and Think Design Office, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged Faulhammer provided a "Design Services Proposal" to Mr. R.Y. (client) to remodel a one-story house located in Tujunga, California. The agreement provided for a complete interior remodel to an existing home. It offered "architectural and engineering design services" and an architect to be provided by Faulhammer. Faulhammer's personal LinkedIn profile identified him as a "Project Architect" and his company's Archinect profile included "Architecture" under *Services Offered*. Faulhammer used the term "architecture" in BSPK Design, Inc's description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated BPC section 5536 and CCR title 16, section 134. Faulhammer paid the fine, satisfying the citation. The citation became final on April 16, 2020.

Scott A. Rivers (Long Beach) – The Board issued a one-count citation that included a \$500 administrative fine to Scott A. Rivers, architect license number C-23228, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Rivers certified false or misleading information on his 2019 License Renewal Application and completed the coursework on disability access requirements after his October 31, 2019 license renewal date. Rivers paid the fine, satisfying the citation. The citation became final on March 12, 2020.

Kamran Farahi (Los Angeles) – The Board issued a one-count citation that included a \$1,500 administrative fine to Kamran Farahi, dba Farahi Construction, Inc., an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged Farahi reused sets of swimming pool plans and/or plan details he had previously purchased from an architect on seven swimming pool construction projects, for which those plans were never designed or otherwise intended to be used. Farahi's use of plans that had been stamped and signed by an architect or the firm's engineer for another project, without their consent, violated BPC section 5536(a). The citation became final on February 13, 2020.

Zaccharin Thibodeau (San Bernardino) – The Board issued a citation that included five causes for action and a \$6,500 administrative fine to Zaccharin Thibodeau, dba Get It Done, An Architectural Design Company and Zachitect Designs, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged on or about September 27, 2018, Thibodeau's company, "Get It Done, An Architectural Design Company," included the word "architectural" in its name and had a website that offered architectural services. There

was a picture of Thibodeau on the website that identified him as the co-owner. Thibodeau's business name, "Get It Done, An Architectural Design Company" included the word architectural, and his website included the word architectural without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated BPC section 5536 and CCR, title 16, section 134.

On or about April 12, 2018, Thibodeau signed a contract entitled "Architect Contract" to provide "Architect's" services to P.S. for a single-family residence located in Cerritos, California. This contract identified Thibodeau as an architect and offered architectural services 49 times. In an email to P.S. dated June 11, 2018, Thibodeau identified himself as an architect in his signature line. On or about March 5, 2018, Thibodeau signed a contract entitled "Architect Contract" to provide "Architect's" services to C.B. for a property located in San Bernardino, California. On or about June 28, 2018, Thibodeau produced plans for the property including a title block that said, "Get It Done, An Architectural Design Company." These contracts, email, and plans that identified Thibodeau as an architect, or qualified to engage in the practice of architecture, violated BPC section 5536(a).

On or about March 5, 2018, Thibodeau used the business name "Zachitect Designs." This business name included a term confusingly similar to the word architect. Zachitect Designs had a website that described the firm as "Southern California's Premiere Architect Firm." These devices might indicate to the public that Thibodeau is an architect, is qualified to engage in the practice of architecture, or is an architectural designer, and violate BPC section 5536(a). The citation became final on April 11, 2020.

Disciplinary Actions

David A. Udkow (Scottsdale, AZ) Effective March 30, 2020, David A. Udkow's architect license number C-8912 was revoked, and he thereby lost all rights and privileges as an architect in California. The action was a result of a Default Decision and Order, which was adopted by the Board on February 28, 2020.

An Accusation was filed against Udkow for alleged violations of BPC sections 5586 (Discipline by a Public Agency), 5579 (Fraud in Obtaining License), 5582, and 5582.1, and CCR, title 16, section 151 (Aiding Unlawful Practice).

The Accusation alleged that on or about August 22, 2012, the Nevada State Board of Architecture, Interior Design, and Residential Design (Nevada Board) adopted a Settlement Agreement and Order that disciplined Udkow for (1) reviewing and sealing architectural drawings for three projects in Las Vegas, Nevada for submittal to the building department that were not prepared under his responsible control; (2) aiding an unauthorized person to practice architecture in Nevada; and (3) not executing a written contract with the client before providing professional services. On or about October 1, 2012, Udkow surrendered his architect license to the Nevada Board.

