



Board Members

Tian Feng, President
Charles "Sonny" Ward, III,
Vice President
Malcolm "Brett" Gladstone,
Secretary
Ronald A. Jones
Mitra Kanaani
Sylvia Kwan
Ebony Lewis
Robert C. Pearman, Jr.
Nilza Serrano

NOTICE OF PUBLIC TELECONFERENCE MEETING

June 8, 2022

The California Architects Board (Board) will meet by teleconference

10:00 a.m., on Wednesday, June 8, 2022

LOCATIONS: Department of Consumer Affairs
HQ 2 Hearing Room, Room N186
1747 North Market Boulevard
Sacramento, CA 95834

June Street Architecture
8730 Santa Monica Blvd., Suite H
West Hollywood, CA 90069

*office and parking located off of Huntley Dr.

Teleconference Information to Register/Join Meeting for Members of the Public via WebEx: 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=m32e76b035d9ab851d90b084546e6298f>

If joining using the link above

Webinar number: 2489 785 9350
Webinar password: CAB06082022

If joining by phone: 1-415-655-0001 US Toll

Access code: 248 978 59350
Passcode: 22206082

Due to potential technical difficulties, please consider submitting written comments by June 3, 2022, to cab@dca.ca.gov for consideration

(Continued)

Meetings are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. All times when stated are approximate and subject to change without prior notice at the discretion of the Bureau unless listed as "time certain." Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. Action may be taken on any item listed on this agenda, including information-only items. The meeting may be canceled without notice.

Members of the public can address the Board during the public comment session. Public comments will also be taken on agenda items at the time the item is heard and prior to the Board taking any action on said items.

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

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXXX@mailinator.com.

The Board May Take Action on Any Agenda Item

AGENDA

10:00 a.m. to 2:00 p.m.
(or until completion of business)

ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THIS AGENDA.

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

The Board may not discuss or act on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

- E. Review and Possible Action on February 18, 2022, Board Meeting Minutes
- F. Update and Possible Action on Legislation:
 - 1. AB 225 (Gray) Veterans: Military Spouses: Licenses
 - 2. AB 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions
 - 3. AB 1662 (Gipson) Licensing Boards: Disqualification from Licensure: Criminal Conviction
 - 4. AB 1733 (Quirk) State Bodies: Open Meetings
 - 5. SB 1237 (Newman) Licenses: Military Service
 - 6. SB 1443 (Roth) The Department of Consumer Affairs
 - 7. SB 1214 (Jones) Planning and Zoning: Local Planning
- G. Update and Discuss National Council of Architectural Registration Boards (NCARB):
 - 1. Update and Discuss Committee Meetings
- H. Update on Committees
 - 1. March 30, 2022, Professional Qualifications Committee Meeting
 - 2. April 7-8, 2022, Landscape Architects Committee (LATC) Meeting
 - i. Discuss and Possible Action on Second Modified Proposed Regulatory Text for California Code of Regulations (CCR) Title 16, Division 26, Article 1, Section 2620.5 (Requirements for an Approved Extension Certificate Program)
 - 3. Discuss and Possible Action on Draft Board Committee Policy
- I. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
- J. Discuss and Possible Action on new Proposed Regulatory Text for CCR, Title 16, Division 2, Article 10, Section 166 (Zero Net Carbon Design Continuing Education)
- K. Discuss and Possible Action on Proposed Regulatory Text Amendments for CCR Title 16, Division 2, Article 2, Section 109 (Filing of Applications)
- L. Discuss and Possible Action on Modified Proposed Regulatory Text for CCR Title 16, Division 2, Article 10, Section 165 (Disability Access Continuing Education) and Proposed Responses to Public Comments
- M. Discuss and Possible Action on Modified Proposed Regulatory Text for CCR Title 16, Division 2, Article 8, Section 152 (Citations)

N. Discuss and Possible Action on Modified Proposed Regulatory Text for CCR Title 16, Division 2, Article 5, Section 135 (Public Presentments and Advertising Requirements) and Proposed Responses to Public Comments

O. Review of Future Board Meeting Dates

P. Closed Session - Pursuant to Government Code Sections 11126(a)(1) and (c)(3), the Board Will Meet in Closed Session to:

1. Review and Take Action on February 18, 2022, Closed Session Minutes
2. Deliberate and Vote on Disciplinary Matters

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

The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

The Board plans to webcast the meeting on its website at www.cab.ca.gov. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. Meeting adjournment may not be webcast if adjournment is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to it taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

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) 471-0769

Email: drew.liston@dca.ca.gov

Telecommunications Relay Service: Dial 711

Mailing Address:

California Architects Board

2420 Del Paso Road, Suite 105

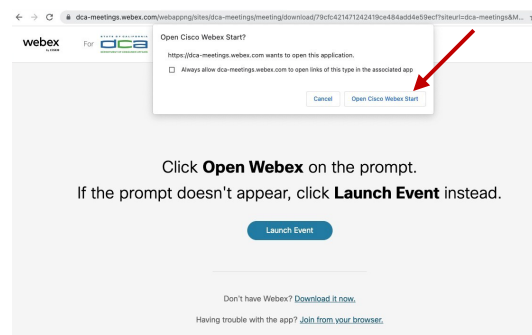
Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

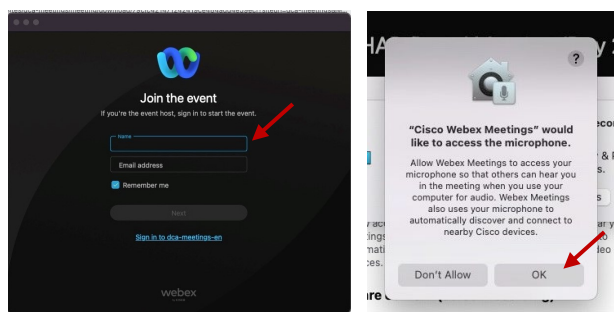
Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5510.15).

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click “Open Cisco Webex Start” or “Open Webex”, whichever option is presented. DO NOT click “Join from your browser”, as you will not be able to participate during the meeting.



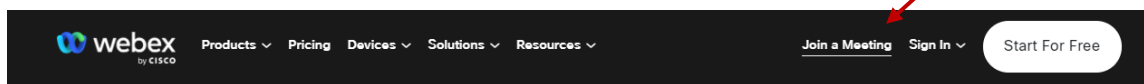
- 3 Enter your name and email address. Click “Join as a guest”. Accept any request for permission to use your microphone and/or camera.



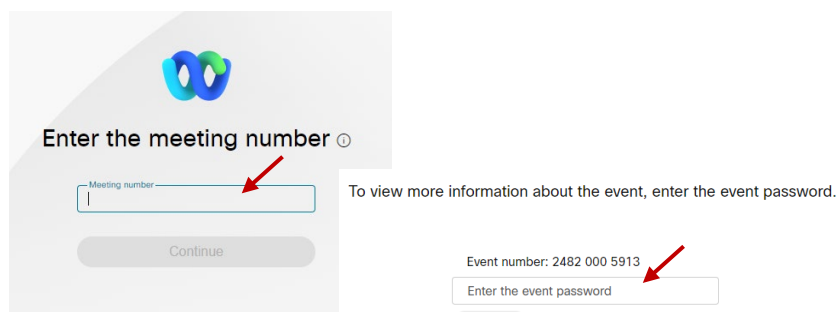
OR

If joining from Webex.com

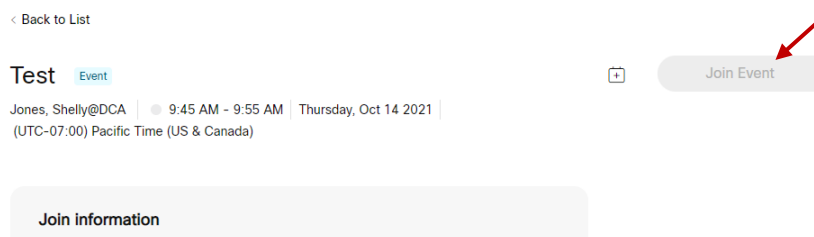
- 1 Click on “Join a Meeting” at the top of the Webex window.



- 2 Enter the meeting/event number and click “Continue”. Enter the event password and click “OK”. This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click “Join Event”.



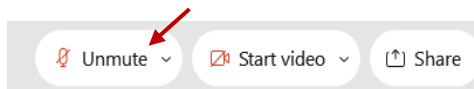
OR

Connect via telephone:

You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.

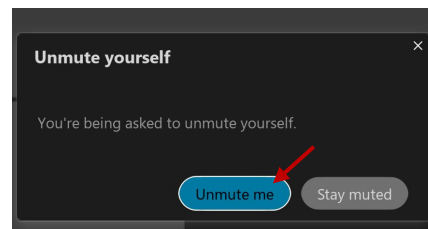


Green microphone = Unmuted: People in the meeting can hear you.



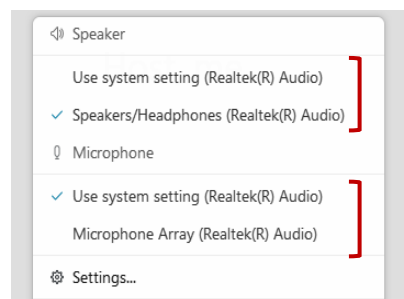
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on “Unmute Me”.



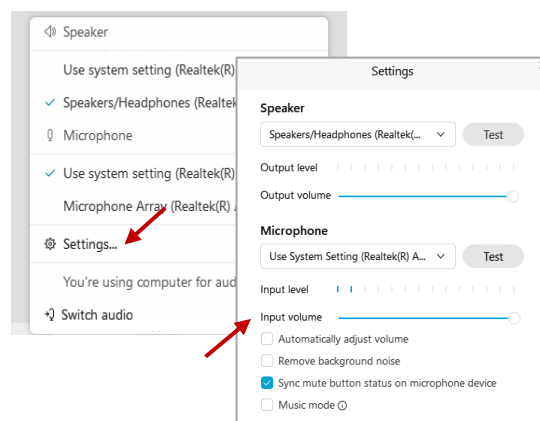
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

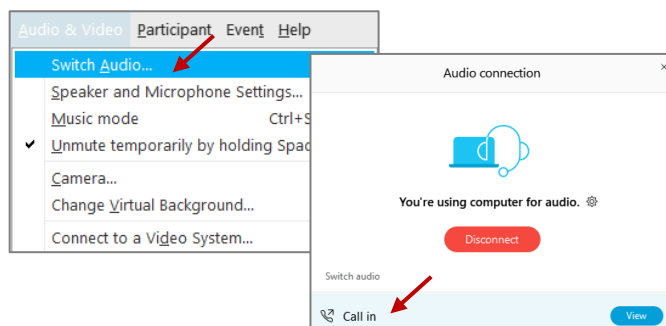
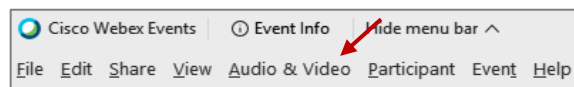
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on “Settings...”:
 - Drag the “Input Volume” located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through webex. Your phone will then become your audio source during the meeting.

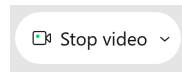
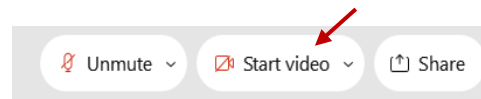
- 1 Click on “Audio & Video” from the menu bar.
- 2 Select “Switch Audio” from the drop-down menu.
- 3 Select the “Call In” option and following the directions.



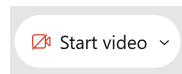
Web Camera

Only panelists (e.g. staff, board members, presenters) can access the web camera feature.

Camera control (Start Video/Stop Video button) is located on the command row.



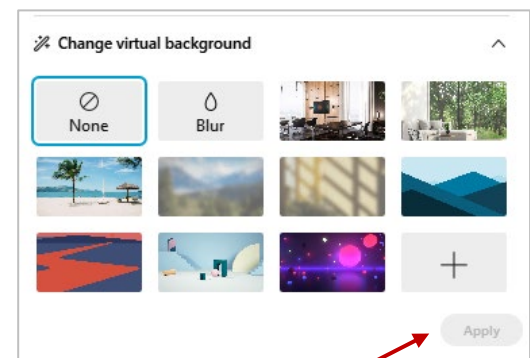
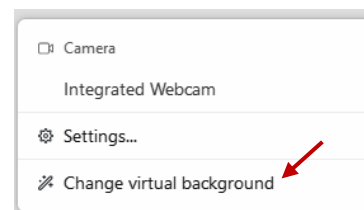
Green dot in camera = Camera is on: People in the meeting can see you.



Red dot in camera = Camera is off: No one in the meeting can see you.

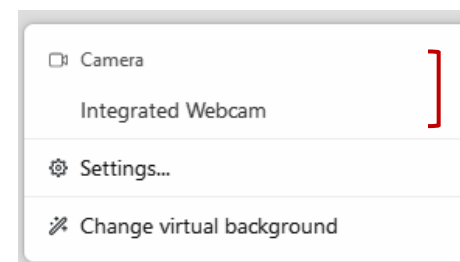
Virtual Background

- 1 To access virtual backgrounds, click on the bottom facing arrow located on the video button.
- 2 Click on "Change Virtual Background".
- 3 From the pop-up window, click on any of the available images to display that image as your virtual background and click "Apply".



If you cannot be seen

- 1 Locate the command row – click on the bottom facing arrow located on the video button.
- 2 From the pop-up window, select a different camera from the list.



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

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

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

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

Board Member Roster

Tian Feng

Malcolm Gladstone

Mitra Kanaani

Sylvia Kwan

Ebony Lewis

Robert C. Pearman, Jr.

Ronald A. Jones

Nilza Serrano

Charles Ward, III



CALIFORNIA ARCHITECTS BOARD

MEETING MINUTES

February 18, 2022
Teleconference Meeting

Some of the Agenda Items were taken out of order and are reported in the order they were presented during the meeting.

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

On February 18, 2022, Board President Tian Feng called the meeting to order at 10:03 a.m. and Secretary Malcolm "Brett" Gladstone called roll.

Board Members Present

Tian Feng, President
Charles "Sonny" Ward III, Vice President
Malcolm "Brett" Gladstone, Secretary
Nilza Serrano
Robert Pearman, Jr.
Ronald Jones
Mitra Kanaani
Sylvia Kwan
Ebony Lewis

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

Guests Present

Andy Bowden, LATC Member
Pasqual Gutierrez, Octavius Morgan Recipient and Past Board Member
Mark Christian, American Institute of Architects (AIA) California

Staff Present

Laura Zuniga, Executive Officer (EO)
Alicia Kroeger, Manager, Enforcement Unit
Kim McDaniel, Regulations Manager
Marccus Reinhardt, Manager, Examination/Licensing Unit
Trish Rodriguez, LATC Program Manager
Idris Ahmed, Enforcement Analyst
Coleen Galvan, Communications Analyst
Drew Liston, Board Liaison

Kourtney Nation, LATC Special Projects Analyst
Michael Sganga, Enforcement Analyst

DCA Staff Present

MaryKate Cruz Jones, Board and Bureau Relations
Harmony DeFilippo, DCA Budget Analyst
Karen Halbo, Regulatory Counsel, Attorney III
Michael Kanotz, Legal Counsel, Attorney III
Matt Nishimine, DCA Regulations Budget Analyst
Trisha St. Clair, SOLID

B. President's Procedural Remarks and Board Member Introductory Comments

President Feng mentioned that it is Black History Month and highlighted the works of local Sacramento architect, James Dodd. Mr. Feng then welcomed Andrew Bowden, LATC Board Member. Mr. Feng also stated that all motions must be seconded and a vote by roll call will be taken.

There were no comments from the public.

C. Update on the Department of Consumer Affairs (DCA) – MaryKate Cruz Jones, Board and Bureau Relations, DCA

MaryKate Cruz Jones provided the following DCA update:

- As California moves past the most recent Omicron surge and into the endemic reality, a new public health order lifted universal masking for vaccinated individuals beginning February 16, 2022. Unvaccinated individuals must still wear face coverings in all indoor settings and some high-risk settings. Local orders may be more restrictive to respond to community conditions. Please be aware of changing public health guidance and remember that as state representatives we are all expected to adhere to state and local orders when carrying out our duties.
- On January 5, 2022, Governor Newsom signed an Executive Order extending the sunset date in Assembly Bill 361, allowing boards and committees to meet remotely until March 31, 2022.
- On January 31, Assembly Member Quirk introduced AB 1733, which would permanently allow boards and committees to meet remotely while also providing both virtual and physical options for members of the public to participate. If this bill passes, it will be effective immediately. Boards should prepare for the possibility of in-person meetings after March 31, 2022. Prior to attending in-person board meetings, members must verify full vaccination status with the Office of Human Resources or participate in COVID testing.

- Currently, the Board has one public member vacancy appointed by the Speaker of the Assembly.
- DCA's Regulations Unit was created in 2020 to address the regulatory needs of the Department's boards, bureaus, and commissions. The Unit has more than tripled regulations packages submitted to the Office of Administrative Law (OAL).
- DCA's Enlightened Licensing Project formed in 2020 to better utilize Subject Matter Experts. The project's purpose is to help individual boards and bureaus streamline licensing processes by using best practices, information technology and cost-saving measures.
- DCA has selected Tonya Corcoran as its first Compliance and Equity Officer. Her appointment is effective March 2, 2022.
- Board members are reminded of mandatory training requirements and to file their Form 700 by April or face penalties. New Board members must complete Board Member Orientation Training (BMOT) during their first year. Classes are scheduled for March 9, June 15, and October 12.

There were no comments from the public.

D. Public Comment on Items Not on the Agenda

There were no comments from the public.

E. Review and Possible Action on Board Meeting Minutes

1. December 10, 2021, Board Meeting Minutes

Mr. Gladstone mentioned that the wording on the December 10 minutes needs to be changed from Alternative Dwelling Units to Accessory Dwelling Units.

Sylvia Kwan moved to approve the December 10, 2021, minutes as amended.

Robert Pearman seconded the motion.

There were no comments from the public.

Members Feng, Kanaani, Kwan, Lewis, Pearman, Jones, Serrano, Ward and Gladstone voted in favor of the motion. Motion passed 9-0.

2. June 12, 2019, Corrected Board Meeting Minutes

Michael Kanotz pointed out the meeting was held on June 12, but the agenda lists June 19. Mr. Kanotz stated a motion could be made as long as the correct date was used.

Karen Halbo, Regulatory Counsel, summarized that these meeting minutes were submitted in a regulations package for the LATC. The meeting packet showed textual changes, and Board members had been deliberating. Tara Welch, then attorney for the Board, suggested a solution, which was to add one sentence, strike half of another sentence and made another addition at the end with a reference citation. The person who moved to have the motion amended was referring to the information in the packet and Tara's verbal comments. When the regulations package was submitted, the minutes did not reflect the verbal comments. These recently revised minutes are the correct minutes that match the video recording of the meeting and provide clarity.

Nilza Serrano moved to approve the June 12, 2019, minutes as amended.

Ebony Lewis seconded the motion.

Ms. Lewis asked how to ensure the motion language is captured in the minutes. Ms. Halbo stated that at the time, Ms. Welch was handling all duties for the Board, and now they are split between her and Mr. Kanotz, which should help. Mr. Jones applauded Ms. Halbo's efforts and diligence. Mr. Pearman mentioned that Board members need to be clear when they make motions.

Mr. Ward asked other Board members to recall the accuracy of the revisions since he wasn't a Board member at the time. Several Board members replied in the affirmative.

There were no comments from the public.

Members Feng, Kwan, Lewis, Pearman, Serrano, Ward, voted in favor of the motion.

Members Kanaani, Gladstone and Jones abstained. Motion passed 6-0-3.

F. Presentation of the Octavius Morgan Distinguished Service Award to Pasqual Gutierrez

Mr. Feng discussed the many contributions of Pasqual Gutierrez to the Board's mission.

Mr. Gutierrez thanked the individuals he worked with over the years. Members provided comments of support for Mr. Gutierrez and his many contributions to the Board and profession of architecture. Ms. Kanaani singled out Mr. Gutierrez' contribution to the Integrated Pathway to Architectural Licensure (IPAL) and credits him for its existence in California.

Mr. Gladstone provided the following history of Octavius Morgan, who was the Board's first president. Morgan was born in England and moved to Los Angeles. Prior to becoming an architect, he was a contractor. In 1909, an article in the *Out West* magazine credited Morgan and his business partner, John Walls, with being responsible for 33% of the architecture in Los Angeles. Morgan wrote a report about the 1906 San Francisco earthquake and fire, and it was published in the Los Angeles Herald. He was president of the Engineers and Architects Association and president of AIA Southern California Chapter, and a member of AIA Board of Directors.

Public Comment

Mark Christian thanked Pasqual Gutierrez for his many years of service on the Board and highlighted his work ethic and approach as a Board member.

I. Discuss and Action on Proposed Regulatory Language for CCR, Title 16, Division 2, Article 7, Section 144 Fees

Ms. Halbo asked Board members to refer to an updated handout that was sent to them. Ms. Halbo explained that this rulemaking is to raise the application and renewal fees. The Board has the discretion to raise the fee to \$400—it is currently \$300. Board and DCA Budget Office (BO) staff have had several meetings regarding how the Board can maintain operations, and the recommendation is to increase the renewal fee to \$400 and increase the initial license fee up to \$400.

Ms. Halbo turned the presentation over to Matt Nishimine from the BO. Mr. Nishimine explained that on page 158 of the Board packet, a Workload Analysis Chart showed original licensure workload tasks vs. the time/cost of each task. He stated that the cost of each initial application is \$664. The statutory authority to increase the fee is \$400 which results in a loss of \$264.

Mr. Nishimine showed the chart for the renewal fees. The number of workload tasks are less, and an enforcement fee was added since the Board takes enforcement-related actions against its licensing population. This brings the renewal cost to \$438, more in line with CAB's statutory cap and the regulatory proposal.

Ms. Lewis mentioned that the Board had a discussion during the last Sunset Review regarding changing the cap. Ms. Zuniga replied that the next Sunset Review will be submitted in January of next year and it is certainly something to consider.

Ms. Zuniga added the fee increase would put the fund in good shape and provide a cushion. She also reminded members that when they talked at last December's Board meeting, one of the primary impacts on the fund is the cost of business modernization, purchasing the new software, and implementation.

Mr. Gladstone stated that the cost of an initial application is 50% higher than we recover. If the license is issued and there are 363 days left in the year, the fee is \$150. He suggested a tiered fee such as \$300 if the license is issued between 6 and 12 months and \$200 for the later period. He asked staff if this were possible.

Mr. Ward asked the following: 1) is this a similar issue for other boards, or is it typical? 2) if you extrapolate the time to service one license renewal or existing license as a percentage of the work, how much is licensing a percentage of the work, and is it becoming problematic as far as staff level?

Mr. Nishimine responded that page 156 of the packet displays the fund condition and explained that at the bottom of the page is a highlighted band titled Months in Reserve. That number is declining over time and shows that taking no action, and assuming you're fully expending your appropriation, and revenues come in as projected, the Board will be insolvent in the 2025-2026 fiscal year. The next page displays fiscal projects with the fee increases effective January 1, 2024.

Mr. Nishimine also wanted Board members to note that on page 157, the labelling is incorrect. It shows the effective date as January 1, 2023, but it should be January 1, 2024. By increasing the fee from \$300 to \$400, it will be about a million-dollar increase in revenue, and the Months In Reserve line stabilizes. There is still a structural imbalance where revenues are less than projected future expenditures; however, it is much more stabilized and not going insolvent.

Mr. Nishimine responded to Mr. Ward's inquiry and stated that across DCA and State service, most Agency costs have been increasing each year.

Mr. Feng inquired if there were any regulatory requirements to limit fees. Ms. Zuniga replied that every board has a statutory cap and the ability to set the actual amount is in regulation.

Ms. Zuniga followed up on Mr. Gladstone's suggestions related to prorating license fees. She stated that we do not have the ability to change fees based on licensure dates on our own because the license fee is described in statute. She said we could discuss it in the Sunset Review and ask for a change. Mr. Gladstone suggested this topic be included in the Sunset Review.

Ms. Serrano stated that the staff is very thoughtful and pragmatic regarding increases. She stated that she has sought fee increases during her tenure on the Board, and now that a fee increase is possible, it's time to do it. She supports the staff recommendation to increase the fees to \$400.

Nilza Serrano made a motion to increase the fees to \$400.

Mr. Jones asked if the benefits of the Business Modernization efforts were calculated into the budget projections. He acknowledged that the initial cost for modernization would be high, but there would be efficiencies gained in the future.

Ron Jones seconded Ms. Serrano's motion to increase the fees to \$400.

Ms. Zuniga commented that Mr. Jones had a good question. She stated there will be efficiencies in the new system, and she will check with other boards who are further along in the process and get estimates.

Ms. Kanaani offered her view from another side of the spectrum—licensees and those who want to become licensed. She said the fee increase will impact licensees and candidates and may cause early retirements and a delay in licensure for candidates. She suggested that the Board be flexible and consider taking installment payments as is AIA's practice.

Mr. Feng made some observations: 1) Business Modernization may bring the benefits of lowering the cost, but for the next few years we are in the investment mode and need to put in the resources. He stated we will realize cost reductions once we have successfully implemented the Business Modernization plan and maybe we can reduce the fee later. 2) There's always an impact on licensees, but licensees choose to join trade and other organizations like AIA and pay far higher dues than our fees. He mentioned that we don't want to impact licensees, and perhaps employers could share the cost of the license or renewal. He agrees with Ms. Serrano because the Board needs the resources to conduct business. In years to come, we can revisit the fees. The license is \$400 for two years, so it's \$200/year.

Ms. Kanaani added that licensees working for single person or small firms will be heavily impacted by this, causing early retirements.

Ms. Serrano said that we can't continue to carry a deficit in the budget. We need to get closer to balancing the budget. She said that we have to support the staff and their thoughtful analysis of the cost increase.

Ms. Zuniga mentioned that Ms. Kanaani's point is important, and we've done things to bring down costs such as having reversion of funds in the budget, leaving the Assistant EO position vacant and keeping operational costs low. However, she cautioned the only way to reduce costs is to hold positions vacant.

Ms. Halbo stated that subdivision (d), second sentence indicates that if the license is issued less than one year before the date on which it will expire, the fee is actually statutorily required under Business and Professions code 5604(c). Raising the fees to \$400 would necessarily require modifying the second sentence to say \$200--not \$150.

Mr. Nishimine added that he appreciates the Board's thorough and robust conversation on the topic. This proposal is to raise the regulatory fees charged under the statutory cap. This is an immediate step to better align revenues with expenditures in the near term. He mentioned that Board members have a tremendous fiduciary responsibility to keep the fiscal, policy, and operational matters of the Board running. Mr. Nishimine highlighted the Board's three options: increase fees; reduce costs by going to the legislature and ask to reduce statutory mandates; or choosing a combination of the two.

Tian Feng seconded Nilza Serrano's motion.

Mr. Ward asked Ms. Halbo if it is necessary to amend subdivision (d) under 144 from \$150 to \$200, and Ms. Halbo said yes.

Ms. Zuniga requested that Ms. Halbo read the entire motion.

Move to approve and adopt the proposed regulatory text for section 144 as provided in the meeting materials and modifying subdivision (d), second sentence, to raise the fee to \$200, direct staff to submit the text to DCA and the Business, Consumer Services and Housing Agency for review, to take all steps to initiate the rulemaking process, authorize the EO to make any non-substantive changes to the package, and if no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the EO to take all steps necessary to complete the rulemaking and adopt the proposed modification to section 144 as noticed.

Nilza Serrano amended her original motion to the motion Ms. Halbo stated.

Tian Feng seconded the motion.

Public Comment

Carrie Bernstein stated that the license renewal fee in New York State is \$287 every three years. In California, renewal is every two years. If you look at a six-year period, a New York State architect would pay \$574 and a California architect would pay \$1,200. She stated it is almost twice as much and is very disproportionate and believes that a lot of architects are going to have a hard time with this.

Ms. Halbo mentioned that she just noticed the first sentence of the proposed regulatory language reads, "Pursuant to Section 5604 of the code, the following fees are fixed by the Board effective January 1, 2011." She said that dates are usually not included in fee statutes, and should simply read, "these fees are fixed by the Board as set below and take effect when the regulation becomes effective." The motion needs to be modified to both correct the sentence under (d) to change \$150 to \$200 and "as fixed by the Board as follows."

Ms. Serrano accepted the amendment to the motion stated by Ms. Halbo.

Mr. Feng seconded the motion.

There were no comments from the public.

Members Feng, Ward, Gladstone, Lewis, Serrano, Kwan, Jones, and Pearman voted in favor. Member Kanaani abstained. The motion carried 8-0-1 with Member Kanaani abstaining.

J. Discuss and Possible Action on Modified Regulatory Text for CCR, Title 16, Division 2, Article 10, Sections 165 (Disability Access CE) and responses to Public Comment

Ms. Halbo presented this item and referred to the memo in the packet. She stated that during the public comment period, four comments were received and there was no request for a public hearing. Staff reviewed the comments and felt some amendments were in order. In section 165(a) subdivision (a) (2)(C), the word “standards” was removed from California Building Code. Subdivision (d) was rewritten for clarification to explain the credit will only be given to those who pass the assessment. In subdivision (e) (2) (A) and (3)(A), “residential building inspector” was removed as someone qualified to teach such a class.

All the comments are in the packet along with staff’s recommended responses. If the Board agrees, they will be placed into the materials, and the revised text will go out for an additional 15 days of public comment period on the revisions. The public comments may only relate to the changes made to the text during today’s meeting.

Mr. Feng asked if this item could be postponed to the next meeting because he wants the Professional Qualifications Committee (PQC) to discuss at its March meeting.

Ms. Zuniga asked Ms. Halbo to address the timing since the rulemaking process has begun. Ms. Halbo said the package was published on November 12, 2021, and the Board has one year from that date to finish the rulemaking. If the Board wants to delay it until the next meeting, the package can be completed within the one-year timeframe.

Mr. Ward asked why the language was changed in 165 subsections (d) and (e). Ms. Halbo replied it was to clean up the language. Mr. Ward expressed concern that the new language requires the licensee to prove that the instructor is qualified, which places a high burden for the licensee.

Ms. Zuniga mentioned that the Board doesn't have the authority to approve providers of CE. Ms. Kwan asked why we don't have the ability to approve providers and whether we can obtain it. Ms. Zuniga replied that it would be cost prohibitive, and we would need new legislation and additional staffing resources.

Mr. Feng stated that over the years, the PQC and the Board has had a vague understanding of its role in securing training. He shared that the Board is in the midst of implementing CE for zero net carbon design (ZNCD) and he would like to connect the discussions as one to ascertain the impact on the rulemaking process regarding CE requirements. That's the thought behind deferring this item.

Ms. Zuniga mentioned that there are two separate requirements. These regulations need to be adopted by January 1, 2023, and stem from our last Sunset Review bill. If the Board wants more authority over CE instructors/courses, the Board would have to go to the legislature and ask for additional requirements and resources. However, the Board will still have to meet the January 1, 2023, deadline to adopt these regulations.

Ms. Zuniga shared that AB 1010 for ZNCD CE has a different statutory deadline than the disability access CE requirement. Mr. Feng clarified his interest in policy alignment across the two CE requirements. Ms. Zuniga shared that staff is addressing the issue while drafting the AB 1010 regulations.

Mr. Ward stated the text changes are more complicated and should be moved to the next meeting and the Board should simply respond to the public comments in the Board memo today. Ms. Zuniga shared the Board already approved this proposed regulatory text language and that it went out for public comment, public comment was received, and in response to the public comment staff revised the proposed regulatory text language that is what the Board is reviewing today. Mr. Ward sought clarification whether items (d) and (e) were already approved by our Board. Ms. Halbo stated before the recent text modifications, the approved proposed regulatory text approved read "the provider will only give this credit... and the provider will use trainers..."

Mr. Ward opined that if this new language had been debated, it would have been equally as complicated. We can only regulate the licensee and we don't have regulation over unlicensed individuals. He stated that our mode of operation is to throw it back on the architect (such as the advertising presentment), which only works to a certain point. It works if the leadership understands, but once our Board and EO are retired, a new Board could set up a framework that could be problematic for the practice.

Ms. Zuniga said we can only do what the statute allows us to do, and don't have the ability to approve providers.

Ms. Serrano and Ms. Kanaani support Mr. Ward's recommendations to move this to the next meeting and the Board decided to take this matter up at the next meeting.

Open session recessed at 12 p.m. Closed session convened at 12:30 p.m.

M. Closed Session – Pursuant to Government Code Sections 11126(a)(1) and (c)(3), the Board Will Meet in Closed Session to:

1. Perform annual evaluation of its EO.
2. Review and take action on September 10 and December 10, 2021, closed session minutes.

Open session reconvened at 1:15 p.m.

K. Update on Committees

2. January 27, 2022 Landscape Architects Technical Committee (LATC) Meeting

i. Discuss and Possible Action on California Code of Regulations Sections 2615 and 2620

Trish Rodriguez began by updating the Board about the January 27, 2022, LATC meeting. During the meeting the Office of Professional Examination Services (OPES) presented its analysis on the performance of candidates before and after a policy change to allow early entrance to certain sections of the National Landscape Architect Registration Examination. The analysis was inconclusive due to many factors. LATC discussed further research into individual section performances as well as candidate qualifications to understand what may be affecting pass rates. Ms. Rodriguez stated that after the completion of LATC's Business Modernization, OPES and LATC will revisit analyzing exam performance when data collection will be more efficient.

Ms. Rodriguez also mentioned LATC's discussion regarding the Council of Landscape Architectural Registration Board's (CLARB) proposed uniformed standards and the discrepancies between CLARB's and LATC's licensing requirements. Concerns include some pathways being more restricted as well as eliminating the experience requirement prior to examination. To address these differences, LATC appointed a subcommittee composed of Jon Wreschinsky and Pamela Brief to develop recommendations on CLARB's bylaws and appoint a voting delegate for CLARB's April 20, 2022 meeting.

Ms. Rodriguez stated that the environmental scan was completed in January and will be used to identify objectives for the next Strategic Planning session. The next LATC meeting will be held in Sacramento on April 7-8, 2022.

LATC's committee officers for 2022 are: Jon Wreschinsky, continuing as Chair and Pamela Brief, Vice Chair.

Mr. Pearman asked if the LATC had any reactions to the environmental scan. Ms. Rodriguez stated that the environmental scan will be discussed at the next LATC meeting.

Ms. Rodriguez provided information about California Code of Regulations Sections 2615 and 2620, Education and Training Credits, rulemaking package. On December 1, 2021, the final regulatory package was submitted to OAL. On January 11, 2022, OAL notified LATC staff of an issue with the proposed text and Initial Statement of Reasons. OAL advised the change of the word "may" to "shall". On January 12, the regulatory proposal was withdrawn, and staff worked with DCA Legal Affairs Division (LAD) to prepare the necessary documents to issue a 15-day notice of second modified text. The public comment period began January 24, 2022 and ended on February 9, 2022. No adverse comments were received. Upon Board approval of the second modified text, staff will prepare the final rulemaking file and resubmit to OAL

Move to approve and adopt the second modified text for Article 1, Division 26, Title 16 at Section 2620, direct staff to prepare and submit the rulemaking documents to the Director of DCA and the Business, Consumer Services and Housing Agency, and if no adverse comments are received during the public comment period, authorize the EO to make any technical or non-substantive changes that may be required in completing the rulemaking file.

Nilza Serrano moved to accept the motion as presented.

Tian Feng seconded the motion.

Mr. Pearman asked for an explanation of the concept of the abandonment of applications. Ms. Rodriguez stated that it's a clean-up regulation to coincide with LATC's records retention schedule. Mr. Pearman asked when this particular rulemaking began. Ms. Rodriguez stated it began a few years ago.

There was no public comment on the motion.

Members Feng, Serrano, Kwan, Lewis, Pearman, Kanaani, Gladstone, Jones and Ward all voted in favor of the motion. Motion passed 9-0.

ii. Discuss and Possible Action of California Code of Regulations Section 2620.5

This agenda item is tied to this packet's Agenda Item E. revised June 12, 2019 meeting minutes that the Board approved today. On December 27, 2021, the final regulatory package to amend 16 CCR section 2620.5, Requirements for an Approved Extension Certificate Program, was submitted to OAL for review. On February 4, 2022, OAL notified LATC staff that the text changes made after the Board's June 12, 2019, meeting were not clearly reflected in the minutes and carried through in the text. Additionally, OAL raised clarity concerns within the proposed text that would require a 15-day notice to the public of modified text. On February 8, 2022, the proposal was withdrawn from OAL, and staff worked with DCA LAD to prepare the necessary documents and issue the 15-day notice of modified text indicating changes to subdivisions (b), (c), (d), and (j).

Move to approve and adopt the proposed modified text for Article 1, Division 26, Title 16 Section 2620.5, direct staff to prepare and submit rulemaking documents to the Director of DCA and the Business, Consumer Services and Housing Agency for review, and if no adverse comments are received during the public comment period, authorize the EO to make any technical or non-substantive changes that may be required in completing the rulemaking file.

Tian Feng moved to accept the motion.

Nilza Serrano seconded the motion.

There was no public comment on the motion.

Members Feng, Kanaani, Kwan, Lewis, Pearman, Jones, Serrano, and Gladstone voted in favor of the motion. Mr. Jones did not vote. Motion passed 8-0-1.

G. Executive Officer's Report – Update on Board's Administrative/Management, Examination, Licensing and Enforcement programs

- The Business Modernization plan is moving along, and vendor bids to implement the software are being evaluated.
- Staff has experienced turnover as people leave for promotions and other opportunities. Management and staff have done a great job covering those positions.

- Ms. Zuniga will be attending a virtual outreach meeting with NCARB next month.
- She also described the charts on the last pages of her report.

Mr. Pearman asked if the two positions needed to implement the modernization plan were permanent or temporary. Ms. Zuniga responded that an LATC staff person will handle business modernization for LATC and the Board. The position is limited term, and an outside vendor will be used to partner with the State for implementation. All agencies that are implementing the program will share the cost.

Mr. Gladstone asked if future outreach is planned and Ms. Zuniga shared that she will update the Board members when she gets this information.

There was no public comment.

H. Update and Discussion of National Council of Architectural Registration Boards (NCARB)

Ms. Kwan pointed out that most of the NCARB resolutions involve basic housekeeping; however, the Diversity Collaborative is important and will probably become a full-fledged committee. Ms. Feng asked the Board members to study the resolutions and they will be discussed at the May Board meeting. Ms. Zuniga shared that NCARB sent out a status update regarding NCARB culture and governance and will forward to Board members after the meeting.

There was no public comment.

K. Update on Committees

1. January 25, 2022, Communications, Professional Qualifications and Regulatory and Enforcement Committee Meetings

Ms. Zuniga shared that all committees met on January 25, 2022.

- Ms. Kanaani, Chair of the Communications Committee, felt the meeting was very productive from her standpoint of a newcomer. She mentioned that she is assembling a panel of small and large firms and principals to open a dialog among us. She is creating an agenda to share with committee members and will ask their opinion regarding the direction of the panel discussion of principals, licensees, and candidates.

Mr. Feng reminded the committees to remember the Strategic Plan priorities when formulating an agenda.

- Mr. Ward, Chair of the Professional Qualifications Committee, stated the meeting was short, and that it focused on action on Strategic Planning objectives. The main objective was a collaboration with LAD to implement AB 1010 and developing regulations. The next PQC meeting is scheduled next month.

Mr. Feng mentioned the committee needs to be part of the rulemaking process for AB 1010.

- Mr. Pearman represented the Regulations and Enforcement Committee and stated the committee discussed six possible items and narrowed them down to two or three items. The committee discussed how to get the ball moving on those topics.

Mr. Feng said that if the other committees also want to meet on March 30, 2022, to notify Ms. Zuniga.

There was no public comment.

L. Review of Future Meeting Dates

The next Board meeting will be held on May 20, probably in-person, in the Bay Area.

N. Adjournment

The meeting was adjourned at 2:41 p.m.

AGENDA ITEM F.1: AB 225 (GRAY) LICENSURE: VETERANS: MILITARY SPOUSES: LICENSES

SUMMARY

Existing law requires boards within the Department of Consumer Affairs (DCA) to issue a temporary license to applicants who are veterans of the Armed Forces and discharged within six months.

[AB 225 \(Gray\)](#) expands that existing authority to issue temporary licenses to veterans of the Armed Force within sixty months of separation from active duty, and to a veteran within 120 months of separation if they were a resident of California prior to entering military service.

Background

According to the National Conference of State Legislatures (NCSL), there are approximately 18.5 million veterans and 478,963 active duty military spouses or partners living in the United States today. In recognition of the tremendous sacrifices made by both military service members and their families, policymakers have routinely pursued opportunities to help provide these individuals with economic opportunity. In recent years, this has included examination of the potential to remove barriers to entry into professions and vocations requiring licensure in California through the DCA.

Currently, statute provides for several accommodations of both military family and veteran license applicants. Boards are required to inquire about the military status of each of their applicants so that military experience may potentially be applied toward licensure training requirements. Boards are also required to expedite licensure for military veterans as well as the spouses and partners of active duty military.

Comments

According to the veteran advocacy group, “A reduction in initial licensing fees would ease the burden for veterans currently residing in California to apply for licenses. Veterans gain valuable job skills during military service which can be used upon entering the civilian workforce.”

Action Requested

None.

AGENDA ITEM F.2: AB 646 (LOW) DEPARTMENT OF CONSUMER AFFAIRS: BOARDS: EXPUNGED CONVICTIONS

SUMMARY

[AB 646](#) requires boards within the Department of Consumer Affairs (DCA) to post online within 90 days of receiving a certified expungement order from an individual whose license was revoked. It additionally authorizes a board to charge a fee of \$25 to administer.

Background

Boards have statutory authority to take disciplinary action against a licensee under their respective jurisdictions and may suspend or revoke a license if the licensee has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the profession. Due to the diverse and unique nature of each profession, every board has additional statutory standards within their practice act that define unprofessional conduct that may lead to disciplinary action. For example, private investigators may face license suspension or revocation for impersonating a law enforcement officer, while a veterinarian may have their license suspended or revoked for cruelty to animals.

Expungement Relief in California - The California Penal Code grants judicial courts discretionary authority to issue expungements – a process also known as a dismissal. An expungement generally releases a person convicted of a crime from the negative consequences of a conviction by setting aside a guilty verdict or permit withdrawal of the guilty or nolo contendere plea and dismissing the accusation or complaint. An expungement does not delete nor seal the record of conviction. If an entity is authorized to request a criminal background check on an individual, the background check would reveal the expunged conviction, and note the dismissal on the record. In order to be eligible for an expungement, a person must have completed the term of their probation in its entirety. In addition, they must not be serving a sentence nor be charged with another criminal offence. Expungement cannot be granted if a person is convicted for specified sex crimes or Vehicle Code violations.

Expungement and Licensure - Under California law, boards under the Department of Consumer Affairs may deny a license based on specific past criminal convictions. However, an individual may not be denied a license on the basis of a conviction that has been expunged, dismissed, or if the person has received a certificate of rehabilitation.

Action Requested

None.

AGENDA ITEM F.3: AB 1662 (GIPSON) LICENSING BOARDS: DISQUALIFICATION FROM LICENSURE: CRIMINAL CONVICTION

SUMMARY

[AB 1662](#) authorizes a prospective applicant to a board within the Department of Consumer Affairs that has been convicted of a crime to submit a request for a preapplication determination and requires a board to determine from the information provided whether the prospective applicant may be disqualified from licensure.

Background

According to the author's office, Californians with criminal records face additional regulatory barriers that can deter or exclude them from good-paying licensed professions. Over 500 provisions of state law limit access to licensure for people with criminal records. Boards currently have the power to deny a qualified applicant solely on the applicant's criminal record. This deters individuals with criminal records from receiving an occupational license, as they are extremely uncertain of whether their conviction will bar licensure.

Comments

Existing law allows a board to deny a license due to a conviction that is substantially related to functions and qualifications of the profession it regulates. Existing law also imposes some limitations on the types and age of convictions a board can consider. Given that the age of a conviction is a factor in determining whether it impacts an individual application, it may be difficult to make a definitive determination prior to an individual applying for licensure.

AB 1662 authorizes a board to charge a fee of no more than \$50; therefore, the Board will need to adopt regulations in order to charge this fee.

Action Requested

None.

AGENDA ITEM F.4: AB 1733 (QUIRK) STATE BODIES: OPEN MEETINGS

SUMMARY

[AB 1733](#), an urgency bill, would specify that a “meeting” held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, as long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn.

Background

From March 12, 2020, through March 31, 2022, through a combination of Governor’s Executive Orders and state statute, provisions of the Open Meeting Act were suspended, and agencies were able to meet remotely. That authority has expired, and agencies are again subject to the requirements of the Open Meeting Act, which requires a member of the state agency to be present at each location and for each location to be open and accessible to the public. This bill amends the Bagley-Keene Open Meeting Act to allow meetings to be conducted remotely, while maintaining a method for public access.

AB 1733 will provide needed flexibility to allow agencies to continue to meet and operate during a public health emergency, as well as providing an option to meet remotely at any time while providing an enhanced method for public participation.

Action Requested

SUPPORT.

AGENDA ITEM F.5: SB 1237 (NEWMAN) LICENSES: MILITARY SERVICE

SUMMARY

[SB 1237](#) clarifies the definition of “active duty” for purposes of an individual called to active duty as a member of the United States Armed Forces or the California National Guard to be eligible for a waiver of renewal fees, continuing education requirements, and other renewal requirements of a board within the Department of Consumer Affairs (DCA).

Background

According to the Author, DCA has ruled that military personnel that have orders to serve in a permanent, career position at a base are not ‘called to active duty’ within the meaning of the exemption from fees and other renewal requirements these individuals are eligible for. The Author states, “This overly narrow interpretation has resulted in undue burdens for active-duty military personnel compelled to maintain their professional license while also serving in the military in a permanent assignment or career position outside of California.”

Action Requested

None.

AGNDA ITEM F.6: SB 1443 (ROTH) THE DEPARTMENT OF CONSUMER AFFAIRS

SUMMARY

[SB 1443](#), as it pertains to the California Architects Board and Landscape Architects Technical Committee, extends their sunset date by one year, until January 1, 2025.

Background

According to the Author, “this bill is intended to be an omnibus bill which includes several changes to the sunset dates for a number of boards, one bureau, and one Commission under the Department of Consumer Affairs, in addition to conforming changes related to the Bureau of Household Goods and Services.

Sunset Review and Oversight. The sunset review oversight process provides a formal mechanism for the DCA, the Legislature, the regulatory boards, bureaus, committees, commissions, interested parties, and stakeholders to make recommendations for improvements to the authority of consumer protection entities under the DCA. This typically occurs on a standard four-year cycle and was mandated by SB 2036 (McCorquodale, Chapter 908, Statutes of 1994). Each eligible agency is required to submit a report covering the entire period since last reviewed that includes, among other things, the purpose and necessity of the agency and any recommendations of the agency for changes or reorganization in order to better fulfill its purpose.

Sunset Extensions. The sunset review process allows the Legislature to review the laws and regulations pertaining to each board and evaluate the board’s programs and policies; determine whether the board operates and enforces its regulatory responsibilities and is carrying out its statutory duties; and examine fiscal management practices and financial relationships with other agencies. Due to the COVID-19 Pandemic and the unprecedented nature of the 2020 and 2021 Legislative Sessions, and the need to operate under a compressed timeline, this bill extends programs which would have been evaluated this year for one year to ensure a proper and comprehensive Sunset Review Process is completed.

Action Requested

SUPPORT.

