



NOTICE OF TELECONFERENCE MEETING OF PROFESSIONAL QUALIFICATIONS, REGULATORY AND ENFORCEMENT, AND COMMUNICATIONS COMMITTEES

Committees of the California Architects Board (Board) will meet by teleconference at

10 a.m. on Tuesday, January 25, 2022

NOTE: Pursuant to Government Code section 11133, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Board will hold this meeting via WebEx events. To participate in the WebEx meeting, please log on to this website the day of the meeting. Members of the public can address the Committees during the public comment session. Public comments will also be taken on agenda items at the time the agenda item is heard and prior to the Committees taking any action on said items.

To access the WebEx event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m44db77c388ad1e7500658c55d5057ce9>

If joining using the link above

Event number: 2483 346 1832

Event password: CAB01252022

If joining by phone

+1-415-655-0001 US Toll

Access code: 248 334 61832

Passcode: 22201252

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 January 20, 2022, to cab@dca.ca.gov for consideration.

PROFESSIONAL QUALIFICATIONS COMMITTEE MEETING AGENDA

(10 a.m.)

Professional Qualifications Committee (Charles “Sonny” Ward, Chair)

A. Call to Order / Roll Call / Establishment of Quorum

B. Chair’s Opening Remarks

C. Public Comment on Items Not on the Agenda

The Committee 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)).

D. Discussion and Possible Action on March 26, 2021, Committee Meeting Minutes

E. Discussion and Possible Action on 2022-2024 Strategic Plan Objectives to:

1. Amend existing regulations to revise and expand the types of degrees accepted for licensure to remove barriers to licensure.
2. Collaborate with legal to implement AB 1010 in developing regulations and aligning committee findings to provide more consistency and make continuing education requirements more relevant to current licensing requirements.
3. Communicate with staff to include climate resiliency as a priority subject matter for the California Supplementary Exam to protect consumers and licensees.
4. Communicate to the public what the professional qualifications committee has suggested to the Board to promote the work the committee has done.

F. Adjournment

COMMUNICATIONS COMMITTEE MEETING AGENDA

(Upon adjournment of Professional Qualifications Committee meeting)

Communications Committee (Mitra Kanaani, Chair)

A. Call to Order / Roll Call / Establishment of Quorum

B. Chair’s Opening Remarks

C. Public Comment on Items Not on the Agenda

The Committee 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)).

D. Discussion and Possible Action on September 1, 2021, Committee Meeting Minutes

E. Discussion and Possible Action on 2022-2024 Strategic Plan Objectives to:

1. Resume regular communication with the American Institute of Architects (AIA) by attending joint meetings once a year to give a consistent message to architects, candidates, and consumers in California.
2. Develop an outreach plan to educate licensees and candidates on information needed to acquire and maintain a license.
3. Develop communication regarding the requirements of SB 9 and its impact on the profession.
4. Develop an outreach plan for academic and private institutions to continuously provide students and educators with relevant information.
5. Publicize architects from diverse backgrounds to promote inclusion.
6. Create social media posts educating licensees on violations to increase compliance within the profession.
7. Survey higher educational institutions for data on their architect student populations to understand their plans for creating space for US resident students to mitigate a possible vacuum of professionals in the future.
8. Provide information in multiple languages to increase accessibility to licensees and candidates.

F. Adjournment

REGULATORY AND ENFORCEMENT COMMITTEE MEETING AGENDA

(Upon adjournment of Communications Committee meeting)

Regulatory and Enforcement Committee (Ron Jones, Chair)

A. Call to Order / Roll Call / Establishment of Quorum

B. Chair's Opening Remarks

C. Public Comment on Items Not on the Agenda

The Committee 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)).

D. Discussion and Possible Action on November 10, 2020, Committee Meeting Minutes

E. Discussion and Possible Action on 2022-2024 Strategic Plan Objectives to:

1. Provide more detail on decisions made in enforcement cases in the Executive Officer report during board meetings and inform consumers.
2. Develop narrative discussions and case studies of common violations to educate and inform consumers and architects on what violations to avoid.
3. Better educate practitioners on standards of practice during the renewal process to protect the public.
4. Educate the public and practitioners regarding their rights and roles when contracts are signed.
5. Review the current threshold for fines to determine if they are appropriate to deter violations.
6. Monitor social media to proactively enforce against unlicensed advertising.

F. Discussion and Possible Action on Revising the Building Official Information Guide

G. Adjournment

The California Architects 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. The meeting will not be cancelled if webcast is not available.

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

Committee 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 individuals with disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Drew Liston

Telephone: (916) 575-7202

Email: drew.liston@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).

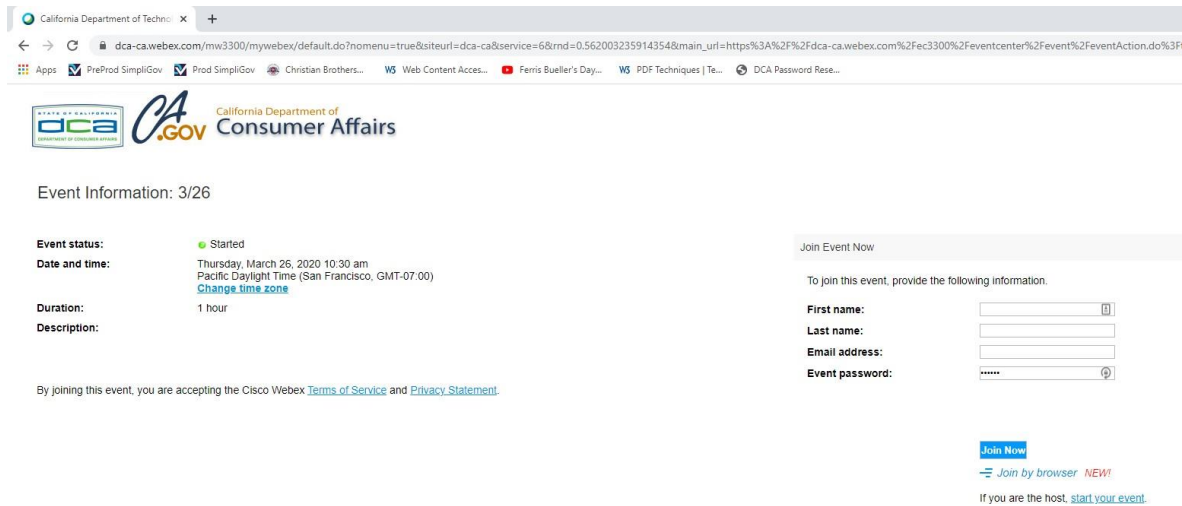
HOW TO – Join – DCA WebEx Event

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

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

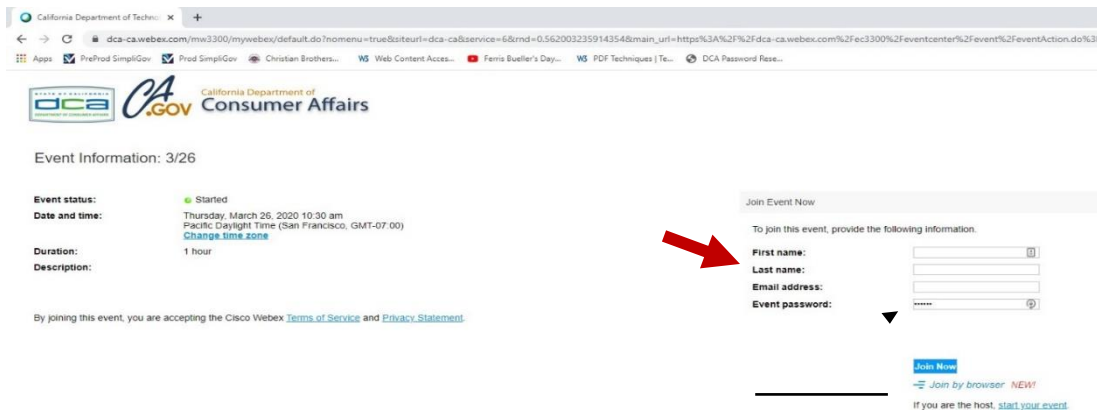
Example link:

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



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

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.

Join Event Now

To join this event, provide the following information.

First name:

Last name:

Email address:

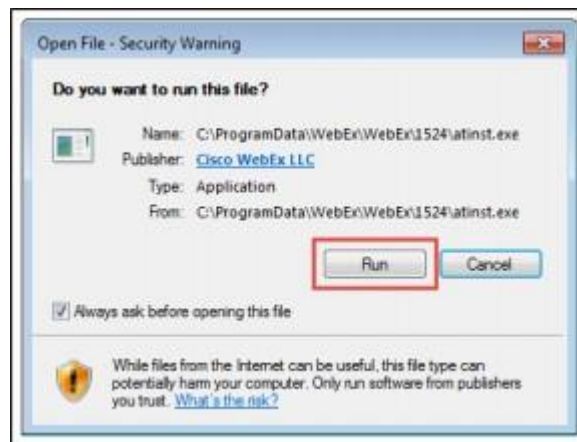
Event password:

Join Now

[Join by browser](#) **NEW!**

If you are the host, [start your event.](#)

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

- To bypass step 4, click 'Run a temporary application'.

Starting Webex...



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

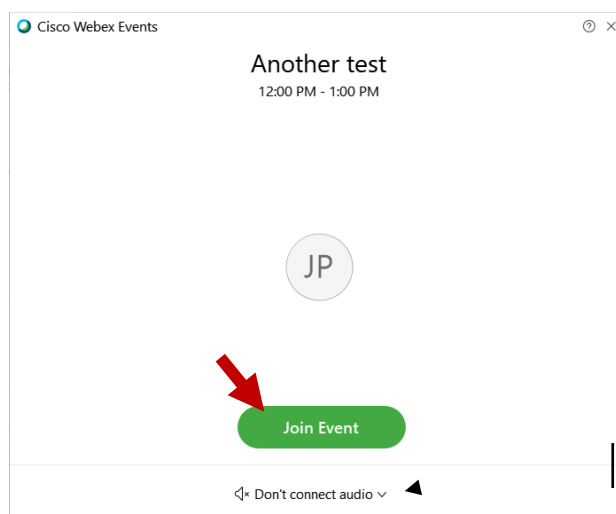
- A dialog box will appear at the bottom of the page, click 'Run'.



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

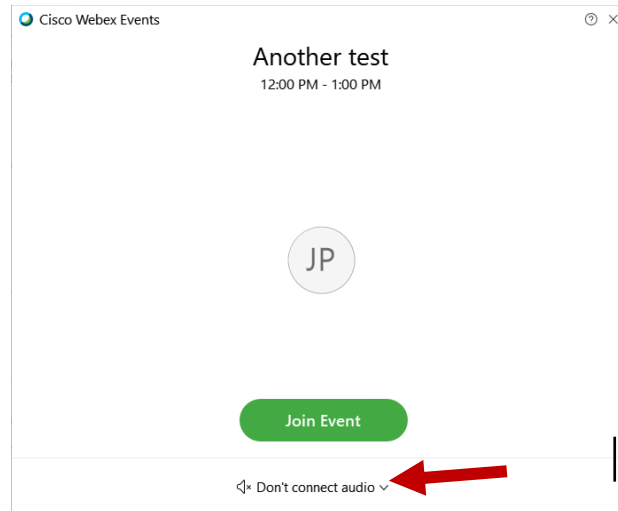
NOTE: The preferred audio connection to our event is via telephone conference or headset. Use of an open microphone and speakers through your computer could result in issue with audio clarity and potential feedback/echo.

- If using a headset plugged into your computer, click the 'Join Event' button.

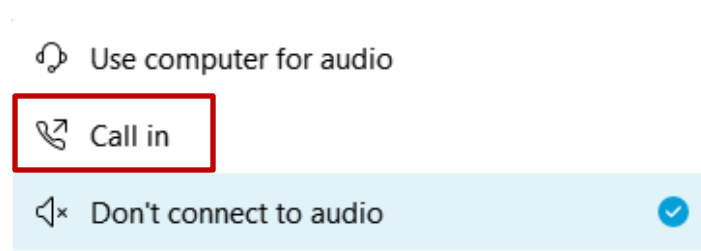


HOW TO – Join – DCA WebEx Event

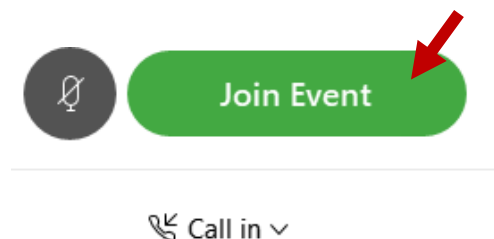
8. If using teleconference via your phone for audio, click the audio menu below the green 'Join Event' button.