Udkow also was disciplined by the Colorado Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors (Colorado Board) and the Montana Board of Architects and Landscape Architects (Montana Board) on January 21, 2014, and April 7, 2015, respectively, based upon the action that was taken

against him by the Nevada Board. The Colorado Board issued a Letter of Admonition to Udkow, and the Montana Board suspended his license through a Final Order by Default.

A review of Udkow's 2013 and 2015 California Architect License Renewal Applications dated June 20, 2013, and May 25, 2015, respectively, revealed that he had indicated under penalty of perjury that he had not been disciplined by a public agency during either of the previous two-year renewal cycles.

On or about March 2, 2016, an Ohio architect issued a "Consultant Work Authorization" to Udkow to "Review/Sign/Seal plans for Landlord and City submittal" for a fee of \$1,700 to obtain a building permit for a business referred to as BTG in Torrance, CA. The next day, Udkow signed and stamped the construction documents, which had not been prepared by him, or under his responsible control.

<u>Enforcement Statistics</u>	<u>FY19/20</u> <u>(as of 4/30/20)</u>	<u>FY18/19</u>	<u>FY17/18</u>
Complaints			
Received/Opened (Reopened):	391 (1)	310 (2)	380 (2)
Closed:	389	314	334
Average Days to Close:	143 days	188 days	97 days
Pending:	153	150*	161
Average Age of Pending:	155 days	230 days*	161 days
Citations			
Issued:	75	48	65
Pending:	18	32*	0
Pending AG: †	3	3*	0
Final:	55	55	58
Disciplinary Actions			
Pending AG:	6	6*	4
Pending DA:	0	1*	1
Final:	3	1	3
Continuing Education (§5600.05)**			
Received/Opened:	33	35	32
Closed:	24	24	30
Pending:	9	11*	10
Settlement Reports (§5588)**			
Received/Opened:	32	24	14
Closed:	15	15	14
Pending:	17	9*	0

*Calculated as a monthly average of pending cases.

**Also included within "Complaints" information.

†Also included within "Pending Citations."

Types of Complaints Received FY 2019/20 (as of 4/30/20)

Type of Complaint Received	FY 2019/20 (as of 4/30/20)	FY 2018/19
Advertising	36.7%	20.9%
Continuing Education	10.1%	10.5%
Licensee	23.4%	28.2%
Settlement	8.7%	10.1%
Unlicensed	21.2%	30.3%

Closure of Complaints by FY

Type of Closure	FY 2019/20 (as of 4/30/20)	FY 2018/19	FY 2017/18
Cease/Desist Compliance	21	10	9
Citation Issued	82	43	64
Complaint Withdrawn	7	10	8
Insufficient Evidence	8	16	14
Letter of Advisement	144	120	157
No Jurisdiction	14	13	15
No Violation	86	74	40
Referred for Disciplinary Action	1	4	5
Other (i.e., Duplicate, Mediated, etc.)	26	30	25

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

During FY 2019/20 (as of 4/30/20), 55 citations with administrative fines became final with 65 violations of the Architects Practice Act and/or Board regulations. The most common violations that resulted in citation or discipline during the current and previous two fiscal years are listed below.

BPC or CCR Section	FY 2019/20 (as of 4/30/2020)	FY 2018/19	FY 2017/18
BPC § 5536(a), (b), and/or CCR § 134 – Advertising and Unlicensed Practice	36.9%	25.4%	8.1%
BPC § 5536.1(c) – Unauthorized Use of Stamp/License number	1.5%	0%	3.2%
BPC § 5536.22(a) – Written Contract	7.7%	6%	1.6%
BPC § 5584 – Negligence or Willful Misconduct	6.2%	6%	1.6%
BPC § 5600.05(a)(1) and/or (b) – Failure to Complete CE and/or Misleading Information on License Renewal	29.2%	37.3%	77.4%†
CCR § 160(b)(2) – Failure to Respond to Board Investigation	9.2%	7.5%	4.8%

† The high percentage of citations for BPC section 5600.05 violations compared to other violations in 2017/2018 is primarily due to vacancies in the Enforcement Unit.