AGENDA ITEM F.7: SB 1214 (JONES) PLANNING AND ZONING: LOCAL PLANNING

SUMMARY

[SB 1214](#) requires a local planning agency to ensure architectural drawings that contain protected information are made available to the public in a manner that does not facilitate their copying.

The bill defines “protected information: as an architectural drawing that meets both of the following conditions

1. It is protected by the federal Copyright Act of 1976 (Public Law 94-553) as amended by the federal Architectural Works Copyright Protection Act of 1990 (Public Law 101-650).
2. It contains a copyright annotation indicating it is protected by the federal Copyright Act of 1976 (Public Law 94-553).

Background

This bill is sponsored by AIA California. According to the author,

This bill’s objective is to balance the critical importance of facilitating public participation in local agency planning decisions with the need to protect the architects’ intellectual property rights under the federal Copyright Act. Specifically, the bill clarifies that public officials will always have full access to the architects’ plans and drawings, and the public will have the same access to the full plans during agency hearings and by visiting the planning department offices. If the public wants to duplicate copyrighted materials, permission must be granted by the architect. The bill also gives architects the opportunity to submit less detailed drawings, including site plans and massing diagrams, which may be copied without limit by members of the public. Taken together, the provisions of SB 1214 will help prevent the misappropriation of the intellectual property of licensed architects, while preserving the ability of local officials and members of the public to participate in the planning, entitlement and permit process.

According to the sponsor, in recent years more local planning departments have adopted the practice of posting architectural plans for proposed projects online to help the public access information and make informed comments. Unfortunately, this practice violates the federal Copyright Act. This means these architectural plans cannot be posted online, where they can be copied, without the permission of the owner of the architectural plans.

Action Requested

None.

AGENDA ITEM G: UPDATE AND DISCUSSION OF NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Summary

Update and Discussion of NCARB:

1. Committee Meetings Update

AGENDA ITEM H: UPDATE ON COMMITTEES

Summary

Update and Discussion on Committees

1. March 30, 2022, Professional Qualifications Committee Meeting
2. April 7-8, 2022, Landscape Architects Technical Committee (LATC) Meeting
 - i. Discuss and Possible Action on Second Modified Proposed Regulatory Text for California Code of Regulations (CCR) Title 16, Division 26, Article 1, Section 2620.5 (Requirements for an Approved Extension Certificate)
3. Discuss and Possible Action on Draft Board Committee Policy

Action Requested

For Agenda Item #2.i:

If no public comments were received:

The Board is asked to consider a motion to approve the proposed Second Modified Text to amend 16 CCR section 2620.5, and if there were no adverse comments received during the 15-day public comment period, delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file and to adopt the proposed Second Modified Text.

If public comments were received:

The Board is asked to consider a motion to approve and adopt the proposed Second Modified Text to amend 16 CCR section 2620.5, to review the public comments received and adopt the proposed responses to comments, and delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

For Agenda Item #3:

Discuss and approve the Draft Board Committee Policy

Attachments

- 1. Meeting Notice - March 30, 2022, Professional Qualifications Committee Meeting**
- 2. Meeting Notice - April 7-8, 2022, LATC Meeting**
 - i. Cover Sheet for Agenda Item H.2.i: Discuss and Possible Action on Second Modified Proposed Regulatory Text for CCR Title 16, Division 26, Article 1, Section 2620.5 (Requirements for an Approved Extension Certificate Program)**
 - ii. Second Modified Text to amend CCR, title 16, section 2620.5 (Requirements for an Approved Extension Certificate Program)**
- 3. Draft Board Committee Policy**



Committee Members

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

NOTICE OF TELECONFERENCE MEETING

Professional Qualifications Committee

The Professional Qualifications Committee (Committee) of the California Architects Board (Board) will meet by teleconference at

10:00 a.m. on Wednesday, March 30, 2022

Note: Pursuant to Governor Gavin Newsom’s Executive Order [N-1-22](#), issued on January 5, 2022, and the provisions of Government Code section 11133 this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Committee will hold a public meeting via Webex Events. To participate in the Webex meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=md0e8f616f5836cafd9cd7f2e41e46463>

Webex Event/Meeting Number: 2495 443 6289

Password: CAB03302022

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 March 23, 2022, to cab@dca.ca.gov for consideration.

AGENDA

10:00 a.m. to 2:00 p.m.
(or until completion of business)

Action may be taken on any item listed below.

1. Call to Order / Roll Call / Establishment of a Quorum
2. Chair’s Procedural Remarks and Committee Member Introductory Comments
3. 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

(Continued)

session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

4. Review and Possible Action on January 25, 2022 Committee Meeting Minutes
5. Discuss and Possible Action on 2022-2024 Strategic Plan Objective to Collaborate with Legal to Implement Assembly Bill 1010 (Chapter 176, 2021 Stats.) in Developing Regulations and Aligning Committee Findings to Provide More Consistency and Make Continuing Education Requirements More Relevant to Current Licensing Requirements
6. Discuss and Possible Action on 2022-2024 Strategic Plan Objective to Amend Existing Regulations to Revise and Expand the Types of Degrees Accepted for Licensure to Remove Barriers to Licensure
7. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

The Committee 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 Committee prior to it taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Chair may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee 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 the disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Marccus Reinhardt
Telephone: (916) 471-0764
Email: marccus.reinhardt@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 and its committees 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).



NOTICE OF MEETING
Landscape Architects Technical Committee

LATC MEMBERS

Jon S. Wreschinsky, Chair
Andrew C. N. Bowden
Pamela S. Brief
Susan M. Landry
Patricia M. Trauth

April 7-8, 2022

Department of Consumer Affairs

HQ 2 Hearing Room

1747 North Market Blvd

Sacramento, CA 95834

***Action may be
taken on any
item listed on
the agenda.***

The Landscape Architects Technical Committee (LATC or Committee) will hold a meeting as noted above.

AGENDA

April 7, 2022

10:30 a.m. to 5 p.m.

(or until completion of business)

Action may be taken on any item listed below.

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda
The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee'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. Update from the Department of Consumer Affairs (DCA) – Board and Bureau Relations, DCA
- E. Review and Possible Action on January 27, 2022, Committee Meeting Minutes
- F. Program Manager's Report - Update on Committee's Administrative/Management, Examination, Licensing, and Enforcement Programs

(Continued)

- G. Review and Discuss 2022 Legislation
 - 1. Assembly Bill (AB) 225 (Gray) Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses
 - 2. AB 1662 (Gipson) Licensing Boards: Disqualification from Licensure: Criminal Conviction
 - 3. AB 1733 (Quirk) State Bodies: Open Meetings
 - 4. Senate Bill (SB) 1237 (Newman) Licenses: Military Service
 - 5. SB 1365 (Jones) Licensing Boards: Procedures
 - 6. SB 1443 (Roth) The Department of Consumer Affairs

- H. Council of Landscape Architectural Registration Boards (CLARB)
 - 1. Review and Possible Action on Uniform Standard Task Force Recommended Positions on CLARB Resolutions:
 - a. Resolution #1 *Adoption of the CLARB Uniform Licensure Standard for Landscape Architecture*
 - b. Resolution #2 *Revisions to the CLARB Model Law and Regulations to Align with the Draft Uniform Licensure Standard for Landscape Architecture*
 - c. Resolution #3 *Revisions to the CLARB Model Law and Regulations to Promote Diversity, Equity, and Inclusion in Licensure Standards and to Align with CLARB's DEI Principles*
 - 2. Discuss and Possible Action on CLARB Workgroup Invitation to Evaluate Outcomes of the Job Task Analysis

- I. Review of Future Committee Meeting Dates

- J. Recess

AGENDA

April 8, 2022

9 a.m. to 4 p.m.

(or until completion of business)

Department of Consumer Affairs

HQ 2 Hearing Room

1747 North Market Blvd

Sacramento, CA 95834

- K. Call to Order – Roll Call – Establishment of a Quorum

- L. Strategic Planning Session

- M. Adjournment

(Continued)

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

The LATC plans to webcast the portion of the meeting held on April 7, 2022, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/. 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 Committee prior to taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee 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)).

The meeting is accessible to the disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Kourtney Nation
Telephone: (916) 575-7230

Email: Kourtney.Nation@dca.ca.gov

Telecommunication Relay Service: Dial 711 Sacramento, CA 95834

Mailing Address:

Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105

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 Committee 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 5620.1).

AGENDA ITEM H.2.i: DISCUSS AND POSSIBLE ACTION ON SECOND MODIFIED PROPOSED REGULATORY TEXT FOR CCR (CCR) TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2620.5 (REQUIREMENTS FOR AN APPROVED EXTENSION CERTIFICATE PROGRAM)

Summary

On December 27, 2021, the final regulatory package to amend 16 CCR section 2620.5, Requirements for an Approved Extension Certificate Program, was submitted to the Office of Administrative Law (OAL) for review. On February 4, 2022, the assigned OAL reviewing attorney notified LATC staff that specific text changes approved during the Board's June 12, 2019 meeting were not accurately carried through in the text. Additionally, the OAL reviewing attorney raised clarity concerns within the proposed text that would require a 15-day notice to the public of Modified Text.

As a result, the regulatory proposal was withdrawn from OAL review on February 8, 2022 and staff worked with DCA Legal to prepare the necessary documents and issue the 15-day notice of Modified Text indicating changes to subdivisions (b), (c), (d), and (j). The public comment period closed on March 16, 2022 and no comments were received.

On March 30, 2022, the assigned OAL reviewing attorney notified LATC Regulations Counsel that the Modified Text sent for 15-day notice did not contain the second sentence the Board voted to keep in subdivision (c): "The board designees shall include one member of the committee." As a result, staff worked with DCA Legal to issue a 15-day notice of Second Modified Text to add the sentence. The public comment period closed on April 18, 2022.

If no comments are received, staff will prepare the necessary documents and re-submit the rulemaking file to OAL to complete the rulemaking. If comments are received during the rulemaking period, staff will provide the Board with the comments and proposed responses to the comments for Board approval as walk-in materials connected with this Item.

Action Requested

If no public comments were received:

The Board is asked to consider a motion to approve the proposed Second Modified Text to amend 16 CCR section 2620.5, and if there were no adverse comments received during the 15-day public comment period, delegate to the Executive Officer the authority

to make any technical or non-substantive changes that may be required in completing the rulemaking file and to adopt the proposed Second Modified Text.

If public comments were received:

The Board is asked to consider a motion to approve and adopt the proposed Second Modified Text to amend 16 CCR section 2620.5, to review the public comments received and adopt the proposed responses to comments, and delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

Attachment

Second Modified Text to amend CCR, title 16, section 2620.5 (Requirements for an Approved Extension Certificate Program)

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 2. CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

SECOND MODIFIED TEXT

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

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Second Modifications to the proposed regulatory language are shown in italicized double underline for new text and ~~italicized double strikethrough~~ for deleted text.

Amend Section 2620.5 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2620.5. Requirements for an Approved Extension Certificate Program.

* * * *

(c) Within six months from the date that the self-evaluation report is submitted in compliance with subdivision (b), a minimum of three (3) Board designees shall ~~perform a site inspection or~~ review the submission of the educational program and evaluate the results of the site visit, if conducted. *The Board designees shall include one member of the committee.* ~~No Board designee shall have a current financial interest related to the recommendation of the extension certificate program.~~ Board designees may conduct a site visits, which may include meetings with the educational institutional administrator, the educational program director, faculty, students, and alumni. No Board designee shall have a current financial interest related to the recommendation of the extension certificate program.

* * * *

AGENDA ITEM H.3.: DISCUSS AND POSSIBLE ACTION ON DRAFT BOARD COMMITTEE POLICY

Committee Policy

Committees

The standing committees of the Board are the:

- Executive
- Professional Qualifications
- Regulatory and Enforcement
- Communications

Board committees are the deliberative bodies that assist the Board in developing policy. Committees make recommendations for consideration by the Board. All Board members should serve on at least one committee each year. ~~No Commencing with the committees for the 2014 Strategic Plan, no~~ committee should have more than ~~five~~nine members—three current board members, one former board member and one public member.

Term limits will be instituted beginning in January 2022. The Board president will appoint committee members for three-year terms for a maximum of two terms (six years).

The committees shall meet a minimum of twice each year and have the option to schedule additional meetings. ~~ould meet regularly. At a minimum, Once~~ the Board's Strategic Plan is adopted ~~in March~~, committees should conduct meetings to complete assigned objectives and present them to the Board for consideration, clarification, direction etc. ~~before the end of the biennial Strategic Plan. New issues that emerge during the course of the year, unless they are critical emergencies, should be referred to the next strategic planning session.~~ Unless otherwise directed by the president of the Board, committees will only work on objectives stipulated by the current Strategic Plan.

~~In the event that~~ When additional new committee members are needed, the Board president shall ask Board and committee members for suggested interested persons; if an insufficient pool exists, the Board may request names from various organizations, including, but not limited to: The American Institute of Architects; California Council Society of American Registered Architects; Construction Specifications Institute; California Building Officials, etc.

Chairmanships

With the exception of the Executive Committee, each committee chair and vice chair shall be appointed by the Board president (in consultation with the vice president and EO) and shall be a Board member ~~absent extenuating~~

~~circumstances (unless there are~~ numerous vacancies on the Board). The Executive Committee shall be comprised of the current Board president, vice president, secretary, and a past Board president or officer. Chairs should serve for two to three years, if possible, and in the best interest of the Board. The Board should endeavor to offer opportunities for all Board members to serve as a chair or vice chair during their tenure on the Board. The list of committee members will be reproduced as part of the Strategic Plan ~~every other year~~ so it is memorialized in a centralized location.

Review

Committee chairs should prepare a report for the Board president and president-elect by November 30th each year, except in a strategic planning year, when the report must be submitted prior to the strategic planning session. The report would consist of a list of committee members, their committee meeting attendance record, and a synopsis of their contributions, as well as a recommendation as to whether they should be reappointed. Staff shall prepare a template for the report with the attendance data. Each chair shall consult with the EO in preparing the report.

Meeting Location

Consider conducting meetings virtually using DCA's on-line meeting system. In-person meeting must be requested by the Chair of the committee and approved by the board president and shall be generally conducted at CAB office in Sacramento.

Approved by the Board June 14, 2012

Revised and approved by the Board on September 12, 2018

Revised and approved by the Board June 19, 2019

Revised and approved by the Board June 8, 2022

Quarterly Report of the Executive Officer

Administrative/Management

Board. The Board met via teleconference on February 18.

Meetings. The Regulatory & Enforcement, Communications, and Professional Qualifications Committees (PQC) met on January 25. PQC also met on March 30.

LATC met on January 27.

Newsletter

The spring issue of the *California Architects* newsletter was completed and is being redesigned by DCA's Office of Publications, Design and Editing. It will be distributed in April.

Budget

Both the Board and LATC's budgets and fund conditions are provided to the Executive Officer monthly, and are discussed at Board and Committee meetings.

The Business Modernization project is anticipated to commence in Spring 2022.

Coronavirus (COVID-19)

Most staff continue to telework. Despite the Omicron variants, the office has maintained consistent staffing and there have been no delays in work processes.

Personnel

Annamarie Fernandez, Office Technician in the Enforcement Unit, accepted a position with the Department of General Services effective February 7, 2022. Jessie Bal, Examination Technician in the Exams and Licensing Unit, left state service effective February 9, 2022. Darren Dumas, Associate Governmental Program Analyst in the Exams and Licensing Unit accepted a promotion at the Bureau of Automotive Repair effective March 7, 2022. Recruitment to refill these positions is underway.

The Board conducted interviews for the Office Technician/Receptionist in the Administration Unit, and Exam and Licensing Unit's Architectural Registration Examination (ARE) Analyst and California Supplemental Examination (CSE) Analyst positions.

Nicholas Barnhart, LATC's new Licensing/Administration Coordinator (Office Technician), reported to work on March 28, 2022. Recruitment is underway for the Associate Governmental Program Analyst position.

Outreach

CAB completed a "10 Tips for Hiring an Architect" video in English and Spanish in January. The video was shared on social media and is posted on the website under "Consumers." CAB is currently creating several licensing videos that will be shared on social media, posted on the website, and sent to schools. Plans are underway to hold online licensing seminars later this year.

Social Media and Website

LATC posted fingerprint requirements for initial license applicants that went into effect January 1, 2022, along with FAQs. LATC's Twitter account has 224 followers.

CAB's social media accounts are noted in the chart below.

Platform	Q1 Posts	Followers 3/31/21
Twitter	30	1,399
Instagram	13	1,182
Facebook	17	1,393

Regulatory Proposals

Kim McDaniel, Regulations Manager, continues to work closely with Legal Affairs Division (LAD) staff toward timely completion of the Board's various regulatory packages.

Architects

CCR Section 109 (Application Update). This regulatory proposal provides updates to the Application for Eligibility reference to address AB 496, AB 2113, AB 2138, aligns with current Board practices and the National Council of Architectural Registration Boards (NCARB) current requirements, and makes non-substantive changes to the text to increase understanding. Staff is working with LAD to prepare regulatory text for Board approval.

CCR Section 135 (Architectural Advertising). This regulatory proposal establishes the requirement for architect licensees to include their name and license number on any public advertisement or presentment.

The Board considered REC's recommendation at its February 28, 2020 meeting to adopt a regulation to require architects to include their license number on all forms of advertisement solicitation or other presentments to the public in connection with the rendition of architectural services. During the meeting, staff presented proposed regulatory text for CCR section 135 (Presentment and Advertising Requirements) for the Board's consideration. The Board expressed concern regarding how the regulation's implementation and whether it would protect consumers, and asked the issue be sent back to the REC to find data on how such a regulation would increase consumer protection. At the November 5, 2020 REC meeting, staff presented research addressing the Board's concerns and the committee discussed the regulatory package. The Board approved the proposed regulatory language for CCR section 135 at its December 11, 2020 meeting. Board staff submitted the initial regulatory package to LAD in April 2021. LAD's suggested changes were presented and approved at the September 10, 2021 Board meeting. The 45-day public comment period ended February 15, 2022. A public hearing was requested and held February 18, 2022. Staff worked with LAD to prepare proposed modified text to address concerns raised in the public comments, and a memo to the Board responding to adverse public comments.

CCR Section 144 (Fees [Retired License]) and CCR Section 109.1 (Retired License Application). After discussing the fee associated with retiring an architectural license at its February, June and September 2019 meetings, the Board approved proposed regulatory language to amend CCR section 144 to set a retired license fee of \$40 at its December 11, 2019 meeting. They delegated the authority to the EO to adopt the regulation, provided no adverse comments were received during the public comment period, and to make minor technical or non-substantive changes, if needed. Some of the initial documents of the regulatory package were submitted to LAD on December 19, 2019. After review, discussion, and revision, staff submitted

the regulation package March 2021. In September 2021, LAD sent the package back to CAB with questions about the \$40 fee and required staff to add new text to the package to establish, in regulation, a retired license status application. Staff worked with the Budget Office (BO) to justify a \$40 fee and added a retired license application section (new CCR 109.1).

CCR Section 109.1 (Retired License Application). This new CCR section incorporates the Retired Architect License Application and defines the term. During the regulatory process, LAD recommended a corresponding regulation to codify the application. The new CCR section 109.1 establishes and defines the application for a retired license and specifies the requirements for a retired architect to restore their license to active status. The Board approved the language for CCR 109.1 at the September 10, 2021 Board meeting. Staff revised the initial documents to address BO's concerns and added CCR section 109.1, resubmitted those documents to LAD, and worked with LAD on further revisions to the documents. Staff continues to work with LAD toward completion of the regulatory package.

CCR Section 144 (Fees – Increase). The fees of the Board are required to be sufficient to support the functions of the Board. The fees, as they are currently set, do not adequately support the functions of the Board as they relate to regulating the profession. At the December 10, 2021 Board meeting, the BO's 2020-24 budget presentation projected that the fund condition would go from having an 11-month reserve to -0.6 at the end of FY 23-24. The Board discussed the budget and options including a fee increase. To prevent the projected fiscal structural imbalance in its budget and remain viable, at the February 18, 2022 Board meeting, the Board approved proposed regulatory text to increase fees to the statutory maximums as follows:

- Increase the fee for an original license from \$300 to \$400
- Increase the fee for an original license that is issued less than one year before the date on which it will expire from \$150 to \$200
- Increase the biennial renewal fee from \$300 to \$400

Staff is working with LAD on initial submission documents for this regulatory package.

CCR Section 152 (Citations). This regulatory proposal amends CCR section 152 to enhance the Board's authority to issue citations to unlicensed individuals. The 45-day public comment period commenced on November 12 and ended on December 27, 2021 and the Board received no adverse comments. The final documents of the regulatory package were filed with the Office of Administrative Law (OAL) on December 31, 2021. Within 30 working days, OAL must review and issue either an approval or disapproval of a filed rulemaking. OAL requested substantive and non-substantive edits to the text. The package was withdrawn on February 8, 2022 (the final day of OAL's review period). Modified proposed regulatory text addressing OAL's concerns was sent out for a 15-day public comment period from March 24 to April 8, 2022. Staff is working with LAD to file a new rulemaking that incorporates by reference all documents in the previous rulemaking (such rulemakings are assigned to the same OAL reviewer). Upon filing the new rulemaking documents, OAL will again have 30 working days to issue either an approval or disapproval on the rulemaking.

CCR Section 154 (*Disciplinary Guidelines*). Initial documents for the regulatory package were submitted to LAD on September 19, 2019. Staff incorporated LAD's feedback and the initial budget document was approved by the BO on October 19, 2020. On November 18, 2020 LAD forwarded the initial documents to the next level of review in the process and edits were required. Staff sent documents to LAD on September 8 and October 10, 2021. LAD is currently reviewing the regulatory language in light of edits made on LATC's *Disciplinary Guidelines* so the language in these two regulatory packages is better aligned.

CCR Section 165 (*Disability Access Continuing Education*). This regulatory proposal seeks to establish requirements for disability access continuing education (CE) courses and providers by January 1, 2023. The Board approved the proposed regulatory language and delegated authority to the EO, provided no adverse comments were received during the public comment period, to adopt the regulation and to make minor technical or non-substantive changes, at the June 5, 2020 Board meeting. The proposed text was sent out for a 45-day public comment period commencing on November 12 and ending on December 27, 2021. Staff worked with LAD and prepared a Board memo proposing responses to adverse public comments. This memo was presented to the Board at the February 18, 2022 Board meeting where the decision was made not to vote on the matter, but bring it back to the Board meeting in May.

CCR Section 166 (*Zero Net Carbon Design Continuing Education*). This is a regulatory proposal to establish requirements for zero net carbon design (ZNCD) CE through the creation of a new CCR section 166. [Assembly Bill 1010](#) (Berman, Chapter 176, Statutes of 2021) amended Business and Professions Code (BPC) to require architects to complete five hours of CE coursework on ZNCD for all renewals occurring on or after January 1, 2023. BPC 5600.05 requires the Board to promulgate regulations by July 1, 2024, that would establish qualifications for ZNCD CE courses and course providers. Proposed regulatory text was presented and discussed during the March 30, 2022 PQC meeting.

Landscape Architects

Legislative Proposal BPC section 5659 (*Inclusion of License Number—Requirement*). LATC set an objective to educate the different jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations. Staff worked with LAD to add language to section 5659 to coincide with section 460 specifically referencing landscape architects. The proposed additional language would prohibit local jurisdictions from rejecting plans solely based on the fact they are stamped by a licensed landscape architect; however, they could still reject plans based on defects or public protection from the licensee.

Proposed language to amend BPC section 5659 was presented to LATC on February 5, 2020 and the Board approved LATC's recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal and submitted it to legislative staff in mid-March, 2020; however, the bill proposal was late and not accepted. The bill was resubmitted to legislative staff in January 2021; however, proposed language in the omnibus bill would delay review for other programs, so it was removed. LATC is planning to include this proposal in its next Sunset bill.

CCR Sections 2615 (Form of Examinations) and 2620 (Education and Training Credits).

This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The Board approved LATC's proposed regulatory language at its meeting on September 12, 2018. Staff proceeded with the regulatory process and on April 27, 2021 the package was submitted to OAL to publish notice of the 45-day comment period which commenced on May 7, 2021 and ended on June 22, 2021. In response to public comment received on June 7, 2021, LATC staff worked with LAD to prepare modified proposed regulatory language for CCR section 2620. This new proposal was provided to the public on June 24, 2021 and the related public comment period ended July 9, 2021. No comments were received regarding the modified regulatory proposal. LATC and the Board approved the modified regulatory proposal at their meetings on August 4, 2021 and September 10, 2021, respectively. On August 25, 2021, the final regulatory proposal was provided to DCA for review and was sent to OAL for review on December 1, 2021.

On January 11, 2022, OAL notified LATC staff of an issue within the rulemaking file that would require a 15-day notice. The regulatory proposal was withdrawn from OAL review on January 12 and on January 24, 2022, the 15-day notice of availability of second modified text and addendum to the Initial Statement of Reasons was issued. The public comment period ended on February 9, 2022, and staff is working with LAD to resubmit the rulemaking file to OAL in April 2022.

CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program). At the December 6, 2018 LATC meeting, LATC discussed opportunities to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with the regulation. Following discussion, the Committee directed staff to form a subcommittee and recommend regulatory changes for LATC's consideration at a later meeting date.

The Board approved LATC's proposed regulatory language at its meeting on June 12, 2019. Staff proceeded with the regulatory proposal process and on June 24, 2021 the package was submitted to OAL to publish the notice of the 45-day comment period which began on July 9, 2021 and ended on August 24, 2021. No comments were received. On September 3, 2021, the final regulatory proposal was provided to DCA for review; the final regulatory package was sent to OAL for review on December 27, 2021.

On February 4, 2022, OAL notified LATC staff that the text changes made after the Board's June 12, 2019, meeting were not clearly reflected in the minutes and carried through in the text. Additionally, OAL raised clarity concerns in the proposed text that would require a 15-day notice to the public of modified text. As a result, the regulatory proposal was withdrawn from OAL review and on February 28, 2022, a 15-day notice of modified text indicating changes to subdivisions (b), (c), (d), and (j) was issued. The public comment period ended on March 16, 2022, and staff is working with LAD to resubmit the rulemaking file to OAL in April 2022.

CCR Sections 2630 (Issuance of Citations) and 2630.2 (Appeal of Citations). To be more in line with the Board's procedures for the appeal of citations, staff proposed edits to LATC's appeal of citations regulation. Legal counsel advised that additional edits were needed. Language has been added clarifying the Board's existing ability to issue orders of corrections to cease unlawful advertising under BPC section 149, clarifying that the 30-day deadlines are counted as calendar days, amending the appeal of citations process. The proposed language was presented to LATC on December 2, 2020 and adopted by the Board at its December 11, 2020 meeting. LAD completed their pre-review on April 5, 2021. In September 2021, amendments were made while in the Initial Analysis phase. The substantial amendments were approved by the Board at its December 10, 2021 meeting. Staff revised the necessary documents and submitted to LAD on January 4, 2022.

CCR Section 2651 (Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency). Effective January 1, 2020, section 11009.5 of the Government Code allows state licensing entities to reduce or waive licensing fees for people affected by a proclaimed or declared emergency in the previous year. Licensing programs within DCA may, but are not required to, establish a process for reducing or waiving the licensing fees of those impacted by federal, state, or local emergencies.

In February 2021, staff prepared a draft regulatory proposal that would implement an emergency fee waiver by adopting CCR, title 16, division 26, article 1, section 2651. Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency. The proposed language was presented to LATC on April 29, 2021, adopted by the Board at its June 11, 2021 meeting, and subsequently submitted to LAD for review. LAD has requested revisions, which will be presented at a future LATC meeting.

CCR Section 2680 (Disciplinary Guidelines). As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of collaborating with the Board to review and update LATC's *Disciplinary Guidelines*. Staff worked closely with Board staff to update their respective guidelines to mirror each other wherever appropriate.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed changes to the LATC's *Disciplinary Guidelines* and CCR section 2680 as modified. DCA guidance due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation), required staff to revise the *Disciplinary Guidelines*. On February 8, 2019, the Committee made a recommendation to the Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*. During Initial Analysis, LAD found that additional amendments were necessary. LATC and the Board approved the additional amendments to the proposed regulatory language at their meetings on August 4, 2021 and September 10, 2021, respectively. After the Committee's approval and in anticipation of the Board's approval, staff revised documents for the regulatory proposal to incorporate the additional amendments and submitted them to LAD for review on August 26, 2021. A revised fiscal impact statement was

sent to the BO on January 10, 2022. LAD completed its review on March 4, 2022 and revised documents based on LAD's recommendations were resubmitted to LAD on March 10, 2022. The revised documents were submitted to DCA Executive Office on March 25 for review.

Licensing and Examination Program

Architects

Performance data for the Architect California Supplemental Examination (CSE) and Architect Registration Examination (ARE) 5.0 for California candidates during the first quarter of 2022 are presented in Tables A and B.

Table A
Architect CSE Examinee Performance: January 1 – March 31, 2022

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
Instate First-time	61	74%	21	26%	82
Instate Repeat	26	62%	16	38%	42
Reciprocity First-time	23	68%	11	32%	34
Reciprocity Repeat	1	33%	2	67%	3
Relicensure First-time	0	0%	0	0%	0
Total	111	69%	50	31%	161

Table B
California ARE 5.0 Examinee Performance by Division/Topic: January 1 – March 31, 2022

ARE Division	Pass	Rate	Fail	Rate	Total Exams
Construction and Evaluation	137	58%	99	42%	236
Practice Management	150	44%	189	56%	339
Programming and Analysis	123	46%	146	54%	269
Project Development and Documentation	122	45%	150	55%	272
Project Management	152	61%	97	39%	249
Project Planning and Design	144	43%	192	57%	336

Table C
California and NCARB ARE 5.0 Performance Comparison (Calendar Year 2021)

ARE Division	CY 2021		
	CA Pass	Natl. Pass	▲%
Construction and Evaluation	54%	62%	-8%
Practice Management	51%	53%	-2%
Programming & Analysis	48%	52%	-4%
Project Development & Documentation	48%	53%	-5%
Project Management	60%	63%	-3%
Project Planning & Design	43%	47%	-4%

▲% is the difference in the California and national (NCARB) performance. NCARB performance data is provided by calendar year.

Landscape Architects

In January 2022, the Council of Landscape Architectural Registration Boards (CLARB) launched its Job Task Analysis (JTA). The JTA survey is conducted every five to seven years to ensure the Landscape Architect Registration Examination (LARE) accurately reflects the knowledge and skills required to practice as a licensed landscape architect. CLARB sent the survey to stakeholders between February 1 and March 18, 2022. The JTA is used to develop LARE content and create the next LARE blueprint.

On March 16, 2022, Intra-departmental contracts were executed to allow DCA's Office of Professional Examination Services (OPES) to conduct annual written examination development and the LARE National Review and Linkages Study. The total cost of the contracts is \$50,020. Once CLARB has completed its JTA for the LARE in Spring 2022, OPES will work with LATC to complete the linkage study of the LARE and make any changes to the contents of the CSE.

Table D
Landscape Architect CSE Examinee Performance by Candidate Status:
January 1- March 31, 2022

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
First-time	10	45%	12	55%	22
Repeat	3	38%	5	62%	8
Total	13	43%	17	57%	30

The LARE will be held March 28 – April 9, 2022.

Examination comparison data is not available until later this year.

Enforcement

Architects

The Board has been using a pool of qualified Subject Matter Experts (SMEs) to provide case review, technical evaluation, and courtroom testimony.

Table E
Architects Complaints and Enforcement Actions

Category	Current Quarter Jan.-March 2022	Prior Quarter Oct.-Dec. 2021	FY 21–22
Complaints			
Received	56	63	182
Opened	56	63	182
Closed	56	69	192
Average Days to Close	190	117	154
Pending	147	139	147
Citations			
Issued	8	0	16
Final	6	3	11
Pending Attorney General			
Pending Attorney General	6	6	6
Final	3	0	3

Most Common Violations. The majority of complaints received are filed by consumers for allegations such as unlicensed practice, professional misconduct, negligence, contract violations, and failure of a coursework audit.

Landscape Architects

Table F
Landscape Architects Complaints and Enforcement Actions

Category	Current Quarter Jan.-March 2022	Prior Quarter Oct-Dec. 2021	FY 21–22
Complaints			
Received	10	7	23
Opened	10	7	20
Closed	10	7	154
Average Days to Close	163	77	10
Pending	11	9	10
Citations			
Issued	0	0	1
Final	2	0	0
Attorney General			
Pending Attorney General	0	0	0
Final	0	0	0

Enforcement Actions

Architects

Administrative Actions

Geoffrey Elliott Butler (Mill Valley) – Effective January 9, 2022, and in accordance with a stipulated settlement, Geoffrey Elliott Butler’s architect license number C-21228 was revoked. However, the revocation was stayed, his license suspended for 30 days, and he was placed on probation for three years with specific terms and conditions, including reimbursing the Board for \$8,964.75 in investigative costs. An Accusation filed against Butler alleged four causes for discipline: (1) BPC section 5583 (Fraud/Deceit); (2) BPC section 5584 (Negligence); (3) BPC section 5584 and California Code of Regulations (CCR), title 16, section 150 (Willful Misconduct – Refusal to Provide CAD Files); and (4) BPC section 5584 and CCR, title 16, section 150 (Willful Misconduct - Refusal to Work with Engineer).

The Accusation alleged that on or about June 3, 2017, Butler entered into a contract with his clients to prepare design plans and obtain design approval by the planning commission for a proposed development in Mill Valley, California. The agreement provided that design approval would be achieved by October 2017. On or about July 14, 2017, Butler represented to his clients that he had submitted design plans to the planning commission and requested and received payment from his clients for performance of that portion of the contract. Butler did not submit the plans to the planning department until January 24, 2018.

During the planning process, Butler became uncommunicative for months at a time. Butler also refused to work with the engineer whom his clients had hired to work on the project. His clients ultimately elected to terminate their agreement. Butler then refused to turn over the CAD files that he had created for the project, in violation of the terms of his contract. At Butler's request, on or about August 9, 2019, his clients signed an additional document which limited their use of the CAD files. Butler did not turn over the CAD files until on or about August 13, 2020. Butler entered into a stipulated settlement and the Board adopted the Proposed Disciplinary Order on December 10, 2021. The action became effective on January 9, 2022.

James W. Fenske (South Pasadena) – Effective January 9, 2022, and in accordance with a stipulated settlement, James W. Fenske's architect license number C-25524 was revoked. However, the revocation was stayed, his license suspended for 30 days, and he was placed on probation for five years with specific terms and conditions, including reimbursing the Board for \$8,000 in investigative costs. An Accusation filed against Fenske alleged seven causes for discipline for violations: (1) BPC section 5583 (Fraud in the Practice of Architecture); (2) CCR, title 16, section 160(c)(2) (Conflict of Interest); (3) BPC section 5584 and CCR, title 16, section 160(a)(2) (Negligence); (4) CCR, title 16, section 160(f)(1) (Informed Consent); (5) CCR, title 16, section 160(b)(1) (Willful Misconduct); (6) BPC sections 5536.22(a)(3) and 5536.22(a)(5) (Written Contract); (7) BPC section 143.5 (Settlement Agreement Provision Requiring Withdrawal of Complaint).

The Accusation alleged that on or about January 18, 2017, Fenske entered into an architectural services agreement with his client K.N. whereby he agreed to provide services including architectural design, construction documentation, and construction administration for a four-story, approximately 2,500 square foot home. Fenske was paid on an hourly basis for architectural services. On or about June 2, 2017, the client hired JWF Construction, Fenske's General Contracting firm, to build the home for a fixed fee of \$865,000 to \$890,000. Following the commencement of construction there were significant problems including:

- Significant errors found in the topographic work of prior surveys provided by the client. These errors necessitated corrective surveying, architectural and structural redesign.
- The late discovery during the foundation caisson drilling operations that the depth from grade of unconsolidated fill material was substantially deeper than originally presumed by the original geotechnical investigation. These conditions required compensatory foundation construction that increased construction costs.
- Incorporation of architectural design modifications while construction was already underway.

- Reported vandalism of onsite work, which primarily consisted of the relocation of survey markers to disrupt the foundation construction layout. In addition, Fenske improperly placed 12 of 13 foundation caissons due to design error, resulting in the need for partial demolition and reconstruction of two caissons, incurring additional cost and delays. Fenske also modified the construction documents to include a roof deck in violation of a 35 feet maximum building height restriction. Finally, Fenske made changes to the construction documents without the client's approval, specifically removing crawl space walls that were required by the County of Los Angeles.

The project eventually exceeded the client's budget, such that its final completion with available funding resources became impossible. The project was suspended at approximately 25% completion status, with Fenske having received approximately 49% - 53% of the total construction contract fixed price. On or about October 18, 2018, K.N. terminated both the June 2, 2017, construction contract and the January 18, 2017, architectural services contract with the Respondent. Thereafter, the client and Fenske executed a civil settlement that required the client to withdraw the complaint filed with the Board. Fenske entered into a stipulated settlement and the Board adopted the Proposed Disciplinary Order on December 10, 2021. The action became effective on January 9, 2022.

William K. Spencer (Rancho Mirage) – Effective February 10, 2022, William K. Spencer's architect license number C-4943 was surrendered, and he loses all rights and privileges of an architect in California. The action was the result of a Stipulated Surrender of License and Order, which was adopted by the Board.

On January 7, 2021, an Accusation was filed against Spencer for alleged violations of BPC sections 5583 (Fraud in Practice of Architecture), 5584 (Willful Misconduct), 5584 (Negligence), 5585 (Incompetence and/or Recklessness), 5536.22(a)(4), (a)(5), and (a)(6) (Written Contract Requirements), and 5588 (Failure to Report Arbitration Award).

The Accusation alleged that on or about June 17, 2014, Spencer entered into an initial architectural services contract to provide preliminary analysis for a project involving a 32-unit senior affordable housing complex in Los Angeles. The June 17, 2014 contract did not include Spencer's license number, the landowner's address, a description of the procedure to accommodate additional services, or a description of the procedure to terminate the contract.

On or about July 14, 2014, Spencer entered into a second contract with the landowner to proceed with developing the final design for permit and construction of the project, assist with the permit approval process, and prepare drawings in accordance with the applicable codes and regulations, and obtain approval of affordable senior housing, density bonus, and reduced parking covenants. The contract price was \$148,000, which was based upon 5% of the estimated construction costs of \$2.8 million. The July 14, 2014 contract did not contain Spencer's license number.

Between July 22 and September 30, 2014, Spencer falsely represented to the landowner that the project was progressing in a manner consistent with the contract and applicable building code and regulation requirements, when in fact Spencer failed to adequately verify building codes and regulations. Upon Spencer's request, the landowner paid Spencer a total of \$147,000 over the course of the project.

On or about June 15, 2015, the plans were submitted to the Los Angeles Department of Building and Safety, (LADBS) which rejected the plans on or about July 31, 2015, issuing approximately 174 plan check corrections and comments, noting a number of significant design deficiencies.

On or about August 26, 2017, Spencer sent the landowner a statement of services receipt, indicating that Spencer had completed the Phase 1 plans for 31 units with engineering and preliminary plan design for 30 units with no engineering as required by the contract, and had been paid \$147,000. However, Spencer failed to address the LADBS comments to correct the rejected plans, and therefore produced no useable plans for the landowner, a permit was not obtained, and the project was not constructed. The lot remains vacant and unconstructed.

On or about September 29, 2017, the landowner filed suit against Spencer in Los Angeles Superior Court. On or about July 18, 2019, the parties stipulated to the case proceeding by binding arbitration. Spencer failed to appear at the arbitration hearing on September 23, 2019, and in a binding arbitration decision dated October 19, 2019, the landowner was awarded damages in the amount of \$152,250, plus attorney's fees and court costs, which were estimated to be an additional \$20,164.13. Spencer failed to report the arbitration award to the Board in writing within 30 days of the arbitration decision.

On January 11, 2022, the Board adopted a Stipulated Surrender of License and Order, which became effective on February 10, 2022.

Citations

Jefferson J. Choi (Irvine) - The Board issued a one-count citation that included a \$300 administrative fine to Jefferson J. Choi, architect license number C-31631, for alleged violations of BPC section 5536.4(a). The Board received a complaint on or about April 17, 2020, from an architectural firm alleging that Choi had used the firm's plans to design a shopping center in Long Beach without the consent of the firm or the licensed architect who prepared them.

Choi had obtained the plans from his client after the original architect had withdrawn for lack of payment and made minor changes to them without first obtaining permission from the previous architect. Choi's use of another architect's instruments of service without obtaining the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use is a violation of BPC section 5536.4(a). Choi paid the fine, satisfying the citation. The citation became final on December 3, 2021.

Kevin Waters (Los Angeles) - The Board issued a one-count citation that included a \$750 administrative fine to Kevin Waters, architect license number C -25786, for an alleged violation of Business and Professions Code (BPC) section 5588.

On or about June 20, 2019, the Board was notified of a \$4,000,000 settlement Waters had entered into on or about June 7, 2019, which had not been reported to the Board. Waters acknowledged the settlement on or about March 12, 2020, in response to a contact letter from the Board dated February 14, 2020.

Waters explained that the CEO of the firm he worked for, Walker Parking Consultants, had handled the claim, and that although Waters had his deposition taken and attended an early mitigation meeting, he was “unaware the claim was settled.” Waters’ failure to report a settlement over the amount of \$5,000 in a case alleging fraud, deceit, negligence, incompetence, or recklessness is a violation of BPC section 5588. Waters paid the fine, satisfying the citation. The citation became final on February 7, 2022.

Anthony G. Cutri (San Diego) – The Board issued a one-count citation that included a \$3,000 administrative fine to Anthony G. Cutri, architect license number C-11116, for an alleged violation of BPC section 5536.22(a).

In November 2013, Cutri agreed to design a \$600,000 single-story residence, casita, and garage for a plot of land his cousin and her husband (clients) were going to buy in the city of Santee. Cutri told them no contract was necessary because they were “famiglia.” By July 19, 2014, the Clients had paid the agreed upon total price of \$35,000.

On or about April 27, 2015, Cutri surprised his clients with a “proposal” to take over additional services, including entitlements, grading plan, plan check/building permits and construction administration. The clients believed that many of these services were included in their original agreement, but there was no initial written contract establishing the original scope or the method for accommodating additional services. The additional fees resulted in a total of \$40,175 that the clients paid to Cutri.

Cutri took until April 2018 to finish the plans. He initially told his clients that there “wasn’t a lot involved” in the plan check process and that he would “cover it.” In fact, the plans were rejected by the city’s plan review service. Cutri then delayed the project further by denying responsibility for the corrections. Finally in late 2018, the plans were approved, but when the clients sent them out for bids, the construction estimates all came back at well over \$1,000,000. They never pulled the permits and eventually had to sell their land.

Cutri’s failure to execute a written contract prior to providing professional services constituted a violation of BPC section 5536.22(a), and caused tremendous confusion surrounding the project details including: the cost and scope of architectural services, the estimated construction costs, the timeline for completion, responsibility for coordinating with consultants, plan check corrections, and other aspects of the project, such as Title 24, structural calculations, entitlements, grading plans, construction administration, printing and submission to the city of Santee.

In addition to the architectural fees, none of which was returned, there was significant financial injury to the clients, in that they were left with a fully graded pad of land that they could not afford to build on and were forced to sell. Both clients are senior citizens, and one is disabled, facts of which Cutri was aware. Cutri entered into a stipulated settlement with the Board which became effective on February 16, 2022.

Daniel Swain (Oakland) - The Board issued a one-count citation that included a \$700 administrative fine to Daniel Swain, architect license number C -28776, for an alleged violation of CCR title 16, section 160(b)(2) (Failure to Respond to Board).

Swain executed a contract for architectural services on or about June 6, 2017. After the project was completed on or around October 2018, disputes arose between the client and Swain regarding the settlement of the retainer for the project. Swain returned a partial refund of the retainer amount which the client disputed.

On or about September 2, 2020, the Board sent Swain a description of the allegations against him and a request for a written response and documentation regarding the complaint. Swain failed to respond to the request. Between May 11 and August 6, 2021, the Board sent Swain six additional requests for a response and documentation via certified mail, regular mail, telephone, and email using the most recent information in his licensee record. Swain failed to provide a response to the Board. The Respondent's failure to respond to the Board's requests for information regarding an investigation within 30 days constitutes a violation of CCR title 16, section 160(b)(2). The citation became final on February 25, 2022.

Adam Ezrachi (Woodland Hills) - The Board issued a one-count citation that included a \$1,500 administrative fine to Adam Ezrachi, an unlicensed individual, doing business as Creation Builders, Inc. for alleged violations of BPC section 5536(a) and CCR title 16, section 134(a).

On or about May 11, 2018, Respondent provided Ms. J. B. (client) with a home improvement contract agreeing to provide "architectural plans" for the extension of an existing balcony and an addition to a residence located on Vista Panorama in Santa Ana, California for a fixed fee of \$6,500.

Creation Builders, Inc. used a change order form dated July 23, 2018, to explain that the foundation needed to be reinforced at an additional fee of \$4,500, and that the remaining balance due was \$5,100 upon receipt of the plans approved by the county. The change order form, under the company's letterhead, included a checkbox labeled "Architect," implying that the company employed a licensee on the project. A review of Board records failed to show that a licensed architect provides professional services through the business entity Creation Builders, Inc.

Respondent's home improvement agreement and change order form wherein Respondent described his services as "Architectural" and "Architect," are devices that might indicate to the public that Respondent is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of BPC section 5536(a) and CCR title 16, section 134(a). The citation became final on March 31, 2022.

Joseph Phan (Fountain Valley) - The Board issued a one-count citation that included a \$1,500 administrative fine to Joseph Phan, an unlicensed individual, doing business as Joseph Phan & Associates, for alleged violations of BPC section 5536(a) and CCR title 16, section 134(a).

On or about June 11, 2018, Respondent, doing business as "Joseph Phan & Associates," provided a contract to Mr. D.P. and Mrs. T.N. (clients) for a single-family residential project located on Ardsley Circle in Huntington Beach, California. The services offered in the agreement included "Architecture and Planning" and "Architectural design & construction documents." The total cost of the contract was estimated at \$24,750.

On or about May 6, 2021, Respondent's advertising signage placed outside of the Ardsley Project identified him as an "ARCHITECT." Respondent's Houzz profile under the business name "Joseph Phan & Associates" was categorized under "Architects."

Further, in documents filed with the City of Huntington Beach's Building Division, the Respondent's company was referred to as an "Architectural Designer" on the cover page document submitted for the Ardsley Project.

Respondent's advertising signage, contract, Houzz profile, and design plan cover sheet, wherein Respondent described his services as "Architects" and "Architectural," are devices that might indicate to the public that Respondent is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of BPC section 5536(a).

A review of Board records failed to show that a licensed architect provides professional services through the business entity Joseph Phan & Associates.

Respondent used the business name "Joseph Phan & Associates" which included the terms "architects" and "architectural" in its description of services, without an architect who is in management control of the services that are offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. Such constitutes a violation of CCR, title 16, section 134(a). The citation became final on March 31, 2022.

Landscape Architects

There were no new enforcement actions for LATC during this period.

AGENDA ITEM J: DISCUSS AND POSSIBLE ACTION ON NEW PROPOSED REGULATORY TEXT FOR CCR, TITLE 16, DIVISION 2, ARTICLE 10, SECTION 166 (ZERO NET CARBON DESIGN - CONTINUING EDUCATION)

Summary

[Assembly Bill \(AB\) 1010 \(Berman, Chapter 176, Statutes of 2021\)](#) added BPC section 5600.05 (a)(2)(B) regarding the requirement for architects to complete five hours of coursework regarding Zero Net Carbon Design (ZNCD) Continuing Education (CE). The statute requires the Board to promulgate regulations to establish qualifications for courses and course providers by July 1, 2024. This bill was sponsored by AIA California (AIA CA).