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

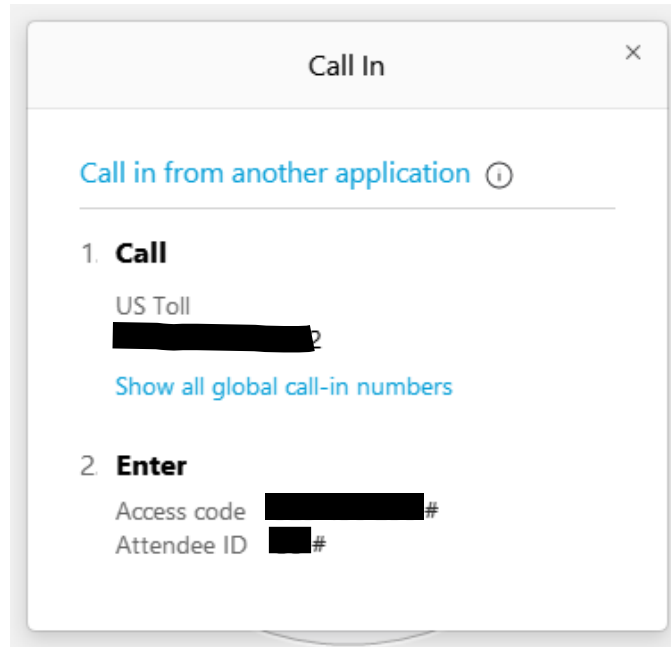


10. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



HOW TO – Join – DCA WebEx Event

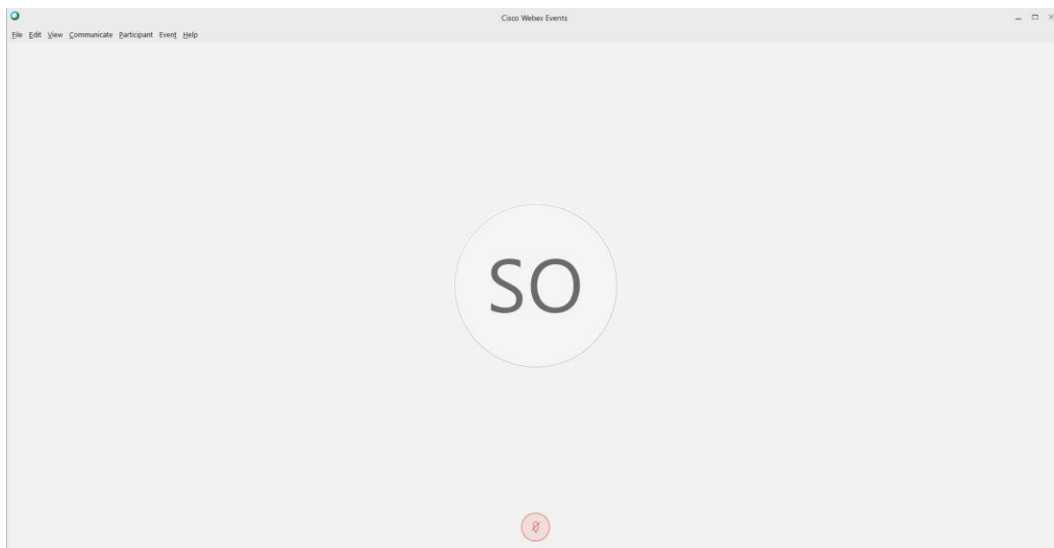
11. Call into the audio conference with the details provided.



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

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!

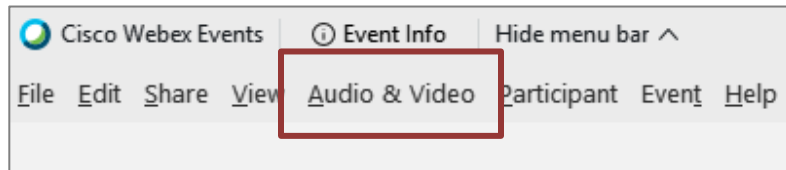


NOTE: Your audio line is muted and can only be unmuted by the event host.

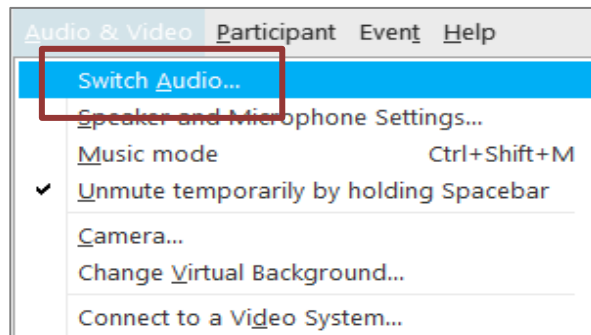
Selecting Audio Connection After Joining

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.

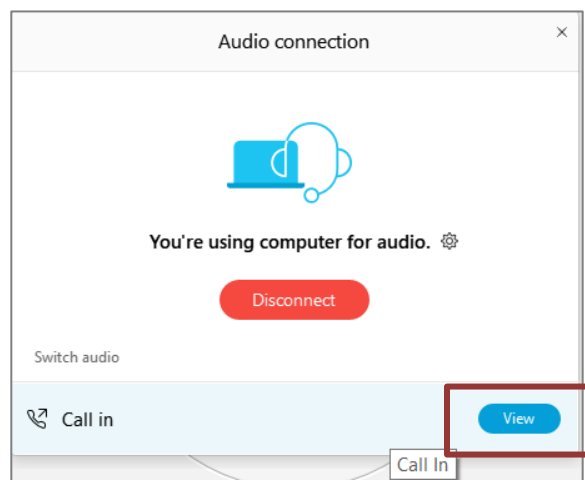
1. Select 'Audio & Video' from the menu bar at the top of your screen.



2. Select "Switch Audio" from the drop-down menu.



3. The 'Call In' information can be displayed by selecting 'View'



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

HOW TO – Join – DCA WebEx Event

Participating During a Public Comment Period

At certain times during the event, the facilitator may call for public comment.

Using the Question & Answer feature (Q&A):

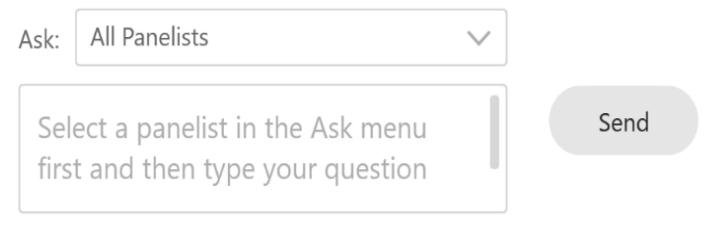
If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



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

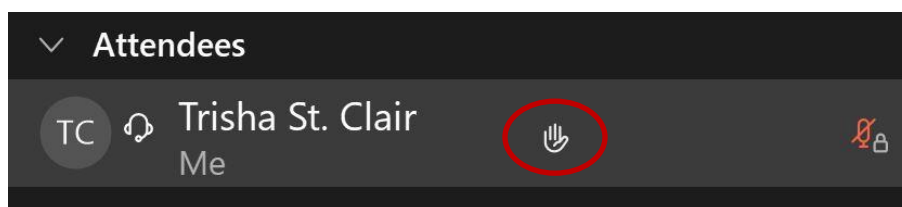
NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

Make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.



Using the hand raise feature:

If the program elects to allow use of the hand raise feature and you would like to make a public comment, click on the hand icon next to your name.

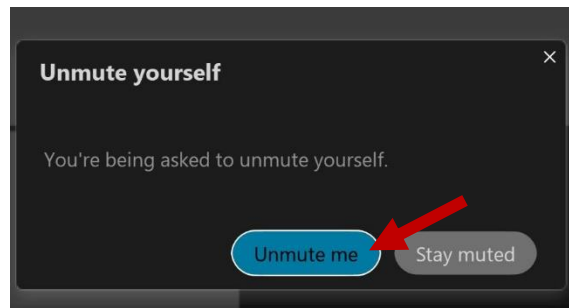


Please click on the hand icon again once your comment has been presented to lower your hand.

HOW TO – Join – DCA WebEx Event

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

When you are identified as the next commenter, the moderator will unmute your line, sending you a request to unmute yourself. Clicking “unmute me” on the pop-up window will open your microphone. You may then begin providing your public comment.



NOTE: Your line will be muted at the end of the allotted public comment duration. You will be given a warning that your time is about to expire.

PROFESSIONAL QUALIFICATIONS COMMITTEE

**Charles “Sonny” Ward, Chair
Malcolm “Brett” Gladstone, Vice Chair
Tian Feng
Eric Lum
Barry Williams**

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

The Professional Qualifications Committee has new members as of January 2022. Committee members are:

Charles “Sonny” Ward, Chair
Malcolm “Brett” Gladstone, Vice Chair
Tian Feng
Eric Lum
Barry Williams

Roll will be called by Vice Chair, Brett Gladstone

Three members constitute a quorum for the transaction of business.

AGENDA ITEM B: CHAIR’S OPENING REMARKS

AGENDA ITEM C: PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The Committee 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)).

AGENDA ITEM D: REVIEW AND POSSIBLE ACTION ON MARCH 26, 2021 MEETING MINUTES

Summary

The Committee is asked to review and take possible action on the minutes of the March 26, 2021 meeting.

Action Requested

Approve the March 26, 2021 meeting minutes.

Attachment

March 26, 2021 draft meeting minutes.

DRAFT

MEETING MINUTES

PROFESSIONAL QUALIFICATIONS COMMITTEE

March 26, 2021

Teleconference

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

Chair Pasqual Gutierrez called the meeting to order at 10:06 a.m. and called the roll. Six members of the Committee constitute a quorum; there being eight members present at the time of roll, a quorum was established.

Committee Members Present

Pasqual Gutierrez, Chair
Tian Feng, Vice Chair (arrived at 10:19 a.m.)
Raymond Cheng (arrived by 10:54 a.m.)
Betsey Dougherty
Glenn Gall
Malcolm "Brett" Gladstone
Kirk Miller
Steve Sands (departed at 12:40 p.m.)
Stephanie Silkwood
Charles "Sonny" Ward III

Members of the Public Present

Mark Christian, Director of Government Relations, The American Institute of Architects,
California (AIA CA)

Staff Present

Laura Zuniga, Executive Officer (EO)
Marccus Reinhardt, Licensing Manager
Darren Dumas, Senior Licensing Analyst
Rikki Parks, Examination Analyst
Jesse Bruinsma, Continuing Education Analyst

B. CHAIR'S PROCEDURAL REMARKS AND COMMITTEE MEMBER INTRODUCTORY COMMENTS

Mr. Gutierrez announced the meeting was being webcast pursuant to Governor Gavin Newsom's March 17, 2020 Executive Order N-29. He advised members of the teleconference voting requirements.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No comments were received from the public.

D. REVIEW AND POSSIBLE ACTION ON OCTOBER 30, 2020, MEETING MINUTES

Mr. Miller commented on the brevity of the October 30, 2020 minutes and requested future meeting minutes contain more detail for members to review. Mr. Gall asked whether recordings of the meeting could be made available to accompany the more concise minutes. Ms. Zuniga responded she would research Mr. Gall's request.

- Ms. Dougherty moved to approve the October 30, 2020, meeting minutes.

Mr. Gall seconded the motion.

Members Dougherty, Feng, Gall, Gladstone, Gutierrez, Miller, Sands, Silkwood, and Ward voted in favor of the motion. Mr. Cheng was absent for the vote.

The motion passed 9-0.

E. DISCUSS AND POSSIBLE ACTION ON 2019-2021 STRATEGIC PLAN OBJECTIVE TO AMEND EXISTING LAW REGARDING CONTINUING EDUCATION (CE) REQUIREMENTS FOR LICENSE RENEWAL TO REFLECT THE EVOLVING PRACTICE

Mr. Gutierrez reminded members they were provided a copy of the NCARB CE Guidelines within the meeting packet. He also reminded members that at prior meetings they expressed their sentiments regarding mandatory CE in California. Mr. Gutierrez opined the Guidelines essentially aligned with member sentiments and suggested there were two pathways available to the Committee with respect to the objective. He suggested the Committee could either recommend the Board adopt the Guidelines without modifications or adapt them to be more California-centric.

Mr. Gutierrez subsequently polled each member for their respective position on which pathway the Committee should pursue related to the objective. Members, during the polling, voiced their individual concerns and opinions regarding the future of mandatory CE in California and the need for additional required hours. The Committee favored adapting the Guidelines so they are California-centric.

Mr. Miller voiced his support for a California-centric approach and opined that the focus of the NCARB Practice Analysis is too centered on using architects in its study. He recommended the use of a broader base of participants who have a more wholistic understanding of architectural practice and said it would provide for a more accurate assessment of the necessity for mandatory CE. He stated the data from the NCARB Practice Analysis does not really provide the real status of the practice of architecture in California.

Mr. Gutierrez asked staff for the professions of those who participated in the Board's Occupational Analysis (OA). Mr. Reinhardt responded that only architects were contacted by Office of Professional Examination Services during the OA survey. He explained this approach was taken for the defensibility of the California Supplemental Examination (CSE) based upon standard psychometric practices for conducting the survey and developing the examination. Ms. Zuniga advised members a draft of the OA is being reviewed by staff and it would be presented to the Board at its June 11, 2021 meeting.

Mr. Sands said it was his understanding the Board previously adopted a position that it wanted to study the results from the NCARB and California OAs before deciding on a course of action related to the objective. He also said the Board possibly wanted to study changing the mandatory hours to between 10 and 15, which (he noted for members) would be done by Assembly Bill (AB) 1010. Mr. Sands cautioned the Committee that to adopt the Guidelines would likely meet resistance from the State including the Legislature and Administration. He said mandated CE must address a problem, like is done with AB 1010, which addresses climate concerns. Mr. Sands recommended evaluating the effectiveness of AB 1010 before developing a new framework.

Mr. Gutierrez stated for members his understanding of the Committee's charge as it relates to the objective's goal and asked staff for clarification to determine the Board's expectation of members regarding CE. Ms. Zuniga advised that it is up to the Committee on how it wants to address the charge and that it could be addressed in several ways ranging from discussion to support for proposed legislation (like AB 1010), to a recommendation of a framework for consideration by the Board. She advised that if the Committee votes to amend the CE requirement, after Board approval, it would be necessary to seek legislative sponsorship and provide justification for the proposal.

Mr. Feng mentioned that the Committee has been discussing this objective for more than two years and encouraged them to modernize the CE requirement by reaching an outcome after the day's discussion on the topic. Ms. Dougherty agreed with Mr. Feng and asked whether California had any representation at NCARB; she suggested any representative be looped into the conversation. Ms. Dougherty argued that given the support from the Governor and President regarding the issue of climate change, it was imperative to expeditiously bring this critical (in her opinion) practice issue before the Board for its consideration.