Landscape Architects Technical Committee

LATC ADMINISTRATIVE/MANAGEMENT

Business Modernization Refer to section under Board's Administrative/Management.

Committee The next LATC meeting is scheduled for September 4, 2020 in Sacramento.

Personnel LATC Special Projects Analyst Deborah Dulay separated from State service on January 31, 2020. Kourtney Nation was promoted to this position effective March 2, 2020. Blake Clark was promoted to the Examination Coordinator position effective April 1, 2020. Recruitment to fill the Licensing Coordinator position he previously held are currently underway.

Social Media The LATC maintains a Twitter account that currently has 193 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Website LATC staff have been working with the DCA Public Information Office (PIO) to produce a web-based tutorial for the LATC homepage, schools, and other outreach efforts to assist candidates with navigating through the process of becoming a licensed landscape architect. A set of preliminary videos were presented to the LATC at their

meeting on February 5, 2020. Staff are currently coordinating with PIO to incorporate Committee member feedback and finalize the videos for an upcoming LATC meeting.

Regulatory Proposals CCR Sections 2611 (Abandonment of Application), 2611.5 (Retention of Candidate Files), and 2616 (Application for Licensure Following Examination) The LATC's retention schedule was updated and approved in January 2020. While updating the retention schedule it was discovered that the abandonment of an application required definition within CCR 2611. Staff worked with DCA legal counsel and prepared proposed changes. Additionally, it was advised by legal counsel to add a new section 2611.5 to provide LATC authority for the retention and purging of candidate files. Lastly, it was advised to provide additional language to CCR section 2616 providing for the abandonment of a candidate's application for licensure. The proposed language was presented to the LATC on February 5, 2020, where the Committee made a recommendation to the Board to adopt the proposed regulatory language. The Board approved the Committee's recommendation at its February 28, 2020 meeting. Staff proceeded with the regulatory proposal process and provided the proposal to DCA Legal for pre-review on April 10, 2020.

Date	Action Taken
February 28, 2020	Proposed regulatory language approved by Board
April 10, 2020	Proposed regulation submitted to DCA Legal for prereview

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) The current IDC with OPES for examination development for FY 2019/20 will expire on June 30, 2020. The LATC approved an IDC with OPES to conduct an OA at their meeting on November 8, 2019 and the contract was executed on December 5, 2019.

In order to comply with current guidance from Governor Gavin Newsom regarding COVID-19, OPES postponed April and May 2020 in-person OA workshops to remote sessions in June. Thereafter, the number of in-person workshops will be reduced.

Performance data for the CSE during the current and prior FYs is displayed in the following tables. There are no examination statistics available for April 2020 because of the current testing restrictions implemented by PSI related to COVID-19.

**CSE Performance by Candidate Type
(July 1, 2019 to April 30, 2020)**

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	57	75%	19	25%	76
Repeat	13	68%	6	32%	19
TOTAL	70	74%	25	26%	95

**CSE Performance by Candidate Type
(FY 2018/19)**

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	122	79%	32	21%	154
Repeat	51	82%	11	18%	62
TOTAL	173	80%	43	20%	216

Landscape Architect Registration Examination (LARE) A LARE administration was held December 2-14, 2019. Examination results for all LARE administrations are released by the Council of Landscape Architectural Registration Boards (CLARB) within six weeks of the last day of administration. Due to the Governor's order for social distancing, the April LARE administration was postponed to May 23-June 14, 2020.

The pass rates for LARE sections taken by California candidates during the December 2-14, 2019 administration are shown below:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	58	37	64%	21	36%
Inventory and Analysis	81	46	57%	35	43%
Design	69	45	65%	24	35%
Grading, Drainage and Construction	62	42	68%	20	32%

National pass rates for LARE sections taken during the December 2-14, 2019 administration are shown below:

SECTION	CALIFORNIA		NATIONAL		▲ %
	Total	Passed	Total	Passed	
Project and Construction Management	58	64%	377	66%	-2%
Inventory and Analysis	81	57%	413	70%	-13%
Design	69	65%	394	64%	-1%
Grading, Drainage and Construction	62	68%	363	68%	0%

▲ % is the difference in the California and national (CLARB) pass rates.