Bill Leddy, Chair for the Committee on the Environment and Vice President for Climate Action, AIA CA, gave a [presentation](#) to the Board on the requirement and highlighted current efforts to decrease carbon dioxide emissions statewide including California code and grassroots efforts such as Building Electrification Action Plans and Architecture 2030's Zero Code for California.

The Professional Qualifications Committee (PQC) discussed this requirement at meetings in 2020 and 2022. At the October 30, 2020 PQC meeting, Mr. Leddy highlighted for members the global scope and impact of climate change upon architectural design and the built environment. At the March 30, 2022 PQC meeting, the committee reviewed and discussed the proposed regulatory text, CCR 166, to implement AB 1010. The committee also heard and discussed public comments received during the meeting.

Action Requested

The Board is asked to approve the proposed regulatory text for Section 166, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 166 as noticed.

Attachment(s)

1. Proposed 16 CCR 166 regulatory text

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. CALIFORNIA ARCHITECTS BOARD

PROPOSED REGULATORY LANGUAGE
Zero Net Carbon Continuing Education

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

Adopt Section 166 of Article 10 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

Article 10. Continuing Education

§ 166. Continuing education coursework in zero net carbon design requirement.

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

(1) “Trainers or educators with knowledge and expertise in zero net carbon design” means a person with a minimum of three projects within last ten years in the designing of carbon neutral architecture and who meets one of the three additional requirements of subsection (f).

(2) “Zero net carbon design requirement” means architectural designs including resilient designs of new construction and/or existing facilities that produces on-site, or procures from offsite, enough carbon-free renewable energy to meet building operations energy consumption annually

(b) On or after January 1, 2023, as a condition of renewal, a licensee shall complete five hours of continuing education (CE) coursework on the subject of zero net carbon design that meets the criteria specified in this section during each two-year license renewal period prior to the license expiration date, or, if the license is delinquent, during the 24 months immediately preceding the date on which the licensee submits their delinquent renewal application. The board shall consider CE coursework incomplete and the licensee not in compliance with this section if, within 15 days of the board’s notice of audit and written request, the licensee does not make available to the board the proof required by this section. For the purposes of this section “proof” shall mean any of the following:

(1) a certificate of completion described in subsection (i),

(2) attendance or course completion records from the course provider as described in subsection (i), or,

(3) other records of completion that contain the information specified in Section 5600.05 of the code.

(c) All CE course topics, subject matter, and course materials shall be pertinent to the practice of architecture as defined in Section 5500.1 of the code and the provision of an architect's professional services to meet zero emissions performance standards, which includes training on any aspect of a building design project's life-cycle where all greenhouse gas emission sources should total zero ("zero net carbon"). Examples of zero net carbon CE coursework topics or subjects may include any one or combination of the following: highly insulated building envelope design, deep energy retrofits of existing structures, natural ventilation and daylighting, passive solar design, advanced energy efficiency strategies, renewable energy strategies, embodied carbon, California Green Building Standards Code ("CALGreen" -- Title 24, Part 11, of the California Code of Regulations), environmental resilience, sustainability, climate justice, electric lighting and daylight design, energy targets for new and renovated buildings, and current energy standards in California.

(d) In addition to the requirements of subsection (c), CE courses shall meet the following requirements: (1) have curriculum that meets the educational objectives of providing training to licensees on the subject matter listed in subsection (c), (2) have subject areas or modules that are presented in a logically organized manner or sequence to participants; and (3) be presented by trainers or educators who meet the qualifications in subsection (f).

(e) A provider shall only issue a certificate of completion to a participant upon the participant successfully passing a test of the participant's knowledge and understanding of the CE coursework at the end of the period of instruction ("post-course test"). "Successfully passing" shall mean a minimum cumulative passing score of at least eighty percent (80%).

(f) A provider must use trainers or educators who have knowledge and expertise in zero net carbon building design with a minimum of three projects within the last ten years in the designing of carbon neutral and/or high-performance buildings or groups of buildings or structures and meet at least one of the following criteria:

(1) Hold a license or registration issued by a United States jurisdiction as an architect or a professional, civil, mechanical, or structural engineer with a minimum of 5 recent projects or three years of demonstrable direct experience in the designing of carbon neutral and/or high-performance buildings or groups of buildings and structures.

(2) Have a qualifying faculty appointment at an accredited educational institution, or an educational institution approved by the Bureau for Private Postsecondary Education. To be considered "qualifying" under this subsection, faculty must be

directly responsible for the teaching of carbon reduction, carbon neutral, and/or high performance or passive building topics. For the purposes of this section, “accredited” means recognition from an accrediting agency recognized by the Secretary of the United States Department of Education.

(3) Hold a current, unexpired certification from the International Code Council (“ICC”) California Certification Program as one of the following:

(A) CALGreen Inspector/Plans Examiner.

(C) California Commercial Building Inspector.

(D) California Building Plans Examiner.

(g) An architect shall not certify completion of the CE requirement of this section through self-teaching or self-directed activities. Teaching, instructing, or presenting a course on zero net carbon requirements shall not qualify as credit for fulfillment of the CE requirement of this section.

(h) A provider shall maintain for at least three years from the date of course completion records of participant attendance and course completion, including the information specified in section 5600.05(b) of the code, for each CE course participant.

(i) Within five business days from the administration of the post-course test, a provider shall issue a certificate of completion to each participant who successfully passes the test as defined in subsection (e). The certificate of completion shall include the information specified in section 5600.05(b) of the code.

(j) Upon written request by a licensee who is the subject of a CE audit, a provider shall issue within five business days of the date of the request a copy of the records specified in subsection (h). It shall be the responsibility of a licensee to obtain the records from providers if records are requested by the board and make those records available to the board. In addition, the licensee shall cooperate in the audit and investigation of the licensee’s compliance with this section, including taking all steps required by the CE provider to authorize the release of information to the Board, including signing any authorization or consent to release the licensee’s records of completion or coursework to the Board.

(k) A licensee not in compliance with this section shall remedy any deficiency of the CE requirements of this section by completing the coursework prescribed by this section for the prior renewal period during the current renewal period, in addition to completing the CE coursework required in this section for the current renewal period. Before the end of the current renewal period, the licensee shall provide to the board

proof, as described in subsection (b), that the deficiency of CE credits has been remedied as prescribed by this section.

Note: Authority cited: Sections 5526 and 5600.05, Business and Professions Code.
Reference: Sections 5560, 5578 and 5600.05, Business and Professions Code.



MEMORANDUM

DATE	June 8, 2022
TO	California Architects Board
FROM	Kimberly McDaniel, Regulations Manager Karen Halbo, Regulations Counsel, Attorney III
SUBJECT	Agenda Item L: Article 10, Division 2, Title 16 of the CCR Regarding Disability Access Continuing Education

Background

The California Architects Board (CAB) Disability Access Continuing Education (CE) regulatory proposal was originally approved at the Board's June 5, 2020 meeting. It was brought back to the Board at the September 10, 2021, meeting where the Board approved a non-substantive text modification to specify the precise amount of CE required for renewal.

Upon expedited approval by Agency, the package was submitted to the Office of Administrative Law (OAL) on November 2, 2021, and [published](#) on November 12, 2021. The 45-day public comment period closed on December 27, 2021, and the Board received four comments raising concerns (**Attachment 1**). In response to those concerns and recommendations by the Legal Affairs Division of the Department of Consumer Affairs (LAD), staff recommends the Board vote to modify the text and adopt the text with the modifications indicated in **Attachment 2**. The modifications to the text adopt changes recommended in two of the public comments, along with changes recommended by LAD to coordinate the language in the Zero Net Carbon Design CE regulation and the Disability Access CE regulation so the wording of the two sections is substantially similar and make grammatical and numbering revisions to subdivisions (d), (e), and (e)(2). If the Board approves the proposed Modified Text, staff will send out a Notice of Modification of Text and the Modified Text for a 15-day public comment period. The Board is also asked to adopt the responses to the comments received during the 45-day public comment period that are set out below, with the responses to be included in the Final Statement of Reasons (FSR) in the final rulemaking package.

Summary of Concerns with the Proposal and Proposed Responses

In accordance with Government Code section [11346.9](#), subdivision (a)(3), the Board, in its final statement of reasons supporting the rulemaking, must summarize each objection or recommendation made regarding the specific adoption, amendment, or repeal proposed, together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation, or the reasons for making no change.

The Board received comments from Glenn Gall, Pete Retondo, Susan Moe, and Janis Kent. expressing concerns with the proposal. The Board is asked to review the concerns raised in the comments and the proposed responses below for inclusion in the Board's FSR for this rulemaking.

Concerns: Summarized below are the concerns raised in the public comments received by the Board during, and after, the 45-day public comment period.

Comment #1: Glenn Gall

Mr. Gall recommends the Board revise 16 CCR section 165(a)(2)(C) to strike the word "Standards" from the phrase "California Building Standards Code."

Proposed Response: Mr. Gall's comment correctly points out that as written, 16 CCR section 165(a)(2)(C) inaccurately cites to the "CA Building Standards Code" - a reference to all of Title 24, instead of just citing to the "California Building Code" which is Part 2 of Title 24 and the part the Board should be citing in this regulatory language. Staff recommends revising the text to remove the word "Standards" from that citation.

Comment #2: Pete Retondo

Mr. Retondo recommends the Board limit the new CE requirement to two 5-hour courses if an architect is able to pass a written exam after those two sessions. Mr. Retondo opines that requiring additional Disability Access CE courses beyond two 5-hour courses is a waste of time for an architect who is able to pass a written exam after those two sessions and an unreasonable burden that endows upon this particular aspect of code compliance an unwarranted priority above all others. Mr. Retondo also asserts that the ADA was passed in 1990, 31 years ago, and that the Board should not treat it as groundbreaking news.

Proposed Response: In 2010, Business and Professions Code (BPC) section 5600.05 was adopted and it requires, as a condition of license renewal, that architects take 5 hours of coursework related to federal and state laws and regulations on disability access. With the passage of SB 608 (Glazer, Chapter 376, Statutes of 2019) amending BPC section 5600.05, the Board is required to promulgate regulations by January 1, 2023 regarding the disability access CE coursework required for license renewal. The amendments to BPC section 5600.05 also require the Board to audit at least three percent of renewed licenses each year for CE completion. The Board must follow and enforce the law for the protection of the public. Mr. Retondo's comment asks the Board to place a limit on how many times a licensee must attend mandatory disability access CE, an action which would contradict the mandatory CE requirements in BPC section 5600.05.

Comment #3: Susan Moe

Ms. Moe questions the requirement of passing a summative assessment to receive credit for a training session, and recommends the Board use the assessment format employed by the US Access Board in their Accessibility Online training sessions and allow participants in live webinars to receive a certificate of attendance without taking an exam. Ms. Moe also urged the Board to reconsider allowing a residential building inspector to instruct disability access CE courses.

Proposed Response: The Board believes that the requirement that architects obtain at least an 80% score on a summative assessment at the conclusion of the course is necessary to both ensure and demonstrate that the licensee has understood and retains the information presented.

The US Access Board has a different objective than the Board. The US Access Board seeks to educate the public which includes individuals of any and all professions about Disability Access standards. The Board is required to protect the public and enforce state and federal disability access laws and regulations applicable to the practice of architecture. The passage of SB 608 required the Board to promulgate regulations regarding the qualifications for CE courses and CE course providers. In passing SB 608, the legislature expressed concern that without the Board establishing standards for CE courses and course providers, architects were not getting the full benefit of the learning opportunity provided by the existing requirement to take Disability Access CE coursework as a condition of license renewal. The Board believes making receipt of credit contingent on obtaining a passing score on a summative assessment of 80% or higher will motivate licensees to get the full benefit of the statutorily mandated training.

As to Ms. Moe's comment about residential building inspectors, staff agrees and recommends revising the text to remove residential building inspectors from the list of approved disability access CE coursework instructors.

Comment #4: Janis Kent

Ms. Kent asserts in her comment that ADA is about civil rights and not strictly limited to the information listed in the applicable codes. Ms. Kent urges the Board to revise the regulation to:

1. Accept on-demand or pre-recorded webinars using a 70% passage rate for the summative assessment (asserting its AIA's requirement).
2. Accept live webinars; both in-person webinars and online
3. Expand required topics from just codes and regulations
4. Expand those who can teach courses to include people who are in the medical professions or who do surveys of the population, and to expand those who can teach courses to include social workers, and people who work with the blind.

Proposed Response: Business and Professions Code (BPC) section [5600.05](#), , requires licensees to complete continuing education coursework as specified in that section as a condition of license renewal. BPC 5600.05(a)(2)(A) concerns five hours of required disability access coursework and reads:

“The coursework shall include information and practical guidance concerning requirements imposed by the federal Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework provided pursuant to this subparagraph shall be presented by trainers or educators with knowledge and expertise in these requirements. The board shall promulgate regulations to establish qualifications for courses and course providers by January 1, 2023.”

Ms. Kent’s first and second points presume that the Board will not accept on-demand or pre-recorded webinars, or live webinars taught in person or on-line. The proposed regulation does not specify how the required material is taught or “delivered” to licensees. The Board has simply established that certificates of completion should only be provided to participants who pass a summative assessment with a passing score of at least 80%. On-demand or pre-recorded webinars and live on-line webinars or in-person seminars are all equally acceptable, because it is up to the providers to determine how they will administer and grade the final summative assessment. On-line on-demand webinars can have the summative assessment at the end, and attendees will only be sent a certificate if they achieve an 80% passing score. Live webinars administered to groups as described in the comment could have proctored exams or could have all participants register on their smart phones and take the summative assessment on their individual phones. It is up to the providers to solve issues with the delivery of the class material and administration of the summative assessment. The 80% passing score was adopted by the Board to address concerns raised by the legislature in passing SB 608. The Board does not find that amendments to the proposed regulation are needed to address this concern raised in Ms. Kent’s public comment.

Ms Kent’s third point urges the Board to broaden the required topics to embrace civil rights and place greater emphasis on teaching licensees about the individual experiences and challenges of different groups of disabled persons. While the proposed regulation specifically lists federal and state laws to be covered, nowhere in the regulation are there limits upon how that information is taught and the inclusion of Ms. Kent’s suggested topics is not forbidden by this rulemaking. In fact, as those topics could be considered relevant as “practical guidance” concerning the laws, the Board could not promulgate regulations that forbid teaching those topics. Ms. Kent urges the Board to amend the regulation to explicitly include a broader view of what is entailed in the CE coursework on disability access laws, which the Board declines to do, as it is already covered in the statute.

Ms. Kent's fourth point urges the Board to place greater emphasis on the "practical guidance" aspect of disability access by amending the list of approved providers to include people in the medical profession, those who survey the population of disabled persons, social workers, or those who work with the blind. While those individuals may provide useful perspectives and insight on the broader topic of "practical guidance" about disability access, the Board believes licensees must have a foundational familiarity with the applicable state and federal laws and regulations; therefore, created the approved providers to reflect this. Any approved provider can, and is encouraged to, integrate "practical guidance" information from the individuals discussed in Ms. Kent's comment. Such a disability access CE course will meet the requirements of this rulemaking, and the Board believes, will have greater appeal to licensees seeking to fulfill this CE requirement. Knowing the applicable laws and regulations is foundational for licensees' understanding of issues within disability access design. That is why the Board has listed persons with expertise in the applicable laws and regulations as acceptable providers on the topic. The regulation as written does not bar a CE provider from supplementing their instruction on the applicable laws and regulations with additional "practical guidance" material from the sources mentioned in Ms. Kent's comment. The Board does not find the regulation needs to be amended to allow a broader variety of additional individuals to teach disability access CE coursework, and thus declines to do so.

Action Requested

1. The Board is asked to consider the proposed Modified Text and entertain a motion to approve and adopt the proposed Modified Text to amend CCR, title 16, section 165 and direct staff to take all steps necessary to complete the rulemaking process, including preparing the Modified Text for an additional 15-day public comment period, and if no adverse comments are received during that 15-day public comment period, delegate to the Executive Officer the authority to make any technical or non-substantive changes to the proposed regulations that may be required in completing the rulemaking file and adopting the proposed regulatory changes.
2. The Board is asked, upon reviewing and considering the public comments received during the 45-day public comment period, to adopt the proposed responses to the written comments.

Attachments:

1. Comments from: (1) Glenn S.A. Gall, A.I.A. (2) Pete Retondo, AIA; (3) Susan Moe, CASp, and (4) Janis Kent, FAIA, CASp, Architect
2. Proposed Modified Text

From: Glenn Gall <glenn.gall@alumni.nd.edu> **Sent:** Tuesday, November 16, 2021 12:44 PM **To:** CAB@DCA <CAB@dca.ca.gov>

Cc: Zuniga, Laura@DCA <Laura.Zuniga@dca.ca.gov>

Subject: Re: Notice of Proposed Regulatory Action CCR 165

[EXTERNAL]: glenn.gall@alumni.nd.edu

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As proposed the language of CCR 165 rulemaking is not correct.

Reference in section 165 (a) (2) (C). Rather than referring to the California Building Standards Code which includes all parts of Title 24 the reference here should be specific to Part 2 which is the "California Building Code".

Thank you in advance.

§ 165. Continuing education coursework regarding disability access requirements.

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

- (1) "Certified access specialist" means a person who is certified pursuant to Government Code section 4459.5.**
- (2) "Disability access requirement" means a provision, standard, or regulation under state or federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including, but not limited to, any provision of, or standard or regulation set forth in, the following:**
 - (A) Civil Code sections 51, 54, 54.1, and 55.**
 - (B) Part 5.5 (commencing with section 19955) of the Health and Safety Code.**
 - (C) California Building Standards Code, section 1.9.1 and chapters 11A and 11B of volume 1 of part 2 of title 24 of the California Code of Regulations.**

Glenn S.A. Gall, A.I.A.

On Fri, Nov 12, 2021 at 1:03 PM California Architects Board <00000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov> wrote:



The Notice of Proposed Regulatory Action Concerning Continuing Education, section 165 of the California Code of Regulations, has been posted to the website. Below is the link:

- [Proposed Regulation](#)

DO NOT reply to this email. If you have any questions or require further assistance, please [contact the Board](#).

Thank you,

California Architects Board



To unsubscribe from the CAB-LEGISLATION list, click the following link:
<http://subscribe.dcalists.ca.gov/cgi-bin/wa?SUBED1=CAB-LEGISLATION&A=1>

-----Original Message-----

From: Pete Retondo <peteretondo@gmail.com>
Sent: Friday, November 12, 2021 1:17 PM
To: CAB@DCA <CAB@dca.ca.gov>
Subject: Continuing accessibility education, proposed changes

[EXTERNAL]: peteretondo@gmail.com

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.....
Dear CAB,

Having taken numerous 5 hour courses on accessibility requirements, I can state with authority that these sessions are a waste of valuable time for architects who have taken at least 2 of these courses.

There are not 5 hours worth of changes to be conveyed every two years. The requirement should be limited to two 5-hour courses if an architect is able to pass a written exam after those 2 sessions. Any more is an unreasonable burden, and endows upon this particular aspect of code compliance an unwarranted priority above all others. Although a few individuals make a living from giving the courses, that is not a reason to continue to burden architects with an unnecessary (and, frankly, insulting) requirement.

ADA was passed in 1990, 31 years ago. It is time to stop treating it as groundbreaking news. If CAB would care to do something more useful, coursework on heat pumps, solar power and related energy and thermodynamic competence would be a lot more germane to today's needs.

Best regards,

Pete Retondo, AIA

--

Pete Retondo

510-589-0789

[https://urldefense.proofpoint.com/v2/url?u=http-](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.retondoarch.com&d=DwIDaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=TsicSqklt9THALH7LUG5cA&m=O-FmbyXwAljJ2QbX35jQ6q-qZ2RT6QDutQyUnqzhendGZ89OyzfxgHIPaQebQ0M&s=BmOxgJlhEg_F4R_J3x6J7sr0iN6pi5GnAbiDnIaAc6k&e=)

[3A_www.retondoarch.com&d=DwIDaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=TsicSqklt9THALH7LUG5cA&m=O-](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.retondoarch.com&d=DwIDaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=TsicSqklt9THALH7LUG5cA&m=O-FmbyXwAljJ2QbX35jQ6q-qZ2RT6QDutQyUnqzhendGZ89OyzfxgHIPaQebQ0M&s=BmOxgJlhEg_F4R_J3x6J7sr0iN6pi5GnAbiDnIaAc6k&e=)

[FmbyXwAljJ2QbX35jQ6q-](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.retondoarch.com&d=DwIDaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=TsicSqklt9THALH7LUG5cA&m=O-FmbyXwAljJ2QbX35jQ6q-qZ2RT6QDutQyUnqzhendGZ89OyzfxgHIPaQebQ0M&s=BmOxgJlhEg_F4R_J3x6J7sr0iN6pi5GnAbiDnIaAc6k&e=)

[qZ2RT6QDutQyUnqzhendGZ89OyzfxgHIPaQebQ0M&s=BmOxgJlhEg_F4R_J3x6J7sr0iN6pi5GnAbiDnIaAc6k&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.retondoarch.com&d=DwIDaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=TsicSqklt9THALH7LUG5cA&m=O-FmbyXwAljJ2QbX35jQ6q-qZ2RT6QDutQyUnqzhendGZ89OyzfxgHIPaQebQ0M&s=BmOxgJlhEg_F4R_J3x6J7sr0iN6pi5GnAbiDnIaAc6k&e=)

From: [Susan Moe](#)
To: [Bruinsma, Jesse@DCA](mailto:Bruinsma.Jesse@DCA)
Subject: Continuing Education Section 165
Date: Monday, December 27, 2021 4:57:27 PM

[EXTERNAL]: susan@smoearchitect.com

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To whom it may concern,

I'm writing in response to the proposed rulemaking that would require a quiz in order to receive credit for a training session.

I propose that you consider the format used by the US Access Board in their Accessibility Online training sessions.

Participants in the live webinars receive a certificate of attendance without taking an exam. When participating in the on-demand training session a pass rate of 80 % is required for two quizzes, one at the start of the session and one at the end.

You can check it out on the following website.

<https://www.accessibilityonline.org/ao>

I also do not feel that a residential building inspector has the qualifications for providing access compliance training.

Accessibility Online

AccessibilityOnline represents a collaborative training program between the ADA National Network and the US Access Board. The AccessibilityOnline Webinar Series is free and offers real-time captioning in all sessions.

www.accessibilityonline.org

Best regards, Susan

Susan R. Moe, Architect - CASp
Access Compliance Consulting
2700 D Street
Sacramento, CA 95816
email: susan@smoearchitect.com

cell: 916-833-6479

From: [Janis Kent](#)
To: [Bruinsma, Jesse@DCA](#); [Reinhardt, Marccus@DCA](#)
Cc: [Frank Bostrom](#); [Paul Bishop](#); [Elizabeth Sorgman](#); [Tom Durbrow](#); [Ernest Wuethrich, CASp](#); [Clair, Ida@DGS](#)
Subject: Testing for architect license renewal
Date: Saturday, November 13, 2021 4:24:11 PM
Importance: High

[EXTERNAL]: janisk@steppingthruaccessibility.com

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I would like to make a suggestion and some items for consideration for learning units on Accessibility Education for CA Architects.

1. On-Demand or Pre-Recorded Webinars

the AIA, which is the Architect's professional organization, has a requirement that if an individual has taken an on-demand webinar, that they have to take a test with a 70% passing rate. They have 30 days in order to do this and can retake the test as many times as necessary. There is a complex formula that states the number of test questions per hour of Learning Units, AND they also include the time for taking the self-assessment quiz as part of the Learning Units earned, since they feel that testing is also part of the learning process. Below is the formula (after your brain stops spinning with it, it is not as bad as it sounds)

If the entire self-study program constitutes a video, then the actual video time plus the total number of review questions, exercises, and summative assessment questions multiplied by 1.85, divided by 50.

Formula:

[actual audio/video duration time + (# of questions × 1.85)] / 50 = LUs awarded

Example:

53-minute video with 10 summative assessment questions

$53 + 18.5 = 71.5$

$71.5/50 = 1.43$

1.43 rounds down to 1.25 LUs.

Below is the AIA's formula for the minimum number of questions required per hour of learning units (which is not stated in the proposed law).

Summative assessment requirements

On-demand programs must require learners to successfully complete a summative assessment during or after the program with a cumulative minimum passing grade of at least 70 percent before issuing LUs for successful completion of the course.

Assessments may contain questions of varying format (for example, multiple choice, essay, and simulations). Summative assessment questions should focus on measuring the outcomes as outlined in the course learning objectives. "True or false" questions are not allowed in the summative assessment.

For the first full Learning Unit (LU) of a program (not including any LU credit based on the number of summative assessment questions), a minimum of 10 assessment questions and scored responses are required. After the first LU and the minimum of 10 questions and scored responses, additional summative assessment questions and scored responses are required based on the additional LUs of the instructional program (not including

LUs awarded based on question count) as follows:

Additional credit:	Additional questions/ scored
0.25	1
0.5	2
0.75	3
Next full credit	4

So with the above calculation, a 5 hour (300 minute) on-demand webinar would require 26 questions. If one had 25 questions, then one would get 6.75 hrs of learning units (6.925 rounded down to the quarter hour).

In reverse, if one were to include the questions with this formula with a 3.75 hr on-demand webinar and 21 questions, would equate to 5.28 LU.

a 3.5 hr with 22 questions (more than the 20 required minimum) it would equate to 5.01 hrs LU

I would highly suggest that consideration be given for aligning the testing with AIA since it has been used and tried for a number of years. Additionally, it would make it very difficult on CA architects to have a different type of calculation than the national organization.

2. Live and In-Person Webinars/Seminars

The other item for consideration is live webinars both in-person and on-line. Currently AIA does not test for this type of learning although I have found that some method of tracking people (sign in at the beginning and sign out at the end) should be implemented. But these courses have to be pre-approved for LU | HSW for Accessibility. The issue on this, I would say, with the proposed new law, is how do you test someone if you have a live Zoom webinar given to an office of 30 people? And for that matter, once we get back to in-person learning, how do we test for that when you have a group of 10 -50 or more people?

I personally believe this is going beyond what should be required. Before we start torturing architects making it even more difficult, perhaps some consideration should be implemented for contractors, engineers, landscape architects, and interiors people who all deal with access and are not necessarily under the Architect AND are not tested for this. And many architects are not even involved in aspects that Access is applicable (ie single family housing)

The other item to consider for live webinars or in-person - what happens if someone was there for half the time and they had to leave? They did attend for a portion - should they get half the learning units? It is an item to consider since it does happen.

3. Topic for Access

I would also suggest expanding the required topics from just codes and regulations. For instance, the State has created a Universal Design outline that local administrative authorities can use as a basis for implementation. Gallaudet University for the Deaf and Hard of Hearing has created architectural design standards for designing for that population which also goes beyond code and regulations and is important to understand, although not regulated. There are studies done on people who are on the Spectrum (autistic) and what designing means for that portion of the population. Understanding the needs of the elderly and for Aging In Place and other topics are important.

Going beyond just code and regulations is something that is very critical. It is understanding that this is about **civil rights** - and I do not believe the Unruh Act was even listed under the applicable codes and regulations other than for seniors.

4. Who can teach these courses

Much of my knowledge on these extended topics are from people who are in medical professions or who do surveys and analysis of the population. It is not just about buildings and code, but how these other topics can affect people and hence how the built environment needs

to accommodate them. A social worker whose specialty is the elderly is much more knowledgeable on the topic than, let's say, a structural engineer. One who works with the blind could be more knowledgeable on path of travel for that portion of the population than a Building Inspector who is aware of the minimum of codes.

I agree there should be a way to limit manufacturers from teaching courses, but even that group has pertinent information, although they may not know all of the regulations.

So, I would urgently appeal to you to consider the above comments before implementing this law as written and proposed. Please do not hesitate to reach out to me to discuss further. And I apologize for the length of this email, but there are a number of items I think should be further considered

Janis Kent FAIA, CASp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

Our new on-demand webinars are now available - check it out at <https://steppingthruaccessibility.thinkific.com>

Department of Consumer Affairs
TITLE 16. CALIFORNIA ARCHITECTS BOARD

PROPOSED MODIFIED TEXT
Disability Access Continuing Education

<p>Legend: Added text is indicated with an <u>underline</u>. Deleted text is indicated by strikeout. Changes made since the last Board meeting are indicated by yellow high-lighting, Added text is indicated with a <u>double-underline</u> Deleted text is indicated by double-strikeout.</p>

Adopt a new Article 10 of Division 2 of Title 16 of the California Code of Regulations as follows:

Article 10. Continuing Education

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

§ 165. Continuing education coursework regarding disability access requirements.

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

- (1) “Certified access specialist” means a person who is certified pursuant to Government Code section 4459.5.
- (2) “Disability access requirement” means a provision, standard, or regulation under state or federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including, but not limited to, any provision of, or standard or regulation set forth in, the following:
 - (A) Civil Code sections 51, 54, 54.1, and 55.
 - (B) Part 5.5 (commencing with section 19955) of the Health and Safety Code.
 - (C) California Building **Standards** Code, section 1.9.1 and chapters 11A and 11B of volume 1 of part 2 of title 24 of the California Code of Regulations.

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

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

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

(b) ~~For the purposes of section 5600.05 of the code~~As a condition of renewal, a licensee shall complete five hours of continuing education (CE) coursework on the subject of California and federal disability access requirements that meets the criteria specified in this section during each two-year license renewal period prior to the license expiration date, or, if the license is delinquent, during the 24 months immediately preceding the date on which the licensee submits the delinquent renewal application. ~~A licensee shall not have already used the CE coursework to satisfy CE coursework requirements for a prior renewal period. Any CE coursework for which the licensee, in contravention of section 5600.05(b) of the code, does not maintain, or cannot otherwise make available to the board, at the board’s request, either~~ The board shall consider CE coursework incomplete and the licensee not in compliance with this section if, within 15 days of the board’s notice of audit and written request, the licensee does not make available to the board the proof required by this section. For purposes of this section “proof” shall mean any of the following:

(1) a certificate of completion described in subsection (h),

(2) attendance or course completion records from the course provider as described in subsection (g), or,

(3) ~~such other records of completion that contain the information specified in Section 5600.05 of the code. such other evidence that, in the board’s determination, establishes that the licensee completed CE coursework meeting the criteria specified in this section, shall not qualify as credit toward fulfillment of this CE requirement.~~

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

(d) A provider shall only issue a certificate of completion to a participant upon the participant’s ~~successfully passing~~ingage of a ~~test~~summative assessment of the

participant's knowledge and understanding of the CE coursework. The assessment shall have "Successfully passing" shall mean a minimum cumulative passing score of at least eighty percent (80%).

- (e) A provider must use trainers or educators who have knowledge and expertise in disability access requirements and meet one of the following criteria:
- (1) Be a certified access specialist or certified by another United States jurisdiction to perform one or more of the services described in section 113 of title 21 of the California Code of Regulations.
 - (2) Hold a certification from the International Code Council ("ICC") National Certification as one of the following:
 - ~~(A) Residential Building Inspector.~~
 - (B) (A) Commercial Building Inspector.
 - ~~(C) (B) Building Plans Examiner.~~
 - ~~(D) (C) Certified Building Official.~~
 - ~~(E) (D) Code Specialist.~~
 - (F) (E) Accessibility Inspector/Plans Examiner.
 - (3) Hold a certification from the ICC California Certification Program as one of the following:
 - ~~(A) California Residential Building Inspector.~~
 - (B) California Commercial Building Inspector.
 - ~~(C) California Building Plans Examiner.~~
 - (4) Hold a license or registration issued by a United States jurisdiction as an architect or a professional, civil, or structural engineer.
 - (5) At least two years' employment by a building department or other building code enforcement agency of any state or local governmental jurisdiction as a plan reviewer, plans examiner, building inspector, building or construction consultant or construction inspector.
 - (6) At least three years' employment as a disability access specialist conducting assessment of facilities for specific needs of the disability community.
- (f) An architect shall not certify completion of the CE requirement through self-teaching

or self-directed activities. Teaching, instructing, or presenting a course on disability access requirements shall not qualify as credit for fulfillment of the CE requirement of this section.

- (g) A provider shall maintain for at least three years from the date of course completion records of participant attendance and course completion, including the information specified in section 5600.05(b) of the code, for each CE participant.
- (h) Within five business days from the administration of the post-course test, a provider shall issue within five business days of the assessment a certificate of completion to each participant who successfully passes the test assessment described in subsection (d). The certificate of completion shall include the information specified in section 5600.05(b) of the code.
- (i) Upon written request by a licensee who is the subject of a CE audit, a provider shall issue within five business days of the date of the request a copy of the records specified in subsection (g). It shall be the responsibility of a licensee to obtain those records from the provider if they are requested by the board and make those records available to the board. In addition, the licensee shall cooperate in the audit and investigation of the licensee's compliance with this section, including taking all steps required by the CE provider to authorize the release of information to the Board, including signing any authorization or consent to release the licensee's records of completion or coursework to the Board.
- ~~(j) A licensee found noncompliant with the CE coursework requirement of subsection (b) is subject to administrative citation. The licensee shall remedy any deficiency during the current renewal period, in addition to completing the CE coursework~~
~~_____~~
~~_____~~
section shall remedy any deficiency of the CE requirements of this section by completing the coursework prescribed by this section for the prior renewal period during the current renewal period, in addition to completing the CE coursework required in this section for the current renewal period. Before the end of the current renewal period, the licensee shall provide the board proof of evidence, as described in subsection (g), that the deficiency of CE credits has been remedied as
~~_____~~
~~_____~~
subsection shall be subject to further administrative citation or discipline.

Note: Authority cited: Sections 5526 and 5600.05, Business and Professions Code.
Reference: Sections 5578 and 5600.05, Business and Professions Code.

AGENDA ITEM M: DISCUSS AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY TEXT FOR CCR TITLE 16, DIVISION 2, ARTICLE 8, SECTION 152 (CITATIONS)

Summary

This regulatory proposal amends CCR section 152 to issue citations to unlicensed individuals.

At the Board's December 11, 2020 meeting, the Board voted to approve recommended amendments forwarded from the Regulatory and Enforcement Committee (REC) amending 16 CCR section 152 to allow the Board to issue citations for violations of BPC section 5536 in conjunction with one of the other sections (BPC sections 5536.1, 5536.4, 5536.5, and 16 CCR section 134) (December 11, 2020 Board Meeting Minutes, p. 10.) The proposal makes clear what specific BPC and CCR sections can be used to cite unlicensed individuals.

The 45-day public comment period ran from November 12, 2021 to December 27, 2021 and the Board received no adverse comments. The final documents of the regulatory package were filed with OAL on December 31, 2021. Within 30 working days OAL must review and issue either an approval or disapproval of a filed rulemaking. OAL requested substantive and non-substantive edits to the text. The package was withdrawn on February 8, 2022, (the final day of OAL's review period). Modified proposed regulatory text addressing OAL's concerns was sent out for a 15-day public comment period from March 24, 2022 to April 8, 2022. No public comments were received. The changes to the text changed the "and" conjunctions to "or," and, at the end of the last sentence in Section 152(a)(1), adds the phrase "except a higher fine may be assessed when expressly authorized by statute." Reference citations were also removed.

Action Requested

The Board is asked to consider a motion to approve and adopt the proposed modified text amending 16 CCR section 152, which was circulated for a 15-day public comment period from March 24, 2022 to April 8, 2022, and received no public comments, and to delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

Attachment

Modified Text to amend CCR, title 16, section 152 (Citations)

Department of Consumer Affairs
TITLE 16. Professional and Vocational Regulations
Division 2. CALIFORNIA ARCHITECTS BOARD

MODIFIED TEXT

Citations

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

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Omitted text is indicated by (* * * *)

Amend Section 152 of Article 8 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

§ 152. Citations.

* * * *

(a) Where citations include an assessment of an administrative fine, they shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows:

(1) Class “A” violations are violations which the executive officer has determined involve an unlicensed person who has violated ~~Business and Professions Code~~ sections 5536, 5536.1, 5536.4, and 5536.5 of the code, ~~and~~ title 16, section 134 of these regulations, including but not limited to, acting in the capacity of or engaged in the practice of architecture. A class “A” violation is subject to an administrative fine in an amount not less than seven hundred and fifty dollars (\$750) and not exceeding two thousand five hundred dollars (\$2,500) for each and every violation, except a higher fine may be assessed when expressly authorized by statute.

* * * *

Note: Authority cited: Sections 125.9, 148, and 5526, Business and Professions Code.
Reference: Sections 125.9, 148, 149, 5510.1, ~~5536, 5536.1, 5536.4, 5536.5~~, and 5560, Business and Professions Code.



MEMORANDUM

DATE	June 8, 2022
TO	California Architects Board
FROM	Kimberly McDaniel, Regulations Manager Karen Halbo, Regulations Counsel, Attorney III
SUBJECT	Agenda Item N: Article 5, Division 2, Title 16 of the CCR Regarding Public Presentments and Advertising

Background

The California Architects Board (CAB) Presentments and Advertising regulatory proposal was originally approved by the Board at its February 28, 2020 meeting. At the December 11, 2020 Board meeting the Board voted to amend the proposed language to address its application to firms with 2 or more architects. The changes required such firms provide the license number of an architect with management control at the December 11, 2022 Board meeting. At the September 10, 2021 Board meeting, the Board voted to amend the proposed language to add a definition of “management control” to the proposed language.

[Notice](#) of the proposed language was published and the 45-day public comment period ran from December 31, 2021 to February 18, 2022. A request for a public hearing was received and Board staff held a hearing on February 18, 2022 (for a transcript, see **Attachment 1**). Numerous public comments were received raising concerns about the proposed regulation (**Attachment 2**). In response to those concerns, staff recommends the Board vote to modify the text and adopt the Modified Text in **Attachment 3**.

The proposed changes in the Modified Text address several concerns raised in the public comments:

Changes made to subsection (a):

- A delayed implementation date of July 1, 2023 was added to provide individual architects and firms additional time to comply with the regulation.
- The broad language regarding any “solicitation, or other presentments” in connection with “the rendition of” architectural services was removed so that the requirement applies to “all forms of advertisement presented to the public in connection with an offer to provide architectural services.” This change narrows the requirement for an architect to include their license number to advertising connected with an offer to provide services, and thus excludes from requiring a license number: an architect’s personal on-line profile, comments not soliciting business that an architect posts to a website or chat room, sponsorship of community events, posting of the name of the architect and builder at a jobsite,

and any other such communications that are not an advertisement offering to provide architectural services.

- The terms “advertisement,” “telephone listing,” and “written solicitation to a prospective client or clients,” were removed from the list of specific examples because a telephone number listing does not constitute an advertisement that offers to provide architectural services, and the other two eliminated terms simply repeated the language at the start of the sentence.

Changes made to subsection (b):

- Removed the terms “solicitations or presentments to the public”
- Replaced the phrase “at least one” with “any”
- Added paragraph (A) to clarify that an architect associated or employed by a business that has two or more architects will be in compliance if their personal business card only contains their license number.
- Added paragraph (B) to clarify that listing additional architects’ names and license numbers to businesses’ advertisements or business cards is allowed but not required.

If the Board approves the proposed changes in the Modified Text, staff will then send out a Notice of Modification of Text and the Modified Text for a 15-day public comment period.

Summary of Concerns with the Proposal

In accordance with Government Code section [11346.9](#), subdivision (a)(3), the Board, in its final statement of reasons supporting the rulemaking, must summarize each objection or recommendation made regarding the specific adoption, amendment, or repeal proposed, together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation, or the reasons for making no change.

The Board received numerous public comments opposed to the proposed regulation, and a handful in favor. The Board is asked to review the concerns raised in the comments and staff’s proposed responses drafted for inclusion in the Board’s Final Statement of Reasons for this rulemaking. Staff has grouped the concerns raised in the public comments below for the Board’s consideration.

Summary of Grouped Comment 1: Doesn’t protect the public. Commentors assert the proposed regulation does not increase consumer protection. Commentors note

consumers can already search on the Board's website using an individual's name and obtain that architect's license number, whether the license is current, and when it expires. Commenters point out that unscrupulous individuals can place a false number on presentments and advertisements. Commenters point out there is no public expectation at present that architects provide their license number and several architects speculated that consumers won't check license numbers. The Board was urged to consider the similar requirement imposed on real estate agents, and how the public generally fails to use license numbers to check on their own real estate agent's license status.

Commentors point out that for architectural firms, the proposed regulation is potentially misleading to the public. Providing one architect's name and license number on presentments and ads is confusing, as firms are not licensed to practice architecture, and the individual architect who eventually provides the architectural services to a client may not be the architect whose license number was listed on the firm's advertising materials.

Board Response to Grouped Comment 1:

The proposed regulation benefits consumers because including a license number on advertising materials clearly informs consumers that architects are licensed professionals, separating them from unlicensed designers and other individuals acting as architects. While unlicensed persons can work on certain projects in California, the Board believes that consumers will benefit from easily knowing who is a licensed professional and who is not licensed. Once all architects are required to place license numbers on advertising materials, Californians will gain clarity on who is an unlicensed designer or other non-licensed individual and who is a licensed architect. The Board receives numerous complaints against unlicensed individuals that stem from the consumer's failure to realize that they were working with an unlicensed individual. In addition, other California professionals in the building profession such as landscape architects, realtors, and contractors are all required to display a license number in their advertisements.

This regulation will aid the Board in enforcing laws against unlicensed practice by making it easier for Board staff and building officials to distinguish between licensed and unlicensed persons. The Board will continue to enforce existing laws against unlicensed practice, while evaluating other options to monitor and deter unlicensed activity on the internet and social media.

Summary of Grouped Comment 2: Increases risk of fraud. Commentors stated the proposed regulation increases the risk of fraudulent misuse of an architect's license number by increasing the visibility of individual license numbers. License numbers are not presently disclosed until an architect is about to enter a contractual relationship with the client which allows architects to vet clients before disclosing their license number. License numbers are not customarily provided during inquiries, requests for proposals,

or screening interviews. Commentors noted the Board's website links to the DCA license search tool which allows anyone who inquires to obtain an architect's address of record. One commentor objected that by increasing the visibility of an architect's license number, this draws attention to the already available public information, creating privacy and safety concerns for solo practitioners who work from home and provide that address in connection with their license.

Board Response to Grouped Comment 2:

An architect's license number is already public information, currently available online both through the Board's website and from the National Council of Architectural Registration Boards (NCARB). The Board does not believe adoption of the proposed regulations will significantly increase the fraudulent misuse of architects' license numbers. In situations where a person fraudulently uses an architect's license number, this presents a clear case of unlicensed practice, unlike other situations where individuals are investigated for possible engagement in unlicensed practice. Many architects already include their license numbers in their advertising and the Board has not seen an increase in the fraudulent use of those architects' license numbers as a result of their use of their license number in advertisements.

Summary of Grouped Comment 3: Burdens large firms, non-architectural firms, & multi-state practices. Commentors noted the Board licenses individual architects, not businesses, in contrast with the practice of the Contractors State License Board which licenses individuals and businesses. Commentors asserted the proposed regulation is unduly burdensome to large firms as it would mislead the public to have the name and license number of an architect with a controlling interest in the firm on the letterhead and advertisements, while that named individual may have no involvement in a client's project. Commentors noted that non-architect employees of larger firms will be required to have on their business cards the name and license number of the architect with a controlling interest in the firm, and this would only confuse the public or require explanatory footnotes. Commentors pointed out a variety of businesses other than architecture firms that employ architects, including development companies, planning and engineering firms, and designer-builder contractors. Requiring the high-end advertising materials of such firms to bear the name and license number of an individual architect was called absurd by commentors, who pointed out it is possible none of the architects employed in such firms have a controlling interest in the firm, complicating such firms' ability to comply with the proposed regulation.

Commentors pointed out that the proposed regulation is unduly burdensome on individual architects and firms that practice in multiple states and advertise in multiple states, nationally, and/or internationally. Such individuals' and firms' advertisements are meant for use in multiple jurisdictions, and commentors opined it is an unreasonable burden to require them to design advertising materials and letterhead that contains an architect's name and license number just to comply with this California regulation. At present only one other state requires an architect's name and license number on advertising materials, but if similar regulations are adopted elsewhere, commentors

asserted that individuals and firms with multi-state practices will be overburdened by having to include multiple license numbers on multi-state, national, and international advertisements.

Board Response to Grouped Comment 3:

The Board understands that it may be a challenge for large firms, non-architecture firms that employ architects, and for individuals and firms with multi-state practices to revise their advertisements to comply with the proposed regulation. However, larger firms, non-architecture firms, and individuals or firms with multi-state practices have both the creative and financial resources needed to produce compliant advertising materials. With the changes proposed in the Modified Text, these entities and individuals will have time to develop and print the compliant advertisements, business cards, and letterhead stationery. Individuals and firms that practice in multiple states already comply with the statutes and regulations of the different jurisdictions in which they practice. The Board believes that with the delayed effective date, larger firms, non-architecture firms, and individuals or firms with multi-state practices will be able to design creative and elegant solutions.

Summary of Grouped Comment 4: Burdens architects without solving problem.

Commentors assert it is the Board's job to prevent and prosecute unscrupulous people who falsely represent themselves as architects and offer architectural services. Commentors believe the proposed regulation does not deter those unlicensed individuals and instead places a significant burden on licensed architects. Commentors assert the proposed regulation transfers the Board's burden to deter unlicensed individuals from illegally presenting themselves as architects onto licensed architects, who can be cited and disciplined for failing to comply. Commentors speculate that once the proposed regulation is adopted, architects will be cited for even the smallest failure to comply.

Board Response to Grouped Comment 4:

The purpose of this regulation is to raise public awareness of the difference between unlicensed and licensed architectural services by requiring architects to display their license numbers on advertising. Learning that architects are licensed will motivate more members of the public to look up an architect's license number on the Board website, and that is a deterrent to unlicensed individuals who offer architectural services.

The enforcement unit of the Board will work with architects to educate them about the impact of the regulation and there will be sufficient time for architects to revise their advertising materials to bring them into compliance with the regulation. The Board's enforcement staff assess violations within the larger context of the Architects Practice Act. Staff considers, among other factors, the nature and severity of violations. Once the regulation becomes effective, initially architects will only receive a letter of advisement if staff determines that the sole violation of the Act was failure to provide a license number in an advertisement.

Summary of Grouped Comment 5: Unrealistically low-cost estimate. Commentors stated the estimated cost to comply with the proposed regulation is unrealistically low for every type of architect and firm. Commentors estimated that even for an individual practitioner, ordering business cards and letterhead on the internet would exceed the estimate of \$100. Commentors noted the cost of business cards and letterhead varies depending on quality and complexity and that individual architects and architectural firms use their business cards and letterhead stationery to display their design skills and have those items printed via premium methods. Commentors asserted if the proposed regulation is adopted, there will be substantially higher costs for large firms and for individuals and firms with a multi-state practice, a badly timed expense given that architects have suffered significant negative economic impacts during the worldwide pandemic.

Board Response to Grouped Comment 5:

As modified, the regulation will not become effective until July 1, of 2023, providing individuals and firms with time to comply and reducing the overall cost as business cards, letterhead stationery, and other printed materials are used up and need to be replaced. An attractive stamp with an architect's name and license number could be designed and used to bring older printed materials into compliance if they are employed after July 1, 2023. While larger firms and individuals and firms with a multi-state practice may face greater challenges to comply with the regulation, they are also better situated to absorb such costs.