Mr. Gall explained the OA, which is related to development of the CSE, was not conducted with respect to determining the need for postlicensure competency and CE. He said these were two separate issues being addressed by the Board. Mr. Gall said there was a separate panel of allied professionals who met in Sacramento and were charged with examining postlicensure competency to determine whether CE was necessary. Mr. Gall wanted to make it clear for the Committee the goals of the panel and OA were not related to each other.

Ms. Silkwood stated that the Committee previously determined 10 to 15 hours of mandatory CE was an appropriate amount for architects to stay relevant in the profession. She added it was also determined the subject matter would be the architect's choice of specialty except for accessibility requirements. Ms. Silkwood said that during the last meeting, members agreed to support climate change CE, and there was no reason for the Committee not to develop a final framework for a revised CE requirement given the extensive discussion at prior meetings. She reminded members that during the last meeting the Committee determined climate change to be an emergency that must be addressed as such through the support of related mandatory CE, such as AB 1010.

Mr. Ward concurred with Ms. Silkwood regarding the need for a California-centric approach. However, he voiced his concern regarding the lack of guaranteed representation with NCARB leadership when considering the adoption of the CE Guidelines.

Mr. Sands suggested the Committee recommend the Board support AB 1010. He also suggested the Board encourage the addition of a sunset date so the Board will have the opportunity in the future to reassess whether the requirement is still necessary. Ms. Silkwood advised the Committee that it was previously determined the relevance of climate change CE could not be predicted. She said, consequently, it was suggested that legislation would be used to revise the requirement later.

Mr. Gutierrez reminded members of the prior discussions and determinations the Committee made on the topic of CE during its past meetings since April 2019. He provided members with a presentation that included a draft framework for how mandatory CE could look in California. Mr. Gutierrez explained the rationale used to formulate the four subject matter categories of the proposed framework. He subsequently explained each of the four categories (and the constituent components) in detail. Mr. Gutierrez then opened the floor for members to discuss the proposed framework.

Mr. Sands agreed with an earlier comment from Mr. Gall that mandatory CE tends to become rote, which is why it does not work. He suggested more discussion take place before deciding on a new requirement. Mr. Sands asked about the origins of the proposed framework and commented it was the first time the framework was being considered by the Committee. Mr. Gutierrez responded that he developed the framework for consideration at the meeting and the intent was to help architects be the best they can for the service of their clients.

Mr. Feng added for clarity that part of the rationale behind the selection of categories centered around cases the Board reviews in closed session. Mr. Gutierrez echoed Mr. Feng's explanation and further explained the driver for Categories 1 (Practice/Project Management) and 4 (Project Development/Documentation) is to help architects be the best for the clientele they serve. He also reminded members the current requirement is largely unchanging.

Mr. Sands voiced his concern regarding the focus on requiring CE so architects can be the best possible for the clientele. He explained that as a regulatory agency the purpose of the Board is to ensure minimum competency and the maintenance of that standard. Mr. Sands said he was dismayed the Committee was arguing over the quantity of required hours instead of whether there is a need for additional mandatory CE. He argued the Board needs to determine whether there is a problem that needs to be addressed through CE.

Mr. Gladstone raised his concern regarding the language used in Category 2 (Climate Change), specifically the Climate Justice section describing social change and poverty and the connection to climate change. Mr. Gutierrez explained that climate justice applies to people who lost towns, jobs, and health because of climate change and cited Paradise, California as a prime recent example.

Members discussed the degree of specificity found within the language of AB 1010. Ms. Dougherty explained it was the intent of AIA CA to have a very specific CE requirement for Zero Net Carbon Design (ZNCD). Mr. Christian explained the language of AB 1010 was intended to be limited only to ZNCD, although consideration of further clarification is being assessed by AIA CA.

Mr. Sands in his closing remarks suggested the Committee make a recommendation to the Board that it support AB 1010 and ask AIA CA include a sunset date in the legislation. He also expressed his concern the Committee-proposed framework was too prescriptive and encouraged members to reconsider defining the precise hours in each category.

Members determined after discussions the draft framework that was proposed should be amended to require 5 Health, Safety, and Welfare Learning Units (HSW LUs) in Categories 2 and 3 and 6 HSW LUs in either Categories 1 or 4 for a total of 16 HSW LUs.

Mr. Gladstone inquired whether the Committee was being asked to approve AB 1010 as written or whether the Board could make changes. Ms. Zuniga responded that AB 1010 is being sponsored by AIA CA and the Board would not make changes to the language. Mr. Gladstone raised concerns regarding the language of AB 1010 as it relates to the requirement of licensees to maintain records of their trainers' knowledge and experience. Ms. Zuniga explained the language was in the existing law and licensees are already required to comply with the requirement but that it could be taken into consideration along with other changes.

- Mr. Cheng made a motion to recommend the Committee propose the draft CE framework as amended to the Board and include within that framework that the Board work collaboratively with AIA CA on AB 1010.

Ms. Dougherty seconded the motion.

Members Cheng, Dougherty, Feng, Gall, Gladstone, Gutierrez, Miller, Silkwood, Ward voted in favor of the motion. Mr. Sands was absent for the vote.

The motion passed 9-0.

Mr. Christian said AIA CA would consider including the proposed framework, but its Board of Directors considers the situation as an emergency and wants the legislation to have the best opportunity to pass the Legislature and be signed by the Governor. He said they would be hesitant about anything that could change their focused intent of the bill. Mr. Christian further said the AIA CA would need approval from the bill's author for any changes to the language.

- Ms. Silkwood moved to recommend the Board endorse the intent of AB1010 with collaboration between the Board and AIA CA.

Ms. Dougherty seconded the motion.

Members Cheng, Dougherty, Feng, Gall, Gladstone, Gutierrez, Miller, Silkwood, and Ward voted in favor of the motion.

The motion passed 9-0.

Mr. Gutierrez announced he would be stepping down as Committee Chair but will remain a member of the Committee.

F. ADJOURNMENT

The meeting adjourned at 1:47 p.m.

AGENDA ITEM E: DISCUSSION AND POSSIBLE ACTION ON 2022-2024 STRATEGIC PLAN

Summary

The Committee is asked to discuss the newly developed Strategic Plan.

Action Requested

Discuss and recommend goals for PQC's Strategic Plan objectives:

1. Amend existing regulations to revise and expand the types of degrees accepted for licensure to remove barriers to licensure.
2. Collaborate with legal to implement AB 1010 in developing regulations and aligning committee findings to provide more consistency and make continuing education requirements more relevant to current licensing requirements.
3. Communicate with staff to include climate resiliency as a priority subject matter for the California Supplementary Exam to protect consumers and licensees.
4. Communicate to the public what the professional qualifications committee has suggested to the Board to promote the work the committee has done.

COMMUNICATIONS COMMITTEE

**Mitra Kanaani, Chair
Ebony Lewis, Vice Chair
Nilza Serrano
Rona Rothenberg
Denise Campos**

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

The Communications Committee has newly appointed members as of January 2022. Committee members are:

Mitra Kanaani, Chair
Ebony Lewis, Vice Chair
Nilza Serrano
Rona Rothenberg
Denise Campos

Roll will be called by Vice Chair, Ebony Lewis.

Three members constitute a quorum for the transaction of business.

AGENDA ITEM B: CHAIR'S OPENING REMARKS

AGENDA ITEM C: PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The Committee 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)).

AGENDA ITEM D: REVIEW AND POSSIBLE ACTION ON SEPTEMBER 1, 2021 MEETING MINUTES

Summary

The Committee is asked to review and take possible action on the minutes of the September 1, 2021 meeting.

Action Requested

Approval of the September 1, 2021 meeting minutes.



DRAFT MEETING MINUTES CALIFORNIA ARCHITECTS BOARD

COMMUNICATIONS COMMITTEE

SEPTEMBER 1, 2021
TELECONFERENCE

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

Denise Campos, Committee Chair, called the meeting to order at 1.01 p.m. and Ebony Lewis, Vice Chair, called roll. Four members of the Committee present constitute a quorum. A quorum was established when Jack Paddon joined the meeting shortly after roll call.

COMMITTEE MEMBERS PRESENT

Denise Campos, Chair
Ebony Lewis, Vice Chair
Jack Paddon
Rona Rothenberg

COMMITTEE MEMBERS ABSENT

Cynthia Easton
Ted Pratt, excused
Ron Ronconi, excused

STAFF PRESENT

Laura Zuniga, Executive Officer (EO)
Jane Kreidler, Program Manager, Administration
Coleen Galvan, Communications Analyst
Drew Liston, Board Liaison
Kim McDaniel, Administration Analyst
Bryce Penney, Office of Public Affairs (OPA)

B. CHAIR'S PROCEDURAL REMARKS AND COMMITTEE MEMBER INTRODUCTORY COMMENTS

Ms. Campos announced the meeting is being webcast pursuant to the provisions of Governor Gavin Newsom's June 11, 2021 Executive Order N-08-21 and requested Board staff and Committee members provide introductions for the record.

Ms. Campos stated the original intent of this meeting was to meet in-person to discuss strategic plan objectives and provide recommendations for a revised outreach program at the September Board meeting per the request of Board President Tian Feng. Also, this is the Committee's opportunity to identify items for the new strategic plan.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No comments were received from the public.

D. REVIEW AND POSSIBLE ACTION ON FROM MARCH 25, 2021 COMMUNICATIONS COMMITTEE MEETING MINUTES

Ebony Lewis moved to approve the March 25, 2021, meeting minutes and Rona Rothenberg seconded the motion. Committee Members Ebony Lewis, Jack Paddon, Rona Rothenberg, and Chair Campos voted in favor of the motion. The motion passed 4-0.

There was no public comment.

E. DISCUSSION, REVIEW AND RECOMMENDATION OF THE REVISED OUTREACH PROGRAM OBJECTIVES

Jane Kreidler provided an overview of the revised outreach program objectives and asked if members had additional input on the outreach objectives. Ms. Campos clarified that the previous board liaison program was ineffective.

Ms. Kreidler clarified that the Board President requested the Committee members focus on additional objectives that would not require board members to provide outreach.

Ms. Campos stated that during the meeting held March 25, 2021, there were three members who volunteered to work together as a working group--Mr. Pratt, Ms. Lewis, and Ms. Rothenberg. Ms. Rothenberg thought the working meeting could have three members.

Ms. Lewis stated she did not feel there was a need for a "committee within a committee" to report to the Board. She stated that we could send quarterly or

biannual email to the list of school contacts and let them know what we are doing and solicit questions. Then we can bring the information back to the Committee and Board. Ms. Rothenberg requested that members could work together without convening as a committee and collaborate with American Institute of Architects California (AIACA) to determine an initial list of entities to contact. Ms. Zuniga provided confirmation that two board members could meet without having to notice a meeting. Ms. Rothenberg volunteered to be an inaugural member to bring back suggestions of how to reach out to community colleges and universities.

Ms. Campos appreciated Ms. Lewis' approach of emailing schools, and President Feng wanted to communicate with the schools regarding licensure. She mentioned that the subcommittee could communicate with one UC and one community college and report back.

Mr. Paddon stated the mandate has always been a concern as the Board is a consumer protection agency. He suggested staff provide more information on social media about the purpose of the Board and its regulatory mandates. Mr. Paddon said the Committee has always struggled with communicating with consumers, candidates, and licensees. Ms. Campos stated staff have come a long way on the use of social media but would like to see more posts about the Board and its mandates.

There was no public comment.

F. DISCUSSION, REVIEW AND RECOMMENDATIONS FOR STRATEGIC PLAN

Ms. Kreidler requested the Committee members review the current strategic plan objectives in the packet and recommend additional objectives for inclusion in an upcoming Strategic Planning session to be held in October.

Ms. Campos stated social media is an opportunity for our stakeholders and architects—renewal requirements and what information is available for candidates and consumers. She stated that she has mentioned earned media campaigns in the past and wants the Board to use earned media to educate in other languages to be considered for the upcoming strategic plan.

Ms. Rothenberg suggested renewing and refreshing the Board's mission and communications with firms, licensees, and the public of the core mission of CAB's mission of protecting the health, safety, and welfare. Many architects now work in large firms and use unlicensed individuals. Reminding the public, practitioners and employers about the law and misconduct would be beneficial.

Ms. Campos inquired about Board staff and how many staff members are dedicated to communications. Ms. Zuniga provided an overview of Board staff, totaling 30 with one communications analyst, which is under the Administrative Unit. The focus of

communications is social media, newsletter, annual practice brief, and publications. Ms. Kreidler stated the website is being reviewed for streamlining and ease of use and we are planning to produce videos, among other things. She also mentioned that Coleen Galvan is the only staff member who is dedicated to communications.

Ms. Campos inquired about how communiques between committees are reported to the Board. Ms. Zuniga stated that strategic plans are initiated at committee level and the full Board meets to develop the final strategic plan. In addition, updates are provided at each board meeting either through committee reports and/or the Executive Officer's report.

Ms. Campos asked that monthly progress reports be sent to all members of the Communications Committee.

There was no public comment.

G. REVIEW OF FUTURE MEETING DATES

Ms. Campos shared that the Committee will continue to meet twice a year with monthly updates provided to members. Committee members discussed possible meeting dates and determined a meeting be held in January 2022 to review the new strategic plan.

There was no public comment.

The meeting adjourned at 1:41 p.m.

AGENDA ITEM E: DISCUSSION AND POSSIBLE ACTION ON 2022-2024 STRATEGIC PLAN

Summary

The Committee is asked to discuss the newly developed Strategic Plan.