National pass rates for LARE sections taken in 2019 are shown in the following table:

SECTION	CALIFORNIA		NATIONAL		▲ %
	Total	Passed	Total	Passed	
Project and Construction Management	176	66%	1,019	68%	-2%
Inventory and Analysis	208	54%	1,154	70%	-16%
Design	182	60%	1,149	65%	-5%
Grading, Drainage and Construction	156	60%	1,123	65%	-5%

▲ % is the difference in the California and national (CLARB) pass rates.

Outreach On April 23, 2020 LATC staff provided a presentation to students enrolled in a professional practice course at the University of California, Berkeley. The presentation was provided remotely and included an overview of the LATC's mandate, the Landscape Architects Practice Act, the importance of licensure, the examination process, and updates to the various education and training pathways to licensure.

Regulatory Proposals ***CCR Sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)*** At its meeting on February 10, 2015, LATC directed staff to draft proposed regulatory language to specifically state that California allows reciprocity to individuals who are licensed in another jurisdiction, have 10 years of practice experience, and have passed the CSE. At the LATC meeting on November 17, 2015, the Committee approved proposed amendments to CCR section 2615(c)(1) and the Board approved the regulatory changes at its meeting on December 10, 2015.

The LATC received extensive input during the public comment period expressing concern about the proposed length of post-licensure experience (at least 10 years, within the past 15 years) to be required of reciprocity candidates who do not meet California's educational requirements (specifically, a degree in landscape architecture). At its November 4, 2016 meeting, LATC reviewed and discussed the public comments, heard from several members of the audience, and directed staff to provide additional research and possible options for its next meeting in January 2017. At its January 17, 2017 meeting, the Committee directed staff to draft proposed regulatory language allowing reciprocity licensure to applicants licensed to practice landscape architecture by any US jurisdiction, Canadian province, or Puerto Rico, upon passing the CSE. Staff consulted with legal counsel to draft new, proposed regulatory language in accordance with the Committee's direction. Staff was also advised that it would be more efficient to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Government (Gov.) Code section 11346.4, the one-year deadline to finalize the existing regulatory proposal was August 12, 2017, which did not allow sufficient time to complete the required review/approval process through the control agencies.

At its April 18, 2017 meeting, the Committee approved the new proposed regulatory language to amend CCR section 2615(c)(1) and recommended that the Board authorize LATC to proceed with the regulatory change. The LATC's recommendation was considered by the Board at its June 15, 2017, meeting. Following discussion, the Board voted to reject the proposed regulatory language. The Board directed staff to prepare a proposal that addresses both the LATC's initial and reciprocal licensure requirements, and that closely aligns with the Board's current licensure requirements. The Board requested that the LATC's proposal should be presented to the Board at its next meeting.

At the July 13, 2017 meeting, the LATC reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal. This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The LATC voted to recommend to the Board the approval of amendments to CCR section 2620. Upon the Board's review of amendments for CCR section 2620 during its meeting on December 7, 2017, the Board voted to approve the language. As initial licensing provisions and reciprocity provisions are closely tied, the LATC voted on July 13, 2017,

to recommend to the Board that reciprocity requirements align with the final, amended provisions to CCR section 2620.

It was found that minor changes are necessary for consistency with the proposed amendments to CCR section 2620. Specifically, these changes will replace the term “Board approved degree” with “degree from an accredited program” and update a reference to CCR section 2620(a)(7). This new language was presented to the LATC for review and possible approval at their meeting on May 4, 2018. During this meeting, the Committee expressed concern that the Certification of Experience form may not adequately structure the experience a candidate gains, especially as it would pertain to the proposed experience-only pathway. Following discussion, the Committee directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at the next Committee meeting.

Subsequent to the Committee meeting on May 4, 2018, staff gathered research from other licensing jurisdictions who have detailed experience criteria on their experience verification forms as well as gathered data for California licensees and active candidates who qualify for licensure with one-year of education credit and five years of experience inclusive of examination pass rates, the types of experience gained, and whether enforcement actions were taken. The findings of staff research were presented to the LATC during its meeting on July 20, 2018; at which time the Committee granted approval to staff to move forward with the combined rulemaking file for CCR sections 2615 and 2620. The Board approved the LATC’s proposed regulatory language at its meeting on September 12, 2018.