Summary of Grouped Comment 6: Overbroad and unclear concerning on-line and social media. Commentors asserted the proposed regulation is too broad and is unclear as to how it applies to on-line materials and social media. What is defined by public presentment? How broad will this regulation be for advertising? Specifically, what is the scope for social media? If the regulation does apply to social media, commentors noted it will be hard for them to control online platforms as architects as individuals don't have control over online platforms.

Board Response to Grouped Comment 6:

As modified, the regulation has been narrowed to only require including an architect's license number on advertisements that offer to provide architectural services. In the on-line context, this will exclude an architect's personal on-line profile, comments not soliciting business that an architect posts to a website or chat room, sponsorship of community events, posting of the name of the architect and builder at a jobsite, and other such communications that do not constitute an advertisement offering to provide architectural services.

Architects participating on social media platforms that connect individuals so they may offer their professional services should be required to include their license number. The Board believes having licensed architects provide their license numbers on such

websites can deter unlicensed individuals from falsely presenting themselves as licensed architects on such platforms. All on-line websites and portals on which an architect has an on-line presence will need to be individually evaluated to determine if an architect having an on-line presence on such a website or web portal is advertising or offering architectural services. If a member of the public can locate an architect on a website by searching for architectural services, having an on-line presence on the website would constitute an offer to provide architectural services. The crucial consideration is whether the architect listed on that website is essentially an advertisement by which they can offer their architectural services.

Summary of Grouped Comment 7: Cheapens the profession, analogous to contractors, and will have a negative design impact. Requiring the inclusion of a license number on all presentments and advertising cheapens the overall reputation of the occupation, as architects are professionals akin to physicians and attorneys, who are not required to list their license numbers on presentments and advertising. Requiring adding a license number makes architects look like contractors, which will confuse the public. Firms that provide contracting services are separately licensed, while there is no such separate license for architectural firms. The proposed regulation's requirement to add a license number to advertisements, business cards, and letterhead stationery will negatively impact the design of those items.

Board Response to Grouped Comment 7:

The Board does not believe that providing a license number will have a negative impact on the reputation or statute of the profession. The Board does not believe inclusion of a license number on advertisements, business cards, and letterhead stationery will significantly inhibit architects from designing creative and inspiring advertisements. Designing a structure that responds to environmental, mechanical, and regulatory restraints, conditions, and specifications is at the heart of the profession. The Board is confident architects will find ways to comply with this regulation while producing creative and attractive advertisements, business cards, and letterhead stationery. Adding a license number in a readable font should not be an insurmountable challenge to licensees.

Additional Concerns Raised by Commentors:

Requiring the inclusion of a license number on presentments and advertising provides a new route for disgruntled individuals who oppose a project to make nuisance complaints. This concern is speculative, but even so, the Board believes the benefit of increasing public awareness that architects are licensed outweighs the more remote possibility of increasing nuisance complaints.

The cost of Errors & Omissions insurance for architects will rise due to these increased legal requirements, and that E&O coverage will not cover a frivolous penalty for not including a license number on all media. This concern is speculative, but even so, the Board believes the benefit of increasing public awareness that architects are licensed

outweighs the more remote possibility that this regulation will cause E&O coverage for architects to be increased.

Summary of Proposed Alternatives:

- Increase efforts to enforce existing rules instead of making new ones.
- Prepare a campaign that educates the public on the importance of using a licensed architect.
- Educate planning and building department staff on what they should look for and when licensure is required by law and encourage that staff to look up licenses to confirm the stamp number is current and linked to the person/firm listed in the title block. Develop posters and/or brochures for planning and building department counters that clarify when a licensed architect's services are required. List on the website the fines for providing unlicensed architectural services. Link the license lookup pages of the Board's website to all city and county planning and building websites with explanation why it should be used. Consider offering a bounty to planning and building staff who turn in individuals offering unlicensed architectural services
- Seek legislative change so that unlicensed individuals are not allowed to produce plans for anything other than small remodels (so that all other plans should be required to have a licensed architect's stamp).
- Seek legislative change so that Building Departments require only licensed architects and engineers to be able to prepare plans, even for single family homes.
- Work to standardize the professional designation for licensed architects to something like RA (Registered Architect) or LA (Licensed Architect), similar to the term "Dr." for doctors and "Esq." for attorneys.
- Address the loss of protection of the title of "architect" in society due to technology usurpation of the term (Software architects, enterprise architects, application architects, etc.)
- Address the projected 3% growth in the profession over the next 10 years.
- Establish a strongly suggested regional base pay for architects (standard rates similar to real estate brokers).
- Take a stand on overtime work in the workplace.
- Do not require license numbers on business cards if the business card lists a business website where the architect's license number is provided.
- Expand this regulation to require a warning be added to advertisements that the services advertised require the services of a licensed architect and the consumer should verify their professional has a valid license in good standing.

- Require a certification statement that the firm employs a licensed architect, paired with a QR code linking to the CAB website and the license search page (essentially a license indicator that better protects individual architect's privacy).
- Adopt an identifier, or firm registration, issued annually by the Board, for firms to be able to use instead of having to list the license number of specific owners or employees.
- Seek to regulate the services of firms that employ architects to provide consulting services on behalf of public and private entities that practice architecture, but do not stamp and sign construction documents. Their work is largely unregulated and the liability for those services is opaque. Expand this regulation to cover all firms that employ licensed architects to provide consulting services on design and construction delivery.
- If the regulation is promulgated, the Board should send an email notice of the new regulation requirements and the effective date to all licensees.

Board Response to Proposed Alternatives:

The Board does not find any of the proposed alternatives to be more effective to increase public awareness that architects are licensed in California than this proposal to require architects include their license numbers on any advertisements that offer to provide architecture services.

Action Requested

The Board is asked to consider the proposed Modified Text and proposed responses to the written comments and entertain a motion to approve the proposed Modified Text to amend CCR, title 16, section 135, and direct staff to take all steps necessary to complete the rulemaking process, including preparing the Modified Text for an additional 15-day comment period, and if there are no adverse comments received during that 15-day public comment period, delegate to the Executive Officer the authority to make any technical or non-substantive changes to the proposed regulations that may be required in completing the rulemaking file and adopt the proposed regulatory changes.

Attachments:

1. Transcript of February 18, 2022 public hearing.
2. Public Comments received during 45-day comment period
3. Proposed Modified Text

Transcript of Public Comments

Alicia Moniz, AIA

I would like to state for the record I'm, Alicia, I'm a licensed architect. Address is 2401 C Street Sacramento, California.

I'm opposed to the proposed regulations, the section 135 change. The information stated in the ISOR is incorrect. It states that this will help consumers to check license numbers. Consumers are already able to check with these numbers on the CAB web site.

Another statement, is that architects are not currently required to include their license numbers on communications. That is incorrect also. They are actually already required to include their license numbers on written proposals and contracts.

This proposal transfers CAB's responsibilities directly onto architects. Architects responsibilities are to practice the profession responsibly. It's CAB's responsibility to censure and monitor unlicensed individuals. This proposed regulation transfers that responsibility directly onto the architects

Another incorrect statement in the ISOR is that costs will be \$100 for each effected license. There's no substantiation of those costs. I personally believe it will be substantially more if it includes all advertisements going through all websites, job site signs, promotional materials, and so that information has not been substantiated.

No data has been provided to substantiate the consumers will be better protected by this regulation.

I'm also a member of the Central Valley American Institute of Architects, and I support all the comments that they made in their written commentary that was submitted to you on February 11th.

Janis Kent

My name is Janice Kent. I'm an architect. I've been an architect for probably at least 35 years. I find this new law, it does not protect the public in any way, shape, or form.

Currently, we are supposed to put a license number on proposals, on reports, on agreements. Now, it's not really being enforced. If we enforce with what we have, we'd be fine. The public is already protected because they can look up, on the state site to see whether an individual has a license.

The \$100 dollars for reprinting business cards is a fallacy. I looked it up, if I get mine online the card alone for reprinting will be \$175 to \$200, but then I have graphic design fees, I will have fees for my internet provider, in terms of redesigning all that kind of stuff and all the stationery.

I do not see in any way, shape, or form how this protects the public. We already have the information there for them. What would protect the public more is if people who are unlicensed, if the state goes after them. That is really protecting them. You're transferring the burden on to the architect.

The other thing is the architect is a professional, similar to an attorney similar to a doctor similar, to a CPA. They do not put their license numbers on their communication. They put it on the end products. We are not like a contractor where it is a business license, that's why they have it on all their material. We are different. We are professional, and it goes on the professional aspects of what we do.

And I think that really summarized it off. I think that the estimate of costs is way off. I'm thinking that even though I'm a sole practitioner, it could be anywhere from \$500 to a \$1000 for me to hire the consultant, to update all the information. So, I think there's a fallacy going on there too. We need to protect the public, but not from architects.

Julie Jackson

Hi. My name is Julie Jackson. I'm an architect in San Francisco.

I've been licensed since 1997 and I agree with the previous caller, all the points.

I think that what could be more helpful to protect the public is to educate the public on why architects are necessary. Or that they [public] really should be aware of the difference between licensed architects and our professional obligations, and what's obviously flooding the market, which is unlicensed professionals, doing projects that they are not qualified to do.

This is just a huge burden on architects. The, the printing cost \$100 is ridiculous and it is going after the wrong people. You're putting the obligation on architects to provide this information when consumers don't even know that this is something they can be looking for, or should be looking for.

It's very easy to check to see if somebody is licensed. Let's educate the public on how to access the website, give them more education on why architects are important. And reconsider this new rule.

Laura Knauss

I'm an architect and principal at Lionakis architects, and vice president of the Central Valley AIA.

We have provided all of our comments in writing from both our firm and the AIA Central Valley, but I do want to add something to my colleagues that spoke previously.

And that is, I think there's a, a big gap between the licensure of an individual and the application of these regulations to a firm of many individual licensed professionals, and right now looking at the regulations and suggesting that we choose one licensed architect, perhaps to equate to

the firm's licensure if you will, or ability to practice really doesn't make a lot of sense to me certainly. And to our firm. And so, I think that's another area of concern, in addition to those of my colleagues.

Jim Zach

I'm an architect in San Francisco, been practicing for about 30 years. I have a unique situation. I'm also a licensed contractor, and as many people might know, the contractors that have had this requirement to post their license number on business cards, advertising, etc.; so, I'm somewhat used to that.

I do think that the situation is completely different for architects and as the previous person just said, it's like, in my office. I'm not at a big office, but I have three other licensed architects, and it is my firm so it's kind of clear that we would use my license. But really we're not licensing firms, we're licensing people and, it doesn't seem really appropriate.

And I do think this expense issue is, you know, it's a big deal. It's like, we have signs, we have job site signs, we have websites, we have posts on social media, and where exactly when we would need to use their licensing information seems a bit unclear.

And it just puts the architect into a position of having to be concerned about whether they're following the rules correctly or not. And it just seems a bit laborious. Julie Jackson had mentioned that it's pretty easy to find out if someone's licensed.

And it just seems that there's other ways that the public can be protected and, putting the onus on the architects to do this. So, I'm adamantly against this, this proposal.

Jacqueline Whitlam

My name's Jackie Whitlam. I've been a licensed architect since 1981, and I was a California Board of Architectural Examiners commissioner years ago.

I spent my career committed to the protection of the health, safety, and welfare of the public. I oppose this reg, because it's not needed and will not better protect the public.

The public, as many have said, can already use the Board's website to find out if someone's a licensed architect in good standing. And architects are already required to provide their license numbers on written proposals and contracts.

And, ironically, I'm concerned that requiring us to widely and public circulate our license numbers in the real and virtual world will make it easier for unlicensed individuals to misappropriate and misuse them.

The ISOR states the reg will benefit architects, because it will help distinguish us from unlicensed individuals on the Internet.

But as noted in your meeting minutes, this assumes architects will be better able than the Board to get Internet platforms to include our license numbers

on their sites. This is a faulty assumption and it's I think it's a poorly conceived transfer of the Board responsibility.

We protect the public by designing structures that are safe, accessible and energy conscious. It's what we're trained and qualify to do. It's your responsibility to protect the public by regulating entities that market architectural services to consumers.

Please, let us do our work and come up with other ways to do yours, using your resources to better educate consumers on the role and value of architects as the previous speaker said in his one thought. Joining maybe with other entities to advocate for legislation, regulating the Internet, and I know that's a big job. Thank you for holding this public here.

Cary Berstein

All the previous comments are absolutely valid. I have no need to repeat them.

There are times when there's a conflict between CCR 134 and the Architects Practice Act.

And I think, CAB could go a long way in cleaning up discrepancies between who calls themselves an architect and, in their firm, naming as well, as, in their personal representation.

Currently CAB permits, a non-licensed individual to call themselves an architect through their firm name. So, for example, Mary Jones and unlicensed person may name her firm, Mary Jones architect, according to CAB. So long as Mary Jones has an employee named Tom Smith who's a licensed architect who's going to sign and stamp for the drawings. It's also illegal for a licensed architect to sign and stamp the drawings for somebody else, but this is currently a permitted situation.

I can't think of anything more confusing to the public than asking the public to sort out whether Mary Jones architect is different entity than Mary Jones, the person. These are sort of legal loopholes that could clearly be closed, which would help prevent public confusion and I think CAB how could go a long way in helping to make this really, really clear, very straightforward, you can't use the the word architect in your firm name unless you are licensed architect. I realize that overlaps with other governmental authorities. But, this is the way it is and it's just messy.

So just by removing that little loophole, it could go a long way and who can call themselves or name their firms architect, and cause public confusion.

From: [Jerome Scott](#)
To: [Janis Kent](#); [McDaniel, Kimberly@DCA](#)
Cc: CAB-LICENSEE@subscribe.dcalists.ca.gov; [Mark Christian](#); [AIA-LB/SB](#)
Subject: RE: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising
Date: Friday, January 21, 2022 12:43:09 PM
Attachments: [image003.png](#)
[image004.png](#)

[EXTERNAL]: Jerome.Scott@acmartin.com

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I agree with Ms. Kent 100% on this issue. To be an Architect is to be a licensed professional not a licensed tradesperson.

Thank you.

JEROME SCOTT AIA, CSI, ICC, LEED AP, NCARB
SR ASSOCIATE | DIRECTOR OF CONSTRUCTION ADMINISTRATION
D 213 614 6088

ACMARTIN

From: Janis Kent [mailto:janisk@steppingthruaccessibility.com]
Sent: Friday, January 21, 2022 12:34 PM
To: Kimberly.mcdaniel@dca.ca.gov
Cc: CAB-LICENSEE@subscribe.dcalists.ca.gov; Mark Christian <mchristian@aicalifornia.org>; AIA-LB/SB <kristine@aialb-sb.org>
Subject: Re: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising

Kim McDaniel-

I am writing concerning this new proposed rule making, #135 of requiring licensed architects to place their license number on business cards, stationary, websites, phone listings, etc.

Quite. frankly I do not know how adding this piece of information helps protect the public, but it does make it an undue burden on architects. We already place our license number on proposals, legal agreements, and officially issued reports - does that protect the public? It should, but if it does not, then placing it on other pieces of paper is not furthering the effort. Architects are a profession such as doctors and lawyers. I looked at all of the business cards I have from my doctors and lawyers who I work with - no one has their license number on their card.

Building contractors are different since they are a trade, and they do have the requirement for when they provide bids and costs. BUT, architects are more appropriately placed in the

category of doctors and lawyers - the classic professions rather than the construction trades. I would think that is more than enough. I have concern with this on many levels.

1. Identity theft - placing a number so publicly where anyone can grab it without repercussions - it is one thing to provide it to our clients and potential clients but to place it in such a public manner is irresponsible in my opinion and does not afford more protection to the public
2. If the public is savy enough, they can look up on the licensing board if their consultant is registered and the same is there for contractors - there is already protection in place without placing more burden on architects
3. Placing a number on a business card, website stationary has nothing to do with protecting the public - in fact it is adding more cost to reprint cards and stationary in a time period where there is already a loss of jobs

In my opinion, this is an unnecessary requirement and adds more burden on the architect. If anything, effort should be placed on those who are working in an unlicensed fashion and **using the name architect or architectural** in a non-compliant manner, whether in print or on the internet, would add more protection. I do not see where this current proposed rulemaking benefits the public since they already have the benefit to be able to look up to see if someone is licensed or not and if they are hiring non-licensed people it is because they do not care and are willing to take the risk OR they do not know about nuances of licensing. This proposed rule making would have no further impact on the public.

And as an additional note - increasing the amount for a violation of mis-selling oneself as an architect or providing 'architectural services' would have more of an affect for prevention. An amount of \$750, \$1,000, or \$250 minimum depending on the type of violation, is hardly a penalty for stopping mis-use - I spend more on professional liability insurance a year than these penalties.

It is my opinion that a public hearing should be scheduled rather than just pushing this thru. The vast majority of architects I have spoken to are not aware of this revision to the law that affects us, just as they are not aware of the proposed revised Learning Unit requirements in disabled access as proposed in Section 165.

Janis Kent FAIA, CASp, Architect

Certified Access Specialist

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On Jan 3, 2022, at 2:22 PM, California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV> wrote:

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this Notice.

Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed under “Contact Person” in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

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From: brwtwo@aol.com
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Fwd: Proposed Regulatory Action Extension
Date: Thursday, January 6, 2022 4:02:58 PM

[EXTERNAL]: brwtwo@aol.com

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-----Original Message-----

From: brwtwo@aol.com <brwtwo@aol.com>
To: noreply@DCA.CA.GOV
Sent: Thu, Jan 6, 2022 3:17 pm
Subject: Re: Proposed Regulatory Action Extension

Hello,

I tried to contact you twice today to resolve this matter. You have contacted the wrong email address.

Besides, this is a generic

email it is not addressing me by my name. I will consider this email as a scam.

If you want to call me back at 951 214-3103

I will be available to speak with you to resolve this matter. If I do not hear (by voice communication) from you and if you keep emailing me before we talk I will consider your emails as junk mail.

Your email did state: "If you have any questions, please contact Ms. McDaniel."

Regards,

[Sent from the all new AOL app for Android](#)

On Tue, Jan 4, 2022 at 3:43 PM, California Architects Board
<00000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV> wrote:

You are receiving this email because you have subscribed to CAB's lists. This is a follow-up to the email sent yesterday and extends the public comment period for the proposed regulation concerning Public Presentment and Advertising.

GENERAL PUBLIC INTEREST

NOTICE OF EXTENSION OF WRITTEN COMMENT PERIOD

CALIFORNIA ARCHITECTS BOARD

On December 31, 2021, the California Architects Board published a Notice of Proposed Rulemaking concerning Public Presentment and Advertising. (California Regulatory Notice Register 2021, No. 53-

Z, December 31, 2021, p. 1769.)

The original written comment period deadline for this action was February 15, 2022. The Board is now extending the written comment deadline to February 18, 2022.

Please submit all written comments to:

Kim McDaniel, Regulations Manager
California Architects Board
2420 Del Paso Rd. #105
Sacramento, California 95834
Telephone: (916) 575-7220
Email: kimberly.mcdaniel@dca.ca.gov

If you have any questions, please contact Ms. McDaniel.

Any comments previously submitted remain in the rulemaking file and will be responded to by the Board's staff as part of the Final Statement of Reasons. All written comments received by the new end date listed above that pertain to these modifications will be reviewed and responded to by the Board's staff as part of the compilation of the rulemaking file.

To unsubscribe from this email list please click on the link below and follow the instructions on the web page.

<https://www.cab.ca.gov/webapps/subscribe.php>

From: allan.nichol
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Solution looking for a problem
Date: Thursday, January 6, 2022 5:58:49 PM

[EXTERNAL]: allannichol4@gmail.com

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Hello Kimberly,

I think the board needs to demonstrate the need for such an action.

Allan Nichol Architect C10249 renews January 31, 2023

From: [Barton Anderson](#)
To: [McDaniel, Kimberly@DCA](#)
Cc: [Wade Frazier](#); [Kirstyn Bonneau](#)
Subject: RE: Proposed Regulatory Action
Date: Friday, February 4, 2022 10:44:58 AM
Attachments: [PBWS Architects Letter Regarding CAB California Regulatory Notice Register 2021, No. 53-Z 211231.pdf](#)

[EXTERNAL]: barton@pbws.com

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.....
Ms. McDaniel,

I have attached a letter I would like submitted as part of the Public Comments related to the proposed regulatory action described in your e-mail message below. The letter will not be mailed (sent via e-mail only).

Thank you.

Barton Anderson, NCARB, LEED® AP
Partner

PBWS | Architects
100 W Villa Street, Suite 101
Pasadena, California 91103

626 432 5000 Ext 102
barton@PBWS.com

California License C-27286
Idaho License 985527
Oregon License 5924

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board
Sent: Monday, January 3, 2022 2:23 PM
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§ 135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

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Contact Person

Kimberly McDaniel, Regulations Manager

2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmnmA2Y0nlWzEjg&m=o3xYhS2gnXrBzFkEkXE9OS6DNBQjbyq8boAtJC1I94tn5Wc3wA_Yy1YL6Z_ev-mr&s=qppjnD8Hyog9_UjTPa2NBPWV9EitpxqpPwvcXIF-5U&e=

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January 5, 2022

Ms. Kim McDaniel, Regulations Manager
California Architects Board
2420 Del Paso Road, #105
Sacramento, California 95834

via email only: Kimberly.McDaniel@dca.ca.gov

RE: California Architects Board
Proposed Rulemaking regarding Public Presentment and Advertising
California Regulatory Notice Register 2021, No. 53-Z

Dear Ms. McDaniel,

We are writing in support of the effort by the California Architects Board to protect the general public through the proposed rule regarding Public Presentment and Advertising of licensed architects and firms who employ licensed architects.

All of the partners/owners of PBWS Architects are California licensed architects.

During the time we have been California licensed architects, we have become aware of multiple instances where non-licensed persons/firms offered services to the public which would have required licensure. This representation has typically included wording that implies licensure without actually stating that the person or firm was capable of providing the services under the active supervision of a licensed architect. The effect of the wording seemed to be a willful attempt to create the impression of a capability that did not exist.

The Board's proposed rule is a simple return to an older policy, albeit a less onerous one, that requires any person or firm representing themselves to be capable of providing architectural services to demonstrate that capability by placing a license number on all communications to the public. This is not an undue imposition upon any person or firm.

Having said that, it might be appropriate for the Board to create a means by which architectural firms could create a single identifier (a firm registration), issued on an annual basis by the Board, without requiring that the firm list the name or names of specific licensed owners or employees.

While the proposed rule is a common sense improvement to the current situation, we don't think it goes far enough to protect the public. There are a significant number of firms both registered in California, and from outside California, that employ licensed architects to provide consulting services on behalf of public and private entities. These firms and the architects they employ are very much involved in the practice of architecture, even though they may not stamp and sign construction documents. They advise their clients and manage the design and construction process just as any single architect or multi-architect practice does. Their services directly impact the health, welfare, and safety of the public through their influence on the planning, design, and construction of buildings in the State of California.. However, at present, these services are largely unregulated and the liability for these services is opaque. Extending the proposed rule to include

Ms. Kim McDaniel, Regulations Manager
California Architects Board
January 05, 2022
Page 2

all firms that employ licensed architects providing consulting services related to design and construction delivery would expand the public protection beyond the current proposal.

We commend the Board to taking this action and for resisting pressure from those who prefer the existing ambiguity to remain.

Sincerely,

The Partners of PBWS Architects



Barton Anderson, RA, NCARB, LEED
California Licensed Architect C-27286
Idaho Licensed Architect AR-985527
Oregon Licensed Architect No. 5924



Wade Frazier, RA, CSI, LEED
California Licensed Architect C-24336



Kirstyn Bonneau, AIA, LEED
California Licensed Architect C-36535

CC: File

From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: ["billiskamm@aol.com"](mailto:billiskamm@aol.com)
Subject: RE: Question
Date: Monday, February 7, 2022 6:45:00 PM

This is a general public notification of a proposed regulation and is an opportunity for you to provide input.

From: billiskamm@aol.com <billiskamm@aol.com>
Sent: Tuesday, January 4, 2022 6:32 AM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Question

[EXTERNAL]: billiskamm@aol.com

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Hi Kimberly

Is this a general notice?
or, does it concern me specifically?

Please clarify.
Many thanks,
Bill

Bill Liskamm, FAIA
415 246 7350 mobile
billiskamm.net

From: [Brad Hammerstrom](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Comment on Proposed Regulatory Action
Date: Tuesday, January 4, 2022 11:20:30 AM

[EXTERNAL]: bhammerstrom@gmail.com

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Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

I am opposed to proposed Section 135 of Article 5 of Division 2 of Title 16.

The problem attempting to be solved, in part, is the restriction of online advertising by unlicensed individuals or firms. This is already unlawful, and it seems the proposal is attempting to shift the burden of enforcement to licensees.

The other problem the proposal seems to address is the potential client's assumed difficulty in verifying the license status of an architect. This is laughable. The name of an architect seeking a client is in no way a secret. Firms nearly universally have websites that list names of employees. The CAB license lookup is very simple to use, even if only a last name is known. The prospective client's ability to look up licensees is a non-problem.

Further, this proposal is California-centric and is blind to the case where an architect is licensed in numerous states. For an architect registered, practicing and offering services through multi-state presentments, this is at best burdensome if not plainly impossible to comply with.

Case in point: I am registered in 5 states. The firm I am employed with is listed in many local, state, regional, and national publications and third party websites. It is impossible to know exactly in which state a particular presentment is distributed, forwarded or viewed; or to control whether or not the names and license numbers are properly listed in every case.

Our firm's letterhead is a special problem given our multi-state registration. Our firm would be required to include the California Registration numbers on our letterhead sent to our non-California clients; or we would be forced to utilize different letterheads for each state.

Further, the stated estimated cost to a firm of \$100 to update printed and online materials is unrealistic and does not account for potential on-going daily administration tasks.

In the interest of Public Safety, the law is strict and clear regarding non-registered individuals using any form of the word Architect...as it should be. However, the proposed Section 135 of Article 5, Division 2 of Title 16 is an unnecessary regulation that promises to punish otherwise law-abiding Licensed Architects!

I hope the Board can see the lack of need and the impracticality of this proposed change, and abandons it.

Respectfully,

Bradley C. Hamerstrom AIA NCARB

CA #C-28387

From: [Brent Kelley](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Proposed Regulatory Action
Date: Tuesday, January 4, 2022 6:51:14 PM
Attachments: [Proposed Regulatory Action Extension.msg](#)

[EXTERNAL]: brent.kelley@corgan.com

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I am not for this change. It seems the State is requiring additional requirements of those who follow the rules instead of prosecuting those who do not. Why should I as an architect have to bear the burden of this proposed regulation?

BRENT KELLEY, AIA, LEED AP, DBIA
Aviation Sector Leader, Managing Principal
Corgan

D — 310 873 3602 M — 214 684 1946
5800 Bristol Parkway, Suite 640, Culver City, California 90230

From: [Brooks Dunn](#)
To: [McDaniel, Kimberly@DCA](#)
Cc: [Ahmed, Idris@DCA](#)
Subject: Comment regarding CCR Section 135 Architectural Advertising Public Presentments and Advertising Requirements
Date: Thursday, February 3, 2022 11:30:50 AM

[EXTERNAL]: brooks@dunnarchitecture.com

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Kimberly & Idris:

I'd like to see some clarification regarding social media in the proposed rule change. Specifically, I'd like to know that I will meet the requirement of the new rule if I include my license number in my profile description [ie. the profile page of LinkedIn, the header description on twitter, or in the about section of our page on Facebook etc]. The fact is, I don't control how many characters of my screen name that will display [especially on a phone] and in most contexts, the text in the avatar that accompanies the screen name is too small to read.

Thanks
Brooks Dunn
AIA | LEED AP BD+C

dunnarchitecture.com

From: [Carole Bookless](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Re: New Architecture regulations
Date: Tuesday, January 4, 2022 2:06:28 PM

[EXTERNAL]: carobo@rocketmail.com

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Thanks but you misread my email. CCR 135 was the only regulation that had a working link. All the other new proposed regulations do not have working links. Please send those links. Thank you.

On Jan 4, 2022, at 8:40 AM, McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov> wrote:

Good morning,

Thank you for your feedback.

Please try this link for the CCR 135 text:

https://www.cab.ca.gov/docs/regulation_changes/2021-22/ccr_135_prl.pdf

Kim McDaniel, Administration Analyst
California Architects Board
2420 Del Paso Rd. Ste. 105
Sacramento, CA 95834-9673
(916) 575-7221
Kimberly.Mcdaniel@dca.ca.gov

From: Carole Bookless <carobo@rocketmail.com>
Sent: Monday, January 3, 2022 6:07 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: New Architecture regulations

[EXTERNAL]: carobo@rocketmail.com

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Dear Ms. McDaniel,

Can you please send me the wording of all the new regulations? When I click on the link to any of the regulations except CCR Section 135, the text sends me to another link, that sends me to another link, etc and the text of the regulation can't be found.

I would also like to draw your attention to the fact that the reasoning behind CCR Section 135 is stated as making it easier to find out if an architect is licensed. This is simply not true. Adding a person's license number to their name is not necessary to find licensing. The search engine provides licensure verification with just a name. My concern is that adding the number might give a false sense of security because a disreputable person might still use a valid number under a false name that might be similar to a valid name. For instance, misspelling my name in the search engine still gives my credentials with or without the number listed. I would posit that requiring exact spelling in the search engine would do more than this regulation. I don't have the answer to making things safer. Being out of state I really worry about the chance of someone using my license illegally. However, I don't think this requirement helps in any way and simply adds to chances of accidentally missing a regulation, adding to your workload and ours.

If it is necessary to have a hearing in order to provide feedback on this regulation, then I request a hearing, otherwise please accept this as my feedback on CCR Section 135. I can't provide feedback on the other sections because I can't find the text.

Thank you for your work on this,

Carole Bookless

From: McDaniel_Kimberly@DCA
To: Daniel_Dascanio / Architect
Subject: RE: Proposed Regulatory Action Extension ~ Dascanio
Date: Monday, February 7, 2022 5:40:00 PM
Attachments: [image001.png](#)

Per your request, this is the email that was sent out the day before.

Thank you,

Kim

[EXTERNAL]: owner-cab-legislation@SUBSCRIBE.DCALISTS.CA.GOV

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DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

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Comment Period

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Regulation.shtml&d=DwlFaQ&c=LHlWblRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmnpA2Y0nlWzEjg&m=NxNv42HD2Q8C7hyRaG04YUgnF1o8VaECfViPrWvhU550zGcVXyWg0pg1InFntuq_&s=zPizUwvtl3ce7zAeyl8oHuFNpd-RyhhQRISVM7K7l0k&e=

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From: Daniel Dascanio / Architect <Daniel@DDArchitect.net>
Sent: Wednesday, January 5, 2022 11:03 AM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Re: Proposed Regulatory Action Extension ~ Dascanio

[EXTERNAL]: daniel@ddarchitect.net

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DO NOT: click links or open attachments unless you know the content is safe.
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Hi Kimberly, I did not receive the e-mail yesterday.
Can you send it to me?

Thank You
Daniel Dascanio



17460 Drake Street Yorba Linda CA 92886
714 996-9900 Studio 714 990-6006 Mobile

On 1/4/2022 3:42 PM, California Architects Board wrote:

You are receiving this email because you have subscribed to CAB's lists. This is a follow-up to ***the email sent yesterday*** and extends the public comment period for the proposed regulation concerning Public Presentment and Advertising.

GENERAL PUBLIC INTEREST

NOTICE OF EXTENSION OF WRITTEN COMMENT PERIOD

CALIFORNIA ARCHITECTS BOARD

On December 31, 2021, the California Architects Board published a Notice of Proposed Rulemaking concerning Public Presentment and Advertising. (California Regulatory Notice Register 2021, No. 53-Z, December 31, 2021, p. 1769.) The original written comment period deadline for this action was February 15, 2022. The Board is now extending the written comment deadline to February 18, 2022.

Please submit all written comments to:

Kim McDaniel, Regulations Manager
California Architects Board
2420 Del Paso Rd. #105
Sacramento, California 95834
Telephone: (916) 575-7220
Email: kimberly.mcdaniel@dca.ca.gov

If you have any questions, please contact Ms. McDaniel.

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To unsubscribe from this email list please click on the link below and follow the instructions on the web page.

<https://www.cab.ca.gov/webapps/subscribe.php>

From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: [Eric Elerath](mailto:Eric_Elerath)
Subject: RE: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations
Date: Monday, February 7, 2022 8:38:00 AM
Attachments: [Notice of Hearing CCR 135 FINAL.pdf](#)

The Board is in receipt of your comments. The Notice of Hearing is attached.

From: Eric Elerath <eelerath@verizon.net>
Sent: Friday, February 4, 2022 1:44 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Fwd: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations

[EXTERNAL]: eelerath@verizon.net

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Ms. McDaniel

I am interested in addressing the CAB with a statement and argument at this meeting. The attached email states,

To participate in the WebEx Events public hearing, please see the attachment for log on instructions.

This email had no attachments. My questions are:

- 1.) What is the procedure for attending the meeting and what hardware / software is required?
- 2.) How much time will each speaker be allotted?
- 3.) What criteria will be applied, and which person will assume responsibility for removing people from the meeting for making statements that are politically incorrect?

Thank you.

Eric Elerath

Begin forwarded message:

From: California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV>

Subject: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations

Date: February 3, 2022 at 10:01:26 AM PST

To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV

Reply-To: noreply@DCA.CA.GOV

The California Architects Board (Board) will hold a public hearing on the proposed regulatory action to adopt section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR) on February 18, 2022, starting at 3:00 p.m. Any interested person may present statements or arguments orally during the public hearing to be held by teleconference with no physical public locations. The Board will hold this public hearing via WebEx Events. To participate in the WebEx Events public hearing, please see the attachment for log on instructions.

To unsubscribe from this email list please click on the link below and follow the instructions on the web page.

<https://www.cab.ca.gov/webapps/subscribe.php>

From: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
To: [Ernie Gorrill](mailto:Ernie.Gorrill)
Subject: RE: Proposed Regulatory Action
Date: Monday, February 7, 2022 6:27:00 PM

Please try this link.
https://www.cab.ca.gov/news/laws/proposed_regulation.shtml#proposed

-----Original Message-----

From: Ernie Gorrill <egorrill@sdkatelier.com>
Sent: Tuesday, January 4, 2022 2:13 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Re: Proposed Regulatory Action

[EXTERNAL]: egorrill@sdkatelier.com

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.....

Hello Kimberly,

As a practicing California Architect I am anxious to stay informed, the notice sent to inform architect is in. a format my MAC computer is unable to open.

Can you please resend it in another format.

Thank you.

Ernie Gorrill, NCARB
ARCHITECT, PRINCIPAL
<https://urldefense.proofpoint.com/v2/url?u=http-3A__sdkatelier.com_&d=DwIFAg&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmmnA2Y0nlWzEjg&m=q085q21EpMHBn12tRYnTF5faiNeoHOoF-mPURbIrXsFPxiy7ch6rpcHjErdAfgi3&s=o2Hvg63DfyqPZYCIoe70SqVdkOok3CD1Z6FGcRIBFoY&e=> 9100>
Irvine Center Drive, Irvine, CA 92618
T: 949 585 9167 #202 W: SDKatelier.com

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On 1/3/22, 2:22 PM, "California Architects Board Licensee Related Bulletins on behalf of California Architects

Board"

<CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV on behalf of 000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV> wrote:

>Kimberly.mcdaniel@dca.ca.gov

From: [Fiona O'Neill](mailto:Fiona.O'Neill)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Comment on regulation change to CCR Section 135
Date: Tuesday, January 4, 2022 6:55:47 PM

[EXTERNAL]: fionaone@mcn.org

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Kimberly McDaniel
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Sent via email to: Kimberly.McDaniel@dca.ca.gov

4 January 2022

Dear Kimberly McDaniel:

I am principal of a small architecture firm in Northern California. I'm not opposed to the proposed regulation change for section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations. However I find the stated rationale rather puzzling, since a consumer can already search the Consumer Affairs Systems database without a license number. Additionally, the compliance costs to businesses could greatly exceed the stated \$100 maximum. Careful redesign of an extensive suite of promotional business material could be involved. This could entail graphic design work, revised web site design as well as re-printing costs and redistribution costs. If the requirements can be implemented over an extended time period, this would ease the burden for small businesses. Thank you for taking my comments into consideration.

Sincerely, Fiona E. O'Neill

Fiona E. O'Neill
a r c h i t e c t
The Sea Ranch, CA
707-785-0040
www.fionaoneillarchitect.com

From: [Fred Pollack](#)
To: [McDaniel, Kimberly@DCA](#); [Ahmed, Idris@DCA](#)
Subject: re: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations
Date: Thursday, February 3, 2022 3:32:54 PM

[EXTERNAL]: fred@vmwp.com

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Dear Ms. McDaniel,

I am writing in response to the proposed rulemaking action on Public Presentments and Advertising Requirements.

I do not support the new proposed regulation change for three primary reasons.

1. The rule change appears vague, what are public presentments? Is this letterhead, envelopes, business cards, posters that may be used in project meetings that may be open to the public, city council presentations, design review boards? How broad is the rule? Is it in effect every time we write 'architects' in marketing collateral or work product? How does this further protect the public?
2. How broad is the problem of false advertising/mis-representation and how far will this proposed solution go in solving that problem? It indeeds reads like a solution in search of a problem or at best an overly broad regulation that will have little to no effect on the problem.
3. The cost for conversion is not negligible. For larger offices, reprinting collateral, cards, letterhead, envelopes, brochures, posters and signage is significantly more expensive than \$100. It is important that if this rule change is adopted a window of compliance is included to allow firms time to cycle through collateral and make the required changes.

In Summary

This regulation would have minor consequences for a sole practitioner, but for a larger office the vagueness of the rules and the degree of public collateral that is produced in Design Guidelines, Urban Design Plans, community meetings, online communications, advertising, RFP responses, business licenses and registrations, organizational memberships and presentations create a much deeper burden. This coupled with many firms having multi state practices further complicates the "presentments" requirement. I recently received a correspondence from my doctor signed 'MD' from a large medical institution, no license number included. Is this a requirement that a license number is associated with all other "presentments" produced by the licensed professionals that DCA regulates? This seems like just one more burden for architects.

Lastly if the problem is mainly miscommunication between upset homeowners and people that may have presented themselves as 'architectural designers' this will do nothing to reconcile

that issue.

Please consider this rule change carefully,

Fred Pollack
Partner, Architect
fred@vmwp.com

Van Meter Williams Pollack LLP
ARCHITECTURE | URBAN DESIGN
San Francisco | Denver | Minneapolis
333 Bryant St. Suite 300
San Francisco, CA 94107
T 415.974.5352 x 202
C 415.515.5457



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From: **California Architects Board** <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov>

Date: Thu, Feb 3, 2022 at 10:18 AM

Subject: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations

To: <CAB-LICENSEE@subscribe.dcalists.ca.gov>

The California Architects Board (Board) will hold a public hearing on the proposed regulatory action to adopt section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR) on February 18, 2022, starting at 3:00 p.m. Any interested person may present statements or arguments orally during the public hearing to be held by teleconference with no physical public locations. The Board will hold this public hearing via WebEx Events. To participate in the WebEx Events public hearing, please see the attachment for log on instructions.

To unsubscribe from this email list please click on the link below and follow the instructions on the web page.

<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Gregory De Peña](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Cc: [Ahmed, Idris@DCA](mailto:Ahmed_Idris@DCA)
Subject: Adoption of section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations
Date: Thursday, February 3, 2022 2:51:40 PM

[EXTERNAL]: gregory@designopera.com

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Hi Kimberly,

I oppose the this new rule as I feel that only linseed architects will be impacted, creating additional rules that we need to follow.

I would encourage the board to seek to establish more regulations that would require the Building Departments to require only license architects or engineers to prepare plans, even for single family homes. The Board can also prepare a campaign to educate the public in the importance of a license architect. And also work on give us standard rates similar to that of real estate brokers.

Best,

-Gregory

Gregory De Peña, AIA, NCARB
Principal Architect

<http://www.designopera.com>

Design OPERA, Inc.
8322 Beverly Blvd., Suite 303-C
Los Angeles, CA 90048

Tel. 310.990.5534

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From: [Hayes Shair](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: PUBLIC COMMENT: ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS
Date: Thursday, January 6, 2022 8:00:46 AM

[EXTERNAL]: hshair@gmail.com

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Hello California Architects Board,

My name is Hayes Shair (#36549), a practicing architect licensed in the State of California and registered in the State of New York. I have been practicing for about 15 years primarily in the residential sector (both single-family and multi-family), and am the sole practitioner of my firm. Prior to the pandemic, I served for two years as a Subject Matter Expert, developing content for the Supplemental Exam.

I am writing this email to express my **opposition** to the proposed legislative change as it is currently written.

My concern stems from the potential for fraudulent use of my license number and name, if it were to be featured in a public advertisement format. While the information is available online, it requires several steps in order to access the information. (There is a difference between knowing a specific name, and looking it up for verification; versus having that name and number printed on a magazine or posted on a website in the age of cyber security concerns).

For my practice, the licensure information is only given out to those clients who have been vetted, and with whom we have a contracted, business relationship. This isn't given out (unless specifically requested and after careful deliberation) during inquiries, RFPs, or screening interviews. This is a business in which fees are low as compared to the degree of liability assumed and smaller practitioners are disproportionately affected.

I would caution that the benefits of this requirement might outweigh its unintended consequences. For instance, the number of fraudulent license usage cases may rise. If one intentional benefit is to allow licensed architects to differentiate themselves from unlicensed "designers", this change would make it much easier for those "designers" to appropriate a licensed architect's identity without their knowledge.

I would be in favor of some type of license indicator that better respects privacy. For example, one option is to require a "certification statement" that the firm employs a licensed architect, paired with a QR code that links to a CAB website outlining a client's rights and the licensure search page.

Thank you for taking these concerns into consideration.

Best wishes,

Hayes Shair,
Architect

(pronouns: he/him/his)

--

Hayes Shair

(pronouns: he/him/his)

From: CAB@DCA
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Cc: [Ahmed, Idris@DCA](mailto:Ahmed_Idris@DCA)
Subject: FW: CCR 135
Date: Friday, February 4, 2022 3:33:36 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Please see comment below.

Coleen Galvan
Communications Analyst
Administration



2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 619-3325 (916) 575-7283 Fax cab.ca.gov



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From: heidi liebesarchitects.com <heidi@liebesarchitects.com>
Sent: Friday, February 4, 2022 2:37 PM
To: CAB@DCA <CAB@dca.ca.gov>
Subject: CCR 135

[EXTERNAL]: heidi@liebesarchitects.com

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Hello,

I have some objections to your proposed legislation. I appreciate the objective of cracking down on unlicensed individuals who claim to be architects. But please don't put that responsibility on already licensed architects.

Below are some issues that would greatly affect my life:

1. The proposed legislation completely underestimated the costs to firms for reprinting cards, website and social media pages, etc.
2. How would CAB regulate social media posts? Does every Instagram post have to have "#C-license number" on it? As you might imagine, a lot of self-promotion happens through social media. Similarly, CAB has no way to manage a third party's promotion of one's work so bad actors can get others to do the promotion as a workaround.
3. The proposed legislation is putting the burden on compliant individuals rather than on non-compliant individuals. There are potentially hefty fines awaiting architects who make a misstep. If one receives a citation it stays on your permanent record. This can have negative implications for obtaining work.
4. It is very easy to find out if someone is licensed - it's very easy to do and takes less than a minute.
5. We think there are many, many other things that CAB can do instead which will help rectify the problems of unlicensed individuals before putting a huge burden - and professional risk - on architects.

Thank you,

Heidi Liebes
LiebesArchitects.com

From: [Jackie Whitelam](mailto:JackieWhitelam@gmail.com)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Fwd: CAB proposed action re Public Presentments and Advertising Requirements
Date: Friday, January 7, 2022 11:11:30 AM

[EXTERNAL]: jackiewhitelam@gmail.com

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From: Jackie Whitelam <jackiewhitelam@gmail.com>

Date: Fri, Jan 7, 2022 at 11:03 AM

Subject: CAB proposed action re Public Presentments and Advertising Requirements

To: <Kimberly.McDaniel@dca.gov>, <Idris.Ahmed@dca.ca.gov>

Cc: AIA Central Valley <kanderson@aiacv.org>

Good Day. I am writing to you as the Chair of the AIA Central Valley Chapter Civic Engagement Team regarding the proposed regulation requiring architects to include their name and license number in all forms of advertisement, solicitation, or other presentments made to the public. A member of our chapter has asked our board to request a public hearing on this matter and I've been tasked with putting a recommendation for the board's consideration at its upcoming January 13th meeting.

In preparing this recommendation, I've gone on the CAB website and thus far have reviewed the Initial Statement of Reasons and the minutes of the CAB meetings at which this proposed regulation was developed. In this review, I note it's stated that an e-mail survey of all licensees was taken in November 2019 and that an overwhelming number of respondents expressed their support of this proposed regulation. I'm not disputing that this was done, but neither I or any of the chapter members I've spoken to thus far can recall receiving this survey. Can you provide me more specifics? Perhaps a copy of the survey, the date it was emailed out and the source of the email addresses used to distribute it?

Your timely assistance on this matter would be appreciated.

From: [Janis Kent](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Cc: CAB-LICENSEE@subscribe.dcalists.ca.gov; [Mark Christian](#); [AIA-LB/SB](#)
Subject: Re: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising
Date: Friday, January 21, 2022 12:34:50 PM

[EXTERNAL]: janisk@steppingthruaccessibility.com

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Kim McDaniel-

I am writing concerning this new proposed rule making, #135 of requiring licensed architects to place their license number on business cards, stationary, websites, phone listings, etc.

Quite. frankly I do not know how adding this piece of information helps protect the public, but it does make it an undue burden on architects. We already place our license number on proposals, legal agreements, and officially issued reports - does that protect the public? It should, but if it does not, then placing it on other pieces of paper is not furthering the effort. Architects are a profession such as doctors and lawyers. I looked at all of the business cards I have from my doctors and lawyers who I work with - no one has their license number on their card.

Building contractors are different since they are a trade, and they do have the requirement for when they provide bids and costs. BUT, architects are more appropriately placed in the category of doctors and lawyers - the classic professions rather than the construction trades. I would think that is more than enough. I have concern with this on many levels.

1. Identity theft - placing a number so publicly where anyone can grab it without repercussions - it is one thing to provide it to our clients and potential clients but to place it in such a public manner is irresponsible in my opinion and does not afford more protection to the public
2. If the public is savy enough, they can look up on the licensing board if their consultant is registered and the same is there for contractors - there is already protection in place without placing more burden on architects
3. Placing a number on a business card, website stationary has nothing to do with protecting the public - in fact it is adding more cost to reprint cards and stationary in a time period where there is already a loss of jobs

In my opinion, this is an unnecessary requirement and adds more burden on the architect. If anything, effort should be placed on those who are working in an unlicensed fashion and **using the name architect or architectural** in a non-compliant manner, whether in print or on the internet, would add more protection. I do not see where this current proposed rulemaking benefits the public since they already have the benefit to be able to look up to see if someone is licensed or not and if they are hiring non-licensed people it is because they do not care and

are willing to take the risk OR they do not know about nuances of licensing. This proposed rule making would have no further impact on the public.

And as an additional note - increasing the amount for a violation of mis-selling oneself as an architect or providing 'architectural services' would have more of an affect for prevention. An amount of \$750, \$1,000, or \$250 minimum depending on the type of violation, is hardly a penalty for stopping mis-use - I spend more on professional liability insurance a year than these penalties.