Action Requested

Discuss and recommend goals for the Communications Committee's Strategic Plan objectives:

1. Resume regular communication with the American Institute of Architects (AIA) by attending joint meetings once a year to give a consistent message to architects, candidates, and consumers in California.
2. Develop an outreach plan to educate licensees and candidates on information needed to acquire and maintain a license.
3. Develop communication regarding the requirements of SB 9 and its impact on the profession.
4. Develop an outreach plan for academic and private institutions to continuously provide students and educators with relevant information.
5. Publicize architects from diverse backgrounds to promote inclusion.
6. Create social media posts educating licensees on violations to increase compliance within the profession.
7. Survey higher educational institutions for data on their architect student populations to understand their plans for creating space for US resident students to mitigate a possible vacuum of professionals in the future.
8. Provide information in multiple languages to increase accessibility to licensees and candidates.

REGULATORY AND ENFORCEMENT COMMITTEE

**Ronald Jones, Chair
Robert Pearman, Jr., Vice Chair
Sylvia Kwan
Steven Winkel
Bob Chase**

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

The Regulatory and Enforcement Committee has new members as of January 2022. Committee members are:

Ronald Jones, Chair
Robert Pearman, Jr., Vice Chair
Sylvia Kwan
Steven Winkel
Bob Chase

Roll will be called by Vice Chair, Robert Pearman.

Three members constitute a quorum for the transaction of business.

AGENDA ITEM B: CHAIR'S OPENING REMARKS

AGENDA ITEM C: PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The Committee 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)).

AGENDA ITEM D: REVIEW AND POSSIBLE ACTION ON NOVEMBER 5, 2020 MEETING MINUTES

Summary

The Committee is asked to review and take possible action on the minutes of the November 5, 2020 meeting.

Action Requested

Approve the November 5, 2020 meeting minutes.

Attachment

November 5, 2020 draft meeting minutes



DRAFT
MEETING MINUTES
CALIFORNIA ARCHITECTS BOARD
REGULATORY AND ENFORCEMENT COMMITTEE

NOVEMBER 5, 2020
Teleconference Meeting

Committee Members Present

Robert C. Pearman, Jr., Chair
Sylvia Kwan, Vice Chair
Cheryl DeMarco
Robert Ho
Ronald A. Jones
Sheran Voigt

Committee Members Absent

Fred Cullum

Board Staff Present

Laura Zuniga, Executive Officer
Marccus Reinhardt, Program Manager Examinations/Licensing
Idris Ahmed, Enforcement Analyst
Jasmine Newman, Enforcement Analyst
Michael Sganga, Enforcement Analyst
Katie Wiley, Enforcement Analyst
Annamarie Fernandez, Enforcement Technician
Stacy Townsend, Enforcement Analyst, Landscape Architects Technical Committee
(LATC)
Robert Chase, Enforcement Architect Consultant

Guests

Aubrey Jacobson
Jon S. Wreschinsky, Committee Chair, LATC
Jacob Welhouse
Karen Halbo, LATC Regulations Council
Mark Christian, Director of Government Relations, The American Institute of Architects,
California (AIACC)
Mary Kathryn Cruz Jones
Maria Luy

A. Call to Order / Roll Call / Establishment of a Quorum

Regulatory and Enforcement Committee (REC) Chair Robert C. Pearman, Jr., called the meeting to order at 10:16 a.m.

Sylvia Kwan called the roll. There being six members present at the time of roll, a quorum was established.

B. Chair’s Procedural Remarks and Committee Member Introductory Comments

Mr. Pearman announced the meeting is being held by teleconference and pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, a physical meeting location is not being provided.

Mr. Pearman welcomed everyone and requested members provide self-introductions. Mr. Pearman noted that Ronald A. Jones is a new member of the committee.

C. Public Comment on Items Not on the Agenda

Mr. Pearman opened the floor for public comment regarding items not specified on the meeting agenda. No comments were received.

D. Review and Possible Action on August 1, 2019 REC Meeting Minutes

Mr. Pearman asked if there were any questions, comments, or changes to the August 1, 2019 REC Meeting Minutes. There were none.

Sheran Voigt moved to approve the August 1, 2019 REC Meeting Minutes.

Cheryl DeMarco seconded the motion.

Members Kwan, DeMarco, Committee Chair Pearman and Voigt voted in favor of the motion. Members Ho and Jones abstained. The motion passed 4-2-0.

E. Enforcement Program Update

Michael Sganga provided the Enforcement Program update and highlighted the status items of interest to the REC. He gave an update on enforcement unit staffing, including recognition of Assistant Executive Officer Vickie Mayer’s retirement after 44 years of state service; the use of a collection agency to recover unpaid fines; publications including the *Building Official Information Guide* and *Disciplinary Guidelines*; the Subject Matter Expert pool; legislation including the fingerprinting

program for new applicants; qualifications for Continuing Education providers, and additions to Business and Professions Code (BPC) § 5536.22 written contract requirements; and outreach presentations for American Institute of Architects (AIA) and architecture schools.

Enforcement statistics for the fiscal year were discussed, including the fact that the number of complaints received is down, which could be attributed to COVID-19 and this being a non-renewal year. Closure rates and types of cases are comparable to previous years.

Case summaries were reviewed and included citations for unlicensed designers using prohibited business names and fake stamps; unlicensed practice cases involving fire victims, stealing pool designs (California Code of Regulations § 152), and unconventional framing; and disciplinary cases including, professional negligence, criminal conviction, aiding and abetting, and incompetence.

No action was requested.

F. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives:

Agenda Item F.1: Responsible Control Within Design-Build and Development Firms

Mr. Sganga described an update to the Board's informational bulletin to include recent changes in written contract requirements and additional statutes and regulations that apply to relationships between architects and unlicensed designers. Two different case scenarios were presented as examples of such relationships. In the first, a small design firm owned by an unlicensed person advertises using the word architecture or offering non-exempt services. If the company uses a licensed architect to justify the advertising, the architect must be an employee, officer, or owner, file a Business Entity Report Form (BERF), and be in management control of the company and responsible control over all design services. In the second example, a developer contracts to provide architectural services, then sub-contracts out the designs to an independent architectural firm. The architectural firm affiliated with the development firm is then responsible for ensuring that written contract requirements are fulfilled.

The updated informational bulletin is being used in conjunction with the Board's *Design Limitations* publication to explain to unlicensed people what they can design and explains to architects their responsibilities when they are in such business relationships.

No action was required, but feedback was requested. Ron Jones asked how the relationship should be presented in a situation where the architect is working on a master plan and does not have direct contact with the customer. Mr. Sganga discussed the importance of providing enough information to the consumer through the contract documents so they can identify the architect of a project if they want to file a complaint with the Board. There is no exception under the written contract requirements for providing services through a developer. Mr. Jones added that, in his experience, developers do not want the customer to have direct contact with the architect because then they will want individual customized service. Ms. Kwan observed that the homeowner is often a third party to the contract and would not have the ability to make a claim against the architect directly. Mr. Jones recognized that the consumer is the most vulnerable in this scenario and it is important to find a way to offer them protection.

Agenda Item F.2: Management Control Within the Design-Build Model

Jasmine Newman presented this agenda item and explained that it had come to the Board's attention that compliance issues were hindering the Board's enforcement of the Architects Practice Act (Act). The CCR § 134 (Use of the Term Architect; Responsible Control within Business Entity) prohibits the use of the word architect in a business name or description of services unless there is a licensed architect on staff in management control of all design projects. CCR § 134(c)(2) defines "management control" as meaning "general oversight of the professional services offered and provided by the business entity." Ms. Newman explained that issues arise because the Board has no way of tracking or requesting that a firm file the name of the architect in management control of the professional services they provide, and the Act does not include a requirement for licensees to inform the Board if they are in management control of a firm's professional services.

Ms. Newman explained that the Board's Enforcement Unit commonly discovers practicing licensed architects that do not have a BERF filed with the Board.

Ms. Newman presented statistics on compliance with BPC § 5558. According to a report of Board records from July 2020, the Board had 21,934 current licensees, but only had 15,602 BERFs filed. Out of selection of 100 random current licensees, 31 out of 100 (31%), did not have current BERFs on file. According to an internet search of the 31 licensees without a BERF on file, 23 appeared to currently be providing architectural services in the State of California. If 23% of all licensees were not compliant with BPC § 5558, 5,000 licensees would be practicing without a BERF on file.

Ms. Newman described another issue commonly seen in many unlicensed and advertising complaints is design or design-build firms that do not either employ or

have part-ownership with a California licensed architect advertise as having “architects” or offer “architectural” services. Upon being contacted by the Board as a result of the complaint, they will hire an architect on a consultant basis, and then have the architect submit a BERF to the Board thinking that is sufficient for the requirements of CCR § 134.

The final issue presented by Ms. Newman involved aiding and abetting by licensees. An architect who works as an independent contractor or consultant for a firm that advertises architectural services could be held liable for aiding and abetting because they do not have management control over all professional services offered by the firm, such as services on projects that are considered exempt under BPC § 5537, yet they allow them to use their licensed status to advertise architectural services.

Ms. Newman presented the Committee with the proposed revisions to the BERF, which included adding an option to disassociate from a single entity and the effective date; and adding a statement that signing the form declares under penalty of perjury that all representations on the form are true, correct, and contain no material omissions of fact. Ms. Newman also presented the Committee with an informational bulletin explaining the requirements of BPC § 5558 and the updates to the BERF, to be delivered to licensees through email and publication on the Board’s website.

Ms. Newman asked the Committee to consider the proposed revisions to the BERF and make a recommendation to the Board to address this Strategic Plan objective.

A member of the public, Mr. Jacob Welhouse, asked about the BERF having no way to indicate the licensee is in management control. He commented that he thought it was very important, and a gray area for a lot of companies not owned by architects. He felt that the burden of establishing who is in management control is placed on the employees, who frequently do not have the “teeth” to establish control over how the firm does business. Ms. Newman explained that the Act currently contains no requirement for licensees to file with the Board if they are in management control of services provided to a firm, so it was determined that the Board cannot include that option on the BERF form. She commented that the Board may consider adding such a requirement to the Act in the future.

Mr. Pearman asked that if the Act does not specifically say the Board can include something on the form, that means it cannot be added. Ms. Newman explained that Board counsel recommended the Board only include what was required by the Act on the form.

Mr. Jones commented that adding such an option would resolve Mr. Welhouse’s concern and allow an employee architect who does not have management control to communicate to the Board that it’s their understanding they lack that control. This would be helpful to the Board if a complaint arises. Ms. Newman explained that the

Board agreed with that reasoning but could only include what was required by the Act on the form.

Ms. Kwan asked Mr. Pearman if the REC could make the recommendation for the change to the Board.

Laura Zuniga explained that the reason the Board could not add the management control option to the BERF was because the Act does not require architects report this information, so it would require a statutory change. She commented that if the REC wanted to recommend this item to the Board, it would be for the Board to sponsor legislation.

Mr. Pearman suggested the Board discuss the issue and why it would require a statutory change.

Ms. Kwan suggested the Board speak with counsel, and Ms. Zuniga agreed to add the item to the December Board meeting and have staff work with Board counsel on developing the item.

Ms. Voigt commented that the recommendation from counsel was not to include it on the form, and recommended the Board ask counsel if they can find a way to make the option correct to be on the form.

Mr. Pearman called the question of whether the revised BERF should be approved as discussed.

Sheran Voigt made a motion to approve the revisions to the BERF, but with the caveat that the REC would like to see the inclusion of the person in management control on the form.

Sylvia Kwan seconded the motion.

Members Kwan, DeMarco, Ho, Jones, Voigt, and Committee Chair Pearman, voted in favor of the motion. The motion passed 6-0.

Agenda Item F.3: Restricting Advertisement of Architectural Services by Unlicensed Entities: Proposed Adoption of California Code of Regulations (CCR), Title 16, Division 2, Article 5, § 135 to Require Architect License Number in Advertising

Idris Ahmed presented this agenda item and explained that the Board's 2019-2021 Strategic Plan contained an objective assigned to the REC to collaborate with websites to restrict unlicensed advertisements.

BPC § 5536(a) prevents unlicensed individuals from advertising architectural services or themselves as architects, and is one of the most common complaints the Board receives. Most violations occur online.

Mr. Ahmed explained the process that staff use to handle unlicensed advertising, shared that staff developed the idea of requiring a license number on advertisement to easily distinguish between licensed architects and unlicensed individuals. Other California entities with license number requirements include the Contractors State License Board (CSLB), Department of Real Estate, Board of Behavioral Science, and the pending regulation the Board approved for Landscape Architects.

Staff sent a survey to architects for input and of the 1,500 responses, 66% reacted positively. Concerns expressed in the survey related to large firms, license number fraud, and impact of regulation.

The REC had previously sent this issue to the Board during the February 2020 meeting and the Board expressed concerns regarding how the regulation would be implemented and whether it would protect consumers. The Board asked that the concerns be addressed by the REC and research conducted about how such a regulation would increase consumer protection.

Board staff was unable to find conclusive data. Mr. Ahmed presented information regarding the Landscape Architect Technical Committee (LATC), Board of Professional Engineers, Land Surveyors, Geologists (BPELSG), and CSLB. BPELSG did not have "Engineer" as a protected term, but instead had specific terms like "Registered Engineer." CSLB stated the license number was beneficial for consumers to determine if a contractor was licensed.

Mr. Ahmed presented a sample advertisement to show the difference between an architect and unlawful advertisement. Mr. Ahmed explained the regulation would not be used to punish architects and they would be provided advisements for initial violations.