Following is a chronology, to date, of the processing of LATC’s regulatory proposal for CCR sections 2615 and 2620:

Date	Action Taken
December 10, 2015	Proposed regulatory language approved by the Board
August 2, 2016	Notice of Proposed Changes in the Regulations submitted to OAL
August 12, 2016	Notice of Proposed Changes in the Regulations published by OAL
September 27, 2016	Public hearing, public comments received during 45-day period
April 18, 2017	LATC voted to withdraw regulatory proposal and approved new proposed regulatory language
June 15, 2017	Board requested LATC prepare an alternate proposal that refines both initial and reciprocal licensure requirements to be more closely related to those of the Board’s
July 13, 2017	LATC voted to recommend to the Board that reciprocity requirements align with initial licensure requirements once they are determined by the Education/Experience Subcommittee and approved by the LATC and the Board at subsequent meetings
October 3, 2017	The Education/Experience Subcommittee met and recommended expanded initial licensure pathways (and their respective education/ experience credit allocations) as amendments to section 2620 for the LATC’s consideration

November 2, 2017	LATC met to review the Education/Experience Subcommittee's recommendations and voted to recommend that the Board approve proposed amendments to section 2620 to expand initial licensure pathways
December 7, 2017	Board reviewed and approved the LATC's proposed amendments to section 2620
May 4, 2018	LATC reviewed revised proposed regulatory language, to amend sections 2615 and 2620, and directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at a future Committee meeting
July 20, 2018	LATC voted to recommend to the Board to proceed with the combined rulemaking file for sections 2615 and 2620
September 12, 2018	Proposed regulatory language approved by Board
November 1, 2018	Staff preparing regulatory package for DCA Legal review
February 7, 2019	Proposed regulation submitted to DCA Legal for prereview
March 21, 2019	DCA Legal concluded first round of prereview and returned regulation to staff
April 16, 2019	Proposed regulation returned to DCA Legal for additional prereview
June 5, 2019	DCA Legal concluded prereview
June 6, 2019	Proposed regulation submitted to DCA Legal for initial analysis
June 14, 2019	Proposed regulation submitted for Budget Office review
February 6, 2020	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal Review of Initial Analysis

CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program)

At the December 6, 2018 LATC meeting, the LATC discussed opportunities to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with the regulation. Following discussion, the Committee directed staff to form a subcommittee to work with staff to recommend regulatory changes for LATC's consideration at a later meeting date.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed recommended changes to section 2620.5 and the review/approval procedures for LATC's consideration. At the February 8, 2019 LATC meeting, the Committee reviewed the subcommittee's recommendations and directed staff to prepare a regulatory proposal to amend CCR section 2620.5 for the LATC's consideration at its next meeting. At its May 29, 2019 meeting, the LATC voted to recommend to the Board approval of the proposed regulatory language to amend CCR section 2620.5. The Board approved the proposal at its meeting on June 12, 2019 and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR section 2620.5:

Date	Action Taken
January 17, 2019	LATC staff held a conference call with the subcommittee where together they developed recommended changes for LATC's consideration at its February 8, 2019 meeting
February 8, 2019	LATC directed staff to prepare a regulatory proposal to amend section 2620.5 for the LATC's consideration at its May 23, 2019 meeting
May 29, 2019	LATC reviewed proposed regulatory language and voted to recommend approval by the Board
June 12, 2019	Proposed regulatory language approved by Board
July 31, 2019	Proposed regulation submitted to DCA Legal for prereview
October 22, 2019	Proposed regulation submitted to DCA Legal for additional prereview
November 25, 2019	Proposed regulation submitted to DCA Legal for initial analysis
February 5, 2020	Proposed regulation submitted to Budget Office for review

CCR Sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) At its meeting on February 8, 2019, LATC recommended to the Board approval of proposed regulatory language to amend CCR sections 2655 and 2656. The Board approved the proposed regulatory language at its February 27, 2019, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the LATC's regulatory proposal for CCR sections 2655 and 2656:

Date	Action Taken
February 27, 2019	Proposed regulatory language approved by the Board
March 7, 2019	Proposed regulation submitted to DCA Legal for prereview
March 8, 2019	DCA Legal concluded prereview
March 12, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 24, 2019	Proposed regulatory language approved by Agency
October 11, 2019	Notice of Proposed Regulatory Action published by OAL
November 25, 2019	End of 45-day public comment period, no comments received
February 5, 2020	LATC reviewed modified proposed regulatory language and voted to recommend approval by the Board
February 28, 2020	Proposed modified regulatory language approved by the Board
March 20, 2020	End of 15-day public comment period, no comments received
March 24, 2020	Final rulemaking submitted to DCA Regulatory Unit for review
April 2, 2020	Final rulemaking package approved by DCA Regulatory Unit and submitted to DCA Director for review
April 29, 2020	Final rulemaking package approved by DCA Director and submitted to Agency for review

LATC ENFORCEMENT PROGRAM

Regulatory Proposal **CCR Section 2680 (Disciplinary Guidelines)** As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of collaborating with the Board in order to review and update LATC's *Disciplinary Guidelines*. Staff worked closely with Board staff to update their respective guidelines to mirror each other wherever appropriate.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed changes to the LATC's *Disciplinary Guidelines* and CCR section 2680 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) including two options. On February 8, 2019, the Committee made a recommendation to the Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*.

Date	Action Taken
August 6, 2015	Amended proposed regulatory language to LATC's Disciplinary Guidelines approved by LATC
September 10, 2015	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
October 21, 2015	Board staff provided suggested edits to the Board's Disciplinary Guidelines to DCA Legal Counsel for review
November 12, 2015	DCA Legal Counsel notified Board staff that the edits to their Disciplinary Guidelines were sufficient and substantive, and would require re-approval by the Board
December 10, 2015	Amended proposed regulatory language to Board's Disciplinary Guidelines approved by Board
March 15, 2016	Board staff prepared their regulatory package for DCA Legal Counsel's review and approval
April 8, 2016	DCA Legal Counsel advised Board staff that further substantive changes to their Disciplinary Guidelines were necessary prior to submission to OAL
December 15, 2016	Amended proposed regulatory language of the Board's Disciplinary Guidelines approved by Board
July 13, 2017	Amended proposed regulatory language to LATC's Disciplinary Guidelines based on the Board's Disciplinary Guidelines approved by LATC
September 5, 2017	DCA Legal Counsel informed staff that additional substantive changes were necessary for both LATC's and Board's Disciplinary Guidelines

September 7, 2017	Amended proposed regulatory language of LATC's Disciplinary Guidelines, with additional substantive changes approved by Board
December 7, 2017	Amended proposed regulatory language for the Board's Disciplinary Guidelines approved by Board; however, the Board requested additional research on its statutory authority to impose fines
May 4, 2018	LATC reviewed proposed regulatory language to LATC's Disciplinary Guidelines, including language on statutory authority to impose fines, and voted to recommend approval by the Board
June 13, 2018	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
February 8, 2019	Revised proposed regulatory language to LATC's Disciplinary Guidelines, due to the passing of AB 2138, approved by LATC
February 27, 2019	Revised proposed regulatory language to both LATC's and Board's Disciplinary Guidelines approved by Board
July 30, 2019	Proposed regulation of LATC's Disciplinary Guidelines submitted to DCA Legal for prereview
October 8, 2019	DCA Legal concluded prereview of LATC's Disciplinary Guideline's regulatory package
October 15, 2019	Proposed regulation for LATC's Disciplinary Guidelines submitted to DCA Legal for initial analysis
April 17, 2020	DCA Budget Office approved Economic and Fiscal Impact Statement (Std. 399)

Regulatory Proposal **CCR Section 2671 (Public Presentments and Advertising Requirements)** As part of the Strategic Plan established by LATC at the December 2018 meeting, LATC set an objective of researching the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.

Currently, CCR section 2671 requires that a landscape architect only include their name and the words "landscape architect" in all forms of advertising or public presentments. In an effort to better inform and protect California consumers, the proposed changes of the LATC's current advertising requirements will expand to include license numbers in all forms of advertising.