It is my opinion that a public hearing should be scheduled rather than just pushing this thru. The vast majority of architects I have spoken to are not aware of this revision to the law that affects us, just as they are not aware of the proposed revised Learning Unit requirements in disabled access as proposed in Section 165.

Janis Kent FAIA, CAsp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

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On Jan 3, 2022, at 2:22 PM, California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV> wrote:

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this Notice.

Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed

under “Contact Person” in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person
Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: [Janis Kent](mailto:Janis_Kent)
Subject: RE: Proposed Regulatory Action for CCR Section 165
Date: Monday, February 7, 2022 12:03:00 PM

Thank you for your email. Please see responses in blue below.

From: Janis Kent <janisk@steppingthruaccessibility.com>
Sent: Monday, February 7, 2022 10:16 AM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Fwd: Proposed Regulatory Action for CCR Section 165
Importance: High

[EXTERNAL]: janisk@steppingthruaccessibility.com

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Ms McDaniel-

I sent comments on CCR 165 and have not seen anything on a hearing for it. Did you receive my comments?

Yes.

I also sent comments on CCR 135 where I did receive a response.

Did you get the attached email and is there a hearing for 165?

Government Code (Gov Code) section 11346.45(a)(17) states that a request for a public hearing, if one is not scheduled, must be made no later than 15 prior to the close of the written comment period. As no timely request for a hearing was received, the Board will not be holding a public hearing on the proposed rulemaking. Thank you for your inquiry.

Janis Kent FAIA, CASp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

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Begin forwarded message:

From: Janis Kent <janisk@steppingthruaccessibility.com>
Subject: Re: Proposed Regulatory Action for CCR Section 165
Date: January 5, 2022 at 2:34:57 PM PST

To: Kimberly.mcdaniel@dca.ca.gov

Cc: AIA-LB/SB <kristine@aialb-sb.org>, Ida Clair <ida.clair@dgs.ca.gov>

Ms McDaniel-

I am having trouble with some of these new regulatory requirements the state is proposing for architects.

- I am an AIA CES provider. The latest standards for continuing education under AIA is dated October 15, 2018. On pre-recorded on-demand webinars there is a requirement for a self-assessment quiz with a pass rate of **70%**, not 80% - so somewhere, someone has gotten their information incorrect. This makes it very difficult for architects having 2 standards for continuing education.

- Also, another important point is that a self-assessment quiz is not required for live seminars, whether in-person or live zoom seminars. **It is only required for recorded or self-reading type.** I have no idea how I would give a quiz to a live audience, let alone take the time for grading it.

- Also, under AIA, the provider is allowed 10 days to issue certificates, not 5 days as this law is suggesting - it places an undue burden on the provider.

Another issue that this new proposed law is not addressing, is that the self-assessment quiz takes up time and AIA has a complex formula to determine how much time one gets credit for taking it. The AIA also provides credit for someone who creates these seminars since they take quite a bit of time to create as well as maintain the knowledge - this is not so relevant to me personally since I accrue many hours of learning on the topic. But many places I learn do NOT have quizzes such as - live online webinars that the Federal Access Board hosts, or the ADA Symposium, or a multitude of other learning venues I glean my information from.

I have attached 2 pages from the CES provider Handbook for your review. If you wish the full handbook, I would be happy to share and forward on my copy. It shows the 70% pass rate for recorded on-demand webinars only.

Below are some other issues that in my opinion, should be considered

A. Another aspect is that there are Accessibility laws and regulations, but there are concepts above and beyond this which is important for architects and designers to know/understand/be familiar with. This includes - Aging In Place, Universal Design, Deaf Space Design, and other design considerations for the diverse community of people with disabilities that go over and beyond just regulations

B. I would say that the list of provider types should be expanded to include Attorneys who specialize in Access as well as others who specialize in specific types of support for the disabled community which can include IT people who specialize in accessible websites, or those who understand the needs of the deaf or HOH community, or those who specialize in the autistic/on-the-spectrum community, or those that specialize in

people who are blind or low vision. I could go on with this, but these are people I learn from and are not on your list. Quite frankly, someone who works at a building department or is a CASp or has an ICC certification does not necessarily have the knowledge to teach architects on these subjects and I would be leery of someone who does not have a professional license or a speciality as I listed above teaching this.

And on another note entirely, having architects take a test on this does not make them more or less qualified - it is just another burdensome step. In my work I would find it much more helpful if contractors, interior designers, landscape architects, signage companies, facility people, and project managers also have an awareness of Access and what it entails. Architects are no longer the 'ring-leaders' of a project - it is a whole family of players and to place the burden on architects is not realistic or appropriate. Expanding the knowledge requirements to the other groups implementing buildings and construction would protect the public more than having architects do another layer of requirements.

I would be happy to discuss any of the above with you. But I would say that if the above-mentioned points are not seriously addressed, then we do need a hearing on this. It should not go forward as a revision to the law as currently written.

Janis Kent FAIA, CASp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

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S9-02. Review questions and other content reinforcement tools

Review questions must be placed at the end of each logical unit throughout the program in sufficient intervals to allow the learner the opportunity to evaluate material that needs to be restudied. Review questions are to help learners determine their understanding of content presented and any need for additional review. Review questions are not summative assessments to determine whether a learner has successfully completed a learning activity. Learners should be able to repeat activity units as needed for additional reinforcement and review.

S9-03. Evaluative and reinforcement feedback on review questions

Evaluative feedback for each incorrect review question response must explain specifically why each response is wrong, and reinforcement feedback must be provided for correct responses. Simulations and other innovative tools that guide learners through structured decisions may provide feedback at irregular intervals or at the end of the learning experience. "True or false" questions, or review questions that do not meet the evaluative and reinforcement feedback requirements, are discouraged as review questions. There is no minimum passing rate required for review questions.

S9-04. Summative assessment requirement

On-demand e-learning programs must require learners to successfully complete a summative assessment (separate from review questions) during or after the program with a cumulative minimum passing grade of at least 70 percent before issuing LUs for successful completion of the program. The summative assessment grade may be reported with the attendance record.

S9-05. Based on materials developed for instructional use

Instructional materials for on-demand e-learning include teaching materials that are written for instructional purposes. These materials must demonstrate the expertise of the author(s). At a minimum, instructional materials should include the following items:

- An overview of topics
- Review questions with feedback
- Summative assessment

Standard 10. On-demand print/other learning activities

On-demand print/other programs must use instructional methods that clearly define learning objectives, guide the participant through a program of learning, and provide evidence of a learner's satisfactory completion of the program.

S10-01. Learner guidance

On-demand print/other learning programs must elicit learner responses to test for understanding of the material. Print/other materials must be well-structured with a logical method of progression through the materials.

S10-02. Summative assessment requirement

On-demand print/other programs must require learners to successfully complete a summative assessment during or after the program with a cumulative minimum passing grade of at least 70 percent before issuing LU credit for successful completion of the program. The summative assessment grade may be reported with the attendance record.

Standard 13. Summative assessments

All on-demand learning programs (including blended learning programs categorized as on-demand) require a summative assessment. Live (and blended-learning activities categorized as live) may incorporate summative assessments at the discretion of the provider.

S13-01. Summative assessment requirements

On-demand programs must require learners to successfully complete a summative assessment during or after the program with a cumulative minimum passing grade of at least 70 percent (100 percent for Nano learning programs) before issuing LUs for successful completion of the course. Assessments may contain questions of varying format (for example, multiple choice, essay, and simulations). Summative assessment questions should focus on measuring the outcomes as outlined in the course learning objectives. "True or false" questions are not allowed in the summative assessment.

For the first full Learning Unit (LU) of a program (not including any LU credit based on the number of summative assessment questions), a minimum of 10 assessment questions and scored responses are required. After the first LU and the minimum of 10 questions and scored responses, additional summative assessment questions and scored responses are required based on the additional LUs of the instructional program (not including LUs awarded based on question count) as follows:

Additional credit:	Additional questions/ scored
0.25	1
0.5	2
0.75	3
Next full credit	4

Three (3) assessment questions and scored responses are required for on-demand Nano learning programs.

Assessment items must be written to test the achievement of the stated learning objectives of the learning program.

S13-02. Summative assessment feedback

Providing feedback on the summative assessment is at the discretion of the AIA CEs Provider but is encouraged.

If the AIA CEs Provider chooses to provide feedback, feedback must comply with the feedback for review questions, as described in S9-03, or take the form of identifying correct and incorrect answers.

S13-03. Summative assessment retakes

Learners who fail to meet the minimum passing grade for a summative assessment must be provided the opportunity to retake the assessment. Learners must be permitted to retake assessments for at least 30 days after a failed attempt or until the learning program approval expiration (whichever is earlier).

On Jan 3, 2022, at 2:22 PM, California Architects Board
00000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV
 wrote:

DEPARTMENT OF CONSUMER AFFAIRS
 TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
 SECTION 135 OF ARTICLE 5 OF DIVISION 2
 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
 §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is

proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Jeff Stowell](#)
To: McDaniel, Kimberly@DCA
Subject: Proposed Title 16, CCR section 135 adoption
Date: Tuesday, January 4, 2022 5:19:19 PM

[EXTERNAL]: JStowell@silvastowell.com

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Hi Kimberly,

Happy New Year!

I just wanted to voice my support of your proposed adoption of CCR section 135.

- Jeff

Jeff Stowell AIA | **LEED AP**
Silva Stowell Architects, LLP
915 Broadway, Suite 100, Sacramento, CA 95818
mobile | 916.834.9609

Silva Stowell Architects is committed to supporting our clients and project teams during the COVID-19 pandemic.
Stay well.

From: [Jerome Scott](#)
To: [Janis Kent](#); [McDaniel, Kimberly@DCA](#)
Cc: CAB-LICENSEE@subscribe.dcalists.ca.gov; [Mark Christian](#); [AIA-LB/SB](#)
Subject: RE: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising
Date: Friday, January 21, 2022 12:48:17 PM
Attachments: [image002.png](#)
[image003.png](#)

[EXTERNAL]: Jerome.Scott@acmartin.com

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Re-sent with my company logo removed (ironically) because it is a jpg not text and the DCA website rejected it.

I agree with Ms. Kent 100% on this issue. To be an Architect is to be a licensed professional not a licensed tradesperson.

Thank you.

JEROME SCOTT AIA, CSI, ICC, LEED AP, NCARB
SR ASSOCIATE | DIRECTOR OF CONSTRUCTION ADMINISTRATION
D 213 614 6088

From: Jerome Scott
Sent: Friday, January 21, 2022 12:43 PM
To: Janis Kent <janisk@steppingthruaccessibility.com>; Kimberly.mcdaniel@dca.ca.gov
Cc: CAB-LICENSEE@subscribe.dcalists.ca.gov; Mark Christian <mchristian@aicalifornia.org>; AIA-LB/SB <kristine@aialb-sb.org>
Subject: RE: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising

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SR ASSOCIATE | DIRECTOR OF CONSTRUCTION ADMINISTRATION
D 213 614 6088

From: Janis Kent [<mailto:janisk@steppingthruaccessibility.com>]

Sent: Friday, January 21, 2022 12:34 PM

To: Kimberly.mcdaniel@dca.ca.gov

Cc: CAB-LICENSEE@subscribe.dcalists.ca.gov; Mark Christian <mchristian@aicalifornia.org>; AIA-LB/SB <kristine@aialb-sb.org>

Subject: Re: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising

Kim McDaniel-

I am writing concerning this new proposed rule making, #135 of requiring licensed architects to place their license number on business cards, stationary, websites, phone listings, etc.

Quite. frankly I do not know how adding this piece of information helps protect the public, but it does make it an undue burden on architects. We already place our license number on proposals, legal agreements, and officially issued reports - does that protect the public? It should, but if it does not, then placing it on other pieces of paper is not furthering the effort. Architects are a profession such as doctors and lawyers. I looked at all of the business cards I have from my doctors and lawyers who I work with - no one has their license number on their card.

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1. Identity theft - placing a number so publicly where anyone can grab it without repercussions - it is one thing to provide it to our clients and potential clients but to place it in such a public manner is irresponsible in my opinion and does not afford more protection to the public
2. If the public is savy enough, they can look up on the licensing board if their consultant is registered and the same is there for contractors - there is already protection in place without placing more burden on architects
3. Placing a number on a business card, website stationary has nothing to do with protecting the public - in fact it is adding more cost to reprint cards and stationary in a time period where there is already a loss of jobs

In my opinion, this is an unnecessary requirement and adds more burden on the architect. If anything, effort should be placed on those who are working in an unlicensed fashion and **using the name architect or architectural** in a non-compliant manner, whether in print or on the internet, would add more protection. I do not see where this current proposed rulemaking benefits the public since they already have the benefit to be able to look up to see if someone is licensed or not and if they are hiring non-licensed people it is because they do not care and are willing to take the risk OR they do not know about nuances of licensing. This proposed rule making would have no further impact on the public.

And as an additional note - increasing the amount for a violation of mis-selling oneself as an architect or providing 'architectural services' would have more of an affect for prevention. An amount of \$750, \$1,000, or \$250 minimum depending on the type of violation, is hardly a penalty for stopping mis-use - I spend more on professional liability insurance a year than these penalties.

It is my opinion that a public hearing should be scheduled rather than just pushing this thru. The vast majority of architects I have spoken to are not aware of this revision to the law that affects us, just as they are not aware of the proposed revised Learning Unit requirements in disabled access as proposed in Section 165.

Janis Kent FAIA, CAsp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

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On Jan 3, 2022, at 2:22 PM, California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV> wrote:

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105

Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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From: [Jerome Scott](mailto:Jerome.Scott@acmartin.com)
To: McDaniel_Kimberly@DCA
Cc: CAB-LICENSEE@subscribe.dcalists.ca.gov; [Mark Christian](mailto:Mark.Christian@AIA-LB/SB); AIA-LB/SB; [Janis Kent](mailto:Janis.Kent)
Subject: RE: Notice of Proposed Rulemaking #135 concerning Public Presentment and Advertising
Date: Friday, January 21, 2022 1:02:56 PM

[EXTERNAL]: Jerome.Scott@acmartin.com

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D 213 614 6088

From: Jerome Scott
Sent: Friday, January 21, 2022 12:43 PM
To: Janis Kent <<mailto:janisk@steppingthruaccessibility.com>>; <mailto:Kimberly.mcdaniel@dca.ca.gov>
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From: Janis Kent [<mailto:janisk@steppingthruaccessibility.com>]
Sent: Friday, January 21, 2022 12:34 PM
To: <mailto:Kimberly.mcdaniel@dca.ca.gov>
Cc: <mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov>; Mark Christian <<mailto:mchristian@aiacalifornia.org>>; AIA-LB/SB <<mailto:kristine@aialb-sb.org>>
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phone - 562-426-9363

web site - https://urldefense.proofpoint.com/v2/url?u=https-3A__nam12.safelinks.protection.outlook.com_-3Furl-3Dhttp-253A-252F-252Fwww.steppingthruaccessibility.com-252F-26data-3D04-257C01-257Cjerome.scott-2540acmartin.com-257C5e4b6fd1b71d4c5b9aa808d9dd1d762f-257Ccbf9b6b1cfc44b97858e8f7570c4c25e-257C0-257C0-257C637783940879787480-257CUnknown-257CTWFpbGZsb3d8eyJWljoic4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6ki1haWwiLCJXVCi6Mn0-253D-257C3000-26sdata-3DXET2M4f5E50aUjKM-252B6WP7f4Fx696-252Bcrqo0fY9X-252BxTlw-253D-26reserved-3D0&d=DwIFAw&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmnmA2Y0nlWzEjg&m=ao3g9DP_zp3AkHkjaqhKsrhlyAajRap02KglcfoEWgquzy0MsWvLPxiBCPHAYpla&s=peVcbfuMQfPKReE_Yg7y1TnW5GVor582mubJqT0rJo&e=email - <mailto:janisk@steppingthruaccessibility.com>

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<mailto:Kimberly.mcdaniel@dca.ca.gov>

Website: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIFAw&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCskG3tVh26-ckmnmA2Y0nlWzEjg&m=ao3g9DP_zp3AkHkjaqhKsrhlyAajRap02KglcfoEWgquzy0MsWvLPxiBCPHAYpla&s=SC0clzk1QCJkYaurUqZ7TEliYrWmbqRcd5e4gdYvgoo&e=

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From: [Jim Rappoport](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: The proposed advertising rule
Date: Wednesday, January 5, 2022 7:35:19 AM

[EXTERNAL]: jamesr@daroffdesign.com

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What is being proposed is what is in force in other states where I am licensed and is in my opinion fair, reasonable and appropriate in the public interest and in the best interests of the profession
James Rappoport, AIA - NCARB

James Rappoport, AIA, NCARB
Vice President

DAROFFDESIGN

DAROFFDESIGN INC.+DDI ARCHITECTS, PC

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Philadelphia, PA 19103

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From: [John Helm](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: legislation
Date: Wednesday, January 5, 2022 3:19:22 AM

[EXTERNAL]: jhelm@hm-architects.com

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Re: the proposed legislation

I agree that the requirement for listing the architects license might be beneficial to the consumer if they actually knew the law, but we must assume that they don't. So if someone is advertising architectural services without a license listed the consumer doesn't know the difference. I don't see a benefit to the architect. It is already illegal to advertise or even use the word architect by unlicensed persons so how does this stop them from doing it. It is just another burden on the architect.

I have seen architectural services being advertised on the internet by people I know are not licensed and this legislation according to what I have read on your notices is unable to do anything to stop that.

Why not make a greater effort to enforce the rules already in existence instead of making new ones that don't change anything.

Regards, *John*
John Helm Architect
C7574

HELM & MELACINI ARCHITECTS
California Tel 760 436 2402
Italy Tel 0437 930 642
Email jhelm@hm-architects.com

From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: jose_adrianzen@yahoo.com
Cc: [Jose Adrianzen](mailto:Jose_Adrianzen)
Subject: RE: Proposed Board Action email response
Date: Monday, February 7, 2022 8:51:00 AM
Attachments: [Notice of Hearing CCR 135 FINAL.pdf](#)

The Board is in receipt of your email. The Notice of Hearing is attached.

From: jose_adrianzen@yahoo.com <jose_adrianzen@yahoo.com>
Sent: Monday, February 7, 2022 8:04 AM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Cc: Jose Adrianzen <jose_adrianzen01@hotmail.com>
Subject: Proposed Board Action email response

[EXTERNAL]: jose_adrianzen@yahoo.com

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Dear K. McDaniel:

In response to an email from 1-3-22 Hereby I am responding requesting additional information regarding such notice.

Please respond to my new email:

Thank You,
Jose A Adrianzen-Vasquez
C25674

From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: [Katherine Austin](mailto:Katherine.Austin)
Subject: RE: Cab rules change email
Date: Monday, February 7, 2022 6:17:00 PM

https://www.cab.ca.gov/news/laws/proposed_regulation.shtml#proposed

From: Katherine Austin <kaustin@pacbell.net>
Sent: Tuesday, January 4, 2022 11:36 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Cab rules change email

[EXTERNAL]: kaustin@pacbell.net

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Hello Ms McDaniel I received an email today that referenced an earlier email from yesterday which I never received.. Can you provide a link to the rules change that's been referenced and once I read it I'll see if I have any comments. Or can you direct me to a website where I can review this proposed change, I would appreciate it thank you very much.

Katherine Austin
C22389

[Sent from AT&T Yahoo Mail on Android](#)

From: [Lila Cohen](#)
To: McDaniel_Kimberly@DCA
Subject: Re: Proposed Regulatory Action
Date: Sunday, January 9, 2022 9:06:18 PM

[EXTERNAL]: lilacohen@rocketmail.com

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Hi Kimberly,

I received the email below and I'm not sure I understand what it's announcing. Can you please help clarify?

best,

Lila

On Monday, January 3, 2022, 02:24:38 PM PST, California Architects Board <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov> wrote:

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Martin Roy Mervel](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Presentment and regulations
Date: Friday, January 7, 2022 7:10:14 AM

[EXTERNAL]: mervel@studioslab.com

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Good morning Ms. McDaniel,

Kindly give me a call regarding the February extension of time to brief me succinctly on the issues of your committee.

My partner usually briefs me on these types of administrative issues but he is in India supervising our Costa Rica team, and I do not want to interrupt his workload.

I can be reached during most business hours directly at 310 279 3393.

Thank you, kindly,

Martin Roy Mervel AIA

STUDIO D + R | RESYST HOME

[1431 Ewing Street, Los Angeles, CA 90026](#)

C [+1 310 279 3393](tel:+13102793393) | www.houzz.com/projects/users/studioslab | www.resysthome.com

From: [moshe.sahfray](mailto:moshe.sahfray@caab.ca.gov)
To: [moshe.sahfray](mailto:moshe.sahfray@caab.ca.gov)
Subject: RE: Proposed Regulatory Action Extension
Date: Monday, January 3, 2022 11:08 AM

The requested information may be found here:
<https://www.caab.ca.gov/faq-frequently-asked-questions.html#faq000001>

From: Moshe Sahfray <moshe.sahfray@caab.ca.gov>
Sent: Tuesday, January 4, 2022 11:42 AM
To: 'CAB-SCIENCEE@SUBSCRIBE.DCAUSTS.CA.GOV'; McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Re: Proposed Regulatory Action Extension

[EXTERNAL] moshe.sahfray@caab.ca.gov

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Please send me a copy of the proposed rule-making.
Thanks
Moshe Sahfray, Architect

From: California Architects Board License Related Bulletin - CAB-SCIENCEE@SUBSCRIBE.DCAUSTS.CA.GOV on behalf of California Architects Board <00000000@SUBSCRIBE.DCAUSTS.CA.GOV>
Sent: Tuesday, January 4, 2022 3:42 PM
To: CAB-SCIENCEE@SUBSCRIBE.DCAUSTS.CA.GOV <CAB-SCIENCEE@SUBSCRIBE.DCAUSTS.CA.GOV>
Subject: Proposed Regulatory Action Extension

You are receiving this email because you have subscribed to CAB's lists. This is a follow-up to the email sent yesterday and extends the public comment period for the proposed regulation concerning Public Presentation and Advertising.

GENERAL PUBLIC INTEREST

NOTICE OF EXTENSION OF WRITTEN COMMENT PERIOD

CALIFORNIA ARCHITECTS BOARD

On December 31, 2021, the California Architects Board published a Notice of Proposed Rulemaking concerning Public Presentation and Advertising. (California Regulatory Notice Register 2021, No. 53-2, December 31, 2021, p. 1769)
The original written comment period deadline for this action was February 15, 2022. The Board is now extending the written comment deadline to February 18, 2022.

Please submit all written comments to:

Kim McDaniel, Regulations Manager
California Architects Board
2420 Del Paso Rd. #105
Sacramento, California 95834
Telephone: (916) 576-7220
Email: kim.mcdaniel@dca.ca.gov

If you have any questions, please contact Ms. McDaniel.

Any comments previously submitted remain in the rulemaking file and will be responded to by the Board's staff as part of the Final Statement of Reasons. All written comments received by the new end date listed above that pertain to these modifications will be reviewed and responded to by the Board's staff as part of the compilation of the rulemaking file.

To unsubscribe from this email list please click on the link below and follow the instructions on the web page:

<https://www.caab.ca.gov/faq-frequently-asked-questions.html#faq000001>
<https://www.caab.ca.gov/faq-frequently-asked-questions.html#faq000001>

From: [PC Wong](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: New E-mail address
Date: Thursday, January 20, 2022 2:17:31 PM

[EXTERNAL]: pcwongarchitect@gmail.com

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Hello, Kimberly,

Please note my new E-mail address as follows:

PuiCheungWong1967@gmail.com

Thank you for your attention.

Sincerely,
Pui Cheung Wong
P.C.Wong

From: [PC Wong](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations
Date: Monday, February 7, 2022 11:34:14 AM

[EXTERNAL]: pcwongarchitect@gmail.com

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To: Kimberly McDaniel

Followings are information/comments concerning rulemaking action for the Public Hearing on Feb. 18, 2022. (Notice of Proposed Regulatory Action concerning: #135 Architectural Advertising and Public Presentiments)

1) I am 80 years old and have retired from architectural practice for many years. The Firm I worked for over 30 years, Bocook Architect in Palo Alto, is no longer in business. It was a small office consisted of one principal, his wife and three core long term staffs. Bill Bocook and two staffs have passed away few years ago and the Firm closed.

2) Last August before my license (#C-15374) expired, I tried to apply for Retired Architect License. I was advised that " The Board is not accepting retired license at this timeDuring the period, we are advising licensees who wished to retired that they should allow their licenses to expire, and then apply for the retired license once it is again available....." (From E-mail by Brain, Eisley@dca.ca.gov on Jul 22, 2021) I am still waiting for Architectural Board direction/recommendation.

3) AIA has granted me the Emeritus status and waived the Annual Fee. So, I am still am a member and receive news and journal regularly.

4) I have changed to a new E-mail address as follows -
PuiCheungWong1967@gmail.com

I hope this is helpful. Please let me know if you need any more information.

Thank you for your attention to this matter.

Sincerely,
Pui Cheung Wong

From: [Robert Sawyer](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Response to Proposals
Date: Saturday, January 15, 2022 3:16:52 PM

[EXTERNAL]: rsarch@gmail.com

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Dear Kimberly,

I'd like to add comments about the proposed regulation regarding advertising for architects, if I may, and continuing education. Of course, these are just my opinions.

CCR Section 135

First, let me say that architects are far fewer than General Contractors. We are a diverse group of professionals who I believe are held to a higher standard of care. The fiduciary responsibility we share with clients is a privilege which I feel that we are bound to by the practice itself.

I believe that as a result, architects do not necessarily have the fraudulent tendencies, or accusations thereof, on the scale that may occur in the building trades. In the trades, public display of licensure tends to identify and minimize a larger group of people who are more likely to be capable of falling under the need for disciplinary action, as opposed to architects who have a deeper interest and connection to the work.

In following the disciplinary actions of the board over the years, I believe that the number of incidents of fraud is far fewer in architecture than other fields, and certainly scaled down drastically by the limited number of licensees compared to construction, for example. I believe that advertising license numbers of professionals may actually increase fraud by allowing unlicensed persons that might not otherwise know a license number to copy it and use it on a greater basis. My hope is to minimize the exposure of licensees to the broader public and potential misdeeds.

CCR Section 165

While I have your ear, I would like to throw my two cents in regarding ADA and the requirement to hold licensees accountable to it year after year. I believe that the ADA code is well established now, well enforced, and practically everyone professes to be an expert at it. There are numerous handbooks on the subject, and the internet is one google away from the "ADA restroom" standard, as well as many other ADA and related standards.

While I believe that ADA is very important, and part of it should be continued, I think it minimizes our vision to make it the sole preoccupation of the profession. I believe that we should ask licensees to study a variety of subjects to renew their licenses. ADA should be one I agree, however we should be asking for Energy Compliance, Title 24, Code best practices, etc. That list goes on and on! Please revise the continuing education requirement to be more than one entirely singular focus.

Hope I didn't bore you to terribly and thank you for the opportunity to provide feedback.

Sincerely,

Robert B. Sawyer, Architect AIA
Owner

RSAC

Robert Sawyer Architect

www.rsarch.org

Los Angeles 2020 Award

Presidential Gold Medal of Lifetime Achievement Award 2017

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8116 Gonzaga Avenue

Los Angeles, CA 90045

(310) 822-7137 o.

(310) 699-8723 c.

rsarch2@gmail.com

ARCHITECTURAL BUSINESS MAGAZINE

Editor-In-Chief

www.arcbiz.org

HOUZZ

<http://rsarch2.houzz.com>

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From: [Steve Martinez](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Request for information
Date: Tuesday, January 4, 2022 3:52:00 PM

[EXTERNAL]: sm@martinezdzn.com

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.....

Ms. McDaniel:

I left a message on your voicemail, could please call my mobile number (714) 393.7363 at your earliest convenience to discuss the information you are looking to address.

Thank you,

Steve Martinez, AIA, Principal
Martinez Design Group, Inc

From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: Susan Moe
Cc: Janis Kent
Subject: RE: Proposed Rulemaking CCR Section 165
Date: Monday, February 7, 2022 8:31:00 AM
Attachments: [Notice of Hearing CCR 135 FINAL.pdf](#)

The Board is in receipt of your comments. The Notice of Hearing is attached.

From: Susan Moe <susan@smoearchitect.com>
Sent: Friday, February 4, 2022 2:56 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Cc: Janis Kent <janisk@steppingthruaccessibility.com>
Subject: Proposed Rulemaking CCR Section 165

[EXTERNAL]: susan@smoearchitect.com

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Good afternoon Kimberly,

I submitted comments before the closing date of Monday, December 27, 2021.

My concerns are as follows.

1. The US Access Board, the federal agency that promulgates the Architectural Barriers Act, also provides training on the ABA and the 2010 ADA Standards for Accessible Design. These sessions are offered free of charge. The live webinars do not require that participants complete a quiz to receive a certificate of attendance. The sessions are interactive, and participants can submit questions via the chat room during the session. Typically attendees can submit questions before the webinars as well. When renewing an architect's license, viewing these sessions and receiving a certificate met the requirement for accessibility CEUs. If these regulations are adopted, I understand that participating in these webinars could not be used for license renewal since a quiz is not required to receive a certificate of attendance.
2. The webinars are recorded for later viewing. However, a certificate is not available for those who view the session later. A few of the recorded sessions do include quizzes to receive a certificate of attendance; however, they are limited in number. How does CAB intend to confirm that the quiz provided by the Access Board requires an 80% pass rate?

3. In the Statement of Reasons for this rulemaking change, there is a link under Section 165, subdivision (j) to the American Institute of Architects website for the CES Programs Provider Manual Policies and Resources. In my discussion with AIA staff at the continuing education provider resource unit, they said that the referenced document was replaced in 2018 and is no longer valid. In the "Standards for Continuing Education Programs," there is no requirement for a quiz with an 80% pass rate for in-person training or live webinars. There is a requirement for engaging during the session with participants; however, that could be by polling or allowing attendees to ask questions during the session. The adoption of these regulations would not allow a certificate of attendance in an AIA-approved course that is a webinar unless a quiz is offered with an 80% pass rate. Am I correct in that understanding of the regulation?

I can understand the requirement for completing a quiz to receive a certificate for an on-demand session but not in-person training or webinars. Persons attending the US Access Boards' monthly webinars could no longer use a certificate of attendance for license renewal which is unfortunate and doesn't make good use of such a valuable resource.

I sent an email to Jesse Bruinsma but have not received a response. I know it's well past the date to submit public comments but I ask for a public hearing on this rulemaking proposal.

Best regards,

Susan R. Moe, AIA - CASp

Access Compliance Consulting

2700 D Street

Sacramento, CA 95816

email: susan@smoearchitect.com

website: www.consultforaccess.com

cell: 916-833-6479

From: [TC](#)
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV; McDaniel.Kimberly@DCA
Subject: RE: Proposed Regulatory Action
Date: Tuesday, January 4, 2022 1:06:08 AM

[EXTERNAL]: tc@anet.net

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From Tim Clark: Architect Licensee C30889.

Please note three things:

- 1) Please send the briefest of notes our to all Licensees summarising exactly what you are trying to do, namely, "without prejudice to the actual wording of the proposed new legislation, it aims to ensure that Architects who are licensed in this state should always include their license number when referring to themselves as an architect. Details of the actual proposed regulatory actions and wording can be viewed here: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml." The reason I am mentioning this is that people need to know in shorthand what you have in mind otherwise it looks as if you are trying to hide something, even though you are obviously not trying to hide anything. The web link is very important because it give full details of the actual legislation but your short message should at least introduce what it is about or, I suggest, you will receive requests for a Public Hearing from people who cannot immediately understand what this is about.
- 2) The legislation should refer to any situation in which the licensed architect is referring to themselves as an architect either directly or by implication. It is not enough just to make this apply to advertising or self-presentation. Some self-promotions are deliberately subliminal and these can be at least as successful in winning work for unlicensed individuals who imply they are qualified.
- 3) I support the intention of this change and will recommend that our board in the UK should follow a similar path.

Good luck with the process, I hope the above saves you a lot of needless enquiries or requests and wish you all the very best for 2022.

Kindest regards, TC.

TIM CLARK, [RIBA Councillor for Europe](#).

Chartered Architect; President Emeritus RIBA-USA, M.ASCE (Transportation and Development); MCI Arb; FRAS; Hon.FICWCI;

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Farnham [Recrafting Farnham](#)

-----Original Message-----

From: California Architects Board Licensee Related Bulletins [mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV] On Behalf Of California Architects Board

Sent: Monday, January 3, 2022 23:23

To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV

Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135
OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834

Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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From: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
To: [Teresa Quincey](mailto:Teresa.Quincey)
Subject: RE: Proposed Regulatory Action
Date: Tuesday, January 4, 2022 10:54:00 AM

Good morning Teresa Quincey,

This email is notification that the Board is proposing a regulation and provides an opportunity for your input.

Thank you,

Kim McDaniel, Administration Analyst
California Architects Board
2420 Del Paso Rd. Ste. 105
Sacramento, CA 95834-9673
(916) 575-7221
Kimberly.Mcdaniel@dca.ca.gov

From: Teresa Quincey <t.quincey@cdeinc.org>
Sent: Tuesday, January 4, 2022 8:02 AM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Proposed Regulatory Action

[EXTERNAL]: t.quincey@cdeinc.org

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Hello Ms. McDaniel,

I received an email from your office on Monday Jan 3 entitled:

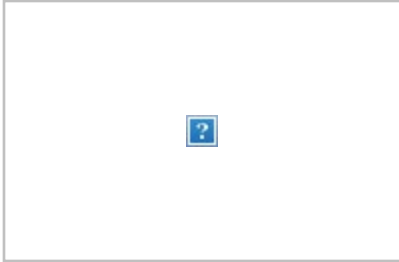
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF
DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:§135 ARCHITECTURAL
ADVERTISING AND PUBLIC PRESENTMENTS

Is this in regards to myself? I do not understand what is being proposed and if I have some sort of charge against myself. My California license number is C22344, it is up-to-date and all my fees have been paid as far as I am aware. Please advise. I am best reached by this email address or the mobile phone number listed below.

Thank you for your assistance,

Teresa P. Quincey, NCARB
Senior Architect



- 618 E. Route 66, Flagstaff, AZ 86001
- 📞M: 901-359-3525; 📞W: 928-522-9287

From: CAB@DCA
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: FW: Proposed Regulatory Action
Date: Tuesday, January 4, 2022 7:31:06 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Tried to help this gentlemen, but not understanding his question.

Coleen Galvan
Communications Analyst
Administration



2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7205 (916) 575-7283 Fax cab.ca.gov



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From: Tony Garcia, AIA <tony@asquaredstudios.com>
Sent: Monday, January 3, 2022 4:33 PM
To: CAB@DCA <CAB@dca.ca.gov>
Subject: Re: Proposed Regulatory Action

[EXTERNAL]: tony@asquaredstudios.com

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Hi Coleen,

I understand the legislation but I don't understand what the allegation is in the email. Can you please clarify?

Thank you

Tony Garcia, AIA

Asquared Studios

7851 University Ave #207
La Mesa, CA 91942



asquaredstudios.com

On Jan 3, 2022, at 4:29 PM, CAB@DCA <CAB@dca.ca.gov> wrote:

Thank you for your concern. This is valid board correspondence and you can read more about this [proposed legislation](#) on our website.

Please let me know if have any additional questions or need clarification.

Respectfully,

Coleen Galvan

Communications Analyst
Administration

<image001.png>

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

(916) 575-7205 (916) 575-7283 Fax cab.ca.gov

<image002.png> <image003.png> <image004.png>

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From: Tony Garcia, AIA <tony@asquaredstudios.com>

Sent: Monday, January 3, 2022 3:26 PM

To: CAB@DCA <CAB@dca.ca.gov>

Subject: Fwd: Proposed Regulatory Action

[EXTERNAL]: tony@asquaredstudios.com

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Hello,

I received what I believe to be a suspicious email which I have forwarded below. Can you please verify if this is a real email and if so offer more detail. Otherwise, I wanted to make you aware of a possible phishing threat that is using your department information.

I highly suggest you avoid any of the links below as I have.

Thank you
Tony Garcia, AIA

Asquared Studios
7851 University Ave #207
La Mesa, CA 91942

<image005.jpg>

asquaredstudios.com

Begin forwarded message:

From: California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV>

Subject: Proposed Regulatory Action

Date: January 3, 2022 at 2:22:49 PM PST

To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV

Reply-To: noreply@DCA.CA.GOV

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Tony Pings](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Section 135 Architectural Advertising
Date: Thursday, January 6, 2022 3:27:33 PM

[EXTERNAL]: bev@pings.com

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I am writing in regard to the pending changes required for architectural advertising. As currently stated, the implementation of this change will not serve the interests of the public in fostering architectural practice accountability, and will in fact mislead the public.

As written, this section mimics the contractors requirements. In the case of a contractor, a firm or corporation is the licensed entity, with responsible parties being a part of the firm or corporation. In this case providing the firm's contracting number is helpful for the public to know and to verify a firm is qualified to engage in work.

As currently defined, an architectural firm or corporation regardless of size, cannot engage in the practice of architecture, only an individually licensed architect can. In this, within a firm, multiple architects will be engaging in the practice of architecture without regard to the firm or corporation name or structure.

The current proposed language attempts to provide public accountability for an architectural firm when the firm is not licensed to practice architecture. The current language gives parameters in who's individual license will be used in the firm's advertising.

This is very misleading to the public. It implies the firm has a greater level responsibility than the individual architect. It would imply, as it is in a construction contractor, that the firm has met some standard to practice architecture above and outside of the individual's license number listed. This would lead to a serious public misunderstanding on the quality and qualifications of the firm. It would also deflect accountability from other architects who are the responsible parties on projects. Using one architect's license to represent the larger spectrum of architects practices as the architect of record, serves to mask and confuse the public's understanding of our practice accountability system.

If architectural firms are not separately licensed to practice architecture, a 'license' number associated with the firm will mislead and confuse the public. To adopt this change is counterproductive to improving the understanding and accountability of the practice of architecture.

Yet our current system is not effective in helping the public understand the accountability system inherent in the practice of architecture. As it stands today, the only place the project's responsible

person is identified is by which licensed person signs individual documents sheets/sets. Additionally, a licensed architect can sign on a project's individual documents which leads to multiple architects having a portion of responsibility, which can also be confusing.

To aid the public in understanding the responsibility and accountability of any given project or solicitation, it is reasonable for correspondence with an architectural firm, include by name and license number the person who is representing the practice of architecture in proposals, contracts, design documents, construction documents, etc. Requiring a firm to identify a reasonable party, such as an architect of record (AOR) on a project by project basis is appropriate. It is understood this person may change over time and as the project is developed. In this, the public and client would have a more clear understanding of the responsible party in a specific project. This is similar to the systems in place with HCAI and DSA, which is effective in identifying the lead responsible party, requiring this person to include their license number as part of the title is appropriate.

The current proposed change will not provide accountability, will confuse and mislead the public, and it will also confuse the legal responsibilities. Currently, the AOR is primarily responsible, then the firm they work in has a different responsibility. In this system it would confuse the listed license holder with the actual AOR, confusing the level of responsibilities each actually holds. It would also imply a higher standard for the formation and operation of an architectural firm than actually exists.

I ask the board to not proceed with this change as presented. While I do support a higher level of disclosure on the responsible license holder, conflating a firm that is not licensed to practice architecture with a person who is, will lead to confusion and a misled public.

Thank you.

Anthony C. Pings, AIA, NCARB, ACHA
License #C10930

Anthony C. Pings and Associates
6121 N. Thesta Street, Suite 301
Fresno, CA 93710
559-439-0700
www.pings.com



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From: [Jerome Scott](#)
To: [Janis Kent](#); [McDaniel, Kimberly@DCA](#)
Cc: [Mark Christian](#); [Clair, Ida@DGS](#)
Subject: RE: Proposed Regulatory Action for CCR Section 165
Date: Monday, February 7, 2022 1:03:03 PM
Attachments: [image001.png](#)
[image002.png](#)

[EXTERNAL]: Jerome.Scott@acmartin.com

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Ms McDaniel,

I have been cc'd Janis's emails (in the string below) and your responses and I am now quite troubled by the apparent callous attitude of the CAB toward their audience (registered Architects in CA) regarding these significant rule changes. I only learned about them via Janis who forwarded me the info (at that time already past the cut-off date for the CCR 165 comment period). Since that time I have shared the contacts and links widely. Expect to have a lot more input at this 'hearing'.

I agree 100% with Janis that this 'well, we let our mailing list know and we didn't get any comments back in time' response does not sit well. I was not on your list and I want to comment. I feel the comment period for CCR 165 should be re-visited in light of your complete failure to notify every licensed Architect affected by this rule change.

As I have previously stated – the unilateral top-down nature of these (frankly un-informed) decisions is really starting to rankle. I remember my initial response many years ago when the first 5hr ADA requirement came down – 'really? Don't they know there are other people than Architects dropping the ball on the ADA?' It seems you don't.

Like Janis, I pay E&O and they will not cover a frivolous penalty for not having my license on all my 'media'. I don't know what you think we make but I don't have \$5k to lose on something this ridiculous.

Whoever is driving these changes does not know what an Architect does and if we knew you would hear some righteous indignation. I just want to aim it at the right people. I have signed up to the mailing list and will be 'at' the Feb web-meeting to speak.

Sincerely,

JEROME SCOTT AIA, CSI, ICC, LEED AP, NCARB
SR ASSOCIATE | DIRECTOR OF CONSTRUCTION ADMINISTRATION
D 213 614 6088

ACMARTIN

From: Janis Kent [mailto:janisk@steppingthruaccessibility.com]

Sent: Monday, February 07, 2022 12:29 PM

To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>

Cc: Mark Christian <mchristian@aiacalifornia.org>; Ida Clair <ida.clair@dgs.ca.gov>

Subject: Re: Proposed Regulatory Action for CCR Section 165

Ms McDaniel-

I did personally send comments on both proposed changes within the time frame. And I know a number of other architects did as well.

This pushing thru of regulations for architects is quite troublesome. The issue seems to be with non-licensed individuals acting as architects, not the architects themselves, yet we are making it more cumbersome for legitimate architects and with much higher penalties which are even greater than my professional insurance. I already know of one architect who said if these go thru, he will retire, which is a shame since he is a resource of valuable knowledge to our profession. I would imagine others will also follow suit.

If a confirmation response were sent out that comments were received, one would know if they were received or not, but this was not the process.

My emails were sent out on the following dates:

CCR 165 I emailed out on January 5 (continuing education requirements)

CCR 135 I emailed on January 21 (license number on everything)

Both of these had an extension to the end of January, no?

Also, the majority of architects I talked with were not aware of these proposed changes to requirements of maintaining our licenses. I would highly suggest that ALL licensed architects be placed on the newsletter list with the option to opt out since we have a vested interest in what we are regulated by. If this is a communication from our licensing board, then it is the best communication to let all licensees know and be informed and I would think it is also our right. This should not be burdensome since it is all computerized and you already have all licensed architects' contact information.

So please confirm the cut-off date for comments. Thank you for your time and consideration of this

Janis Kent FAIA, CAsp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

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On Feb 7, 2022, at 12:03 PM, McDaniel, Kimberly@DCA
<Kimberly.McDaniel@dca.ca.gov> wrote:

Thank you for your email. Please see responses in blue below.

From: Janis Kent <janisk@steppingthruaccessibility.com>
Sent: Monday, February 7, 2022 10:16 AM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Fwd: Proposed Regulatory Action for CCR Section 165
Importance: High

[EXTERNAL]: janisk@steppingthruaccessibility.com

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Ms McDaniel-

I sent comments on CCR 165 and have not seen anything on a hearing for it. Did you receive my comments?

Yes.

I also sent comments on CCR 135 where I did receive a response.

Did you get the attached email and is there a hearing for 165?

Government Code (Gov Code) section 11346.45(a)(17) states that a request for a public hearing, if one is not scheduled, must be made no later than 15 prior to the close of the written comment period. As no timely request for a hearing was received, the Board will not be holding a public hearing on the proposed rulemaking. Thank you for your inquiry.

Janis Kent FAIA, CASp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

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Begin forwarded message:

From: Janis Kent <janisk@steppingthruaccessibility.com>
Subject: Re: Proposed Regulatory Action for CCR Section 165
Date: January 5, 2022 at 2:34:57 PM PST
To: Kimberly.mcdaniel@dca.ca.gov
Cc: AIA-LB/SB <kristine@aialb-sb.org>, Ida Clair <ida.clair@dgs.ca.gov>

Ms McDaniel-

I am having trouble with some of these new regulatory requirements the state is proposing for architects.

- I am an AIA CES provider. The latest standards for continuing education under AIA is dated October 15, 2018. On pre-recorded on-demand webinars there is a requirement for a self-assessment quiz with a pass rate of **70%**, not 80% - so somewhere, someone has gotten their information incorrect. This makes it very difficult for architects having 2 standards for continuing education.

- Also, another important point is that a self-assessment quiz is not required for live seminars, whether in-person or live zoom seminars. **It is only required for recorded or self-reading type.** I have no idea how I would give a quiz to a live audience, let alone take the time for grading it.

- Also, under AIA, the provider is allowed 10 days to issue certificates, not 5 days as this law is suggesting - it places an undue burden on the provider.

Another issue that this new proposed law is not addressing, is that the self-assessment quiz takes up time and AIA has a complex formula to determine how much time one gets credit for taking it. The AIA also provides credit for someone who creates these seminars since they take quite a bit of time to create as well as maintain the knowledge - this is not so relevant to me personally since I accrue many hours of learning on the topic. But many places I learn do NOT have quizzes such as - live online webinars that the Federal Access Board hosts, or the ADA Symposium, or a multitude of other learning venues I glean my information from.

I have attached 2 pages from the CES provider Handbook for your review. If you wish the full handbook, I would be happy to share and forward on my copy. It shows the 70% pass rate for recorded on-demand webinars only.

Below are some other issues that in my opinion, should be considered

A. Another aspect is that there are Accessibility laws and regulations, but there are concepts above and beyond this which is important for architects and designers to know/understand/be familiar with. This includes - Aging In Place, Universal Design, Deaf Space Design, and other design considerations for the diverse community of people with disabilities that go over and beyond just regulations

B. I would say that the list of provider types should be expanded to include Attorneys who specialize in Access as well as others who specialize in specific types of support for the disabled community which

can include IT people who specialize in accessible websites, or those who understand the needs of the deaf or HOH community, or those who specialize in the autistic/on-the-spectrum community, or those that specialize in people who are blind or low vision. I could go on with this, but these are people I learn from and are not on your list. Quite frankly, someone who works at a building department or is a CASp or has an ICC certification does not necessarily have the knowledge to teach architects on these subjects and I would be leery of someone who does not have a professional license or a speciality as I listed above teaching this.

And on another note entirely, having architects take a test on this does not make them more or less qualified - it is just another burdensome step. In my work I would find it much more helpful if contractors, interior designers, landscape architects, signage companies, facility people, and project managers also have an awareness of Access and what it entails. Architects are no longer the 'ring-leaders' of a project - it is a whole family of players and to place the burden on architects is not realistic or appropriate. Expanding the knowledge requirements to the other groups implementing buildings and construction would protect the public more than having architects do another layer of requirements.

I would be happy to discuss any of the above with you. But I would say that if the above-mentioned points are not seriously addressed, then we do need a hearing on this. It should not go forward as a revision to the law as currently written.