Mr. Ahmed explained that large firms would use the person in management control on advertisements. Staff would evaluate cases with the perspective that the regulation is to benefit consumers and architects by identifying unlawful advertising online. Mr. Ahmed pointed out that the regulation was updated to remove building signs.

Mr. Ahmed remarked that the Engineers Practice Act has specific terms that an engineer can use but did not know why it was less restrictive.

Sheran Voigt added licensed individuals in real estate must have their license number on advertisements after a new rule was made. Although challenging at first, it is beneficial, and she thought it was a good idea.

Cheryl DeMarco stated that she thought it was important to implement the regulation. She said there was confusion that consumers deal with unlicensed persons who use architectural in their name. Ms. DeMarco said that license numbers can always be stolen and there is currently that risk because license numbers are available online.

During public comment, Mark Christian with AIACC, stated that they have no position on the matter and appreciate that it is not intended to penalize architects. Mr. Christian expressed concern about how large firms in multiple states would advertise in California and how the Board would deal with such an issue.

Mr. Pearman thought the regulation would be beneficial and asked for a vote.

Sylvia Kwan moved to approve the proposed language to adopt the proposed regulation of California Code of Regulations (CCR), Title 16, Division 2, Article 5, Section 135 and recommend to the Board that it approve the regulation and delegate authority to the Executive Officer to adopt the regulation.

Cheryl Demarco seconded the motion.

Members DeMarco, Ho, Jones, Kwan, Committee Chair Pearman, and Voigt voted in favor of the motion. The motion passed 6-0.

G. Discuss and Possible Action on Proposed Amendments to Regulations

Agenda Item G.1: CCR, Title 16, Division 2, Article 8, Section 152, Citations

Katie Wiley presented this agenda item and explained that CCR § 152 was adopted in November 1986 and was later changed in September 2005 when BPC § 152(c)(1) was amended to allow issuance of a citation when the Executive Officer determines that the violations involve an unlicensed person who has violated any provision of BPC § 5536 Practice Without License or Holding Self Out as Architect.

A large number of complaints received by the Board are related to unlicensed practice. Roughly 25% of complaints are regarding advertising. Currently, CCR §152 does not allow the Board to cite unlicensed individuals directly for violations of:

- BPC § 5536.1--Signature and Stamp on Plans and Documents; Unauthorized Practice; Misdemeanor
- BPC § 5536.4 Instruments of Service—Consent
- BPC § 5536.5 State of Emergency; Practice Without License or Holding Self Out as Architect; Penalty
- CCR § 134 Use of the Term Architect; Responsible Control within Business Entity

There is little incentive for unlicensed individuals to pay the fines associated with the citations they have been issued. The changes to CCR § 152 will allow the citations to be more accurate and include multiple section violations in the citation. The citation will include all the possible violations of the Act and be more inclusive of the violations when displayed on the Enforcement Actions summary online. This will assist in sharing the information with consumers to protect them from potential future harm. It will also distinguish a pattern of behavior if an unlicensed individual continues to display the same actions in the future. Additionally, it would make the Board's case stronger if it needed to be referred to the District Attorney's office for further criminal charges.

Ms. DeMarco questioned the timeframe to respond to an issued citation. Ms. Wiley verified that a Respondent has 30 days to appeal a citation and request an informal or formal administrative hearing. Ms. DeMarco wondered if it was difficult to serve citations to unlicensed individuals with an unconfirmed address. Ms. Wiley responded that the Board has procedures in place to ensure it has accurate mailing addresses and unlicensed individuals are notified of citations properly.

Ms. Kwan commented that this change to the language is a good idea and she supports the language.

Sheran Voigt moved to approve the proposed language to amend CCR § 152 and recommend to the Board that it approve the regulation and delegate authority to the Executive Officer to adopt the regulation.

Ronald A. Jones seconded the motion.

Members DeMarco, Ho, Jones, Kwan, Committee Chair Pearman and Voigt voted in favor of the motion.

The motion passed 6-0.

Agenda Item G.2: CCR, Title 16, Division 2, Article 9, § 160, Rules of Professional Conduct

Ms. Wiley presented this agenda item and reminded the REC that CCR § 160 became effective in 1998 when BPC § 5526 was amended to adopt rules for professional conduct for architects. The REC was asked to review and discuss the proposed regulation to amend CCR § 160 to clarify negligence and willful misconduct.

Ms. Wiley highlighted the key problems with the language. The current language does not define the standard of care. Articles a, c, d, e, and f are all elements correctly describing actions by an architect. However, the title of CCR § 160(b) is a description of a violation, not an action. CCR § 160(b)(1) should be article 3 under Standard of Care and find a better description for what is currently 160(b)(2). The proposed changes to the language would also provide clarification by reorganizing the language.

The benefits of these changes are similar to CCR § 152 regarding consumer protection, but it will also promote clarity to licensees on the rules of professional conduct and allow the Board to clearly cite for specific violations of the regulation.

Mr. Pearman requested that the titles for “Standard of Care” and “Competence” be switched so that (a) would be Competence and (b) would be Standard of Care. Mr. Christian agreed with this suggestion and stated § (b) is a close definition of the standard of care as defined for the judicial council for juries.

Mr. Christian also expressed concerns about the proposed language and wanted to verify if the sentence, “A breach of the duty of care is determined by reference to whether the individual departed from the standard practice, the custom of the profession, or a statute which establishes a particular standard” is a definition for the duty of care. Ms. Wiley responded that standard of care and duty of care are

interchangeable and explained that the REC could make changes to the proposed language. Ms. Kwan interjected and suggested using the term standard of care for consistency and Ms. Voigt agreed.

Mr. Christian further asked if the proposed language “a failure to fulfill the duty of care is negligence” is needed to clearly establish the standard of care definition. Mr. Christian indicated that standards for courts consists of four items that case law allows in court: injury, actual loss or damage resulting from professional negligence.

Mr. Christian is fearful that establishing a line like this when no damage or harm is done is going a bit too far. A single error where there is no harm and no loss according to this would rise to a level of negligence. He questions if negligence is the appropriate word to call it.

Mr. Pearman explained that this language could be referred to legal counsel for review where it can be stricken or changed. In court, you must show the standard has been violated and then you must show causation, and then show damages. We are just trying to show the licensee breached the duty.

Robert Chase commented that the standard of care indicates an act that another architect in similar circumstances would not commit; where no other architect would likely perform that way could lead to negligence.

Mr. Christian asked if the Board has the authority to determine negligence. Mr. Chase said that that Board can determine violations of negligence but deferred to Mr. Sganga who confirmed that BPC § 5584 gives the Board jurisdiction to cite or discipline for negligence. Negligence itself is not defined, but we are trying to make a clearer definition of the standard of care.

Jon Wreschinsky questioned if the LATC should amend their professional conduct language to mirror the Board and provide consistency among the profession. Ms. Zuniga commented that this was something that could be evaluated.

Sylvia Kwan moved to approve the proposed language with the suggested edits to amend CCR § 160 and recommend to the Board that it approve the regulation and delegate authority to the Executive Officer to adopt the regulation.

[The proposed language for the title of subsection (a) would read “Competence” and title for subsection (b) would read “Standard of Care.”

The REC would like legal counsel to review the sentence that reads: “A failure to fulfill the duty of care is negligence.”]

Robert Ho seconded the motion.

Members DeMarco, Ho, Jones, Kwan, Committee Chair Pearman, and Voigt voted in favor of the motion.

The motion passed 6-0.

H. Update on the California Secretary of State Requirements for Naming Professional and General Stock Corporations

Mr. Sganga explained that the Enforcement Unit regularly receives questions from professionals about setting up an architectural firm and the naming conventions that apply. The Board only has jurisdiction over the formation of Professional Corporations, and the Secretary of State has enforced these naming rules differently over the years.

Mr. Christian commented on the current position of the Secretary of State, which is that businesses cannot use the word Architects in their name unless they are a Professional Corporation. AIA has made efforts to get them to reverse their position.

No action was requested. Ms. Kwan asked that the Board be updated regarding any legislation involving this issue during 2021.

I. Adjournment

The meeting adjourned at 1:09 p.m.

AGENDA ITEM E: DISCUSSION AND POSSIBLE ACTION ON 2022-2024 STRATEGIC PLAN

Summary

The Committee is asked to discuss the newly developed Strategic Plan.

Action Requested

Discuss and recommend goals for REC's Strategic Plan objectives:

1. Provide more detail on decisions made in enforcement cases in the Executive Officer report during board meetings and inform consumers.
2. Develop narrative discussions and case studies of common violations to educate and inform consumers and architects on what violations to avoid.
3. Better educate practitioners on standards of practice during the renewal process to protect the public.
4. Educate the public and practitioners regarding their rights and roles when contracts are signed.
5. Review the current threshold for fines to determine if they are appropriate to deter violations.
6. Monitor social media to proactively enforce against unlicensed advertising.

**AGENDA ITEM F: DISCUSSION AND POSSIBLE ACTION ON REVISING THE
*BUILDING OFFICIAL INFORMATION GUIDE***

Summary

The Committee is asked to discuss if revising the *Building Official Information Guide* is necessary.

Action Requested

Discuss whether Design-Build information should be added.

Attachment

Building Official Information Guide - 2021



CALIFORNIA ARCHITECTS BOARD

Building Official
Information Guide

2021

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Purpose

This guide for building officials is provided by the California Architects Board to assist you in understanding the laws and regulations governing the practice of architecture and landscape architecture in California.

The guide is a compilation of questions received from officials. It is intended as a source of basic information and does not attempt to address all the questions that could arise covering the practice of architecture in this large, diverse state.

Some of the items covered are interpretations of the ***Architects Practice Act*** and the Board's rules and regulations. Other items are explanatory and/or advisory.

If you need further information or assistance concerning this guide, please contact:

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Introduction

Californians work and live in environments designed by licensed architects. The decisions of architects about materials and their scope of practice impact the health and safety for present and future generations.

To reduce the possibility of building failure, encourage energy conscious design, provide disability access, and safeguard the public, those representing themselves as skilled in the design of complex structures must meet minimum standards of competency.

The **California Architects Board** was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. It is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs, which is part of the Business, Consumer Services and Housing Agency under the aegis of the governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services.

The Board assumed administrative responsibility in January 1998 for regulating landscape architects. The **Landscape Architects Technical Committee** (LATC) acts in an advisory capacity to the Board and performs duties delegated to it by the Board.

The Board attempts to ensure that all who practice architecture are licensed and qualified to practice. To become licensed as an architect, a candidate must successfully complete the Architect Registration Examination, a written California Supplemental Examination, as well as provide evidence of at least eight years of education and/or experience.

The Board's Enforcement Program has the power, duty, and authority to investigate violations of the ***Architects Practice Act*** and the ***Landscape Architects Practice Act*** and take disciplinary or enforcement action against violators accordingly.

Building officials, on the other hand, enforce building code requirements, which are also designed to protect public health and safety. Many building departments depend on licensed design professionals (architects and engineers) to deliver structures that meet code standards. So, while building officials rely on licensing boards to ensure that architects and engineers are competent, the licensing boards rely on building officials to ensure that only properly licensed or registered professionals prepare, stamp, and sign plans and specifications for nonexempt structures.

In order to protect California consumers, the Board encourages building officials and their staff to promptly report suspected violations of the *Architects Practice Act* and *Landscape Architects Practice Act*, such as advertising violations, unlicensed practice, fraudulent stamps, and aiding or abetting, to the Board's Enforcement Unit. This information may be submitted anonymously.

Advertising of Architectural Services

1. May an unlicensed person advertise architectural services?

No. An individual not licensed by the Board may not advertise or practice architecture in California. An unlicensed person cannot “... advertise or put out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer.”

An unlicensed individual may not offer architectural services or advertise on the internet, in a phone book, or business directories under headings such as “architect,” “architectural design,” or “architectural drafting.”

(Ref.: **Business and Professions Code (BPC) § 5536(a)**)

Aiding and Abetting Unlicensed Practice

1. What constitutes aiding and abetting?

Aiding and abetting occurs when a California licensed architect:

- Assists unlicensed individuals to circumvent the *Architects Practice Act*, BPC section 5500 et seq.
- Stamps and signs documents that have not been prepared by the architect or under the architect's responsible control.
- Permits his or her name to be used for the purpose of assisting any person, not an architect, to evade the provisions of the *Architects Practice Act*.

(Ref.: **BPC §§ 5582, 5582.1** and **California Code of Regulations (CCR), title 16, section 151**)

Architects Scope of Practice

1. Who may refer to themselves as architects?

Only individuals who hold a current license issued by the Board may refer to themselves as architects or use any term similar to the word architect to describe themselves, their qualifications, or the services they provide.

(Ref.: **BPC § 5536(a)**)

2. What may an architect design?

The *Architects Practice Act* defines the practice of architecture as including “... the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.” Therefore, an architect may design any building type and all components therein. An exception is the structural design of a hospital that must be done by a structural engineer pursuant to the Health and Safety Code.

(Ref.: **BPC §§ 5500.1, 6737** and **Health and Safety Code (HSC) § 129805**)

3. What is the Board’s definition of construction observation services?

“Construction observation services” means periodic observation of completed work (*in progress*) to determine general compliance with the plans, specifications, reports or other contract documents. “Construction observation services” does not mean the superintendence (*supervision*) of construction processes, site conditions, operations, equipment, or personnel, or the maintenance of a safe place to work or any safety in, on, or about the site.

(Ref.: **BPC § 5536.25(c)**)

4. May architects design bridges?

In conjunction with the planning of a site and/or the design of a building, or groups of buildings, the *Architects Practice Act* and the *Professional Engineers Act* exemptions allow an architect to design all on-site improvements, including a structure such as a bridge.