Proposed language to amend CCR section 2671 was presented to the Committee on May 29, 2019, where the Committee made a recommendation to the Board to adopt the proposed regulatory language. The Board approved the Committee's recommendation at its June 12, 2019 meeting. Staff proceeded with the regulatory proposal process and DCA Legal completed the prereview of the regulatory change package. On August 12, 2019 the regulatory change package was submitted to DCA for Initial Analysis.

Date	Action Taken
June 12, 2019	Amended proposed regulatory language approved by the Board
June 27, 2019	Proposed regulation submitted to DCA Legal for prereview
August 6, 2019	DCA Legal concluded prereview
August 12, 2019	Proposed regulation submitted to DCA Legal for initial analysis

September 3, 2019 Proposed regulation submitted to Budget Office for review
February 5, 2020 Budget approved Economic and Fiscal Impact Statement
(Std. 399). Pending Legal review of Initial Analysis

Legislative Proposal BPC section 5659 (Inclusion of License Number – Requirement)

As part of the Strategic Plan established by LATC at the December 2018 meeting, LATC set an objective to educate the different jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensee to perform duties prescribed within the regulations. Staff reviewed the Landscape Architects Practice Act and BPC section 460 (Local Government Entities – Powers), which prevents local government entities from prohibiting a licensed professional from engaging in the practice for which they are licensed while also allowing those entities to adopt or enforce local ordinances. Staff worked with DCA legal counsel to add language to section 5659 to coincide with section 460 specifically referencing landscape architects. The proposed additional language would prohibit local jurisdictions from rejecting plans solely based on the grounds that they are stamped by a licensed landscape architect; however, they could still reject plans based on defects or public protection from the licensee.

Proposed language to amend BPC section 5659 was presented to the LATC on February 5, 2020, where the Committee made the recommendation to the Board to adopt the proposed language. The Board approved the Committee's recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal process and the proposal was submitted to legislative staff in mid-March 2020.

Date	Action Taken
February 28, 2020	Proposed language approved by Board
March 18, 2020	Bill proposal provided to EO for review and submittal
Mid-March 2020	Bill proposal submitted to legislative staff

Enforcement Actions None

<u>Enforcement Statistics</u>	<u>Current Quarter</u> Feb-Apr 2020	<u>Prior Quarter</u> Nov 2019-Jan 2020	<u>FYTD</u> 2019/20	<u>5-FY Avg</u> 2014/15- 2018/19
Complaints				
Received/Opened (Reopened):	11 (0)	7 (0)	28 (0)	30 (0)
Closed:	6	6	27	33
Average Days to Close:	40 days	62 days	59 d4ys	208 days
Pending:	5*	3*	4*	13
Average Age (Pending):	25 days*	95 days*	99 days	161 days
Citations				
Issued:	0	0	0*	3
Pending:	0*	0*	0*	1
Pending AG: †	0*	0*	0*	0
Final:	0	0	1	3
Disciplinary Actions				
Pending AG:	0*	0*	0*	1
Pending DA:	0*	0*	0*	0

Final:	0	0	0	1
Settlement Reports (§5678)**				
Received/Opened:	1	0	1	3
Closed:	0	0	0	2
Pending:	1*	0*	0*	2

* Calculated as a monthly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations."

AGENDA ITEM K: REVIEW OF FUTURE BOARD MEETING DATES

Summary

A schedule of planned meetings and events for the remainder of 2020 are provided to the Board.

<u>Date</u>	<u>Event</u>	<u>Location</u>
June 19	National Council of Architectural Registration Boards Annual Business Virtual Meeting	N/A
September 4	Landscape Architects Technical Committee (LATC) Meeting	Sacramento
September 10-12	Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting	New York, NY
September 18	Board Meeting	Southern California
December 2	LATC Meeting	Sacramento
December 11	Board Meeting	Bay Area

AGENDA ITEM L: CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(c)(3) AND (f)(4) AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:

- 1. Review and Possible Action on February 28, 2020 Closed Session Minutes**
- 2. Deliberate and Vote on Disciplinary Matters**
- 3. Adjourn Closed Session**