Janis Kent FAIA, CASp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

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<image001.jpg>

<image002.jpg>

On Jan 3, 2022, at 2:22 PM, California Architects Board

<000000069fb8b025-dmarc-

request@SUBSCRIBE.DCALISTS.CA.GOV> wrote:

DEPARTMENT OF CONSUMER AFFAIRS

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC
PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website:

https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

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From: [Sheryl Drinkwater](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Proposed Regulatory Action - privacy concern by licensee in good standing
Date: Tuesday, January 4, 2022 3:26:53 PM

[EXTERNAL]: ssdarch@sonic.net

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Hi Kimberly,

I received the email yesterday on the proposed regulatory action regarding the addition of license numbers on all public signage.

As a sole practitioner working from my home, I specifically avoid including my address in any location except my office (state certificate) until I contract with a client.

I include my license number in my agreement/contract proposal. I provide my license number if asked by a potential client via a thorough interview.

Isn't this the responsibility of anyone wishing to hire any skilled professional?

It is quite easy to look up, using the state licensing board's website, the status of a professional license.

My major concern:

Including my license number on a project site sign, located on a public street, is a violation of my privacy and safety.

I hope you will reconsider this proposed requirement, or provide an exception for professionals working from home offices.

Thank you,

Sheryl Drinkwater
#C28777

Sheryl Drinkwater, Architect, LEED AP
www.ssdarch.com

From: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
To: [Jackie Whitelam](mailto:Jackie.Whitelam); [Ahmed, Idris@DCA](mailto:Ahmed.Idris@DCA)
Cc: [Mark Christian](mailto:Mark.Christian); [AIA Central Valley](mailto:AIA.Central.Valley)
Bcc: [Zuniga, Laura@DCA](mailto:Zuniga.Laura@DCA)
Subject: RE: CCR Section 135 hearing and comment deadline
Date: Monday, February 7, 2022 11:57:00 AM

Thank you for your email. Responses are in blue.

1. When and how will the Agenda for the February 18th meeting of the Board be posted? [Board Meeting Agendas and the meeting packet are posted to the Board's website 10 days before the meeting. Those materials for the 2.18.22 Board meeting should be available on the website by COB on 2.8.22.](#)
2. Since the notice states that any interested person may present statements or written arguments to you via email from 300 PM to 400 PM, am I correct in assuming this means this item won't be heard before 400 PM and does this mean the Board will review these materials during the meeting? [The purpose of the hearing is to take in additional written public comment and testimony on the proposed rulemaking. As stated in the Notice, the hearing will begin at 3 pm. \(Please see also answer to Item 5 below\).](#) At meetings of the City Preservation Commission, e-comments so received are posted for viewing online by the Commissioners and the public attending the meeting - is this what will be done at the February 18th meeting of the Board? [No. The Board will not take any action on the proposed rulemaking during the public hearing on February 18, 2022. See answer to Item 1 above as to the purpose of the hearing. All written materials received during the public comment period and at the hearing, along with a transcription of public comments made at the hearing, will be reviewed by staff. Staff will share all of that material with the Board in connection with a future Board meeting., Staff may also provide the Board with one or more versions of proposed modifications to the Text that respond to the written public comments and hearing testimony, and will provide proposed responses to the written public comments and testimony for the Board's consideration and possible adoption.](#) when it is expected the Board and responses When and how will the staff report on the Agenda Item regarding the proposed regulatory action to adopt Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR) be made available to the Board and to the public? [See answer to Item 1 above as to the purpose of the hearing. The "Staff report" on this rulemaking will be included in the meeting packet for a future Board meeting.](#)
3. As is the standard practice of the City of Sacramento, will written comments received prior to the release of the staff report be appended to it and provided to the Board for their review in advance of the meeting? [All written comments received within the public comment period, extended to close on 2.18.22, and all testimony received during the public hearing, will be provided to the Board in the meeting packet for the meeting at which the Board will vote on the rulemaking. .](#)
4. Will there be a time limit set for each speaker during the public hearing? The City of Sacramento generally allows 3 minutes per speaker, but dependent upon the number of people who wish to speak and the number of items on an Agenda, the person chairing the item may reduce the time a person may speak to 2 minutes. Is this the practice of public hearings held by the Board? [Public commentary at the hearing will be restricted to 2 minutes per speaker.](#)

5. The Notice of Extension of the Written Comment Period to February 18, 2022 states that all written comments received by the new end date of February 18th will be responded to by the Board's staff as part of the Final Statement of Reasons. Since the new end date/time now seems to be February 18th at 4:00 PM, will the staff respond to written comments received during the meeting orally as to how they may impact the Final Statement of Reasons before the Board acts? [Yes, see answer to Item 2, above.](#) Also, [the Notice of Extension of the Public Comment period extended the public comment period to end on 2.18.22. As a matter of law, 2.18.22 ends at midnight \(see Government Code Section 6806\).](#)

Kim McDaniel

From: Jackie Whitelam <jackiewhitelam@gmail.com>

Sent: Thursday, February 3, 2022 1:30 PM

To: Ahmed, Idris@DCA <Idris.Ahmed@dca.ca.gov>

Cc: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>; Mark Christian <mchristian@aicalifornia.org>; AIA Central Valley <kanderson@aiacv.org>

Subject: Re: CCR Section 135 hearing and comment deadline

[EXTERNAL]: jackiewhitelam@gmail.com

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Thank you Idris. The AIA Central Valley Chapter will submit a written comment letter and will also speak at the meeting. We also anticipate that individual members of the chapter will submit written comment letters and will wish to speak at the meeting. From my experience at the Capitol Area Development Authority and on the City of Sacramento Preservation Commission, I'm familiar with the Ralph M. Brown Act that governs local government public meetings, but am not familiar with the Bagley-Keene Act that governs public meetings held by state agencies and have several questions. Specifically:

1. When and how will the Agenda for the February 18th meeting of the Board be posted?
2. Since the notice states that any interested person may present statements or written arguments to you via email from 300 PM to 400 PM, am I correct in assuming this means this item won't be heard before 400 PM and does this mean the Board will review these materials during the meeting? At meetings of the City Preservation Commission, e-comments so received are posted for viewing online by the Commissioners and the public attending the meeting - is this what will be done at the February 18th meeting of the Board?
3. When and how will the staff report on the Agenda Item regarding the proposed regulatory action to adopt Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR) be made available to the Board and to the public?
4. As is the standard practice of the City of Sacramento, will written comments received prior to the release of the staff report be appended to it and provided to the Board for their review in advance of the meeting?
5. Will there be a time limit set for each speaker during the public hearing? The City of Sacramento generally allows 3 minutes per speaker, but dependent upon the number of

people who wish to speak and the number of items on an Agenda, the person chairing the item may reduce the time a person may speak to 2 minutes. Is this the practice of public hearings held by the Board?

6. The Notice of Extension of the Written Comment Period to February 18, 2022 states that all written comments received by the new end date of February 18th will be responded to by the Board's staff as part of the Final Statement of Reasons. Since the new end date/time now seems to be February 18th at 4:00 PM, will the staff respond to written comments received during the meeting orally as to how they may impact the Final Statement of Reasons before the Board acts?
7. On Page 2 of the Initial Statement of Reasons, it is stated that "In November 2019 Board staff conducted an on-line survey of licensees and found that they were overwhelmingly in favor of the proposal" - however, the specifics of this survey are not provided as a part of the Underlying Data. The only additional information in the record that I have been able to locate is a paragraph in the February 28, 2020 CAB minutes where Lead Enforcement Analyst Michael Sganga advised the Board that staff sent a survey to all licensees by email and collected responses for two weeks last November, that the staff received input from more than 1,500 architects, and that the response was overwhelmingly positive with 66% reacting positively or very positively to the proposed regulation. Because none of our chapter members to whom I've spoken to can recall receiving or responding to this survey, I sent you an email on January 7th requesting a copy of the survey, the date it was emailed out and the source of the email addresses used to distribute it. Since I have not received this information, I am again requesting it. Additionally, I am requesting clarification of what data regarding the survey was provided the Board.

A timely response to my questions would be appreciated.

On Thu, Feb 3, 2022 at 10:00 AM Ahmed, Idris@DCA <Idris.Ahmed@dca.ca.gov> wrote:

Hi Jackie,

I am attaching the notice of for the hearing for CCR 135 that will be scheduled for February 18, 2022 at 3pm. Please let me know if you have any questions.

Best,
Idris

From: Jackie Whitlam <jackiewhitlam@gmail.com>

Sent: Thursday, January 27, 2022 11:19 AM

To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>; Ahmed, Idris@DCA <Idris.Ahmed@dca.ca.gov>

Cc: Mark Christian <mchristian@aiacalifornia.org>; AIA Central Valley <kanderson@aiacv.org>

Subject: CCR Section 135 hearing and comment deadline

[EXTERNAL]: jackiewhitlam@gmail.com

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Good morning. I am writing on the behalf of the AIA Central Valley Chapter to confirm that the Board has received a written request for a public hearing on this matter and how that affects the February 18th deadline for the submittal of written comments on this proposed regulation. A timely response to this email is requested. Thank you. Jackie Whitelam

From: [Janis Kent](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Cc: [Mark Christian](#); [Clair, Ida@DGS](mailto:Clair_Ida@DGS); [Susan Moe](#); [Jerome Scott](#)
Subject: Re: Proposed Regulatory Action for CCR Section 165
Date: Monday, February 7, 2022 5:18:12 PM
Importance: High

[EXTERNAL]: janisk@steppingthruaccessibility.com

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Ms McDaniel-

Maybe the issue on the education CCR 165, is that **NO ONE** knew about it. I mean no one! As soon as I found out I wrote a comment and sent it to you on January 5th.

I think we have a major issue that architects are not informed on legislature that affects them. This is a **huge** issue and basically the education one will be next to impossible to implement since it does not coincide with AIA educational requirements, which I have heard it stated that it was based upon. It was not at all. How do you correlate time for test taking? The AIA does it, but it is not in the legislation. What about organizations that provide live webinars nationally who do not provide tests - this is fine with AIA to get HSW, but not with this proposed new regulation. What about when I train 50 architects in person - how do I test them? Do you have a calculation for the number of questions on the test? AIA does, but this is only for on-demand webinars, not live.

Needless to say, this is extremely upsetting and less than professional in how the State chooses to communicate. On top of this. It is really not a question of the architects but rather on unlicensed people stating they are architects. This in no way helps the public in terms of health and life safety, but instead makes it more onerous for those who are licensed. Please go after legislation that is about un-licensed people doing the work of architects and calling themselves as such. That would be much more beneficial to everyone.

And my apologies, I do not mean this as personal, but I find this very upsetting.

Janis Kent FAIA, CASp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

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On Feb 7, 2022, at 4:57 PM, McDaniel, Kimberly@DCA
<Kimberly.McDaniel@dca.ca.gov> wrote:

Janis Kent,

The cutoff date for written comments for the proposed regulation regarding Public Presentments and Advertising, 16 CCR section 135, is February 18, 2022 (see Notice of Extension of Written Comment Period on the Board website [here](#)). A timely public hearing request pursuant to Government Code section 11346.5(a)(17) was received, and a hearing will be held to gather additional public input on February 18, 2022, starting at 3 pm (see Notice on the Board website [here](#)). The Public Presentments and Advertising proposed rulemaking is not on the Agenda for discussion at the California Architects Board meeting on February 18, 2022.

The 45-day public comment period for the proposed regulation regarding Disability Access Continuing Education, 16 CCR section 165, ran from November 12, 2021 to December 27, 2021. No timely public hearing request pursuant to Government Code section 11346.5(a)(17) was received. The Disability Access Continuing Education proposed rulemaking is on the Agenda for discussion as Item J at the California Architects Board meeting on February 18, 2022, and public comment will be taken on the Item (see Board Agenda for 2.18.22 meeting [here](#)).“

Thank you,

Kim McDaniel
California Architects Board
2420 Del Paso Rd. Ste. 105
Sacramento, CA 95834-9673
Kimberly.Mcdaniel@dca.ca.gov

From: Janis Kent <janisk@steppingthruaccessibility.com>
Sent: Monday, February 7, 2022 12:29 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Cc: Mark Christian <mchristian@aiacalifornia.org>; Clair, Ida@DGS <Ida.Clair@dgs.ca.gov>
Subject: Re: Proposed Regulatory Action for CCR Section 165

[EXTERNAL]: janisk@steppingthruaccessibility.com

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Ms McDaniel-

I did personally send comments on both proposed changes within the time frame. And I know a number of other architects did as well.

This pushing thru of regulations for architects is quite troublesome. The issue seems to be with non-licensed individuals acting as architects, not the architects themselves, yet we are making it more cumbersome for legitimate architects and with much higher penalties which are even greater than my professional insurance. I already know of one architect who said if these go thru, he will retire, which is a shame since he is a resource of valuable knowledge to our profession. I would imagine others will also follow suit.

If a confirmation response were sent out that comments were received, one would know if they were received or not, but this was not the process.

My emails were sent out on the following dates:

CCR 165 I emailed out on January 5 (continuing education requirements)

CCR 135 I emailed on January 21 (license number on everything)

Both of these had an extension to the end of January, no?

Also, the majority of architects I talked with were not aware of these proposed changes to requirements of maintaining our licenses. I would highly suggest that ALL licensed architects be placed on the newsletter list with the option to opt out since we have a vested interest in what we are regulated by. If this is a communication from our licensing board, then it is the best communication to let all licensees know and be informed and I would think it is also our right. This should not be burdensome since it is all computerized and you already have all licensed architects' contact information.

So please confirm the cut-off date for comments. Thank you for your time and consideration of this

Janis Kent FAIA, CASp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

Our new on-demand webinars are now available - check it out at <https://steppingthruaccessibility.thinkific.com>

On Feb 7, 2022, at 12:03 PM, McDaniel, Kimberly@DCA
<Kimberly.McDaniel@dca.ca.gov> wrote:

Thank you for your email. Please see responses in blue below.

From: Janis Kent <janisk@steppingthruaccessibility.com>
Sent: Monday, February 7, 2022 10:16 AM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Fwd: Proposed Regulatory Action for CCR Section 165
Importance: High

[EXTERNAL]: janisk@steppingthruaccessibility.com

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Ms McDaniel-

I sent comments on CCR 165 and have not seen anything on a hearing for it. Did you receive my comments?

Yes.

I also sent comments on CCR 135 where I did receive a response.

Did you get the attached email and is there a hearing for 165?

Government Code (Gov Code) section 11346.45(a)(17) states that a request for a public hearing, if one is not scheduled, must be made no later than 15 prior to the close of the written comment period. As no timely request for a hearing was received, the Board will not be holding a public hearing on the proposed rulemaking. Thank you for your inquiry.

Janis Kent FAIA, CAsp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

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<https://steppingthruaccessibility.thinkific.com>

Begin forwarded message:

From: Janis Kent
<janisk@steppingthruaccessibility.com>
Subject: Re: Proposed Regulatory Action for CCR Section 165
Date: January 5, 2022 at 2:34:57 PM PST
To: Kimberly.mcdaniel@dca.ca.gov
Cc: AIA-LB/SB <kristine@aialb-sb.org>, Ida Clair
<ida.clair@dgs.ca.gov>

Ms McDaniel-

I am having trouble with some of these new regulatory requirements the state is proposing for architects.

- I am an AIA CES provider. The latest standards for continuing education under AIA is dated October 15, 2018. On pre-recorded on-demand webinars there is a requirement for a self-assessment quiz with a pass rate of **70%**, not 80% - so somewhere, someone has gotten their information incorrect. This makes it very difficult for architects having 2 standards for continuing education.
- Also, another important point is that a self-assessment quiz is not required for live seminars, whether in-person or live zoom seminars. **It is only required for recorded or self-reading type.** I have no idea how I would give a quiz to a live audience, let alone take the time for grading it.
- Also, under AIA, the provider is allowed 10 days to issue certificates, not 5 days as this law is suggesting - it places an undue burden on the provider.

Another issue that this new proposed law is not addressing, is that the self-assessment quiz takes up time and AIA has a complex formula to determine how much time one gets credit for taking it. The AIA also provides credit for someone who creates these seminars since they take quite a bit of time to create as well as maintain the knowledge - this is not so relevant to me personally since I accrue many hours of learning on the topic. But many places I learn do NOT have quizzes such as - live online webinars that the Federal Access Board hosts, or the ADA Symposium, or a multitude of other learning venues I glean my information from.

I have attached 2 pages from the CES provider Handbook for your review. If you wish the full handbook, I would be happy to share and forward on my copy. It shows the 70% pass rate

for recorded on-demand webinars only.

Below are some other issues that in my opinion, should be considered

A. Another aspect is that there are Accessibility laws and regulations, but there are concepts above and beyond this which is important for architects and designers to know/understand/be familiar with. This includes - Aging In Place, Universal Design, Deaf Space Design, and other design considerations for the diverse community of people with disabilities that go over and beyond just regulations

B. I would say that the list of provider types should be expanded to include Attorneys who specialize in Access as well as others who specialize in specific types of support for the disabled community which can include IT people who specialize in accessible websites, or those who understand the needs of the deaf or HOH community, or those who specialize in the autistic/on-the-spectrum community, or those that specialize in people who are blind or low vision. I could go on with this, but these are people I learn from and are not on your list. Quite frankly, someone who works at a building department or is a CASp or has an ICC certification does not necessarily have the knowledge to teach architects on these subjects and I would be leery of someone who does not have a professional license or a speciality as I listed above teaching this.

And on another note entirely, having architects take a test on this does not make them more or less qualified - it is just another burdensome step. In my work I would find it much more helpful if contractors, interior designers, landscape architects, signage companies, facility people, and project managers also have an awareness of Access and what it entails. Architects are no longer the 'ring-leaders' of a project - it is a whole family of players and to place the burden on architects is not realistic or appropriate. Expanding the knowledge requirements to the other groups implementing buildings and construction would protect the public more than having architects do another layer of requirements.

I would be happy to discuss any of the above with you. But I would say that if the above-mentioned points are not seriously addressed, then we do need a hearing on this. It should not go forward as a revision to the law as currently written.

Janis Kent FAIA, CASp, Architect

Certified Access Specialist

Stepping Thru Accessibility

phone — 562-426-9363

web site — www.SteppingThruAccessibility.com

email — janisk@SteppingThruAccessibility.com

Our new on-demand webinars are now available - check it out at

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<image001.jpg>

<image002.jpg>

On Jan 3, 2022, at 2:22 PM, California
Architects Board <[000000069fb8b025-dmarc-
request@SUBSCRIBE.DCALISTS.CA.GOV](mailto:000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV)> wrote:

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL
REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION
CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND
PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California
Architects Board (Board) is proposing to take
the action described in the Informative Digest
below, after considering all comments,
objections, and recommendations regarding
the proposed action.

Public Hearing

The Board has not scheduled a public hearing
on this proposed action. However, the Board
will hold a hearing if it receives a written
request for a public hearing from any

interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website:

https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Sam Aslanian](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: New regulations.
Date: Tuesday, January 4, 2022 3:50:01 PM

[EXTERNAL]: sam@aslanianarchitects.com

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Good afternoon. I appreciate the email regarding new regulations in regards to including our license number in advertisements. However there's a bigger area of concern is in regards to other fields of work using the word architect in their job descriptions. Web designers NFT designers etc Are using the word architect to describe themselves as someone who develops the infrastructure of whatever sector of work they are working in. In my opinion the California architect board should take a stronger position to protect the use of the word Architect rather than making additional rules for us architects in our day-to-day conduct of our business. Best regards. Sam Aslanian Architect. --

Sam Aslanian Architect

818-383-3237

www.aslanianarchitects.com

From: [Katy Taylor Ford](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: CAB regulation feedback
Date: Tuesday, January 4, 2022 5:02:57 PM

[EXTERNAL]: KFord@ratcliffarch.com

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Hi Kimberly,

I am writing to object to the new regulation requiring posting our license number on advertisements, solicitations or presentments to the public. As an architecture firm, we have several Principals that sign/stamp drawings for regulatory review, so it would be very onerous to assign a different license numbers for our many projects, some where the Principal in charge has left the firm even. We operate as one firm, not as single proprietary firm, so the regulation is really confusing. We sign our drawings for permit attesting that the drawings confirm to code thus protecting the public's Health and Welfare. I don't see the value of putting a license number on all of our project images.

I do suggest that if one is licensed, they could put "Registered Architect" or "RA" after their name to distinguish from a non-licensed practicing individual. Similar to the term Esq for attorneys or Dr. for doctors. Those professionals don't have to publish their license numbers! I agree the term Architect is very difficult to control as pertaining to only licensed architectural practitioners. Right now, our only designation we have that shows we are licensed is AIA, which doesn't really even mean we are licensed except for the fact that if we weren't, we have to say Assoc. AIA. But the general public does not understand that designation, and I agree therein lies the confusion.

The general public and our clients do not know if we are licensed or not until we sign their drawings. We prefer to keep our license number discreet to prevent the general public from using it illegally. Please don't make us put it on every image that is published, it just seems overkill.

I would propose the term "Registered Architect" or "RA" to be used after our name to distinguish our licensing status.

Best regards,

Katy Taylor Ford AIA
Principal

RATCLIFF / [Discover Imagine Design](#)

5856 Doyle Street
Emeryville, CA 94608
O 510.899.6400
D 510.899.6482
M 510.541.9635

From: Fisley_Brian@DCA
To: kurt@worthingtondesign.com
Cc: Reinhardt_Marccus@DCA; McDaniel_Kimberly@DCA
Subject: FW: Proposed Regulatory Action
Date: Monday, January 10, 2022 8:17:30 AM

Hello Mr. Worthington,

Thank you for your email. The notice you received was a required public notice of a proposed regulation. It was not specific to you or to any other licensee, and had nothing to do with continuing education.

The deadline for your continuing education is the same as that for renewing your license. You are required to have completed the CE within the two years before your renewal, and to certify on the form that you have done so (past tense). There is no "grace period" as you suggest.

I hope this information is helpful. Please let me know if I can assist you further.

Regards,

Brian Eisley
Licensing Technician

California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7220 (916) 575-7283 Fax cab.ca.gov

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The Board is committed to providing quality customer service. To measure the Board's success, please complete the Customer Satisfaction Survey to share your thoughts about the service you received. Thank you.

-----Original Message-----

From: Kurt Worthington <kurt@worthingtondesign.com>
Sent: Monday, January 3, 2022 3:41 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: RE: Proposed Regulatory Action

[EXTERNAL]: kurt@worthingtondesign.com

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Hello,

I don't quite understand this email. I forgot that my ADA test was supposed to be done by 12-31-21 but I also thought that I technically had until 1-31-22 to complete it. Is that what this is about and do I actually have until 1-31-22 to complete it?
Thanks and let me know if this is the case or if this email represents something else.
Thank you

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board
Sent: Monday, January 3, 2022 2:23 PM
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=XbDso9ufnC4Hs_gS5LrqM4WhAN5egGDGsHc_zcbE65HxVsjQT9ZmlgYgK0KACJq9&s=i0h-K75fENUjnlGMWB4IIzyGwQltlyr_oPxa_kfuMM&e=

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From: bryan@bgiarchitect.com
To: McDaniel_Kimberly@DCA
Subject: Re: Proposed Regulatory Action
Date: Monday, January 3, 2022 3:27:59 PM
Attachments: [BGI - EMAIL SIGNATURE BRYAN BEERY.png](#)

[EXTERNAL]: bryan@bgiarchitect.com

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Hi Kimberly,

This is in regards to the proposed regulatory action below.

I just wanted to send a quick email and say THANK YOU, THANK YOU, THANK YOU for the DCA and CAB for finally doing something and taking some action against unlicensed individuals advertising as Architects. Our firm frequently competes against unlicensed individuals (designers) that come in 1/3 the price of licensed Architects. The potential clients have no idea, end up asking why our proposal is more expensive and we have to explain the difference. I have reported numerous unlicensed individuals advertising as Architects to the CAB over the past few years, including one guy on BuzzFeed's YouTube channel saying he was an Architect in CA (he wasn't) with over 300,000 views! In the age of the internet and social media, it has become a huge problem. Glad to see it has become noticed and actions being taken.

We will gladly advertise our name and license # for the public. Hope that the regulation passes! Once again, thank you! Great way to start off the new year



Bryan Beery | Architect | Project Manager

BGI Architecture | Beery Group Inc.
2292 Faraday Avenue, Suite 100
Carlsbad, CA 92008

bryan@bgiarchitect.com
P. 760-438-2963, Ext 123

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> on behalf of California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV>

Sent: Monday, January 3, 2022 2:22 PM

To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV>

Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

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Comment Period

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Bruce Prescott](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: comment opposed to §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENT
Date: Monday, January 3, 2022 3:00:51 PM

[EXTERNAL]: bruce@santosprescott.com

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Kimberly McDaniel,

Thank you for the notice of proposed regulation. I would like to register my disagreement with this proposal.

The proposed regulation would require adding ones license number to all Internet Web Sites that list a licensee as an architect. The problem is that a licensee is not in control of all of the locations upon which they might be listed as an architect on the Internet. Many pages aggregate information from a variety fo sources, such that a licensee might show up on a site without their knowledge or control. Tracking down all of the locations on the internet on which one is listed as an architect does represent a significant burden to a small practice. Though I am sure the board will not be “fishing” for listings in violation of the ruling, there is a real possibility that such listings could be used against a licensee who comes before the board for some other reason, and given the proliferation of Web links, the fines could add up significantly.

I believe the regulation should be limited to those communications sent directly to a prospective client offering architectural services. The problem we face is less individuals holding themselves out to be licensed that the fact that so much of the built environment in the state is legitimately designed by professionals without architectural training.

Thank you,
Bruce Prescott, AIA
C23687

From: [James Heimler](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Cc: CAB@DCA
Subject: NOTICE OF PROPOSED REGULATORY ACTION CONCERNING: Architects
Date: Tuesday, January 4, 2022 8:53:59 AM

[EXTERNAL]: jheimler@jhai-architect.com

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NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
 §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

My thoughts as an Architect who has owned his own company since 1985.

- This would cost my company, as small business, tremendously. All web site, letter head, business cards, all internet and hard copy documents would have to be changed. We are in so many places in this new computer age world the job to add the required information would take a full time person 1 month or more to accomplish.
- Please review this chart of problems we see.

ITEMS	CYNTHIA'S COMMENTS	RYAN'S COMMENTS
advertisement	Does this include applicant postings?	
card	Business cards	
letterhead	AO RTF documents (50), AO invoice, Admin drive, S drive, Does this apply to ANY document we have with a letterhead?	
telephone listing	We don't advertise, so does this apply?	
Internet Web site	? All blogs, web sites, each page, social media?	
written solicitation	? job postings, insurance policies, AIA and other postings?	
contract proposal	We do this now and add license #s to signature line. But does Jim's license # need to be on contract doc even if another architect sign's it? I own the company and other architects might be signing the plans they worked on. How does that work?	

Please keep me posted on our questions and issues.

Thank you.

Regards,

Jim Heimler

jheimler@jhai-architect.com

James Heimler, Architect, Inc.

19510 Ventura Blvd., Suite 210

Tarzana, CA 91356

t (818) 343-5393

f (818) 343-5815

www.jhai-architect.com

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Virus-free. www.avast.com

From: [Bart Smith](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Proposed Advertising Regulation
Date: Monday, January 3, 2022 2:56:10 PM

[EXTERNAL]: b.smith@dznpartners.com

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Hi Kimberly,

Do you think this new regulation would require a project site sign to have our name and license number on the sign?

If so, is the board considering a minimum font size for these elements?

If we use a dba for our firm name does this mean all advertising products need to also have our personal name and license number on it as well?

Does every page of our firm website need to have my personal name and license number placed on it? That would make it look very ego driven...

It appears business cards would need the license number on them as well.

I would say to update all my physical and web materials it would be closer to \$1,000 not \$100.

This feels like a slippery slope that hasn't been fully vetted for the impacts it will have on Architects.

It also feels like Architects are being punished for the actions of a few bad apples pretending to be Architects. Shouldn't it be the other way around?

I added my license number to my email signature just for this CAB email...

Regards,

Bart

Bart M Smith

C22557

Principal Architect

AIA•LEED bd+c



partners
ARCHITECTURE

760•753•2464x200

Providing trustworthy service during this time of adversity

From: [Bill Perkins](#)
To: McDaniel_Kimberly@DCA
Subject: Fwd: Proposed Regulatory Action
Date: Monday, January 3, 2022 3:00:52 PM

[EXTERNAL]: bill.perkins.100@gmail.com

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Hi Kimberly,

I just paid for my Architects License (12/31/2021) and received the below email today. I'm not sure if the two are tied together. Please let me know if there are issues with my License renewal and payment processing.

Thank you, Bill Perkins 858.775.7326

Begin forwarded message:

From: California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV>

Subject: Proposed Regulatory Action

Date: January 3, 2022 at 2:22:49 PM PST

To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV

Reply-To: noreply@DCA.CA.GOV

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Brion Jeannette](#)
To: [McDaniel, Kimberly@DCA](#)
Cc: [Lynelle Smith](#); [Bonnie Jeannette](#); [Amy Creager](#)
Subject: FW: Proposed Regulatory Action
Date: Monday, January 3, 2022 3:40:41 PM

[EXTERNAL]: 50e4.82.186c30003fc4b83.f14728303228ec8cda8c352a44f7ce9b@email-od.com

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.....

Kimberly, I fully subscribe to the proposed rule change and support the need to make this change. I don't feel you realize the extent of this change and would like your comments on the impact to my fellow professionals of only \$100, please consider the changes, of adding my license number, to these items and comment. I have a team of 3 architects and 6 professionals and approximately 25 residential projects in construction.

- The art work to meet these goals
- My and my staff business cards
- My job signs at our construction sites, vehicles etc.
- All of our social media changes
- Stationary paperwork , letterhead documents
- My office logo revisions

Please address the urgency of having all of these media revisions incorporated. Perhaps having the most important items, like social media and job signs, and principal's business cards done first.
I look forward to hearing from you, thank you

Brion

Brion Jeannette Architecture
Custom Architecture | Energy Efficient Design

470 Old Newport Blvd.
Newport Beach, CA 92663
T: 949.645.5854 ext. 212 F: 949.645.5983
brionj@bja-inc.com
https://urldefense.proofpoint.com/v2/url?u=http-3A__www.customarchitecture.com&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&tr=90DZDxTmPw6hULWLCskG3tVh26-ckmmnA2YOnlWzEjg&m=bQHjegIxHV-PEDYgqpPwzSlmcRtkrCXF8hCznViPDCqt6F1a6_3ONhxqTikiD3O2&s=79KIMAvZqnuUnK3gaKFYF7ZGPVkl8zdotGo0yc3vb-Y&e=

-----Original Message-----

From: Lynelle Smith <LynelleS@bja-inc.com>
Sent: Monday, January 3, 2022 2:41 PM
To: Brion Jeannette <BrionJ@bja-inc.com>; Amy Creager <amyC@bja-inc.com>
Subject: FW: Proposed Regulatory Action

-----Original Message-----

From: California Architects Board Licensee Related Bulletins [<mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV>] On Behalf Of California Architects Board
Sent: Monday, January 3, 2022 2:23 PM
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=bQHjegIxHV-PEDYgqpPwzSlmcRtkrCXF8hCznViPDCqt6F1a6_3ONhxqTikiD3O2&s=tzBm5Z2BUGr6FTIWzKm2JDsh3PO3RMxHp_IK6hGPtA0&e=

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From: [Chris](#)
To: McDaniel_Kimberly@DCA
Subject: Title 16 - Public Presentments and Advertising Requirements proposed regulations
Date: Monday, January 3, 2022 2:46:06 PM

[EXTERNAL]: cmcfadden@mmarc.com

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Dear Kimberly,

I received and reviewed the above proposed regulatory action and I am fervently OPPOSED to such a new regulation. First and foremost the last couple of years have been difficult to say the least, having to add license numbers to all my "Presentments" does NOT make me (or anyone else) a better architect. The proof is in the pudding, NOT an ancillary number which will only provide an additional income stream to the DCA come citation time. I am tired of seeing architects fined for such minutia. I wish our board was more concerned with illegal practice than imposing overbearing regulations on an already fine pool of individuals.

Regards,

Chris McFadden

McFadden Architects
75-145 St. Charles Place, Suite 4
Palm Desert, California 92211
Tel: (760) 346-8014



From: [Chris Davis](mailto:Chris.Davis@the Grove Architects and Designers inc.)
To: McDaniel.Kimberly@DCA
Subject: Re: Proposed Regulatory Action
Date: Monday, January 3, 2022 2:52:05 PM

[EXTERNAL]: chris@theGroveaia.com

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What is the interpretation of a business being listed in a yellow pages list but not a formal ad? Or a similar website that gathers information but is not something controlled by or contracted by the architect firm and not having a license number included?

Thanks,

Chris Davis
The Grove Architects and Designers inc. -and-
The Grove Construction
P.O. Box 995
Walnut Grove, CA 95690
O: 916-685-8800
M: 916-730-0166
F: 916-685-8995
chris@theGroveaia.com

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> on behalf of California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV>
Sent: Monday, January 3, 2022 2:22:49 PM
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV>
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834

Kimberly.mcdaniel@dca.ca.gov

Website: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=hsTtOWz_uQEA-3Z8ddwPscXPuZyiGBnU4FzyL92fOuw&m=IBk-ijlTMesayP2H4VgUfe8e1KoFqLLyOYFNNZtlLotsA&s=wEEhEhCv0yIzIb8WObVrtMAcO-14YhUJ_h6DYGuAmZ8&e=

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From: [Chris Kummerer](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Proposed Regulatory action
Date: Monday, January 3, 2022 2:37:55 PM

[EXTERNAL]: chris@cka-architects.com

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.....

Kimberly - please log my concern that I don't think its necessary to require a license number to be added too all advertising.

However well intentioned - It will serve as a way for people to more easily look up license numbers and either log false complaints or make frivolous complaints against individuals.

Many neighbors of the projects that we build are frustrated by construction noise or just development in general and they want to 'take down' any of the involved parties.

Having the license number on my job sign will provide another convenient target for this type of frivolous complaint.

The status quo is fine -

Chris Kummerer
C29207

From: [D. Mason](mailto:D.Mason)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Fwd: Proposed Regulatory Action
Date: Monday, January 3, 2022 2:29:47 PM

[EXTERNAL]: dmason50@gmail.com

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Hi Kimberly -

Is this email meant to be directed to myself, and Architect in CA? In other words...am I supposed to take this email as meaning the CAB is going after myself for something or for some reason?

Thanks,
Daniel Mason - Architect
415-385-9683 mobile
CA Architect Lic. # 32278

----- Forwarded message -----

From: **California Architects Board** <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov>
Date: Mon, Jan 3, 2022 at 2:24 PM
Subject: Proposed Regulatory Action
To: <CAB-LICENSEE@subscribe.dcalists.ca.gov>

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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From: [Dan Allen](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Proposed Reg 135 Architectural Advertising
Date: Monday, January 3, 2022 3:17:21 PM

[EXTERNAL]: dan@sakahara-allen.com

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I am a licensed architect and support the proposed CCR section 135 change to require an architectural license be included with advertising except that I request it not be required on business cards if the website listed on such cards provides the license number. We barely hand out business cards these days and I do not to waste the cards we have already printed. Also I'm not sure how the requirement would work for non-licensed employees who have business cards. Alternately a delay of three years for requirement on business cards would be acceptable.

Thank you,

Dan Allen
Sakahara Allen Architects
1010 Nordica Drive
Los Angeles, CA 90065
323.739.6570
CA Arch License #C 26736

From: [dan smith](#)
To: McDaniel, Kimberly@DCA
Subject: contact information
Date: Monday, January 3, 2022 3:12:24 PM

[EXTERNAL]: VINO8@rocketmail.com

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Can I contact you regarding the email I received?

-Dan

From: [Daniel Heifetz](mailto:Daniel.Heifetz@heifarch.com)
To: noreply@dca.ca.gov; CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV
Cc: [McDaniel, Kimberly@dca](mailto:McDaniel.Kimberly@dca.ca.gov)
Subject: RE: Proposed Regulatory Action
Date: Monday, January 3, 2022 2:42:06 PM

[EXTERNAL]: daniel@heifarch.com

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If you need/want my authorization – I fully endorse these measures. Is there anything I can do to help / so my support?

It's about time! I just hope the language is strong enough to make change – I am so tie

Regards,

Daniel Heifetz, A.I.A.



22701 West Martha Street
Woodland Hills, California 91367
Office 818.914.5891
Cell 213.709.4055
Efax 818.301.2026
daniel@heifarch.com

Please think, before you print.

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board

Sent: Monday, January 3, 2022 2:23 PM

To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV

Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF
ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

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Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [David Morgan](#)
To: [McDaniel, Kimberly@DCA](#)
Subject: FW: Proposed Regulatory Action
Date: Monday, January 3, 2022 3:04:05 PM

[EXTERNAL]: dmorgan@r-t-e.net

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Can you please explain the e-mail below. Is this a hack into someone's e-mail? I can make no sense out of the e-mail below. Please respond.

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board
Sent: Monday, January 3, 2022 2:23 PM
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV
Subject: Proposed Regulatory Action

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=vboxyojWpVODX6T9NsdIuK0v1XH102wEQIK0B7B1azdMur59WzDj-pYyLaZZAf1k&s=fgrSRrcypbYHcafDdWr29naD-063uxNzYEV4wkmUJl8&e=

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From: [DGA](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS
Date: Monday, January 3, 2022 3:05:25 PM

[EXTERNAL]: dgregoryaia@verizon.net

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Good afternoon Kimberly,

Happy New Year!

I've been licensed since 1987, or so, and I agree with this proposal. Thanks for asking for comments.

Regards,

Dwight Gregory
805-569-5380
License C 18,250

From: [Don Blair](#)
To: [McDaniel, Kimberly@DCA](#)
Subject: RE: Proposed Regulatory Action
Date: Monday, January 3, 2022 3:07:41 PM

[EXTERNAL]: dblair@kma-ae.com

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.....
Ms. McDaniel,

I would like to protest the implementation of the proposed rule to TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD as noted in the email below.

The following items are in support of this objection:

- 1) Small businesses are overburdened with regulatory statutes such as the proposed that do not protect any significant portions of the public. Currently the public can request the information from an architect to do any verification of applicable licenses.
- 2) There is a cost to implementation of this rule as it would require a firm to purchase all new business cards, stationary, brochures as well as pay to have websites and other listings updated with the changes. These are not insignificant cost for small business entities that are still trying to recover from the ongoing effects of COVID-19.

DON BLAIR LEED AP BD&C
Architect - President
E: dblair@kma-ae.com
Direct:619 275 7438 Office: 619 276 7710
Cell: 619 701 1432

https://urldefense.proofpoint.com/v2/url?u=http-3A__www.kma-2Dae.com&d=DwIFAw&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=fXVmjNsUlha_hrwL-vYEAsY6W_iFo3gg7vTwfS7oOC5yVXC6gQqvJOZoj_8FX6B&s=b3J65GXZIFnWJoOkBNnPhb8gmafUh6h5T1rxrUgB1Zw&e=DESIGN IS OUR PASSION
VALUE IS OUR GOAL

2710 HISTORIC DECATUR ROAD, SUITE 201 SAN DIEGO CA 92106
T 619 276 7710 F 619 276 7715

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board
Sent: Monday, January 3, 2022 2:23 PM
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV
Subject: Proposed Regulatory Action

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://urldefense.proofpoint.com/v2/url?u=https-3A__nam10.safelinks.protection.outlook.com_-3Furl-3Dhttps-253A-252F-252Fwww.cab.ca.gov-252Fnews-252Fflaws-252Fproposed-5Fregulation.shtml-26amp-3Bdata-3D04-257C01-257CDBLAIR-2540KMA-2DAE.COM-257C13cf788f76c045e4513808d9cf07cf8e-257Ccd862ccdcfd843e4be4b742eb4a35e37-257C0-257C0-257C637768454757505914-257CUnknown-257CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0-253D-257C3000-26amp-3Bsdata-3Dwww.OvxrPK6qwNokWgPTJNj1IRi-252B59oFg-252F08Fa6PnoHqw-253D-26amp-3Breserved-3D0&d=DwIFAw&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=fXVmjNsUlha_hrwl-vYEAsY6W_iFo3gg7vTwtfS7oOC5yVXC6gQqvJOZoj_8FX6B&s=5sMd9bPk9f-HQxDxCwnmjH5A7H3HZcxxhe64VS_RnT0&e=

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From: dougf@desbld.com
To: McDaniel_Kimberly@DCA
Subject: RE: Proposed Regulatory Action
Date: Monday, January 3, 2022 3:21:27 PM

[EXTERNAL]: dougf@desbld.com

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Ms. McDaniel:

I am writing to express my objection to the proposed changes to Sect 135 requiring the publication of architect's license numbers on advertising and public presentments.

It is apparent that these changes would in no way provide additional protection to the public, as the public has no way of expecting that the license numbers be there in the first place. In addition, any persons providing advertising or public presentments for architectural services without actually being licensed architects would already be guilty of the code as it already exists, without modification.

It is apparent that the only persons potentially in jeopardy should these ridiculous amendments be instituted, are duly licensed architects who inadvertently forget to include their license number on something that is later determined to be advertising or a public presentment. And in this case, there is no further protection to the public because the "guilty" party would actually be a licensed architect.

The text of the regulatory action states that costs to licensed architects to adhere to these proposed revisions would be less than \$100. This is completely untrue, and such an ignorant statement should not be made without accompanying evidence or guarantee by the State to cover any costs over and above \$100.

I hope the CAB will reconsider this misguided and damaging proposal, and spend their time in more constructive pursuits.

Douglas W. Fong
C-19649
(415) 753-5567

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board
Sent: Monday, January 3, 2022 2:23 PM
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

Comment Period

Written comments, including those sent by mail or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person
Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834

Kimberly.mcdaniel@dca.ca.gov

Website: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIGaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=GRxTngoQZ7SnHiCP5J-Ux2_XHIHuCbzQi5dpkPLSbXA2LZLqObn6prXEV6MeAwbP&s=mNzgKukVSRGno8d8AExYdPf-p2HTcw8wxiECdc7UOnU&e=

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From: [eileen.gueringer](mailto:eileen.gueringer@gmail.com)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Opposed to Proposed Regulation - Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations
Date: Monday, January 3, 2022 3:18:48 PM

[EXTERNAL]: egueringer@gmail.com

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Hi Kimberly,

Thanks so much for the notification. I am **strongly opposed** to adding our license number to all advertisements. It cheapens the designations and is an immediate association with contractors. I see our profession as more akin to attorneys who are not required to post their bar number on advertisements.

I think a more appropriate response would be to standardize a professional designation after our name. Most people associate AIA with licensed architects, but there is no similar designation that corresponds to state licensure. I would prefer to see something like **RA or LA** (registered or licensed architect) after our name in order to designate our professional status.

Best,
Eileen Gueringer

From: [francis](#)
To: McDaniel_Kimberly@DCA
Subject: Comment on Proposed Regulatory Action - §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS
Date: Monday, January 3, 2022 3:28:19 PM

[EXTERNAL]: francisczerner@gmail.com

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Hello Kimberly,

I'd like to submit my comment on this matter -

Due to personal interest, I don't think it should be made mandatory to include the architect's name and/or license number on advertising. Case in point: it would disrupt the artistic and design integrity of our firm's very minimal and sparse design on jobsite banners to include the architect name and license number. Currently our jobsite banners only have the name of our company and the website listed. If the public wishes to seek further information they can go to the company website to find the name and license number of the architect(s) of the firm(s).

Demanding mandatory information be present destroys the personal artistic freedoms that architect's hold dear to all aspects of design that represent themselves, their brand, and their artistic licenses.

Thank you and Happy New Year,

Francis

Francis Czerner, Architect

San Diego, CA
619-920-8965
[website](#)

From: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
To: [Huy Nguyen](mailto:Huy.Nguyen)
Subject: RE: Proposed Regulatory Action
Date: Tuesday, January 4, 2022 9:50:00 AM

Good morning,

My apologies if this email is unclear.

No action has been filed against you.

This email is notification that the Board is proposing a regulation and provides an opportunity for your input.

Thank you,

Kim McDaniel, Administration Analyst
California Architects Board
2420 Del Paso Rd. Ste. 105
Sacramento, CA 95834-9673
(916) 575-7221
Kimberly.Mcdaniel@dca.ca.gov

From: Huy Nguyen <huynguyen1@gmail.com>
Sent: Monday, January 3, 2022 9:30 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Re: Proposed Regulatory Action

[EXTERNAL]: huynguyen1@gmail.com

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Kimberly, what does this email mean? Am I being cited for violating some CAB rule(s)? This email is very unclear to me. Thanks!

On Mon, Jan 3, 2022 at 2:24 PM California Architects Board <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov> wrote:

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2

CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: CAB@DCA
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: FW: Proposed Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations
Date: Tuesday, January 4, 2022 10:18:04 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Coleen Galvan
Communications Analyst
Administration



2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7205 (916) 575-7283 Fax cab.ca.gov



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The Board is committed to providing quality customer service. To measure the Board's success, please complete the [Customer Satisfaction Survey](#) to share your thoughts about the service you received. Thank you.

From: Jack Diehl <jdiehl@diehlgroup.com>
Sent: Tuesday, January 4, 2022 10:07 AM
To: CAB@DCA <CAB@dca.ca.gov>
Subject: Re: Proposed Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations

[EXTERNAL]: jdiehl@diehlgroup.com

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California Architectural Board:

This proposal is narrowly focused and assumes that the "...forms of advertisement, solicitation, or other presentments..." are limited to California. This is simply unrealistic. For an Architect registered, practicing and offering services through multi-state presentments, this is at best

burdensome if not plainly impossible. Case in point: I am registered in 14 states, presently practice in 6. I list my firm in local, state, regional, and national publications as well as third party websites viewed by prospective clients. It is impossible to know exactly which area a particular publication is distributed or to list all of the state licenses and respective numbers. (Note: No services (Forensic Architecture Consultation) in any state are provided prior to being properly Registered.)

Obviously, the more predominate presentiment, a firm's letterhead is a special problem to a multi-state registrant. The firm will now be required to include their California Registration number on letterhead sent to non-California clients or be forced to utilize different letterheads or, if other states follow California's lead, will be required to list all States and respective registration numbers? The stated estimated cost to a firm of \$100 to update materials is unrealistic and does not account for potential on-going daily administration tasks. Re the statement in the "Initial Statement for Reasons": "...a licensee could also opt to hand write in the specified information at no additional costs."...not exactly the professional image one might want to present.

In the interest of Public Safety, the law is strict and clear regarding non-registered individuals using any form the word Architect...as it should be. However, the proposed Section 135 of Article 5, Division 2 of Title 16 is an unnecessary regulation that promises to punish otherwise law-abiding Licensed Architects...not at all as it should be!

I hope the Board can see the lack of need and the impracticability of this proposed change and discards this move.

Kind regards,

John P. Diehl AIA NCARB LEED AP

Sent from [Mail](#) for Windows

From: [James Haney](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Proposed regulation change
Date: Monday, January 3, 2022 6:00:41 PM
Attachments: [CAB-l1-220103.pdf](#)

[EXTERNAL]: jhaney@hanestation.com

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Good Evening Kimberly,

I have included in PDF my letter in response to the proposed changes. Needless to say I am not in favor of any additional regulations that impacts the architects more that those practicing without a license. It is not that I am insensitive to the problem as it has existed as long as I have been in the profession, but I think further burdening those licensed is not a solution. What I suggest is educating the intake staff, requiring planning and building department to both have a physical document at the counter and a link to a CAB page to verify licensure. Further I would even suggest if not education for the intake staff a bounty to make it worth their time to help in the cause.

Of course if you have any questions or need additional information please do not hesitate to reach out either via email or phone.