Exception: If on-site improvements such as roads, bridges, etc., are being submitted subject to the *Subdivision Map Act*, they must be designed by appropriate engineers.

(Ref.: **BPC §§ 5500.1, 6737** and **Gov. Code § 66410 et seq.**)

5. If the architect has not agreed to provide construction phase services for the owner of the project, can the building official require the architect to review project shop drawings?

No. The architect has no obligation to provide such services either to the owner of the project or to a local building jurisdiction.

(Ref.: **BPC § 5536.25**)

6. May an architect act as a general contractor for the owner and hire subcontractors for the construction phase of a project under his architectural license?

No. An architect would also need to be licensed as a contractor to perform such services. The *California Contractors License Law* does not exempt architects unless they are acting solely within their professional capacity, which does not include contracting construction work for others.

(Ref.: **BPC §§ 5500.1, 7051**)

7. Does an architect's license entitle an architect to build an exempt building without a contractor's license?

No. The construction of buildings is governed by the *California Contractors License Law* (commencing with BPC section 7000). The law has an exemption that allows a person who is not a licensed contractor to construct a single-family residential structure provided they meet certain requirements. Questions concerning this exemption should be directed to the Contractors State License Board.

(Ref.: **BPC §§ 5500.1 and 7000 et seq.**)

8. May architects prepare, stamp, and sign mechanical, electrical, and plumbing drawings?

Yes. The *Architects Practice Act* allows architects to prepare, stamp, and sign mechanical, electrical, and plumbing drawings since the definition for scope of architectural practice includes " ... the design, in whole or in part, of buildings"

(Ref.: **BPC §§ 5500.1, 6737**)

9. May architects certify elevations of structures on a site when such certifications are required by building officials?

Yes. However, the certification must be based on survey data furnished by licensed land surveyors or appropriately registered civil engineers.

(Ref.: **BPC §§ 5500.1, 5536.26, 8700**)

10. Are there any height restrictions or limitations imposed by the Board as to an architect’s structural design authority?

No.

(Ref.: **BPC § 5500.1**)

11. May an architect prepare, stamp, and sign landscape drawings without a landscape architect’s license?

Yes. The architect is responsible for the planning of a site and is exempt from the *Landscape Architects Practice Act*; therefore, the architect may prepare, stamp, and sign landscape drawings for the site.

(Ref.: **BPC §§ 5500.1, 5641.3**)

12. May an architect prepare designs for site retaining walls, culverts, and other fixed works on a site if the architect is not responsible for the site planning of a project and the work is not considered a “phase of architecture” under the Professional Engineers Act exemption?

No, if the architect is not responsible for the planning of the site or the “fixed works” are not associated with the design of a building or groups of buildings. Under such circumstances, the “fixed works” would be considered civil engineering, and the architect would not qualify for the exemption under the *Professional Engineers Act*.

(Ref.: **BPC §§ 5500.1, 6737**)

13. May architects prepare, stamp, and sign site grading and drainage plans?

Yes. An architect is allowed under the *Architects Practice Act* and the *Professional Engineers Act* exemption to prepare, stamp, and sign site grading and drainage plans, except where such plans are submitted pursuant to the *Subdivision Map Act*. Cities or counties may not prohibit an architect from engaging in the

preparation of plans for site grading, which is a function of the practice of architecture as defined in BPC section 5500.1.

(Ref.: **BPC §§ 460, 5500.1, 6737** and **Gov. Code § 66410 et seq.**)

14. Can local building officials insist that civil engineers prepare and sign site grading and site drainage drawings as a condition for permit issuance even though an architect prepares the site plan and the grading and drainage plans?

No. Architects are allowed by the *Architects Practice Act* to prepare, stamp, and sign such drawings as part of their services. State licensure of architects supersedes any local code or ordinance that might restrict an architect licensed by the state from performing services.

(Ref.: **Response to question #13** and **BPC §§ 460, 5500.1**)

15. Are architects authorized to perform soil tests?

No. Such tests are not considered to be part of the practice of architecture.

(Ref.: **BPC § 5500.1**)

16. Does an architect's license entitle an architect to perform special inspections as specified in the California Building Standards Code without demonstrating their ability to perform such service to the satisfaction of a building official?

No. Special inspections are not considered to be part of the practice of architecture. Therefore, an architect would have to comply with a building official's requirement to demonstrate such ability before being permitted to perform required special inspections.

(Ref.: **BPC § 5500.1**)

17. May architects prepare, stamp and sign structural calculations and structural drawings?

Yes. The *Architects Practice Act* allows architects to prepare, stamp, and sign structural calculations and structural drawings since the definition for scope of architectural practice includes "... the design, in whole or in part, of buildings ..." except for the structural calculations and structural drawings for a hospital, which must be prepared by a structural engineer.

(Ref.: **BPC §§ 5500.1, 6737** and **HSC § 129805**)

18. Are architects authorized to perform surveys without a land surveyor's license or civil engineer registration?

No.

(Ref.: **BPC § 5500.1**)

19. When a licensed architect working on a project quits or is discharged, may another architect sign the original licensee's plans or instruments?

If both architects are licensed in California, and the supplanting architect completely reviews the plans of the original architect, making necessary, or client-directed changes, the supplanting architect has "prepared" the plans for purposes of BPC section 5582.1 and may stamp and sign them, absent fraud, deception, or dishonesty.

(Ref.: **CCR, title 16, §151**)

Building Designers

1. Are building designers licensed by the state?

No. At one time, the state recognized “registered building designers”; however, that category was eliminated in 1985.

(Ref.: **BPC § 5536(a)** and **(b)**)

2. May individuals advertise as building designers?

Yes. However, they cannot refer to themselves as “registered” building designers or otherwise indicate that they are licensed or registered by the state.

(Ref.: **BPC § 5536(a)**)

Building Official's Responsibility with Respect to *Architects Practice Act*

1. Are building officials required to verify whether the individual who prepares and submits permit documents for nonexempt projects has a current license?

Yes. If a building permit is required, building officials are required to verify that an individual who prepares and submits permit documents for nonexempt projects has a current license. The building official must require a signed statement that the person who prepared the plans and specifications is licensed under the *Architects Practice Act* or is otherwise licensed in this state to prepare the plans and specifications. An architect's signature and stamp on plans and specifications will satisfy the signed statement requirement. If the person submitting the plans purports to be an architect and is not listed on the Board's license verification website, the building official should contact the Board for verification.

(Ref.: **BPC § 5536.2**)

2. When plans have been filed by the original architect of record, may a building official accept changes to those plans that are submitted by the supplanting architect or engineer?

A building official is only required to verify that the appropriate stamp and signature is on the documents before a permit is issued and that design changes are made and approved by the appropriate person.

(Ref.: **BPC § 5536.25**, **CCR, title 16, § 151**, and **California Building Standards Code (CBSC), title 24, § 106.4.4.1**)

3. Is a building official required to notify an architect of record when another architect/engineer takes over a project, uses that architect's drawings, or makes changes?

No. *The Architects Practice Act* does not require this notification.

4. Is a building official liable if he or she informs the Board of possible aiding and abetting that later turns out to be unfounded and the architect takes legal action against the building official?

The law grants a qualified privilege to individuals who communicate, in good faith, to an official administrative agency concerning a possible violation of law. Further information on this subject should be obtained from the legal advisor for the building department.

(Ref.: **California Code, Civil Code § 47**)

5. Sometimes an owner has separate contracts with an architect and the structural, civil, mechanical, and electrical engineers. No one discipline has overall coordination of the project, and a design change is required that will affect the work of all disciplines. May a building official require the project architect to sign for changes on his own work as well as others? Can the architect coordinate the work of the others?

No. The architect is only required to stamp, sign, and take responsibility for his or her own documents. The same shall apply to each design professional. The building official should notify the owner that such coordination is required, and it is the owner's responsibility to arrange for proper coordination. An architect can coordinate the services and documents of others if he or she accepts the responsibility.

(Ref.: **BPC § 5536.1**)

6. May an architect certify that the construction of a project is in conformance with the design documents?

Yes, the architect can certify that the construction is in conformance, but the architect may choose not to do so.

(Ref.: **BPC § 5536.26**)

7. If an architect asks or requests by phone that a building official make required design changes that the architect will approve later, should the building official make such changes?

No, not without prior written confirmation. It is not the building official's responsibility to make design changes.

(Ref.: **BPC § 5536.25**)

8. Is a building official liable if he or she approves the plan submittal and later learns that the architect who submitted the plans has a revoked or suspended license?

The Board does not determine liability. This is a question of civil law. Building officials should discuss this issue with their legal advisors. To avoid such problems, the law requires the building department to verify licensure prior to issuing any permit.

(Ref.: **BPC § 5536.2**)

9. Should a building official make a design change to a drawing that requires design changes?

If a building official makes design changes to drawings without the authorization or approval of the architect, the architect will not be responsible for damages caused by those changes. The building official could be responsible for damage caused by his or her unauthorized changes. Building officials should discuss this issue with its legal advisor before undertaking any such action.

(Ref.: **BPC § 5536.25**)

10. Are building departments required to maintain record copies of permitted drawings?

Yes, under certain circumstances. Refer to HSC section 19850, which requires that drawings of certain categories of buildings be retained by local building departments.

11. Are building officials required to give a copy of record documents to anyone who asks for them?

No. See HSC section 19851, which specifies who may obtain copies of drawings and under what conditions.

12. Do building officials need to verify licensure of persons signing plans for **exempt** projects?

Only if plans are being submitted or prepared by a licensed design professional.

(Ref.: **BPC § 5536.2**)

13. When should verification of licensure be made?

Verification of licensure should be done at the time of initial submittal of the plans and specifications.

(Ref.: **BPC § 5536.2**)

Complaint Procedures

1. How is a complaint filed?

Anyone who believes there has been a violation of the *Architects Practice Act* may file a complaint with the Board. All complaints should be filed in writing. A complaint form is available on the Board's website, www.cab.ca.gov, or the complainant may send a letter or email to the Board detailing the event(s) that led to the complaint with copies of all documentation (plans, contracts, business cards, correspondence, etc.) to substantiate the complaint.

2. Is there a way to find out whether a complaint has been filed against an architect or an unlicensed individual?

Contact the Board. Pursuant to its regulation on public information disclosure, the Board will disclose any disciplinary or enforcement actions taken against the person, including citations, accusations, statements of issues, and disciplinary decisions. The Board may only disclose complaint information if it is determined to have a direct effect on public safety.

(Ref.: **CCR, title 16, § 137**)

Contractors

1. Are contractors exempt from the *Architects Practice Act*?

A contractor may design what an unlicensed person may design under BPC sections 5537 (exempt structures) and 5538 as determined by the local building official.

With regard to nonexempt structures, the contractor is limited to services specifically noted in BPC section 6737.3 (*Professional Engineers Act*); appropriately licensed contractors may design mechanical and electrical systems in accordance with applicable construction codes if they also install those systems. If they do not install the systems and supervise the installation of the systems, they must have an architect or engineer design the systems.

In addition, a contractor may design systems needed to complete the written contract. Such systems are considered temporary and must be removed once the project is completed.

(Ref.: **BPC §§ 5537, 6737.3**)

2. May a licensed contractor perform design services under the direction of a structural or civil engineer for a nonexempt structure?

Yes, if the contractor works under the responsible charge of the engineer, and the engineer signs all engineering documents prepared by the contractor.

(Ref.: **BPC § 5537.2**)

3. **May contractors design nonexempt structures if they are going to build them?**

No. Contractors may only design exempt buildings and nonstructural or nonseismic storefronts or interior alterations that do not affect the structural system or safety of the building. If they associate with an architect or engineer, contractors may prepare documents under the direct supervision of an architect or engineer; however, the architect or engineer must stamp and sign the documents.

(Ref.: **BPC §§ 5537.2, 5538**)

4. **May the building official delay the project until properly prepared documents are resubmitted for approval?**

This question should be discussed with the legal advisor for the building department.

5. **May licensed **contractors** prepare and sign drawings for their respective systems without supervision of an architect or engineer?**

Yes. The *Professional Engineers Act* states that appropriately licensed contractors may design electrical or mechanical systems for any building if they also install them.

(Ref.: **BPC § 6737.3**)

6. **May a general contractor prepare and sign drawings pertaining to mechanical, electrical, and plumbing systems for nonexempt structures?**

No. If the general contractor does prepare mechanical or electrical drawings, he or she must do so under the supervision of an architect or appropriately registered engineer. The architect or engineer must stamp and sign the drawings.

(Ref.: **BPC § 5537.2**)

1. If a person's residence is damaged by a natural disaster, how can the homeowner obtain a copy of the plans?

If damage to residential real property is caused by a natural disaster declared by the governor and if the damage may be covered by insurance, an architect or other person who has prepared the plans used for the construction or remodeling of the property must release a copy of the plans to the homeowner, the homeowner's insurer, or a duly authorized agent of either upon request. The plans may only be used for verifying the fact and the amount of damage for insurance purposes. The architect may charge a reasonable fee to cover the reproduction costs of providing a copy of the plans.

(Ref.: **BPC § 5536.3**)

2. Can the homeowner rebuild the property using the plans?

The plans cannot be used to rebuild any of the property without a current permit and the written consent of the architect or other person who prepared the plans. If written consent is not provided, the architect will not be liable if the plans are subsequently used by the homeowner or anyone else to rebuild any part of the property.

(Ref.: **BPC § 5536.3**)

3. If the homeowner cannot contact the original designer, can the building department provide a copy of the plans?

The building department can duplicate the plans under the provisions contained in HSC section 19851. Refer to that code section for details.

4. In the event of a declared disaster, what deterrents to unlicensed practice exist?

Only persons licensed by the Board may call themselves architects and provide architectural services. During a declared state of emergency, the penalty against an unlicensed person misrepresenting himself/herself as an architect in connection with the offer or performance of architectural services for the repair of damage to a structure caused by a natural disaster is increased and punishable by a fine up to \$10,000 and/or imprisonment. When responding to advertisements or solicitations offering architectural services, disaster victims should verify whether the person offering services has a valid license by contacting the Board or visiting its website.

(Ref.: **BPC § 5536.5**)

5. Can architects perform structural inspections after an earthquake?

Yes. Architects may provide structural inspections at the scene of a declared national, state, or local emergency when acting voluntarily and at the request of a public official, public safety officer, or city or county building inspector who is acting in an official capacity.

(Ref.: **BPC § 5536.27**)

6. What type of immunity is available to architects who provide inspection services for building departments?

California has a good Samaritan law for licensed architects, engineers, and land surveyors who, at the request of a public official, provide safety inspection services, without compensation, at the scene of a declared national, state, or local emergency caused by an earthquake. This law gives architects immunity from liability. This immunity applies only for an inspection that occurs within 30 days of the earthquake.

(Ref.: **BPC § 5536.27**)

1. Are engineers exempt from the Architects Practice Act?

Civil and structural engineers may provide building design services to the extent that they are included as part of the engineering services for which they are registered. Civil and structural engineers may not practice architecture, i.e., architectural design, unless it is a part of the civil or structural engineering services they are performing. Civil and structural engineers may not use the title “architect” or offer “architectural” services unless licensed by the Board.

(Ref.: **BPC §§ 5537.1, 5537.4, 5537.5**)

2. May a structural or civil engineer sign architectural drawings for nonexempt structures prepared by an unlicensed person who was not under their supervision even though the engineers prepared the structural drawings and calculations?

This question must be answered by the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG). If an architect signed documents that were not prepared under his or her responsible control, the Board would consider the act “aiding and abetting” under BPC sections 5582 and 5582.1.

(Ref.: **BPC §§ 5537.1, 5537.5**)

3. What are the structural and civil engineer’s limitations as to performing architectural design services?

There are none in the *Architects Practice Act*. The engineer may design any structure as long as the engineer adheres to the exemptions.

(Ref.: **BPC §§ 5537.1, 5537.5**)

CCR, titles 21 and 22, are more restrictive and do set limitations as to what services architects and civil and structural engineers may perform. However, CCR titles 21 and 22 are relevant only to state-regulated construction under the jurisdiction of the **Division of the State Architect (DSA) and Office of Statewide Health Planning and Development (OSHPD)**.

4. BPC section 5537.4 exempts all professional engineers. Does this mean that all registered professional engineers can design nonexempt structures?

No. Only structural and civil engineers are authorized to design structures. Other professional engineers are exempt from the *Architects Practice Act* only to the extent that they practice the profession for which they are registered.

5. If a structural or civil engineer prepares and signs structural calculations as a consultant to an architect, must the engineer also prepare, stamp, and sign the structural drawings?

Not necessarily. If the calculations are given to the architect, who then prepares the structural drawings from the information provided in the calculations, only the architect is required to stamp and sign the drawings. The engineer is not required to over-sign documents prepared by the architect.

Exempt Buildings and Structures

1. What are exempt buildings or structures?

The *Architects Practice Act* defines exempt buildings or structures in BPC section 5537 as follows:

- (a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:
 - (1) Single-family dwellings of wood frame construction not more than two stories and basement in height.
 - (2) Multiple dwellings containing no more than four dwelling units of wood frame construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.
 - (3) Garages or other structures appurtenant to buildings described under subdivision (a), of wood frame construction not more than two stories and basement in height.
 - (4) Agricultural and ranch buildings of wood frame construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.
- (b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for wood frame construction found in the most recent edition of California Code of Regulations, title 24, or tables of limitation for wood frame construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculation

for that portion by or under the direct supervision of, a licensed architect or registered engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation. Substantial compliance for purposes of this section is not intended to restrict the ability of the building officials to approve plans pursuant to existing law and is only intended to clarify the intent of Chapter 405 of the Statutes of 1985.

2. What is the Board’s definition of “conventional framing”?

Since it appears in the *California Building Standards Code (Cal. Code Regs., title 24) (CBSC)*, which is written by building officials, the CBSC definition should be used.

(Ref.: **BPC §§ 5537(b)** and **Cal. Code Regs., title 24**)

3. What are the Board’s definitions of a “single-family dwelling” and “multiple dwelling”?

- (a) **Single-Family Dwelling:** As defined in BPC section 5537(a) and CCR, title 16, section 153, the term “single-family dwelling” means a free-standing, unattached dwelling of wood frame construction not more than two stories and basement in height. Such a single-family dwelling shall not share any common building components including, but not limited to, foundations, roofing, and structural systems with any other structure or dwelling.
- (b) **Multiple Dwelling:** As defined in BPC section 5537(a) and CCR, title 16, section 153, the term “multiple dwellings” means a structure composed of no more than four attached dwelling units that share any common building components including, but not limited to, foundations, roofing and structural systems. Such multiple dwelling units shall be of wood frame construction and not more than two stories and basement in height, and as defined in the CBSC.

4. If a lot contains an existing residence, may an unlicensed person prepare plans for a maximum four additional units as exempted under BPC section 5537?

No. The maximum number of units that could be designed on the lot by an unlicensed person would be three additional units in any combination.

(Ref.: **BPC § 5537**)

5. Is a “greenhouse” constructed of metal framing and glass considered an exempt structure if it is for personal use only?

No. The *Architects Practice Act*, BPC section 5537, refers only to wood-framed structures; therefore, metal-framed structures would not be considered exempt under the statute.

6. If an owner prepares drawings for his or her own exempt building, is he or she required to sign the drawings?

No. The statute requires only those who prepare drawings for others to sign them and, if licensed, to note their license number. However, the statute does not prohibit a building official from requiring the owner to sign the drawings.

(Ref.: **BPC § 5536.1**)



7. BPC section 5537, which deals with exemptions, does not discuss site planning. Does this mean that an unlicensed person who prepares drawings for exempt structures must hire an architect to prepare the site plan drawings?

An unlicensed person may only do site planning if the activities are not subject to regulation by any licensing boards. For example, preparing grading and drainage plans are activities that require a license. Therefore, an architect or engineer would be required to prepare such plans for an exempt structure.

8. If an architect or engineer prepares and signs structural calculations for a portion of an exempt building and the building plans are prepared by the owner, must the architect or engineer sign the plans also?

The architect or engineer would only sign for that portion of the drawings that pertain to his or her structural design, not the entire set of drawings. The architect is only required to note that portion for which he or she is taking responsibility. The remainder of the drawings would be signed by the person who prepared them.

(Ref.: **BPC § 5536.1**)

9. May the building official require other exempt structures to be designed by an architect or engineer in addition to the noted agricultural and ranch buildings if it is deemed that such structures are an undue risk to public safety, health, or welfare?

Yes. The building official may require part or all of the structure to be designed by an architect or engineer. The BPC does not supersede the building official's authority to protect the health, safety, and welfare of the public.

Interior Designers

1. Are interior designers licensed by the state?

No. The state of California has a title act for certified interior designers under BPC sections 5800–5812. Certification is not required for interior designers to practice in California.

(Ref.: **BPC §§ 5800–5812**)

2. What services may an interior designer provide?

Interior designers and any other unlicensed persons may design nonstructural or nonseismic store fronts, interior alterations or additions, fixtures, cabinetwork, furniture, other appliances or equipment, and any nonstructural or nonseismic alterations or additions necessary to provide for their installation. Interior designers may not design any components that change or affect the structural system or safety of the building.

(Ref.: **BPC §§ 5537, 5538**)

3. What may interior designers call themselves?

Interior designers may call themselves interior designers or designers. They cannot call themselves “architects,” “architectural designers,” “interior architects,” or any other name that might mislead the consumer to think that they are licensed architects or registered building designers or otherwise certified, licensed, or registered by the state.

An interior designer may not represent to the public that he or she is “state certified” to practice interior design. However, a person who has been certified by an interior design organization may refer to herself or himself as a “certified interior designer.”

(Ref.: **BPC §§ 5800, 5804**)

No unlicensed person may use the terms “architect,” “architectural,” or “architecture,” or use the terms “licensed” or “registered.”

(Ref.: **BPC § 5536**)

4. **May interior designers stamp exempt plans?**

Yes. Unlicensed persons may stamp exempt plans as long as they do not use the legend “State of California” or words or symbols that indicate they are licensed by the state.

(Ref.: **BPC §§ 5536(b), 5802, 5805**)

Landscape Architects

1. May a registered landscape architect refer to himself or herself as an “architect”?

No. A landscape architect may not use the title “architect” without the word “landscape” unless he or she also holds an architect’s license.

(Ref.: **BPC § 5537.6**)

2. Can landscape architects prepare site grading and site drainage plans?

Yes. A landscape architect can prepare landscape architectural site grading and site drainage plans.

(Ref.: **BPC § 5616**)

3. What structures can landscape architects design as part of their landscape services?

A landscape architect can design, as part of their landscape architectural services, any exempt structures that unlicensed persons may design in accordance with BPC section 5537. If a structure requires engineering, it must be designed by an appropriately licensed or registered person.

(Ref.: **BPC § 5537**)

4. What may a landscape architect design?

A landscape architect may perform professional services for the purpose of landscape preservation, development, and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and

responsible construction observation. Implementation of that purpose includes: (1) the preservation and aesthetic and functional enhancement of land uses and natural land features; (2) the location and construction of aesthetically pleasing and functional approaches and settings for structures and roadways; and, (3) design for trails and pedestrian walkway systems, plantings, landscape irrigation, landscape lighting, landscape grading and landscape drainage.

Landscape architecture services may include: investigation, selection, and allocation of land and water resources for appropriate uses; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation review, and analysis of master plans for land use and development; production of overall site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details; specifications; cost estimates and reports for land development; collaboration in the design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed; negotiation and arrangement for execution of land area projects; field observation and inspection of land area construction, restoration, and maintenance.

(Ref.: **BPC § 5615**)

5. May local building officials reject landscape architectural plans, drawings, and instruments of service as a condition for permit issuance, solely on the grounds that they are stamped by a licensed landscape architect?

Landscape architects are authorized by the *Landscape Architects Practice Act* to prepare, stamp, and sign such plans, drawings, and other instruments of service as part of their services.

(Ref.: **BPC § 5659**)

6. May an unlicensed person advertise landscape architectural services?

No. An individual not licensed by the LATC may not advertise or put out a sign, card, or other device that might indicate to the public that he or she is a licensed landscape architect or qualified to engage in the practice of landscape architecture.

In addition, an unlicensed individual may not offer landscape architectural services or advertise on the Internet or in the yellow pages or business directories under headings such as “landscape architect,” “landscape architecture” or “landscape architectural.”

(Ref.: **BPC § 5640**)

7. What must the landscape architect’s seal or stamp look like, and what must it contain?

The *Landscape Architects Practice Act* requires that the landscape architect’s seal or stamp contain: (1) the legend “State of California”; (2) the term “licensed landscape architect”; (3) the landscape architect’s name (as licensed with the LATC); (4) the landscape architect’s license number; and (5) a means of providing a signature, the renewal date for the current license, and the date of signing and sealing or stamping. The license renewal date may be handwritten or typeset.

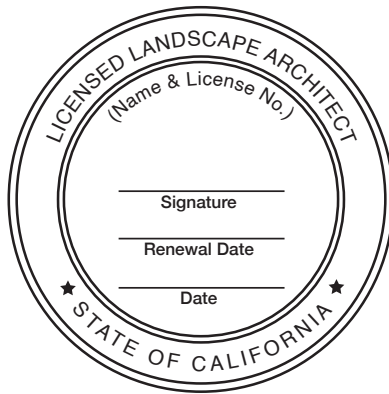
A landscape architect’s stamp must be between one and two inches in diameter. The design of the circle may include solid lines (thin or thick) or broken lines, such as dashes or dots. Other possibilities include a rope or beaded effect or words forming the circle. Embellishments (stars, graphic designs) are also acceptable, as long as the stamp is legible. Provided below is a basic example of a recommended format for a California landscape architect’s stamp. Stamps can be ordered from any source - stationery stores, business supply houses, rubber stamp manufacturers, and print shops.

(Ref.: **BPC § 5659 and CCR, title16, § 2606**)

8. Are there allied professions that are exempt from the *Landscape Architects Practice Act*?

Yes. Architects, professional engineers, and land surveyors are exempt from the Landscape Architects Practice Act insofar as they practice the profession for which they are licensed or registered. A landscape contractor may design landscape systems and facilities for work to be performed and supervised by that contractor. These allied professionals may not use the title “landscape architect” or offer “landscape architectural” services unless licensed to do so.

(Ref.: **BPC §§ 5641.3, 5641.4**)



Land Surveyors

1. May a licensed land surveyor use the title “architect”?

No. A licensed land surveyor may not use the title “architect” unless he or she also holds an architect’s license.

(Ref.: **BPC § 5537.7**)

2. Can licensed land surveyors prepare and sign site plans?

No. Land surveyors are limited to preparing and signing documents relating to their survey services, such as location of property lines or boundaries, topographic maps, site elevations, etc. They are not licensed to plan the improvements of a site.

(Ref.: **BPC § 5537.7**)



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Mechanics Lien Laws

1. Where can information about Mechanics Lien Laws be found?

The Board does not respond to questions regarding design professionals and mechanics lien laws, as those laws are outside of the Board's jurisdiction. For information regarding design professionals and mechanics liens, review Civil Code sections 8300–8319 and 8400–8494, respectively, or consult an attorney. Additional resources regarding liens may be found in publications at a public library or by visiting the Contractors State License Board's website at www.cslb.ca.gov.