Thank You,
James

HANEYSTATION, INC.
9411 Silverthorn Drive
Waco, TX 76708

Cell 916.204.6611
Email JHaney@hanestation.com
Website <http://www.hanestation.com>

From: [Jeff C Burns](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: RE: Proposed Regulatory Action
Date: Monday, January 3, 2022 4:36:06 PM
Attachments: [CCR changes.pdf](#)

[EXTERNAL]: jeff@organicmodern.com

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Kimberly,
Attached are my comments for the board regarding the proposed ccr changes.
Thank you,

jeff c burns . architect
https://urldefense.proofpoint.com/v2/url?u=http-3A__www.organicmodern.com&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=AWpXaopQ-M_70vPy67R1YL1MnROEvuk4ZeT-ps52texGa-9YN20GogGfcZpZsXKs&s=iqxKfm9Wceg2JQID0JYm3omXBBYBrPqUrJJEfh3GaS0&e=503.351.6553

-----Original Message-----

From: California Architects Board Licensee Related Bulletins [<mailto:CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV>] On Behalf Of California Architects Board
Sent: Monday, January 3, 2022 2:23 PM
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=AWpXaopQ-M_70vPy67R1YL1MnROEvuk4ZeT-ps52texGa-9YN20GogGfcZpZsXKs&s=HXXtoCEDOJtsnyJgdHxClei9gQ-9Gy4hM9bF6PLkm2A&e=

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Regarding Proposed Changes to CCR

California Architects Board

Via email Kimberly.miel@cab.ca.gov

January 3, 2022

Dear CAB Board,

I writing in regards to changes to the CCR

Section 135. There are quite a few architect practicing in multiple states that use generic advertising. Having to start to list all of the licensing numbers would be quite laborious, or customize advertising per each state. Also seems that those that went thru the hoops to get licensed seem to be getting extra requirements because of those that didn't.

Further, I believe my license number is holy, and ONLY gets put on official documents where I'd be held accountable in a court. Seems silly to put my license number on an advertisement that would be sponsoring a school fundraiser, or in a glossy magazine where I happen to be mentioned as the architect.

Section 165. Certified profession teacher credentials for ADA training are not going to make the trainings any better. I've yet to find a training since all this has started that's been interesting, and useable for California CE. It proposed before, and will again, that the board make mandatory CE specific to the code sections that architects should be brushing up on year to year, be self-certified, and give free of charge, licensed individuals the material. If it's really important, in should be part of the licensing and not a third parties' profitable industry.

My experience is the true wealth in education for professionals comes from univerisity and professional group white papers and research grants. Making the rules for CE open and allowing for individual study would be a lot better than the canned code reads and marketing hype I see in CE.

Section 110 and 110.1. Good to see individuals get a second change. Glad this has been revised.

Thank you for all the work you do as a board.



Sincerely

Jeff C Burns

Burns Organic Modern
Oregon and California Licensed Architect
1336 SE 20th Avenue, Portland Oregon 97214
jeff@organicmodern.com – 503.351.6553 cell

From: [John Diffenderfer](mailto:John.Diffenderfer@aedisarchitects.com)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: re: NOTICE OF PROPOSED REGULATORY ACTION CONCERNING: §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS
Date: Monday, January 3, 2022 4:20:15 PM

[EXTERNAL]: jdifffenderfer@aedisarchitects.com

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Dear Ms McDaniel,

I would like to hereby submit my written comment on the proposed language revising the subject section.

I strongly disagree with the proposed language and the intent of the change. It presumes the “business entity” doing the advertisement, employing the architect(s) is strictly speaking, an architectural practice, nothing more-nothing less. What about the development companies, or organizations that employ architects? What about the large complex planning and engineering firms that provide a whole host of services? Design-builder contractors? It is absurd that in their lovely print ads, or social media promotions, that they would have to publish a singular NAME and license number somewhere, presumably in small type at the bottom. Will you require a particular font size or location, so the uninformed customer isn’t duped, accidentally?

Secondly, many firms, of all types above employ more than one architect. Per the language, if more than one is employed, only one name is required. This creates an even more easily mis-understood situation than no name at all. To the consumer who is trying to check the credential of their professional, there is a mis-representation in the advertisement that the NAMED individual is in fact the professional providing the service, even if in good standing. In the case that there are several architects, it is highly unlikely that the individual being named and consequently verified is the one providing the service. This is more misleading than nothing at all. should the consumer still be verifying the credential of the person serving them, specifically?

Third, with so much print and digital media crossing state and national borders... the CAB ruling is unrealistic for entities operating across regions. A firm like CannonDesign, for instance posting a digital ad in an int’l digital publication should not be required to put the name of a singular professional with a California license in the ad.

Finally, I think it gives the consumer very little credit for their ability to comprehend the services they are contracting for, and those they contract with. Should the simple lack of a name and license number on an *advertisement* be the sole reason they failed to complete the simplest due diligence to verify the credential of their architect, then shame on them.

I would like to alternatively suggest altering the proposed language that an advertisement, rather than listing a name and license, should simply INFORM the consumer of what they should know--in a note much like a cigarette notification, or food label--that they SHOULD verify the credentials of professionals they work with.

“Some of the services being advertised require the practitioner to be duly licensed by the State in which the services are being performed. Consumer should verify with their professionals that their licenses are valid and in good standing”

John Diffenderfer, AIA LEED AP

President
408/221-9011 cell

aedis
architects

387 S. 1st St, Ste 300
San Jose, CA 95113
(408) 300-5160 office

808 R St, Ste 201
Sacramento, CA 95811
(916) 970-0230 office

www.aedisarchitects.com

From: [Jonathan James](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Proposed regulatory language, Section 135 Article 5 Division 2
Date: Tuesday, January 4, 2022 10:16:48 AM
Attachments: [image001.png](#)

[EXTERNAL]: jon@archjj.com

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Ms. McDaniel,

I believe the proposed language should be modified to exclude the words "...card, letterhead..." from subsection (a). Business cards and letterhead are not advertisements or solicitations, they are simply identification to provide contact information. To require that cards and letterheads include the name of an architect who is in management control of the business entity, would be confusing. When an employee of my firm gives a business card to someone (who is in most cases not a current or prospective client but rather a contractor or a consultant or some other person who might need to contact that employee), I don't want my name on the card, because I don't want them to contact me, and they don't want to be confused about whom they are supposed to contact.

It also isn't clear how this regulation applies to non-architects who work for a licensed architect, since the language only says "An architect shall..." Does an unlicensed designer or marketing specialist who is not an architect have to include the name and license number of the owner or principal on a business card that identifies the firm?

How does the regulation apply to other logos, email signatures, etc. that might identify an architecture firm (such as the logo in my email signature below, which is also used by unlicensed employees)?

The law currently prohibits unlicensed individuals from identifying themselves as Architects. It seems to me that is sufficient and this new regulation is burdening architects without providing us any benefit. If a prospective client doesn't know the difference between a licensed architect and a non-licensed designer, then the *lack* of the license information and principal's name on the non-licensed person's advertisements and solicitations won't mean anything to them. If they do know the difference, it should be enough to include the word "architect" with the individual's name.

If adopted, this requirement should only apply to contracts and to advertisements and solicitations that specifically offer the services of a licensed architect, not to routine communication.

Thank you for considering these comments.

Jonathan James



650.779.4436

609 Price Ave., Ste. 108
Redwood City, CA 94063

From: [Kathleen Hallahan](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Fwd: Proposed Regulatory Action, C-23777
Date: Monday, January 3, 2022 2:42:33 PM

[EXTERNAL]: khallahan@mac.com

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Kimberly,

This is a follow-up note to clarify the issue noted the email that I just sent to you

Best Regards,

Kathleen

Begin forwarded message:

From: California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV>

Subject: Proposed Regulatory Action

Date: January 3, 2022 at 2:22:49 PM PST

To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV

Reply-To: noreply@DCA.CA.GOV

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

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Comment Period

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Kurt Worthington](#)
To: [McDaniel, Kimberly@DCA](#)
Subject: RE: Proposed Regulatory Action
Date: Monday, January 3, 2022 3:40:56 PM

[EXTERNAL]: kurt@worthingtondesign.com

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.....

Hello,

I don't quite understand this email. I forgot that my ADA test was supposed to be done by 12-31-21 but I also thought that I technically had until 1-31-22 to complete it. Is that what this is about and do I actually have until 1-31-22 to complete it?

Thanks and let me know if this is the case or if this email represents something else.

Thank you

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board

Sent: Monday, January 3, 2022 2:23 PM

To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV

Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2 CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager

2420 Del Paso Road, #105

Sacramento, CA 95834

Kimberly.mcdaniel@dca.ca.gov

Website: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_news_laws_proposed-5Fregulation.shtml&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmmnA2Y0nlWzEjg&m=XbDso9ufnC4Hs_gS5LrqM4WhAN5egGDGsHc_zcbE65HxVsjQT9ZmlgYgK0KACJq9&s=i0h-K75fENUjnlGMWB4IIzyGwQlttyr_oPxa_kfuMM&e=

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https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_webapps_subscribe.php&d=DwIFaQ&c=LHIwbLRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-

ckmmnA2Y0nlWzEjg&m=XbDso9ufnC4Hs_gS5LrqM4WhAN5egGDGsHc_zcbE65HxVsjQT9ZmlgYgK0KACJq9&s=2ya9b4Xu-7VOEhk9PGVHk4I-J4QMcAYnYEbvvyO1Kzw&e=

From: [Loren](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: email notification
Date: Monday, January 3, 2022 2:34:45 PM

[EXTERNAL]: ldellamarna@cox.net

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Hi-

Can you please advise regarding the email message below that was just received?

I am not sure if it directed to me personally and if there is any response required.

Thank you.

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Markitect](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Proposed Regulatory Action
Date: Monday, January 3, 2022 2:56:28 PM

[EXTERNAL]: markitect@markasilva.com

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Hi Kimberly,

I just received the Notice of Proposed Regulatory Action. Do you have any idea what an effective date would be? I couldn't find any language about that.

I have a couple magazine ads with artwork already confirmed to come out in the spring March thru July. I'm all for the proposed regulation, however magazine publications require artwork/photos months in advance of publication. Its already "in the can" as they say...

Please advise.

Mark A Silva Architect

markasilva.com

858-735-2375

[Shenanigans](#)

From: [Mike Fuller](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Re: Proposed Regulatory Action
Date: Monday, January 3, 2022 2:45:46 PM

[EXTERNAL]: mfuller@woodleyarch.com

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I received this email.

What action is required, or is this just a notice to inform me of the new policy?

Michael J. Fuller, AIA
Project Architect

woodleyarchitecturalgroup, inc.

2943 Pullman St, Ste A
Santa Ana, CA 92705

949.553.9831 (direct dial)

949.553.8919 (office)

949.553.8909 (fax)

mfuller@woodleyarch.com

On Mon, Jan 3, 2022 at 2:25 PM California Architects Board <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov> wrote:

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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Woodley Architectural Group, Inc./ Colorado: 303.683.7231 / California: 949.553.8919

From: [Modern House](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Cc: [Modern House](#)
Subject: Proposed Regulatory Action
Date: Monday, January 3, 2022 2:35:58 PM
Attachments: [PastedGraphic-2.tiff](#)

[EXTERNAL]: modernhouse@me.com

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Hi Kimberly,
What is this in regards to
Best regards
Curt Cline

On Jan 3, 2022, at 12:22 PM, California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV> wrote:

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

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Contact Person
Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov



Modern House
www.modernhousearchitects.com
San Francisco | Honolulu
modernhouse@me.com
415-596-7281

From: omaione@optonline.net
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Proposed Rule Making Architectural Advertising
Date: Monday, January 3, 2022 8:42:04 PM

[EXTERNAL]: omaione@optonline.net

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I personally think this is a bad idea. By providing an architect's number in print provides an easy step for someone attempting to create a fake professional stamp. Would the publications have to now police advertisers? How would they know if the submitted license number is valid?

As a suggestion, perhaps the advertisement should have the link to the Licensing Board instead so the interested reader can contact the state board to verify current licensing.

Thank you for your consideration,

Orlando T. Maione, FAIA

(C-8755)

From: [Paul Anderson](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: SECTION 135 OF ARTICLE 5 OF DIVISION 2 - my professional concerns and opinion.
Date: Monday, January 3, 2022 6:03:15 PM

[EXTERNAL]: archtctpsa@gmail.com

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Proposed Regulatory Language

(a) An architect shall include their name and license number in all forms of advertisement, solicitation, or other presentments made to the public in connection with the rendition of architectural services for which a license is required by the Architects Practice Act, including any advertisement, card, letterhead, telephone listing, Internet Web site, written solicitation to a prospective client or clients, or contract proposal. (b) For purposes of a business entity that contains or employs two or more architects, the requirements of subsection (a) shall be deemed satisfied as to such business entity's architects if the business entity's advertisements, solicitations, or presentments to the public include the name and license number of at least one architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, **or an employee of the business entity**. (c) For the purposes of this section, "management control" shall have the meaning set forth in section 134. Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 137 and 5500.1, Business and Professions Code.

Dear Ms. McDaniel,

Thank you for being the point of contact for the board on this important issue. I generally do not take issue with the proposed requirement for an Architect to list their license number as noted in the proposed language.

Please inform the Board that I do, however, take issue with the **highlighted text** of the Regulatory Language as proposed.

Unlicensed, unlawful practice continues to significantly erode opportunity for licensed Architectural professionals, and reduces the value or worth of that license to the general public in my experience - and professional opinion.

Under this "employee" designation, a non-licensed person or firm could merely employ a licensed individual and therefore operate as a legitimate licensed entity - "buying the stamp" - as I've heard the phrase used in the "rougher edges and corners" of the construction industry.

In my belief, that licensed individual **MUST** be a Controlling Member of the firm either through direct full or partial Ownership.

Not doing so disparages the Architectural License into a commodity for sale and puts undue pressure on recently-licensed young individuals to operate under the control of those who write his/her/their paycheck, not as a wholly-responsible

individual professional - which they would surely be set-up to be considered as - when something they are involved in "goes south" through no actions of their own and ends up in litigation.

Removing the "employee" designation does not eliminate the opportunity for an Architect or Architects to partner, collaborate, or joint-venture with a non-licensed individual or others in accordance with **BPC Chapter 5535.2**.

I thank you and the Board for your notification and allowing me to voice my opinion on this significant and serious matter.

Please be safe and thank you all for continuing to support all of us who are licensed Architects in California!

--



Paul S. Anderson, NCARB, Leed AP

Architect, Consultant

State of California License No. C-18792

archtctpsa@gmail.com

Mobile 949.616.6611



From: [Paul Collins](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Fwd: Proposed Regulatory Action
Date: Monday, January 3, 2022 4:27:50 PM

[EXTERNAL]: pacdesign88@gmail.com

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Please read forwarded messages and respond!

Thank you!

----- Forwarded message -----

From: Paul Collins <pacdesign88@gmail.com>
Date: Mon, Jan 3, 2022 at 2:46 PM
Subject: Re: Proposed Regulatory Action
To: <Kimberly.mcdaniel@dca.ca.gov>

Kimberly,

I just received this email, and after reading it twice, I'm totally confused about what this notice is about. I am a CA Licensed Architect and have been since October 1, 1991, a little over 30 years. There is nowhere in the email that states who this action is being filled by or against. Please clarify.

Sincerely,

Paul Collins, Architect C-22,733
PAC Design
(562) 712-0224
pacdesign88@gmail.com

On Mon, Jan 3, 2022 at 2:23 PM California Architects Board <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov> wrote:

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
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CALIFORNIA ARCHITECTS BOARD

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Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

--

Paul Collins, Architect

PAC Design

1415 Cota Ave.
Long Beach, CA 90813

phone: 562-437-6311
cell: 562-712-0224
email: pacdesign88@gmail.com

--

Paul Collins, Architect

PAC Design

1415 Cota Ave.

Long Beach, CA 90813

phone: 562-437-6311

cell: 562-712-0224

email: pacdesign88@gmail.com

From: [PC Wong](#)
To: McDaniel_Kimberly@DCA
Subject: Retired Architect License
Date: Monday, January 3, 2022 3:59:41 PM

[EXTERNAL]: pcwongarchitect@gmail.com

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Hello, Kimberly,

1/3/2022E

Since I have retired for years, what does this information mean to me?

Please advise how to apply for a Retired Architect License.

Last year, I contacted your office regarding the same issue. And I was advised to wait for further information since the Department is no longer granting Retired Architect License at this time.

My license was expired on 08/31/21. I was advised that "During this period, we are advising licensees who wish to retire that they should allow their licenses to expire, and then apply for the retired license once it is again available." (E-mail from Eisley, Brian @ dca.ca.gov on Jul 22,2021.)

Kindly, advise what is the situation at this moment.

Thank you very much for your attention / clarification to this matter.

Sincerely,
Pui Cheung Wong AIA
License # C-15374
P.C.Wong

From: [Rich Perlstein](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Cc: [Jared Polsky](#)
Subject: Requesting clarification on the proposed changes to CCR Section 135
Date: Monday, January 3, 2022 3:49:05 PM

[EXTERNAL]: rich@polskyarchitects.com

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Hello Kimberly. I would like to receive confirmation on whether the proposed language changes to CCR Sec.135 would allow that our existing office's letterhead, envelopes and business cards may be used until depleted when re-printing is required, at which time our license number(s) would be included on the newly printed materials. If the requirement is otherwise, it should be clearly stated that all such older materials must no longer be used and recycled/ destroyed and new compliant cards and letterhead materials be printed. This I fear will be much more than the trivial \$100 mentioned in the Notice:

Cost Impact on Representative Private Person or Business: While the exact costs are unknown, the Board is aware there may be minor costs of no more than \$100 a representative private person or business would incur in reasonable compliance with the proposed action to reprint or edit some presentments and advertising materials with their name and architect license number.

The Board should be sensitive to the fact that many firms may have business cards and letterhead that were printed with premium methods. Our ten person firm would likely incur a re-printing bill of a few to several thousand dollars, this is by no means a minor cost. The Board should be VERY clear about this to the 22,000 affected offices. Thank you.

Richard H. Perlstein AIA

Polsky Perlstein Architects
469B Magnolia Ave.
Larkspur, CA 94939
415-927-1156 x302
rich@polskyarchitects.com

From: rkerr@rkad.com
To: noreply@DCA.CA.GOV
Cc: McDaniel, Kimberly@DCA
Subject: RE: Proposed Regulatory Action
Date: Monday, January 3, 2022 2:35:41 PM

[EXTERNAL]: rkerr@rkad.com

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Kimberly

This is a bit confusing.

Does this mean you're proposing some action against me?

I have no idea why this would be proposed against me, but please provide any info.

Robert Kerr, AIA

ROBERT KERR architecture design

2404 W Jefferson Boulevard
Los Angeles, CA 90018

T 323 746 5020

www.rkad.com

-----Original Message-----

From: California Architects Board Licensee Related Bulletins <CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV> On Behalf Of California Architects Board
Sent: Monday, January 3, 2022 2:23 PM
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV
Subject: Proposed Regulatory Action

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Selena Linkous](mailto:Selena.Linkous)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Fwd: Proposed Regulatory Action
Date: Monday, January 3, 2022 5:31:50 PM

[EXTERNAL]: selena@selenalinkous.com

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Hi Kimberly,

Could you tell me what this is regarding? Is this general changes to the regulations or an action specifically for me? I'm not sure what it would be concerning.

Thank you

----- Forwarded message -----

From: California Architects Board <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov>

Date: Mon, Jan 3, 2022 at 2:25 PM

Subject: Proposed Regulatory Action

To: <CAB-LICENSEE@subscribe.dcalists.ca.gov>

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

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Comment Period

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p.m. on Tuesday, February 15, 2022, or must be received by the Board at the hearing, should one be scheduled.

Contact Person

Kimberly McDaniel, Regulations Manager

2420 Del Paso Road, #105

Sacramento, CA 95834

Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

--

selena linkous architecture
323.252.7565

From: [Shannon](#)
To: McDaniel_Kimberly@DCA
Subject: Fwd: Proposed Regulatory Action
Date: Monday, January 3, 2022 2:40:08 PM

[EXTERNAL]: slwferguson@yahoo.com

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Hi Kimberly,

I received the below email and am not sure if this was meant for me as I do not see any details or attachments specifically addressed to me. Can you please let me know?

Thank you,

Shannon Ferguson
License #C 38637
336-416-6081

Begin forwarded message:

From: California Architects Board <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov>
Date: January 3, 2022 at 2:25:13 PM PST
To: CAB-LICENSEE@subscribe.dcalists.ca.gov
Subject: Proposed Regulatory Action
Reply-To: noreply@dca.ca.gov

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: [Steve](#)
Subject: RE: SECTION 135 OF ARTICLE 5 OF DIVISION 2
Date: Tuesday, January 4, 2022 10:05:00 AM

Good morning,

This email is notification that the Board is proposing a regulation and provides an opportunity for your input.

Thank you,

Kim McDaniel, Administration Analyst
California Architects Board
2420 Del Paso Rd. Ste. 105
Sacramento, CA 95834-9673
(916) 575-7221
Kimberly.Mcdaniel@dca.ca.gov

From: Steve <seshover57@gmail.com>
Sent: Tuesday, January 4, 2022 10:04 AM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: SECTION 135 OF ARTICLE 5 OF DIVISION 2

[EXTERNAL]: seshover57@gmail.com

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Kimberly

REG and Email NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
§135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS

I have received an email that I am unsure if there is a problem. Who can I talk to about getting some clarification?

Steve Shover
909-648-5089
C25220

From: [Warren Hamrick](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Re: Proposed Regulatory Action
Date: Monday, January 3, 2022 2:34:10 PM

[EXTERNAL]: warren@hamrickassociates.com

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Kimberly,

I can support this action. I would also like to propose another action that would be helpful to architects.

Just as the law requires geotechnical engineers to review plans and write a letter of conformance, I would like the law to require that architects look at the final building and write a letter to the permit agency that it conforms to the plans. This provide for prompt payment of architectural fees in a timely manner.

I have been taken advantage of several times in my long career and the industry needs more teeth. The public does not really understand the hours it takes for us to do a good job.

Make sense?

Thanks

Warren Hamrick, Principal
Hamrick Associates, Inc (HAI)
Architecture + Planning
o: 805.773.9377
c: 805.441.4141
f: 888.805.8590
www.hamrickassociates.com

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On Jan 3, 2022, at 2:22 PM, California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CA.GOV> wrote:

DEPARTMENT OF CONSUMER AFFAIRS

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
CALIFORNIA ARCHITECTS BOARD

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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Joseph Spierer](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Opposed to Proposed Regulation - Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations
Date: Monday, January 3, 2022 3:05:59 PM

[EXTERNAL]: joe@calarchitect.com

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Hi Kimberly,

Thank you for the email. I strongly oppose this legislation. Adding our license number everywhere will cheapen our look and make us look like contractors. Minimalist design is elegant, and adding our license number is not. This will also **not** solve the problem of unlicensed designers advertising themselves as architects.

If the CAB is trying to solve this problem, I would suggest limiting what they can do to small remodels (or nothing would be better). The fact that an unlicensed teenager with no school or training can design a brand new home (let alone a 4-plex) is shocking. It puts the public at huge risk. The average person does not know the danger they are in when they hire an unlicensed person, and they should therefore not have the choice.

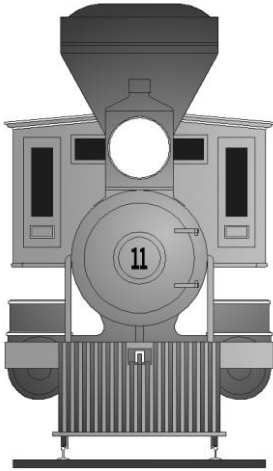
Thank you for your time.

Best,
Joe

--

Joseph R. Spierer, AIA
Joseph Spierer Architects, Inc.

www.calarchitect.com
www.instagram.com/joseph.spierer.architects
w: (310) 876-8761 x1008 | c: (310) 200-1290
707 Torrance Blvd, Ste. 100, Redondo Beach, CA 90277



January 3, 2022

Kimberly McDaniel, Regulation Manager
c/o California Architectural Board
2420 Del Paso Rd, #105
Sacramento, CA 94526

Re: Proposed Regulation Changes.

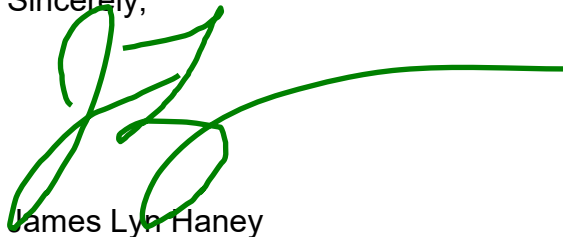
Dear Kimberly,

I am writing to you in response to the proposed regulation changes to section 135 of article 5 of the division 2 California Architects Board, letter dated December 20, 2021. On the surface it may appear to be a reasonable request to stipulate that an Architects License should appear on all advertisements included but not limited to business cards, letterhead, solicitation, website, or proposal, which the latter I believe is already a requirement. Now this can get tricky when you say website do you mean the home page or every page as the language as written is just states website. Then there is the question of written solicitation which could mean every email, as I have received responses on email for a previous job regarding a possible new project. This of course is taking the regulatory language to the extreme, but facing potential financial impacts for not complying I think many would seek to error on the side of caution. So then what is the solution to a problem that has existed even before I myself was licensed?

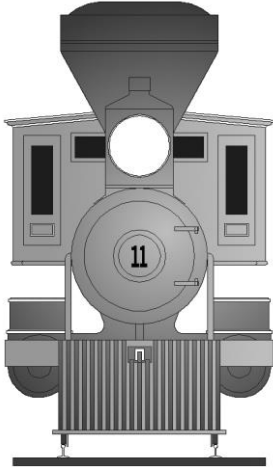
I would propose instead of creating additional regulations that would impact those licensed individuals whom will comply anyway would be to educate the building departments intake staff on what they should be looking for and when licensure is required by state law. Further give these building officials the tools and possibly a reward in an effort to confirm that the license that appears on the plans are current and linked to the individual or the firm found on the title block. Further posters and/or brochures could be made available at planning and building departments counters clarifying when a licensed architect is required much like hourly wage posters required to be made available to the staff. CAB could create a specific web page to check a license in addition to clarifying when legally you are required to retain an architect. This web page would be required to be linked in all city and county planning and building websites with notation clarifying its use. The page itself could also boldly state the fines for putting oneself out as an architect who is not or providing documents for work that a draftsman is not legally able to provide. Lastly a possible bounty to make it worth the effort for the intake staff to take the initiative.

I think this is a much more positive approach rather than another punitive regulation that impacts the licensee more than the intended perpetrator. It also moves the penalty away from the licensed architect moving the burden to those practicing without. More importantly it does not impact licensed architects at all, which with covid still impacting billing we would all appreciate. Further it would educate both building officials and the public in regard to the legal requirements for a licensed architect to be retained. CAB could even require intake personnel to take education hours in when and when an architect is not required. Without sounding redundant this feels like a more positive approach to a problem that has existed since I started in this profession over thirty years ago as a lowly draftsman.

Sincerely,

A handwritten signature in green ink, consisting of stylized loops and a long horizontal stroke extending to the right.

James Lyn Haney
C29333



January 3, 2022

Kimberly McDaniel, Regulation Manager
c/o California Architectural Board
2420 Del Paso Rd, #105
Sacramento, CA 94526

Re: Proposed Regulation Changes.

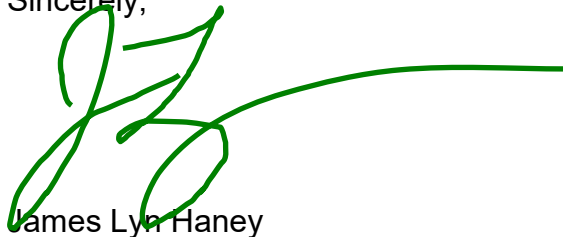
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Sincerely,

A handwritten signature in green ink, consisting of stylized loops and a long horizontal stroke extending to the right.

James Lyn Haney
C29333

From: [Annie Ledbury](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: NOTICE OF PROPOSED REGULATORY ACTION CONCERNING: §135 ARCHITECTURAL ADVERTISING AND PUBLIC PRESENTMENTS
Date: Monday, January 3, 2022 2:34:17 PM

[EXTERNAL]: aledbury@gmail.com

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Hi Kimberly,

My comment in response to the proposed regulatory action:

This proposal seems unnecessary and not practical. The general public will not be aware enough of the need for a license, and adding this requirement will put a burden on small businesses to redesign graphics with extra information that will muddy up the graphic look of their branding/ message. It will also be difficult to enforce.

Signed respectfully,

Andrea (Annie) Ledbury
CA Architect Lic. # C36554

From: [L. Eberhart](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Fwd: Proposed Regulatory Action
Date: Monday, January 3, 2022 2:35:59 PM

[EXTERNAL]: califdesigner@gmail.com

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What is this email in reference to?

Leane

----- Forwarded message -----

From: **California Architects Board** <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov>

Date: Mon, Jan 3, 2022 at 2:21 PM

Subject: Proposed Regulatory Action

To: <CAB-LEGISLATION@subscribe.dcalists.ca.gov>

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
SECTION 135 OF ARTICLE 5 OF DIVISION 2
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Contact Person

Kimberly McDaniel, Regulations Manager
2420 Del Paso Road, #105
Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

From: [Carole Bookless](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: New Architecture regulations
Date: Monday, January 3, 2022 6:07:00 PM

[EXTERNAL]: carobo@rocketmail.com

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Dear Ms. McDaniel,

Can you please send me the wording of all the new regulations? When I click on the link to any of the regulations except CCR Section 135, the text sends me to another link, that sends me to another link, etc and the text of the regulation can't be found.

I would also like to draw your attention to the fact that the reasoning behind CCR Section 135 is stated as making it easier to find out if an architect is licensed. This is simply not true. Adding a person's license number to their name is not necessary to find licensing. The search engine provides licensure verification with just a name. My concern is that adding the number might give a false sense of security because a disreputable person might still use a valid number under a false name that might be similar to a valid name. For instance, misspelling my name in the search engine still gives my credentials with or without the number listed. I would posit that requiring exact spelling in the search engine would do more than this regulation.

I don't have the answer to making things safer. Being out of state I really worry about the chance of someone using my license illegally. However, I don't think this requirement helps in any way and simply adds to chances of accidentally missing a regulation, adding to your workload and ours.

If it is necessary to have a hearing in order to provide feedback on this regulation, then I request a hearing, otherwise please accept this as my feedback on CCR Section 135. I can't provide feedback on the other sections because I can't find the text.

Thank you for your work on this,
Carole Bookless

From: [McKenzie, Arleen@DCA](mailto:McKenzie.Arleen@DCA)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: FW: Kathleen Hallahan C-23777
Date: Tuesday, January 4, 2022 10:17:59 AM

Hi Kim,

I responded to the below licensee's email and forgot to cc you.

Arleen McKenzie
Cashier

California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7204 (916) 575-7283 Fax cab.ca.gov

From: McKenzie, Arleen@DCA
Sent: Tuesday, January 4, 2022 10:14 AM
To: khallahan@mac.com
Cc: Eisley, Brian@DCA <Brian.Eisley@dca.ca.gov>; Reinhardt, Marccus@DCA <Marccus.Reinhardt@dca.ca.gov>; Kreidler, Jane@DCA <Jane.Kreidler@dca.ca.gov>; Lindsey, Janine@DCA <Janine.Lindsey@dca.ca.gov>
Subject: Kathleen Hallahan C-23777

Hi Kathleen,

Your original renewal application was incomplete due to the continued education box was not checked. A letter of incomplete renewal was mailed to you for you to answer the question and return to our office. I see you renewed your license via our online license renewal portal on 1/2/2022. No further action is due on your part. Your license has been renewed with an expiration date of 12/31/2023.

I will print your continued education documents for your file.

Please call me at the below number should you have any further questions.

Arleen McKenzie
Cashier

California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7204 (916) 575-7283 Fax cab.ca.gov

From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: [Paul Collins](mailto:Paul.Collins)
Subject: RE: Proposed Regulatory Action
Date: Tuesday, January 4, 2022 7:24:00 AM

Good morning Paul,

No action has been filed against you.

This email is notification that the Board is proposing a regulation and provides an opportunity for your input.

Thank you,

Kim

From: Paul Collins <pacdesign88@gmail.com>
Sent: Monday, January 3, 2022 4:27 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Fwd: Proposed Regulatory Action

[EXTERNAL]: pacdesign88@gmail.com

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Please read forwarded messages and respond!

Thank you!

----- Forwarded message -----

From: **Paul Collins** <pacdesign88@gmail.com>
Date: Mon, Jan 3, 2022 at 2:46 PM
Subject: Re: Proposed Regulatory Action
To: <Kimberly.mcdaniel@dca.ca.gov>

Kimberly,

I just received this email, and after reading it twice, I'm totally confused about what this notice is about. I am a CA Licensed Architect and have been since October 1, 1991, a little over 30 years. There is nowhere in the email that states who this action is being filled by or against. Please clarify.

Sincerely,

Paul Collins, Architect C-22,733

PAC Design

(562) 712-0224

pacdesign88@gmail.com

On Mon, Jan 3, 2022 at 2:23 PM California Architects Board <000000069fb8b025-dmarc-request@subscribe.dcalists.ca.gov> wrote:

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
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Kimberly McDaniel, Regulations Manager

2420 Del Paso Road, #105

Sacramento, CA 95834

Kimberly.mcdaniel@dca.ca.gov

Website: https://www.cab.ca.gov/news/laws/proposed_regulation.shtml

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<https://www.cab.ca.gov/webapps/subscribe.php>

--

Paul Collins, Architect

PAC Design
1415 Cota Ave.
Long Beach, CA 90813

phone: 562-437-6311
cell: 562-712-0224
email: pacdesign88@gmail.com

--

Paul Collins, Architect

PAC Design
1415 Cota Ave.
Long Beach, CA 90813

phone: 562-437-6311
cell: 562-712-0224
email: pacdesign88@gmail.com

Ahmed, Idris@DCA

From: McDaniel, Kimberly@DCA
Sent: Wednesday, February 9, 2022 12:36 PM
To: Ahmed, Idris@DCA
Subject: FW: architects license numbers

Per your request since this file was corrupt.

From: chuck desler <chuckdesler@gmail.com>
Sent: Tuesday, January 4, 2022 4:16 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: architects license numbers

[EXTERNAL]: chuckdesler@gmail.com

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4 January 2022

Include architectural license numbers on your advertisement?

good idea

have most always done it....with the few advertisements I have ever done....face it, marketing was considered beneath the stature of architects until recently unless one was a gadfly like FLW or Skidmore/Ownings....was dont with taste

always seemed to smooth the waters and I have included it for quite some time

<http://charlesdeslerarchitect.blogspot.com>

but what bothers me....

I am getting to be "rather" old....and what bothers me, it might have in the past interfered with some truly GREAT architects, such as Rowan Maiden, Warren Callister, Jack Hillmer, Mark Mills.....

appears those guys never got licensed at all....until recently...well after me....and they were of my father's generation....

my friend Henrik Bull had a license number of 1972 and believe Esherick had a number in the 600s....BUT one must give some leeway to those other "types"....if they still exist....like Callister....

BUT I still protest the carbon dating system or enviromental stuff....but of course the glaciers on Mt Hood are melting and the planet is warming but without an understanding of the Milankovitch cycles and out traverse thru the Milky Way we are lost and perhaps an elementary discussion of physics would be more in order?

and that's it....

thank you

Chuck Desler
now an Old Guy
Charles Desler Architect California C10218
but still an excellent fly fisherman

Ahmed, Idris@DCA

From: brian.s.pearson <brian@studiopear.us>
Sent: Tuesday, February 8, 2022 1:01 PM
To: Ahmed, Idris@DCA
Subject: Comments proposed regulatory change

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Purple Category

[EXTERNAL]: brian@studiopear.us

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Hello,

I am writing to express my opposition to the proposed adoption of section 135 of article 5. My understanding of the main impetus of this regulation is to make it easier for CAB to regulate unlicensed individuals. However, the proposal shifts the burden to the "good actors" - us, the licensed architects, making practice more difficult. Many licensed individuals advertise or promote their business through many platforms. Sometimes not even referring to the term "architect", but this regulation would make every action fall under a high level of scrutiny with potential hefty fines and sullied records. It would be very burdensome to be required to always reference one's architecture license number even in "informal" promotions or communications. Additionally, there are high levels of costs to revise all print media - business cards, letterhead, etc.... Lastly, the proposed regulation is vague regarding firms with multiple architect partners. Do all their numbers go on all communication? What does it imply for communication from a partnership if it requires an individual to back it up - that seems to lead to potential confusion on the part of the consumer.

I know that the unregulated use of architecture and its implications for the industry are serious issues. I think there are probably many other ways to go about rectifying the problem that do not include undue burdens on those doing their best to comply with state laws.

Regards
-Brian Pearson

From: [Justin Martinkovic](#)
To: [McDaniel, Kimberly@DCA](#)
Cc: [Cherie Arnold](#); [Brian Milford](#)
Subject: Regulations Affecting Architect Advertising
Date: Wednesday, February 9, 2022 2:12:01 PM

[EXTERNAL]: justin@martinkovicmilford.com

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Hello Kimberly,

Per the AIA California email regarding Proposed Regulation section 135, I am **NOT** in favor of CAB proposed changes for architects to include name and license number on all forms of advertisement for the reasons cited in the email (and pasted in below). Further, this seems like needless regulation that isn't materially addressing a problem.

The reasons cited that I agree with:

- The assumption that updating marketing materials (business cards, letterhead, website updates) may cost up to \$100 is not accurate. These costs will be higher.
- This will make it easier to steal and illegally use an architect's license number.
- Focusing on the non-licensed individuals who illegally call themselves architects would protect consumers
- The proposed regulation has a lack of clarity on what it covers; the real world implications are not yet known or understood. For example, how do architects comply when making social media posts about projects?
- This proposed regulation, intended to protect consumers from unlicensed practice, puts all responsibility of compliance on licensed architects.
- Only one other state has this requirement, as it does not increase consumer protection.

<https://aiacalifornia.org/california-architects-board-considering-regulations-affecting-architect-advertising/>

Thank you,

Justin Martinkovic AIA, NCARB
Architect | Principal
M 415 225 3300

MARTINKOVIC MILFORD ARCHITECTS
San Francisco | New York | San Diego
martinkovicmilford.com

From: [Katherine Austin](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Re: Cab rules change email
Date: Wednesday, February 9, 2022 11:55:25 AM

[EXTERNAL]: kaaustin@pacbell.net

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Thank you. I have read all sections proposed to be changed and have no objections or concerns. Thank you for getting back to me.

Katherine Austin, AIA, Architect
179 SE Rice Way
Bend, OR 97702
P 707-529-5565
kaaustin@pacbell.net
www.austinaia.com

On Monday, February 7, 2022, 06:17:42 PM PST, [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
<kimberly.mcdaniel@dca.ca.gov> wrote:

https://www.cab.ca.gov/news/laws/proposed_regulation.shtml#proposed

From: Katherine Austin <kaaustin@pacbell.net>
Sent: Tuesday, January 4, 2022 11:36 PM
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA) <Kimberly.McDaniel@dca.ca.gov>
Subject: Cab rules change email

[EXTERNAL]: kaaustin@pacbell.net

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Hello Ms McDaniel I received an email today that referenced an earlier email from yesterday which I never received.. Can you provide a link to the rules change that's been referenced and once I read it I'll see if I have any comments. Or can you direct me to a

website where I can review this proposed change, I would appreciate it thank you very much.

Katherine Austin

C22389

[Sent from AT&T Yahoo Mail on Android](#)

From: [Laura Knauss](#)
To: [McDaniel, Kimberly@DCA](#); [Ahmed, Idris@DCA](#)
Cc: [Don McAllister](#); [Andy Deeble](#)
Subject: RE: Regulation Section 135 Written Comments
Date: Thursday, February 10, 2022 11:42:23 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[Lionakis_CAB letter Don_.pdf](#)

[EXTERNAL]: laura.knauss@lionakis.com

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Please see an additional written response. Thank you.

Laura Knauss | AIA | LEED AP | ALEP | Principal
She/Her/Hers

LIONAKIS | www.lionakis.com | P: 916.558.1900 | M: 916.425.7854



From: Laura Knauss
Sent: Wednesday, February 9, 2022 3:09 PM
To: 'kimberly.mcdaniel@dca.ca.gov' <kimberly.mcdaniel@dca.ca.gov>; 'idris.ahmed@dca.ca.gov' <idris.ahmed@dca.ca.gov>
Cc: Don McAllister <Don.McAllister@lionakis.com>; Andy Deeble <Andy.Deeble@Lionakis.com>
Subject: Regulation Section 135 Written Comments

On behalf of the fourteen licensed California architects, Principals of Lionakis, please accept our written comments in response to CAB's Regulation Section 135 in advance of the February 18th hearing. In addition to these 14 Principals, our firm has an additional 26 architects licensed in California that could be impacted by the proposal.

Thank you.

Laura Knauss | AIA | LEED AP | ALEP | Principal
She/Her/Hers

LIONAKIS

1919 Nineteenth Street | Sacramento, CA 95811
P: 916.558.1900 | M: 916.425.7854 | F: 916.558.1919

www.lionakis.com



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Working Remote Notice -

While we are working remotely to ensure the health and safety of our employees, clients, and communities, the Lionakis team remains fully connected and hard at work fulfilling client needs. With thoughts of health and wellness to you and your families, we encourage you to please be safe. And as always, don't hesitate to reach out if you need anything.

February 7, 2022

California Architects Board
Via email: idris.ahmed@dca.ca.gov

Re: CAB Regulatory Changes – Public Presentments and Advertising Requirements

To Whom it May Concern:

We are writing to oppose the proposed regulatory action to adopt section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR), regarding public presentments and advertising requirements for licensed architects. While we support the intention of the CAB – to ensure the public is informed as to the licensure status and therefore qualifications of those they employ to provide architectural services – we find the implementation consequences unwieldy and not fully vetted.

Lionakis is a medium/large firm with over 170 total staff and 40 licensed architects in our employ in California. We understand and appreciate that the CAB reviewed their initial proposal and modified it to clarify implementation for larger firms, but believe that clarification may lead to additional confusion for the public. Namely:

- On the business card of a licensed architect in our employ – will we display their license number or that of the “architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, or an employee of the business entity.”? Is it perhaps a misrepresentation to place another’s license number on a licensed architect’s business card? Or worse yet, an unlicensed person’s business card?
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Additionally, we do not agree with the assertion that a license number allows the public to search the database to verify licensure. A simple search, using an individual’s name, produces a record. When the firm name is added to the search, the results are all but guaranteed. The license number is not mandatory to the search.

And finally, understanding and managing this regulation is not inconsequential. All printed materials at our firm must be re-designed (new set-up) and re-printed, along with updates to all electronic/digital media.. And how is it to be implemented in social media posts? For example, how and where is the license to be displayed and with what prominence? Firm branding, redesigned with the inclusion of license numbers, is a potentially significant cost. This cost will occur every time the firm’s “architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, or an

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Regarding
Date
Page 2 of 2

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Again, we appreciate the intention of the proposed regulations, but do not believe they provide any improved guarantee of the qualifications of our architects to the clients we serve—beyond what they as informed consumers already possess. Thank you for your consideration.

Sincerely,

Donald McAllister, AIA
President



California Architectural License Number: C20216

From: [Laura Knauss](#)
To: [McDaniel, Kimberly@DCA](#); [Ahmed, Idris@DCA](#)
Cc: [Don McAllister](#); [Andy Deeble](#)
Subject: Regulation Section 135 Written Comments
Date: Wednesday, February 9, 2022 3:10:05 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[Lionakis_CAB letter Jonathan .pdf](#)
[Lionakis_CAB letter Laura .pdf](#)
[Lionakis_CAB letter Laurie .pdf](#)
[Lionakis_CAB letter Mary .pdf](#)
[Lionakis_CAB letter Maynard .pdf](#)
[Lionakis_CAB letter Michael .pdf](#)
[Lionakis_CAB letter Mike .pdf](#)
[Lionakis_CAB letter Nick .pdf](#)
[Lionakis_CAB letter Reg .pdf](#)
[Lionakis_CAB letter Steve .pdf](#)
[Lionakis_CAB letter Brian .pdf](#)
[Lionakis_CAB letter Carol .pdf](#)
[Lionakis_CAB letter Dennis .pdf](#)
[Lionakis_CAB letter Jon .pdf](#)

[EXTERNAL]: laura.knauss@lionakis.com

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Thank you.

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She/Her/Hers

LIONAKIS

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February 7, 2022

California Architects Board
Via email: idris.ahmed@dca.ca.gov

Re: CAB Regulatory Changes – Public Presentments and Advertising Requirements

To Whom it May Concern:

We are writing to oppose the proposed regulatory action to adopt section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR), regarding public presentments and advertising requirements for licensed architects. While we support the intention of the CAB – to ensure the public is informed as to the licensure status and therefore qualifications of those they employ to provide architectural services – we find the implementation consequences unwieldy and not fully vetted.

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Additionally, we do not agree with the assertion that a license number allows the public to search the database to verify licensure. A simple search, using an individual’s name, produces a record. When the firm name is added to the search, the results are all but guaranteed. The license number is not mandatory to the search.

And finally, understanding and managing this regulation is not inconsequential. All printed materials at our firm must be re-designed (new set-up) and re-printed, along with updates to all electronic/digital media. And how is it to be implemented in social media posts? For example, how and where is the license to be displayed and with what prominence? Firm branding, redesigned with the inclusion of license numbers, is a potentially significant cost. This cost will occur every time the firm’s “architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, or an

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Date

Page 2 of 2
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Again, we appreciate the intention of the proposed regulations, but do not believe they provide any improved guarantee of the qualifications of our architects to the clients we serve—beyond what they as informed consumers already possess. Thank you for your consideration.

Sincerely,

Maynard Feist, AIA
Principal



California Architectural License Number: C23115

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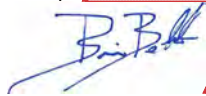
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Sincerely,

Brian Bell, AIA
Principal



California Architectural License Number: C28712

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February 7, 2022

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Via email: idris.ahmed@dca.ca.gov

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Sincerely,

Carol Lanham, AIA
Principal



California Architectural License Number: C37100

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February 7, 2022

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Sincerely,

Dennis Guerra, AIA
Principal



California Architectural License Number: 30075639

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February 7, 2022

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Via email: idris.ahmed@dca.ca.gov

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Sincerely,

Jon Lundstrom, AIA
Principal



California Architectural License Number: C11976

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Name
Regarding
Date

Page 2 of 2
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Again, we appreciate the intention of the proposed regulations, but do not believe they provide any improved guarantee of the qualifications of our architects to the clients we serve—beyond what they as informed consumers already possess. Thank you for your consideration.

Sincerely,

Jonathan McMurtry, AIA
Associate Principal



California Architectural License Number: C23603

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1919 Nineteenth Street
Sacramento CA 95811
P: 916.558.1900
F: 916.558.1919
www.lionakis.com

February 7, 2022

California Architects Board
Via email: idris.ahmed@dca.ca.gov

Re: CAB Regulatory Changes – Public Presentments and Advertising Requirements

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Sincerely,

Laura Knauss-Docous, AIA
Principal



California Architectural License Number: C20149

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February 7, 2022

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Via email: idris.ahmed@dca.ca.gov

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Sincerely,

Laurie McCoy, AIA
Principal



California Architectural License Number: C21749

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February 7, 2022

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Sincerely,

Mary Morris, AIA
Associate Principal



California Architectural License Number: C23271

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Sincerely,

Michael Orr, AIA
Principal



California Architectural License Number: C32325

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February 7, 2022

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Sincerely,

Mike Davey, AIA
Principal



California Architectural License Number: C27266

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February 7, 2022

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Sincerely,

Nick Docous, AIA
Principal



California Architectural License Number: C18997

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February 7, 2022

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Sincerely,

Steve Kendrick, AIA
Principal



California Architectural License Number: C14099

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From: [Cherie Arnold](#)
To: [Justin Martinkovic](#); [McDaniel, Kimberly@DCA](#)
Cc: [Brian Milford](#)
Subject: RE: Regulations Affecting Architect Advertising
Date: Wednesday, February 9, 2022 4:31:07 PM

[EXTERNAL]: cherie@martinkovicmilford.com

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DO NOT: click links or open attachments unless you know the content is safe.