Signature Requirement

1. May the title block for nonexempt buildings contain the words “drawings prepared by” and/or the name of the drafting service in addition to the name of the architectural firm?

Yes. There is nothing in the *Architects Practice Act* that prohibits this practice, but the architect responsible for their preparation must sign the drawings. If drawings were submitted without the architect's stamp and signature, it would be of assistance to the Board's Enforcement Program to have a copy of the title block sent to the Board.

(Ref.: **BPC §§ 5536.1, 5536.2**)

2. In a set of plans submitted to a building official for approval and issuance of a permit, which sheets of the plans or drawings must be signed or stamped?

The *Architects Practice Act* does not address this issue. The building official has the discretion to determine which sheets should be stamped and signed. However, standard practice in the profession is to stamp and sign every sheet and the cover page of specifications.

3. May an employee of an architect sign and stamp the plans or drawings or must the person whose name appears in the firm's title block sign and stamp?

An employee may stamp and sign the documents if the employee is licensed by the Board and prepared or was in responsible control of their preparation.

4. **Must the architect sign the documents at initial submittal?**

The *Architects Practice Act* does not stipulate when the documents are to be stamped and signed. BPC section 5536.2 requires building officials to verify that the person who prepares the documents is properly licensed to do so. This can be done by obtaining a signed statement that the person who prepared the documents is licensed to prepare such documents. The building official can accept the signed statement in lieu of the stamp and signature at the time of initial submittal. After the plan check corrections have been made and before the permit for construction is issued, the drawings must be stamped and signed by the architect.

(Ref.: **BPC §§ 5536.1, 5536.2**)

5. **May building officials require architects to stamp and oversign a consultant's drawings?**

No. Architects are only required to stamp and sign what they have prepared themselves or what others have prepared under their responsible control. Architects cannot be required to stamp and over-sign documents prepared by others, with the exception of DSA and OSHPD, which may require such “over-stamping” of documents prepared by consultants to satisfy state regulations for schools and hospitals.

(Ref.: **BPC § 5536.2**)

6. **Are reproduced signatures on documents acceptable?**

Building officials may accept documents with a reproduced signature. Electronic stamps and signatures are commonly accepted in all business forums.

7. Must each page of a set of specifications or structural calculations be signed by the licensed person who prepares them?

An architect is required to sign his or her plans, specifications, and other instruments of service. The Board does not require that each page of a set of specifications and/or calculations be signed by the architect.

(Ref.: **BPC § 5536.1**)

8. Must the engineer who has prepared and signed structural calculations also sign the structural drawings if the structural drawings are prepared by a licensed architect?

No. The engineer only signs the documents that he or she has prepared. The architect signs the structural drawings that he or she prepared.

(Ref.: **BPC § 5536.1**)

9. May nonexempt plans be signed by the unlicensed person who prepared the plans and the architect who is responsible for their preparation?

An unlicensed person may prepare plans for a nonexempt structure only under the responsible control of an architect. The unlicensed person, as well as the architect, may sign the plans; however, the architect's is the only required stamp and signature.

(Ref.: **BPC § 5536.1**)

10. Are wet or dry signatures required on plans?

The *Architects Practice Act* does not state what type of media is to be used; it only states that the drawings must be stamped and signed.

(Ref.: **BPC §§ 5536.1, 5536.2**)

Stamp Requirement

1. Must architects stamp their plans, specifications, and other instruments of service prior to obtaining a building permit?

Yes.

(Ref.: **BPC §§ 5536.1, 5536.2**)

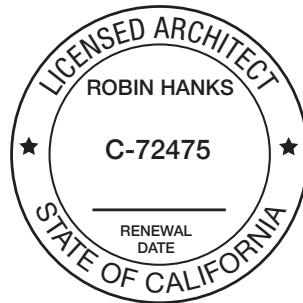
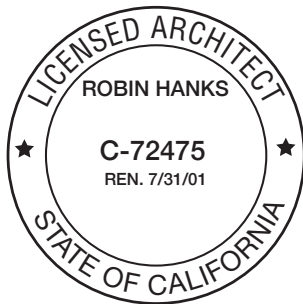
2. What must the architect's stamp look like, and what must it contain?

The *Architects Practice Act* requires, at minimum, that the architect's stamp contain: (1) the legend "State of California"; (2) the term "licensed architect"; (3) the architect's name (as licensed with the Board); (4) the architect's license number; and (5) a means for noting the renewal date for the current license (last day of birth month and year). The renewal date may be hand written or typeset.

The stamp must be at least one inch, but not more than two inches, in diameter and circular in shape. The design of the circle may include solid lines (thin or thick) or broken lines, such as dashes or dots. Other possibilities include a rope or beaded effect or words forming the circle. Embellishments (stars, graphic designs) are also acceptable as long as the stamp is legible.

The stamp shall not be of the embossing type. Provided below are basic examples of recommended formats for a California architect's stamp. Stamps can be ordered from any source—stationery stores, business supply houses, rubber stamp manufacturers, and print shops.

(Ref.: **BPC § 5536.1(b)** and **CCR, title 16, § 136**)



REN. Refers to renewal date.

Unlicensed Individuals

1. What may an unlicensed individual design?

A. An unlicensed individual may design exempt buildings or structures. The *Architects Practice Act* defines exempt buildings or structures in BPC section 5537 as follows:

- (a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:
 - (1) Single-family dwellings of wood frame construction not more than two stories and basement in height.
 - (2) Multiple dwellings containing no more than four dwelling units of wood frame construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.
 - (3) Garages or other structures appurtenant to buildings described under subdivision (a), of wood frame construction not more than two stories and basement in height.
 - (4) Agricultural and ranch buildings of wood frame construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.
- (b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for wood frame construction found

in the most recent edition of CCR, title 24, or tables of limitation for wood frame construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by or under the direct supervision of, a licensed architect or registered engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation. Substantial compliance for purposes of this section is not intended to restrict the ability of the building officials to approve plans pursuant to existing law and is only intended to clarify the intent of Chapter 405 of the Statutes of 1985.

- B. Unlicensed individuals may design nonstructural or nonseismic alterations or additions as defined in the *Architects Practice Act*, BPC section 5538.

2. What titles may unlicensed individuals use?

Unlicensed individuals cannot call themselves “architects,” “architectural designers,” or any other confusingly similar title that might indicate to the public that they are a licensed architect, architectural designer, or qualified to engage in the practice of architecture.

(Ref.: **BPC § 5536(a)**)

3. Must the design of a seismic bracing system required for raised computer floors be done by an architect or engineer?

Yes. Plans for seismic bracing systems are considered a seismic alteration and should be designed and signed by architects or engineers.

(Ref.: **BPC § 5538**)

4. In BPC section 5538, interior alterations and additions are considered exempt. Does the word “additions” apply to exterior work as well as interior, or is it meant to apply only to interior additions?

BPC section 5538 discusses interior additions only. Exterior additions are discussed in BPC section 5537.

5. Does the replacement of a fire-rated door require an architect or engineer to approve the replacement or write a specification for the replacement?

The local building official should make this determination.

6. May unlicensed individuals design and sign plans for disabled access systems?

Yes. Unlicensed individuals may design systems, including disabled access systems, that are nonstructural and nonseismic in nature and that do not affect the safety of the structure, provided that the design of those systems is not restricted by law to registered or licensed individuals.

(Ref.: **BPC § 5538**)

7. Does the Board provide building departments with specific criteria as to what interior components affect the safety of a building or its occupants?

No. Local building departments determine such criteria.

8. May an unlicensed individual design, plan, or prepare instruments of service for storefronts or interior alterations?

Yes. Unlicensed persons may prepare and submit plans for nonstructural or nonseismic interior alterations or additions, provided such alterations do not change or affect the structural system or safety of the building.

(Ref.: **BPC § 5538**)

9. May an unlicensed individual design interior alterations or additions for nonexempt structures?

Unlicensed individuals may prepare and sign plans for nonstructural or nonseismic store fronts, interior alterations or additions, fixtures, cabinetwork, furniture, other appliances or equipment, and any nonstructural or nonseismic alterations or additions necessary to provide for their installation. However, an unlicensed individual may not prepare and sign plans for any components affecting the structural system or safety of any building as determined by the local building official.

(Ref.: **BPC § 5538**)

10. May unlicensed individuals prepare and sign plans for the interiors of any type of building? Are there square footage limitations?

Unlicensed individuals may prepare and sign interior designs for any type of building subject to the approval of the building official. There are no square footage limitations imposed by the *Architects Practice Act*; however, some building departments do set square footage limitations applicable to design services by unlicensed individuals.

(Ref.: **BPC § 5538**)

11. May unlicensed individuals design and sign mechanical, electrical, and plumbing systems?

No. Such systems must be designed and signed by appropriately licensed or registered design professionals or appropriately licensed contractors as allowed by the *Professional Engineers Act*.

(Ref.: **BPC §§ 5537.2, 5537.4, 6737.3**)

12. What criteria does the Board use to determine what it considers the “safety of a building”?

See the *California Building Standards Code*. The local building official should determine which components of building systems affect safety and required to be designed by an architect or engineer.

13. May unlicensed individuals prepare specifications for nonexempt structures?

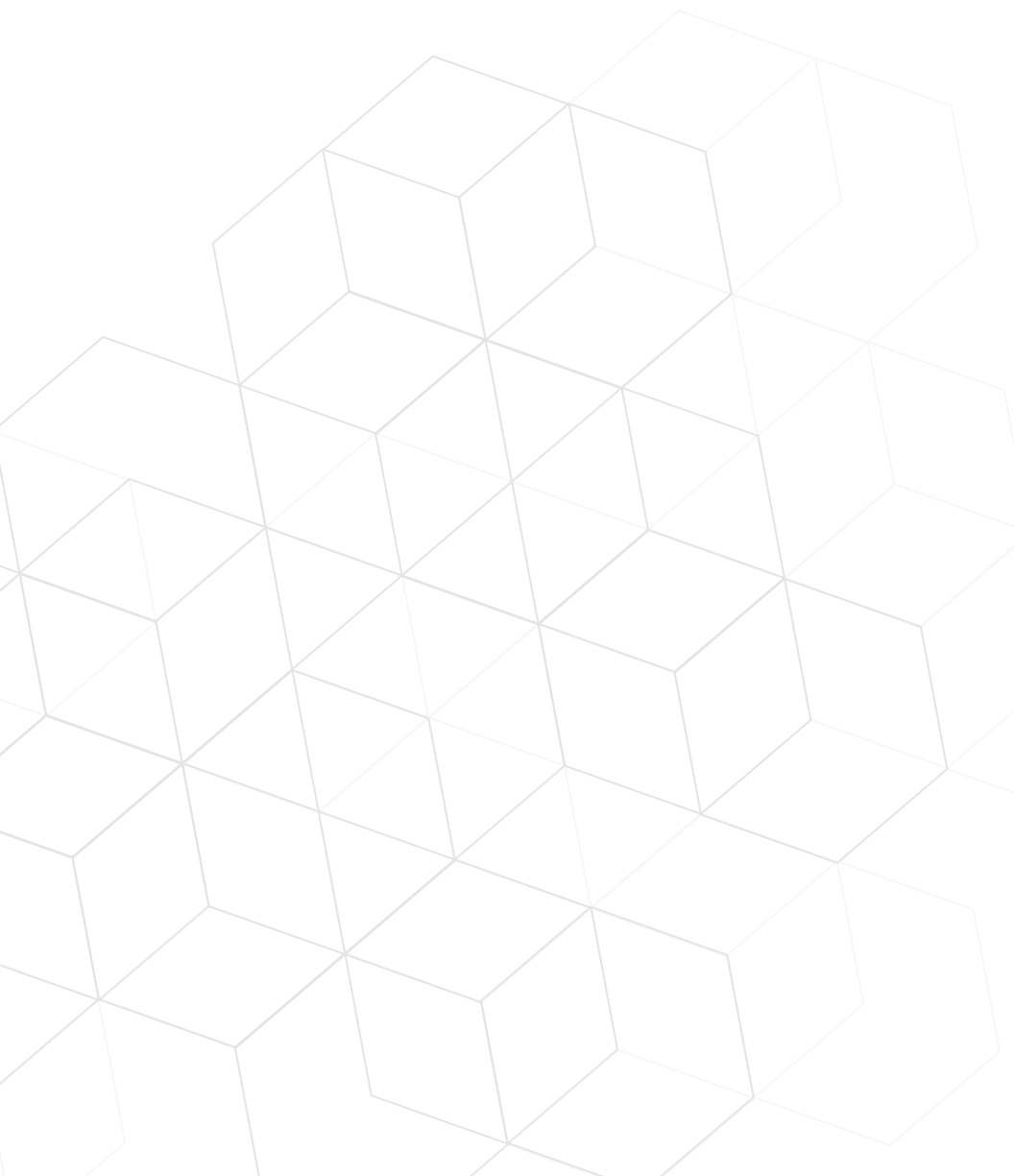
Unlicensed individuals may prepare specifications for nonexempt structures only under the responsible control of an architect or engineer. The architect or engineer is required to stamp and sign the specifications.

(Ref.: **BPC §§ 5535.1, 5536.1**)

14. May unlicensed individuals alter exterior wall, door, and window configurations on non-exempt structures so that they are coordinated with new interior construction?

No. The *Architects Practice Act* does not allow an unlicensed individual to prepare and sign plans and specifications for the alteration of exterior walls, doors, or windows except for nonstructural or nonseismic alterations to storefronts as determined by the local building official.

(Ref.: **BPC § 5538**)



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