NEVER: provide credentials on websites via a clicked link in an Email.

Hi Kimberly—

I concur with Justin's assessment. As the Marketing Director at Martinkovic Milford Architects, I can tell you that the \$100 estimated cost for making these changes is off by orders of magnitude. For even a small firm like ours, editing, reprinting and reproducing all of our sales and marketing pieces could easily cost in the tens of thousands of dollars. Additionally, there appears to be no exemption for digital advertising, implying that every single Google Ad that a company has (which can easily be in the hundreds) would need to be modified. Not only would this be a costly endeavor; given the structure of Google Ads and the way the system functions, this requirement would negatively impact the effectiveness of our google ad campaigns. Consequently, our ability to advertise and compete for work nationally and ultimately our bottom line will also be negatively impacted.

I understand the desire to protect our customers. While it seems that every legitimate architecture firm has a website and adding this information to the footer of the site might "only cost a few hundred dollars"; in reality, the majority of consumers will not verify this information. Without validation, this effort and expense will not prevent bad actors from using false numbers and unduly exposes our license numbers to possible identity theft. Ultimately, this proposal will be all cost and no benefits.

Thanks in advance for your time and consideration.

Sincerely,

Cherie Arnold
Marketing Director
M 415-735-0996

MARTINKOVIC MILFORD ARCHITECTS
San Francisco | New York | San Diego
martinkovicmilford.com

From: Justin Martinkovic <justin@martinkovicmilford.com>

Sent: Wednesday, February 9, 2022 2:12 PM

To: kimberly.mcdaniel@dca.ca.gov

Cc: Cherie Arnold <cherie@martinkovicmilford.com>; Brian Milford

<brian@martinkovicmilford.com>

Subject: Regulations Affecting Architect Advertising

Hello Kimberly,

Per the AIA California email regarding Proposed Regulation section 135, I am **NOT** in favor of CAB proposed changes for architects to include name and license number on all forms of advertisement for the reasons cited in the email (and pasted in below). Further, this seems like needless regulation that isn't materially addressing a problem.

The reasons cited that I agree with:

- The assumption that updating marketing materials (business cards, letterhead, website updates) may cost up to \$100 is not accurate. These costs will be higher.
- This will make it easier to steal and illegally use an architect's license number.
- Focusing on the non-licensed individuals who illegally call themselves architects would protect consumers
- The proposed regulation has a lack of clarity on what it covers; the real world implications are not yet known or understood. For example, how do architects comply when making social media posts about projects?
- This proposed regulation, intended to protect consumers from unlicensed practice, puts all responsibility of compliance on licensed architects.
- Only one other state has this requirement, as it does not increase consumer protection.

<https://aiacalifornia.org/california-architects-board-considering-regulations-affecting-architect-advertising/>

Thank you,

Justin Martinkovic AIA, NCARB
Architect | Principal
M 415 225 3300

MARTINKOVIC MILFORD ARCHITECTS
San Francisco | New York | San Diego
martinkovicmilford.com

From: [David Arkin, AIA](mailto:David.Arkin.AIA)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Comments re: Changes in Regulations Affecting Advertising by Architects
Date: Wednesday, February 9, 2022 3:07:45 PM

[EXTERNAL]: david@arkintilt.com

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NEVER: provide credentials on websites via a clicked link in an Email.

Hello CAB:

I am writing to concur with the input of the AIACC and other chapters, regarding the requirement to include our license numbers in advertising:

- The assumption that updating marketing materials (business cards, letterhead, website updates) may cost up to \$100 is not accurate. These costs will be higher.
- This will make it easier to steal and illegally use an architect's license number.
- Focusing on the non-licensed individuals who illegally call themselves architects would protect consumers
- The proposed regulation has a lack of clarity on what it covers; the real world implications are not yet known or understood. For example, how do architects comply when making social media posts about projects?
- This proposed regulation, intended to protect consumers from unlicensed practice, puts all responsibility of compliance on licensed architects.
- Only one other state has this requirement, as it does not increase consumer protection.

Coincidentally (and perhaps Ironically), I already provide my license numbers in the 'signature' of my email, below. Aside from my profile on our firm's website it is the only place I do so, other than when completing forms that require it, or of course with my stamp.

Our firm sponsors a number of events, from local education foundation fundraisers to the climate leadership forum and others; typically these run our firm name and logo and that's it, often quite small. To include my or my partner's license number in these and related spots - where the majority of other sponsoring businesses are not - will be cumbersome, if even legible.

Thanks for considering these points,

David Arkin

* * * * *

Arkin Tilt Architects
Ecological Planning & Design
1101 8th St. #180, Berkeley, CA 94710

510/528-9830 ext. 202

www.arkintilt.com

David Arkin, AIA, Architect

LEED Accredited Professional

CA #C22459 / NV #5030 / OR #6738

Co-Director, California Straw Building Association

www.strawbuilding.org

CASBA is a project of the Tides Center

"There is no way to peace. Peace is the way."

— A. J. Muste

From: [Eric Elerath](mailto:Eric.Elerath@verizon.net)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Re: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations
Date: Monday, February 7, 2022 8:54:12 PM

[EXTERNAL]: eelerath@verizon.net

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How much time will each speaker get?

Or is that a question I should direct to the Board?

On Feb 7, 2022, at 8:38 AM, McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov> wrote:

The Board is in receipt of your comments. The Notice of Hearing is attached.

From: Eric Elerath <eelerath@verizon.net>
Sent: Friday, February 4, 2022 1:44 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Fwd: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations

[EXTERNAL]: eelerath@verizon.net

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Ms. McDaniel

I am interested in addressing the CAB with a statement and argument at this meeting. The attached email states,

To participate in the WebEx Events public hearing, please see the attachment for log on instructions.

This email had no attachments. My questions are:

- 1.) What is the procedure for attending the meeting and what hardware / software is required?
- 2.) How much time will each speaker be allotted?
- 3.) What criteria will be applied, and which person will assume responsibility for removing people from the meeting for making statements that are politically incorrect?

Thank you.

Eric Elerath

Begin forwarded message:

From: California Architects Board <000000069fb8b025-dmarc-request@SUBSCRIBE.DCALISTS.CAGOV>
Subject: Public Hearing on proposed regulatory action section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations
Date: February 3, 2022 at 10:01:26 AM PST
To: CAB-LICENSEE@SUBSCRIBE.DCALISTS.CA.GOV
Reply-To: noreply@DCA.CA.GOV

The California Architects Board (Board) will hold a public hearing on the proposed regulatory action to adopt section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR) on February 18, 2022, starting at 3:00 p.m. Any interested person may present statements or arguments orally during the public hearing to be held by teleconference with no physical public locations. The Board will hold this public hearing via WebEx Events To participate in the WebEx Events public hearing, please see the attachment for log on instructions.

To unsubscribe from this email list please click on the link below and follow the instructions on the web page.

<https://www.cab.ca.gov/webapps/subscribe.php>

<Notice of Hearing CCR 135 FINAL.pdf>

From: [Frank Weeks](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Comments on Proposed Regulation Section 135
Date: Wednesday, February 9, 2022 3:03:25 PM

[EXTERNAL]: FWeeks@nbbj.com

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Dear CAB,

I am writing to respectfully express my opposition to the proposed regulation Section 135, requiring Architects to include their name and number in advertising material. In addition to supporting all the points made by the AIA California as to why this is an unnecessary piece of legislation, I would also like to express the following additional points:

- Most importantly to me, this regulation **reduces the dignity** of a noble profession. For fear of sounding elitist, there are no similar requirements for lawyers, doctors, and other professionals. Those who successfully complete years of education, training, and licensure requirements should not be required to advertise their legitimacy.
- It is understandable that consumers may need protection from crooked contractors because large sums of money (in building materials) are changing hands. **Architects only collect design fees** (when clients feel like paying them).
- One of the supporting reasons given for the legislation is that consumers can more easily distinguish who is a legitimate (licensed) architect. Let me remind you that most people can find that information in minutes by reaching in their pockets and going to the DCA web site on their smart phone. I do it all the time when I need to **find my registration number**.

Thank you for considering my voice in this matter.

Kindly,

Frank Weeks, AIA, LEEP AP Associate | Senior Technical Architect

NBBJ [523 West 6th Street, Suite 300 LOS ANGELES CA 90014](#)

Direct: 213.243.3399

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From: [James Heilbronner](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Proposed Regulation Section 135
Date: Wednesday, February 9, 2022 4:06:46 PM

[EXTERNAL]: jamesh@archdim.com

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It's easy today to gather information on anyone via Google. It's even easier to verify an architect's license status via the Board's verification portal.

I don't understand the need for pronouncement of my license number on every document I produce. Clearly something is going on to prompt more regulations so perhaps you could fill me in. I've had my license number on company letterhead for 20 years that is used for many purposes. Again, I don't understand the need unless the Board needs more violations to chase.

Look forward to hearing from you.

ARCHITECTURAL DIMENSIONS
James Heilbronner, NCARB, AIA
President

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Walnut Creek, CA 94596
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CELL 510.517.2748

SAN JOSE

1900 The Alameda, Suite 530
San Jose, CA 95126
TEL. 800.452.3477

SAN DIEGO

3958 First Avenue
San Diego, CA 92103
TEL. 800.452.3477

From: [Justin Helm](#)
To: McDaniel.Kimberly@DCA
Subject: RE: Proposed Regulation Section 135
Date: Friday, February 11, 2022 9:04:50 AM

[EXTERNAL]: helm.justin@gmail.com

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Hello Kim,

I am writing regarding the latest proposed change in regulations and today's public comment. I thank you for receiving these comments and I am sure it has been an interesting process.

I typically do not chime in on these types of issues (and this may be a rough around the edges statement since I am hurrying to get it to you in time), but I am feeling more and more personal conviction to make a statement given on issues like these based on where I am in my career and the fact that I am a licensed Architect. (both in California and Washington state).

I am also a licensed real estate agent in California and I can see that there is perhaps an idea from CAB and other regulatory agencies in this space to require Architects to provide their license number as is customary in the Real Estate profession.

I also know that given that there is some movement to provide a framework for Interior Architects to have the ability to stamp sets and that perhaps this may be a further way to differentiate the roles, responsibilities and legal requirements between the groups. As an aside I have worked along many Interior Architects and I support their effort, I think there is a world where they can and should be able to provide legal drawing sets, stamp them and get them built.

My perspective on this issue is that this step to require license number on all publications and collateral going forward is a burden that is neither necessary at this time, and further is a heavy weight on this profession when things are hanging in the balance.

I do not have the data in front of me but I would imagine the misrepresentation of individuals as licensed (in lieu of unlicensed) is not very high and that any issues related to this can be handled in the court system. I think it would be a farce to expect that a system of published license numbers will be checked by potential "customers" against some directory that CAB would maintain online. You only have to look to the Real Estate industry to see that no one does this, even though they have a similar requirement.

There is nothing stopping a person right now from asking their Architect what their license number is and calling CAB to see if they are legitimately licensed. The truth is that most people that avoid getting an individual license know that they are doing so, perhaps to save money, and only have problems if things go awry in the process.

Also, My impression is that the "imposters" are actually architecturally trained (through legitimate university settings). however they may not be licensed since they are small businesses or single person shops and find the process either time intensive or financially a burden. Its the truth that many people dont dare to discuss very openly, a license does not specifically make you a good Architect, designer, or business partner. I believe the licensing process is necessary but it stands in the way of many entrepreneurial and good Architects from starting their own firm or trying something new. The alternative is "paying your dues" at larger firms.

The reality is that this step will not or at least only minisculely provide any degree of protection over the current state of things. However, it will result in many, many busy hours for the profession and wasted time and money. If I were CAB I would spend further time on the following:

- Establishing a Strongly suggested regional base pay for Architects, (which includes interns, entry level designers, etc).
- Having a stance on Overtime work in the workplace.
- Addressing the projected anemic projected 3% growth in the profession over the next ten years.
- Addressing the actual loss of the protection of the title "Architect" in the larger workforce. (For example Tech sectors use of the titles Solution Architects, Software Architect, Enterprise Architect, Application Architect, there is a new one every week) Did we lose this one? Or is there a way to collectively and legally protect that name?

Thank you for hearing my thoughts. Obviously my understanding is that this is an attempt to protect the profession and its members and I think that should be applauded but I think that for now this effort would be a burden for many and the result may not likely bring any greater degree of protection for consumers or the licensed individuals.

thank you

Justin Helm

From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: [Kimberly Anderson](mailto:Kimberly_Anderson)
Subject: RE: Comment Submission: Public Presentment and Advertising: California Regulatory Notice Register 2021, No. 53-Z
Date: Friday, February 11, 2022 12:25:00 PM

Message received.

Thank you.

From: Kimberly Anderson <bkss@sbcglobal.net>
Sent: Friday, February 11, 2022 12:21 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Cc: laura.knauss@lionakis.com; Jackie Whitelam <jackiewhitelam@gmail.com>
Subject: Comment Submission: Public Presentment and Advertising: California Regulatory Notice Register 2021, No. 53-Z

[EXTERNAL]: bkss@sbcglobal.net

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Dear Kimberly,

Please see the attached letter outlining written comments from the American Institute of Architects, Central Valley Chapter, in opposition of the proposed regulation regarding Public Presentment and Advertising. A hard copy will also be mailed to your office.

Please confirm receipt.

Thank you,
Kim

Kimberly S. Anderson, Hon AIA CA
Executive Director

AIA Central Valley
1400 S Street, Sacramento, CA 95811
T (916)444-3658
M (916) 847-7929
F (916) 444-3005
kanderson@aiacv.org

aiacv.org

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From: [Kimberly Anderson](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Cc: laura.knauss@lionakis.com; [Jackie Whitelam](#)
Subject: Comment Submission: Public Presentation and Advertising: California Regulatory Notice Register 2021, No. 53-Z
Date: Friday, February 11, 2022 12:20:54 PM
Attachments: [CAB AIACV CCRsec135 Ltr 020922 signed FINAL 1.pdf](#)

[EXTERNAL]: bkss@sbcglobal.net

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Please confirm receipt.

Thank you,
Kim

Kimberly S. Anderson, Hon AIA CA
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February 11, 2022

Kim McDaniel, Regulations Manager
California Architects Board
2420 Del Paso Rd. #105
Sacramento, California 95834
Email: kimberly.mcdaniel@dca.ca.gov

RE: Opposition to Proposed Regulation CCR Section 135

Dear Members of the California Architects Board (CAB):

This letter transmits the written comments of the AIA Central Valley (AIACV) Chapter Board of Directors for the rulemaking record regarding opposition to the proposed regulation that would establish Section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations.

This proposed regulation would require architects to include their license numbers on all forms of advertising, soliciting, or other presentments to the public. The AIACV supports the CAB's efforts to protect the health, safety and welfare of the public. However, it opposes the adoption of this regulation for the following reasons:

1. The Initial Statement of Reasons (ISOR) is inadequate. To facilitate the CAB responding to our written comments prior to your acting on the regulation, we have provided a notated copy of the ISOR as an attachment to this letter.

Perhaps the most serious deficiency in the ISOR is its lack of a clear problem statement (ISOR Comment #2) leading some of our members to conclude that the impetus for this regulation is that the CAB must take an action to address a 2019-21 Strategic Plan Objective.

Another serious deficiency in the ISOR is its lack of underlying data. (ISOR Comment #12).

2. It is repeatedly stated in the ISOR that architects are not currently required to provide their name and license number on advertisements, solicitations, or presentments made to the public. This is not correct. Architects are already required to provide their license numbers in written proposals (i.e., solicitations) and contracts.
3. It is repeatedly stated in the ISOR that consumers are unable to check the license number of an architect to determine if the license is in good standing before consulting or contracting with that architect. This is not correct. Consumers can already use the CAB website to confirm whether an individual has a license in good standing. An architect's license number is not required to access the site. Adoption of the regulation will not better protect the health, safety and welfare of the public precisely because it will more widely and publicly circulate license numbers. Architects are already required to include their license on written proposals and contracts and the CAB already has an easy-to-use interface that allows

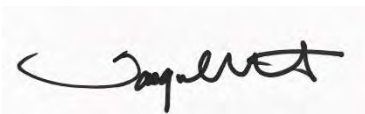
consumers to check the license number of an architect and determine if they are in good standing. Indiscriminate circulation of architects' license numbers in both the real and virtual world will lead to the mis-appropriation and mis-use of license numbers.

4. It is stated several times in the ISOR that architects will benefit from the regulation because it will help distinguish licensed architects from unlicensed individuals on the internet. This statement appears to be based on an assumption stated in the CAB meeting minutes that architects will be better able to get platforms to correctly include their license numbers. This is not only an unreasonable assumption but is also an unreasonable transfer of a CAB responsibility to individual licensed architects. Architects protect the health and safety of the public by using their training and experience to provide architectural services. It is the responsibility of the CAB to regulate and discipline individuals and entities that market, or facilitate the marketing of, architectural services to consumers by unlicensed individuals.
5. In the CAB meeting minutes, it is frequently stated that the intent of the proposed regulation is not to negatively impact licensed architects but that its intent is to ensure unlicensed individuals are not advertising themselves as architects. However, in Notice of the Proposed Rulemaking issued on December 20, 2021, it is stated that the Board is authorized to issue a citation and a fine up to \$5,000 to licensed architects who fail to comply with the regulation.

While it is stated that the issuance of such a citation would only occur after multiple warnings, there is nothing in the regulation that assures this. Additionally given the internet's tendency to keep outdated information online forever, the potential damage/stain to an architect's 'permanent' record must be considered.

AIA CV takes issue with the CAB's outreach on the proposed regulatory action being sent only to CAB's voluntarily subscribed listserv for CAB legislation announcements, instead of the CAB licensee listserv. If CCR Section 135 is approved for adoption, we request that the CAB, in accordance with Government Code Section 11346.4 (a) (4), email the requirements and effective date of the regulation to licensees at the email addresses provided when they most recently renewed their license.

Thank you for your consideration of our comments and our request.



Jacqueline Whitlam, AIA
AIA Central Valley Civic Engagement Team Chair



Laura Knauss-Docous, AIA, Principal | Lionakis
AIA Central Valley Vice President

Attachment: AIA Central Valley Chapter ISOR Written Comments

COMMENTS RE: CALIFORNIA ARCHITECTS BOARD INITIAL STATEMENT OF REASONS

Hearing Date: February 18, 2022.

Subject Matter of Proposed Regulations: Public Presentments and Advertising Requirements

Sections Affected: 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR)

Introduction and Problem Statement

<p>The California Architects Board (Board) licenses architects, of which there are approximately 22,000 in California. Business and Professions Code (BPC) section 5526 authorizes the Board to adopt rules and regulations as may be necessary and proper and that are not inconsistent with the Architects Practice Act (Chapter 3 of Division 3 of the BPC commencing with Section 5500). BPC section 137 authorizes the Board to promulgate regulations requiring licensees to include their license numbers in any advertising, soliciting, or presentments to the public. The Board seeks to adopt new CCR section 135 to set forth the requirements to be followed by licensees when advertising and making presentments to the public.</p>	
<p>Architects are not currently required to provide their name and license number on advertisements, solicitations, or presentments made to the public. This omission makes it more difficult for consumers to ascertain if an individual is licensed and qualified to perform architectural services. In addition, consumers are unable to check the license number of an architect to determine if the license is in good standing before consulting or contracting with that architect. Architects also do not receive the full benefit of their license when their advertisements are not easily discernible from unlicensed individuals, such as is common on internet advertising platforms.</p>	<p>Comment 1: <i>This statement should be changed because it is not correct. There is already a requirement for architects to provide their license numbers in written proposals (i.e. solicitations) and contracts; and the Board already has an easy-to-use interface that allows consumers to check the license number of an architect and determine if the license is in good standing before consulting or contracting with an architect.</i></p>

The Board's 2019-2021 Strategic Plan contains an objective to "Collaborate with websites to restrict advertisements from unlicensed entities" (2019-2021 Board's Strategic Plan, page 10.) At the Board's August 1, 2019, Regulatory and Enforcement Committee (REC) meeting, the REC met to discuss the recommendations to address the strategic plan objective. After Board counsel advised that the Board does not have jurisdiction to require internet advertising platforms to correctly categorize unlicensed designers, the REC discussed the recommendation to require architects to post their license numbers on advertisements as a way to distinguish themselves from unlicensed individuals. The REC approved the proposal and recommended that the Board consider adopting the regulation. (August 1, 2019 REC Meeting Minutes.)

At the Board's September 11, 2019 meeting, the Board discussed the recommendations of the REC including the recommendation of requiring an architect to post his or her license number on advertisements and determined that more research was needed on the matter, as well as input from licensees and professional organizations. (September 11, 2019 Board Meeting Minutes.)

In November 2019 Board staff conducted an on-line survey of licensees and found that they were overwhelmingly in favor of the proposal.

Comment 2; While this first section of the ISOR is entitled *Introduction and Problem Statement*, it provides background information but does not provide a problem statement.

Is the problem that platforms are unlawfully advertising architectural services and are not making the distinction between architects and unlicensed individuals?

OR

Is the problem that the Board must take an action to address a 2019-21 Strategic Plan objective?

Comment 3: This is an overly broad statement. It should be replaced with the following statement that more accurately reports the survey scope and its results.

The survey was sent to licensees who had expressed interest in receiving Board notifications. It was emailed out on November 14th with responses due December 1st. Of the 22,000 architects licensed by the California Architects Board, 1,547 licensees (less than 1%) responded to this survey. 66% of the survey respondents stated they had a positive or very positive first reaction to the idea of requiring California architects to include their license number in any advertising, soliciting or other presentments to the public. However, 58% of the survey respondents stated they had concerns regarding the proposal.

<p>At the Board’s February 28, 2020 meeting, the Board discussed the regulation to require an architect to post his or her license number on advertisements. The Board raised some concerns regarding whether the regulation would be unduly burdensome to architects and large firms. The Board voted to send the matter back to the REC to find more data to support the regulation. (February 28, 2020 Board Meeting Minutes.)</p> <p>Board staff updated the regulation to remove office signs from the list of advertisements that would have to be modified, and added subsection (b), which addresses the responsibility of medium-sized and large firms. At the November 5, 2020 REC Meeting, the REC voted to approve the regulation and send it back to the Board to consider with the updated language of the regulation. (Draft November 5, 2020 REC Meeting Minutes.)</p>	<p>Comment 4: <i>The minutes of the February 28, 2020 meeting state that “the issue was sent back to the REC and the Communications Committee to find data to answer the question of how such a regulation would increase consumer protection”. Board members also requested more data concerning the experience of the LATC that is having landscape architects provide their licenses on advertisements.</i></p> <p><i>Reports of this data being presented to the Board are not reflected in the subsequent December 11, 2020 and September 10, 2021 Board meeting minutes at which the regulation was agendized.</i></p>
<p>At the Board’s December 11, 2020 meeting, a representative of the American Institute of Architects California Chapter lent their support, and the Board voted unanimously to approve the currently proposed language. (December 11, 2020 Board Meeting Minutes.)</p> <p>While staff worked on the initial rulemaking package documents with the Legal Affairs Division (LAD), LAD raised concerns about portions of the text that may be questioned during OAL’s final review. To resolve LAD’s concerns, at the Board’s September 10, 2021 meeting, the board modified the CCR section 135 text to remove superfluous language in subdivision (a), to clarify language in subdivision (b), and to add subdivision (c) to include the definition of “management control” as defined in CCR section 134. (September 10, 2021 Draft Board Meeting Minutes).</p>	<p>Comment 5: <i>The statement that a representative of AIA California lent their support to the regulation should be removed because according to the December 11, 2020 minutes, the AIA California representative stated he was in support of CCR 160, not CCR 135.</i></p>

Specific Purpose, Anticipated Benefit, and Rationale: Adopt CCR Section 135 – Architectural Advertising

<p>Section 135, subdivision (a)</p>	
<p>Purpose: The purpose of adopting CCR section 135, subdivision (a), is to require architects to include their name and license number in all forms of advertisements, solicitations, or presentments made to the public in connection with the rendition of architectural services.</p>	
<p>Anticipated Benefit: The Board anticipates that consumers will benefit from the proposal and be better informed of who is and who is not a licensed architect by requiring all advertisements, solicitations, and presentments to include the architect’s name and license number.</p> <p>Consumers will be able to use the license number to search the Consumer Affairs Systems (CAS) database through the Board’s website to confirm whether the advertising individual is the individual associated with the license number. By providing consumers with an architect name and license number on advertisements, solicitations, or presentments made to the public, the proposal will provide better consumer welfare and safety protection. The Board also anticipates that licensed architects in California will benefit from the proposal by distinguishing licensed architects from unlicensed individuals.</p>	<p>Comment 6: <i>Adoption of the proposal will not provide better consumer welfare and safety protection than what is presently available.</i></p> <ul style="list-style-type: none"> • <i>Consumers can already use the Board’s website to confirm whether an individual is a licensed architect. (An architect’s license number is not needed to access the site) and Architects are already required to provide their license numbers on written contract proposals (i.e. solicitations)</i> • <i>The regulation would result in architect’s licenses being more widely and publicly circulated and may facilitate the mis-appropriation and misuse of license numbers.</i>
<p>Rationale: The proposal is necessary to increase licensure transparency in the rendition of architectural services by providing consumers with notice in all forms of advertising of the architect’s name and license number information. BPC section 137 authorizes all agencies within the Department of Consumer Affairs to adopt regulations requiring licensees to include their license numbers on all forms of advertising, soliciting, or presentments to the public. Such notice provides consumers with information they</p>	<p>Comment 7: <i>While BPC section 137 authorizes all agencies within the Department of Consumer Affairs to adopt regulations requiring licensees to include their license numbers on all forms of advertising, soliciting, or presentments to the public – it delegates the determination as to what is effective to each individual regulatory agency. The California Architects’ Board already has an easy-to-use interface for consumers to confirm if an architect is licensed. Architects are also already required to</i></p>

can use to identify licensed individuals before consulting with or contracting for professional services.

There is no current regulation requiring architects to provide their names and license numbers on all forms of advertising, soliciting, or presentments to the public, which include, but are not limited to, cards, letterhead, telephone listings, Internet Web sites, and contract proposals. This leaves consumers at risk of contracting with an unlicensed individual performing architectural services or not knowing the license status of the person performing architectural services on their behalf. Licensure by the Board helps ensure minimum standards in the profession are continuously met and enforced. This proposal would help consumers make informed decisions about licensed architectural services and implement the public policy protections established under BPC section 137 to require licensed architects to include their name and license number on all forms of advertisements, solicitations, or presentments to the public.

provide their license numbers on any written proposals (i.e. solicitations) or contracts.

<p>Section 135, subdivision (b)</p> <p>Purpose: This purpose of adopting CCR section 135, subdivision (b), is to set advertising compliance standards for architects who work at a business entity that contains or employs two or more architects. Such compliance shall be deemed satisfied if the advertisements, solicitations, or presentments to the public by the business entity at which the architects are employed include the name and license number of at least one architect who is (1) in management control of the business entity, and (2) the owner, a part-owner, an officer, or an employee of the business entity. This subsection responds to the concern of larger firms worried about having to list dozens of names and license numbers in their advertisements, solicitations, or presentments.</p>	<p>Comment 8: <i>Implementation of this requirement has not been fully clarified or developed. This will require an architectural firm to have the license number of one owner of the firm on business cards of the architects it employs, in addition to the license number of the licensed architect employee; or on the card of unlicensed persons who it employs. This will require explanatory footnotes on the business cards and presentments for architectural firms, creating confusion for the public and creating an unnecessary burden for architects. If they're licensed in multiple states, this will require further footnotes of explanation.</i></p>
<p>Anticipated Benefit: The Board anticipates that consumers will benefit from the proposal and be better informed of who is and who is not a licensed architect by requiring all presentments, solicitations, and advertisements for business entities with two or more architects to include the name and license number of the architect which is in management control of the entity as defined in CCR 134 and the business entity's owner, part-owner, officer, or employee. Consumers will be able to use the license number to search the CAS database through the Board's website to confirm whether the advertising individual is licensed and qualified to provide architectural services. By providing consumers with an architect's name and license number on advertising, soliciting, or presentments made to the public, the proposal will better protect consumer health, safety and welfare. The Board also anticipates that licensed architects in California will benefit from the proposal by distinguishing licensed architects from unlicensed individuals.</p>	<p>Comment 9: <i>Adoption of the proposal may not provide better consumer welfare and safety protection than what is presently available.</i></p> <ul style="list-style-type: none"> • <i>Consumers can already use the Board's website to confirm whether an individual is a licensed architect. (An architect's license number is not needed to access the site) and Architects are already required to provide their license numbers on written contract proposals (i.e. solicitations)</i> • <i>The regulation would result in architect's licenses being more widely and publicly circulated and may facilitate the mis-appropriation and misuse of license numbers.</i>

Rationale: The proposal is necessary to increase licensure transparency in the rendition of architectural services at a business entity that contains or employs two or more architects while permitting compliance with the advertising requirements of this proposal in a more efficient and less burdensome manner. BPC section 137 authorizes all agencies within the Department of Consumer Affairs to adopt regulations requiring licensees to include license numbers in all forms of advertisements, solicitations, or presentments to the public. There is no current regulation requiring architects who are in management control of a business entity that contains or employs two or more architects to provide their names and license numbers on all forms of advertisements, solicitations, or presentments to the public. This proposal would set such a requirement.

Comment 10: *Many consumers of architectural services are developers, real estate agents, public agencies, and public entities whose contracts and project permitting process require an architect's license. They are informed consumers. This new regulation is unnecessary for their protection. For less informed consumers, such as homeowners, their projects don't require a licensed architect's services, so this regulation does nothing to protect or inform them. Finally, the proposed regulation does nothing to prevent or discourage unlicensed individuals from presenting themselves as licensed architects.*

During the development of this proposal, concerns were raised regarding how large firms with multiple licensees would be able to comply with the requirement of placing each architect's name and license number on the business entity's advertising without undue burden. To address the foregoing concerns, this proposal would allow the advertising requirements of this section to be deemed satisfied as to a business entity that contains or employs two or more architects by listing at least one architect who is in management control of the business entity and an owner, part-owner, an officer or an employee of the business entity. This proposal would implement the protections established under BPC section 137 by requiring at least one licensee's name and number to be listed on the advertising for the larger business (two or more architects) and focusing the consumer's notice on the individual with general oversight of the professional services offered and provided by the business entity (i.e., in "management control") and who is substantially involved in the business either through ownership, employment or acting as an officer. These requirements provide a more efficient approach that does not overwhelm the consumer with information, which might occur if all architect's names and license numbers were listed. Nevertheless, using this focused approach will assist the consumer in making a more informed decision about the businesses they may select in the rendition of architectural services, consistent with the public policy objectives of BPC section 137.

Comment 11: *This creates confusion for the consumer as to which persons in a firm are licensed, does not add clarity, and requires extensive explanation for the public to understand in presentments.*

Section 135, subdivision (c)

Purpose: The purpose of adopting CCR section 135, subdivision (c), is to establish that the term “management control” has the same meaning it has in CCR section 134.

Anticipated Benefit: The Board anticipates that business entities seeking to comply with this regulation will benefit by having a clear definition of the term “management control.”

Rationale: Existing section 134 makes it unlawful for a person to use the term “architect” in a business name unless that person is a business entity wherein an architect is: (1) in management control of the professional services that are offered and provided by the business entity; and, (2) either the owner, a part-owner, an officer or an employee of the business entity. Section 134 defines “management control” as “general oversight of the professional services offered and provided by the business entity.”

Since section 134 indicates that the definition applies only to that section, this proposal is necessary to adopt that definition by reference for section 135 to ensure adequate notice to the public that this same definition applies with respect to advertising, to avoid confusion regarding the meaning of “management control” as used in subdivision (b), and to ensure consistency in the Board’s regulations related to public presentments, advertising and business names. In the Board’s experience this definition is generally accepted and easily implemented by the regulated community and since both sections 134 and 135 relate to representations made to the public, they should be applied uniformly to ensure fairness and a well-balanced approach to enforcement of these provisions.

Underlying Data

1. California Architects Board Strategic Plan 2019-21
2. August 1, 2019, Regulatory and Enforcement Committee Meeting, Agenda, relevant Meeting Materials and relevant Meeting Minutes.
3. September 11, 2019 California Architects Board Meeting Agenda, relevant Meeting Materials, and relevant Meeting Minutes
4. February 28, 2020 California Architects Board Meeting Agenda; relevant Meeting Materials; and relevant Meeting Minutes
5. November 5, 2020, Regulatory and Enforcement Committee Meeting Agenda, relevant Meeting Materials, and relevant Draft Meeting Minutes
6. December 11, 2020, California Architects Board Meeting Agenda; relevant Meeting Materials; and relevant Meeting Minutes
7. September 10, 2021 California Architects Board Meeting Agenda, relevant Meeting Materials, and relevant Draft Meeting Minutes

Comment 12: *The following information is missing from the Underlying Data;*

1. *The November 2019 licensee survey form and the tabulated results of the survey.*
2. *The data requested by several Board members at the February 28, 2020 Board Meeting pertaining to the experience of the LATC.*
3. *Meeting materials and minutes of meetings relevant to the Board's direction for the Communication Committee and the REC to find data to answer the question of how the regulation would increase consumer protection.*
4. *Data substantiating most licensees are already close to full compliance and that the cost to licensed architects to update advertising would be no more than \$100.*

Additionally, in the Final Statement of Reasons, the written comments received, Agenda, relevant materials and relevant minutes of the public hearing on this item need to be included as part of the underlying data.

Business Impact

The Board has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

The Board currently provides licensure to approximately 22,000 architects in the state. Those businesses impacted by this regulation would be limited to architecture businesses with licensed architects. The narrow scope of who this regulation impacts also minimizes the impact on business and competition in the state generally.

The regulations require licensees to include their name and license number on all forms of advertisements, solicitations or presentments to the public. However many licensees are already in full or near full-compliance and would likely not incur additional costs.

Licensees will have sufficient lead time to update printed materials and digital information technology (IT) platforms as part of regular cyclical updates which would result in no additional costs.

Those licensees needing to update existing marketing materials (i.e. business cards, letterhead, contracts, forms etc.) may incur one-time set-up printing costs up to \$100. The Board notes a licensee could also opt to hand write in the specified information at no additional costs.

Any ongoing printed marketing costs would be incurred regardless of the proposed regulations so any economic impact would be one-time. In the unlikely event all 22,000 licensees incurred the maximum costs of \$100 each, the total economic impact would be approximately \$2.2 million in one-time costs.

The Board further notes most licensees will likely be able to comply with the regulations using a combination of “no costs” or “minimal costs” solutions. As a result while the actual economic impact is unknown at this time, it is likely to range from \$0 to \$2.2 million.

Comment 13: *The following language should be removed as data has not been provided to substantiate these statements;*

- *Many licensees are already in full or near full compliance and would likely not incur additional costs.*
- *Those licensees needed to update existing marketing materials may incur one-time set-up printing costs up to \$100.*
- *Most licensees will likely be able to comply with the regulations using a combination of ‘no costs’ or ‘minimal costs’ solutions.*

The language noting that licensees will have sufficient lead time to update printed materials and digital information technology (IT) platforms as part of regular cyclical updates which would result in no additional costs should be removed because no statement setting forth what this sufficient lead time will be is provided for in the regulation.

NOTE: As an alternative to removing this statement, language could be added to the regulation that sets forth deferring the effective date of the regulation until there is a time for licensed architects to make these changes and for the public to be educated.

Economic Impact Assessment

This regulatory proposal will have the following effects:

Creation or Elimination of Jobs Within the State of California

The Board has determined that this regulatory proposal will not create new jobs or eliminate existing jobs within the State of California because the proposed regulations will not be a burden to jobs nor have any impact in creating jobs. This regulatory proposal only requires architects to include their name and license number on advertisements, solicitations, or presentments to the public and thereby notify consumers that they are licensed. Since there are only approximately 22,000 licensed architects in the State of California, this requirement will only impact a small fraction of the jobs in California.

Creation of New or Elimination of Existing Businesses Within the State of California

The Board has determined that this regulatory proposal will not create new businesses or eliminate existing businesses within the State of California because the proposed regulations will not be a burden to businesses, nor will it have any impact in creating businesses. This regulatory proposal only requires a minor edit for architects to include their name and license number on advertisements, solicitations, or presentments to the public. Since there are only 22,000 licensed architects in the State of California, this requirement will only impact a small fraction of the business community in California.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

This regulatory proposal will not affect the expansion of businesses currently doing business within the State of California because the proposed regulations should not impact advertising budgets enough to affect the expansion of business. Licensees needing to update their marketing materials would need to make minor changes or edits to current materials in order to comply with the regulations with estimated one-time costs of \$100.

Comment 14: *The following language should be removed as data has not been provided that substantiates these statements:*

- *Licensees needing to update their marketing materials would need to make minor changes or edits to current materials in order to comply with the regulations with estimated one-time costs of \$100.*
- *The regulations require licensees to include their name and license number on all forms of advertisements, solicitations, or presentments to the public which would likely include “no cost” compliance or very little one-time re-printing of marketing costs of up to \$100 for each affected licensee.*

Proposed Benefits to the Health and Welfare of California Residents

This regulatory proposal will benefit the health and welfare of California residents because consumers will be better informed of who is and who is not a licensed architect by requiring all advertisements, solicitations, and presentments to include the architect’s name and license number. Consumers will be able to use the license number to search the Consumer Affairs Systems (CAS) database through the Board’s website to confirm whether the advertising individual is the individual associated with the license number. By providing consumers with an architect name and license number on advertisements, solicitations, or presentments made to the public, the proposal will provide better consumer welfare and safety protection. The Board also anticipates that licensed architects in California will benefit from the proposal by distinguishing licensed architects from unlicensed individuals.

Determination of Effects on Worker Safety

This regulatory proposal would not affect worker safety because this proposal does not involve worker safety. The regulations require licensees to include their name and license number on all forms of advertisements, solicitations, or presentments to the public.

Determination of Effects on State Environment

This regulatory proposal will not affect the State’s environment because this proposed regulation does not involve the environment. The regulations require licensees to include their name and license number on all forms of advertisements, solicitations, or presentments to the public which would likely include “no cost” compliance or very little one-time re-printing of marketing materials costs of up to \$100 for each affected licensee.

Comment 15: *Data has not been provided evidencing that consumers will be better informed of who is and who is not a licensed architect because:*

- *The regulation requires that architects include their license numbers in advertisements, solicitations and presentments to the public they produce, but does not require that architect’s license numbers are listed on platform sites.*
- *Consumers can already use the Board’s website to confirm whether an individual is a licensed architect. (An architect’s license number is not needed to access the site) and Architects are already required to provide their license numbers on written contract proposals. (i.e. solicitation)*

Data has also not been provided to support the statement that adoption of the proposed regulation will provide better consumer welfare and safety protection. Our members have expressed concerns that once their license numbers are more widely and publicly circulated that, there may be an increased likelihood that their license numbers will be misappropriated and that the time and attention needed to defend against liability claims will impede the time they spend on protecting the public by doing their work.

Specific Technologies or Equipment

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

<p>No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.</p>	<p>Comment 16: <i>This overly broad statement should be removed because there has been no data provided to support it.</i></p>
<p>Set forth below are the alternatives which were considered and the reasons each alternative was rejected:</p> <ol style="list-style-type: none">1. Not adopt the regulation: This alternative was rejected because if the Board does not adopt the proposed amendments, consumers will continue to be confused by advertising platforms that classify unlicensed designers in the same category as architects. It is not within the Board's jurisdiction to mandate that advertising platforms distinguish between licensed and unlicensed design professionals.2. Adopt the regulation. This alternative was accepted. Providing consumers with an architect name and license number on advertisements, solicitations, or presentments made to the public would help consumers make informed decisions about licensed architectural services. This proposal is also an important way for the Board to help the public distinguish between licensed architects and unlicensed individuals.	<p>Comment 17: <i>There are other alternatives noted in the Board meeting minutes that could be used to address the problem of platforms unlawfully advertising architectural services and not making the distinction between architects and unlicensed designers. These alternatives, including the ones cited below, should be listed and the reasons for their being rejected provided.</i></p> <ul style="list-style-type: none">• <i>Platform sites that are controlled by the user can be ordered by the Board to cease and desist.</i>• <i>The Board could increase its efforts to cite and fine people who are mis-categorized on these platforms.</i>• <i>The Board could educate consumers as to how to distinguish between licensed and unlicensed architects.</i>• <i>The Board could join with other regulatory boards in urging the Department of Consumer Affairs to pursue legislation to control and discipline platforms.</i>

From: [Kjirsten Harpain](mailto:Kjirsten.Harpain)
To: McDaniel_Kimberly@DCA
Subject: Response to proposed regulation section 135
Date: Wednesday, February 9, 2022 3:01:04 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

[EXTERNAL]: kjirstenh@dardenarchitects.com

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Dear Ms. McDaniel, thank you for receiving discussion regarding regulation section 135. I would like to submit comments as follows:

Regarding proposed regulation Section 135:

Please reject proposed regulation section 135. Instead of the intention of protecting architects, this proposed regulation exposes architects to litigation. Whereas today, architects' license status can be found on California Architect's Board, the architect is not liable to decipher whether, for example, a letterhead or stationary, is defined as marketing or general correspondence. Should a correspondence piece of stationary be misinterpreted as a marketing piece, the architect is exposed to suffer litigation. Thus, the architect would need to put their license on every piece of correspondence or risk legal exposure.

If the legislation is designed to promote the sense of superiority of architects and otherwise expand the gulf between architects and non-architects (draftsmen, designers, construction administrators, etc.) this is one of many options. Requiring licensed professionals to wear bold glasses is another option. Most of the industry wears black-on-black, and is another option that would distinguish architects from imposters. As a collector of appellations, I recognize that these appellations demonstrate minimum competency in these areas, but if I have to add my license number, my title will get 6 digits longer. I hope the regulation doesn't have minimum font size, another potential flank of exposure.

That being said, if it is required to add my license number, I could more freely reject AIA as the definer of my licensure. Although rejecting AIA has some appeal, in our atomized society, it is something to be associated with an organization even if the organization in question is obnoxious.

If there is a problem with non-architects performing architectural work, execute the existing laws.

As far as requiring architects post their license numbers on "any advertisement, card, letterhead, telephone listing, internet website, written solicitation to a prospective client or clients or contract proposal," please lay off.

Personally, I am an architect with more personal life than professional one since my children are young. I am licensed and work for a firm which works under the partner's licenses, not my own. My license gets very little, but some, action to assist my friends and family. My friends and family are private people. My relationships with them are not marketing. If they ask me to design a remodel of their home because they know I'm an architect, I don't want my personal correspondence with them to become a liability. I do not want to be exposed legally in my non-professional relationships because the state is unwilling to execute the existing laws designed to protect the public from non-architects. A pat answer of "that won't happen" doesn't satisfy, because based on the code, all of my relationships become an open target.

Insurance rates will definitely increase because of the additional legal requirements for architects' compliance, thus additional exposure.

To conclude, please do not continue with this proposed regulation that is rife with unintended consequences. As per usual, it hurts the small entities more than the large ones.

Thank you,
Kjirsten Harpain

Proposed Regulation Section 135

- (a) An architect shall include their name and license number in all forms of advertisement, solicitation, or other presentments made to the public in connection with the rendition of architectural services for which a license is required by the Architects Practice Act, including any advertisement, card, letterhead, telephone listing, Internet Web site, written solicitation to a prospective client or clients, or contract proposal.
- (b) For purposes of a business entity that contains or employs two or more architects, the requirements of subsection (a) shall be deemed satisfied as to such business entity's architects if the business entity's advertisements, solicitations, or presentments to the public include the name and license number of at least one architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, or an employee of the business entity.
- (c) For the purposes of this section, "management control" shall have the meaning set forth in section 134.

Kjirsten Harpain | Architect/ Architectural Specifier
AIA, CSI, CCS, LEED AP BD+C
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ARCHITECTS		CALIFORNIA ARCHITECTS BOARD		ISSUANCE DATE	
ARCHITECTS		CALIFORNIA ARCHITECTS BOARD		APRIL 1, 2016	
ARCHITECTS		CALIFORNIA ARCHITECTS BOARD		EXPIRATION DATE	
ARCHITECTS		CALIFORNIA ARCHITECTS BOARD		MARCH 31, 2023	
ARCHITECTS		CALIFORNIA ARCHITECTS BOARD		CURRENT DATE / TIME	
ARCHITECTS		CALIFORNIA ARCHITECTS BOARD		FEBRUARY 9, 2022	
ARCHITECTS		CALIFORNIA ARCHITECTS BOARD		3:02:22 PM	

LICENSING DETAILS FOR: C 35014	
NAME: HARPAIN, KJIRSTEN LEED+	ADDRESS
LICENSE TYPE: ARCHITECT	1087 W 34th AVENUE
LICENSE STATUS: CURRENT	FRESNO CA 93711
PREVIOUS NAMES: BROSCH, KJIRSTEN LEED+	FRESNO COUNTY
	MAP

From: [Matthew Boomhower](mailto:Matthew.Boomhower@boomhowerlaw.com)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Cc: mchristian@aiacalifornia.org
Subject: Public Comment - proposed regulation section 135
Date: Wednesday, February 9, 2022 2:19:50 PM

[EXTERNAL]: MATTHEW@boomhowerlaw.com

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Ms. McDaniel and members of the California Architects Board,

Please accept this as a comment in opposition to proposed regulation section 135.

As a licensed architect (and attorney), I know how hard I worked to obtain my license and I appreciate that the California Architects Board (CAB) ensures the health, safety, and welfare of the public through the regulation of the practice of architecture within the state. I share CAB's desire to make sure the public is protected from unlicensed persons holding themselves out as having an architect's license when they do not; in fact, I report instances of this when I observe them. And that is the main issue I have with this proposed regulation; CAB already has the mandate to investigate and fine individuals who violate the practice act, and this proposed regulation puts the burden on those of us who have followed the rules and obtained our licenses instead of on the actual people the regulation is designed to protect the public from.

This regulation will force me to spend hundreds of dollars to update all of my print material, my website, and my social media profiles. If find it laughable that the estimated cost is \$100, I run a small firm and my costs will exceed that so I can only imagine the costs a larger firm will incur. Further, the proposed regulation does nothing to prevent an unscrupulous individual from claiming to have a license they don't possess. I would strongly support increased, proactive investigation and prosecution of unlicensed individuals; but I cannot support, and I hope the CAB does not institute a regulation that burdens license holders and does not actually make the public safer.

Sincerely,

Matthew C. Boomhower, AIA, Esq.

Boomhower Law, APC

858-395-8657

www.boomhowerlaw.com

www.linkedin.com/in/matthewboomhower/

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From: [Scott Bartley](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Cc: [Andy Hall](#); [Carissa Green](#); [Mark Christian](#)
Subject: Proposed Regulation Section 135
Date: Wednesday, February 9, 2022 2:49:03 PM
Attachments: [PastedGraphic-5.tiff](#)

[EXTERNAL]: scott@hallandbartley.com

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Dear Ms. McDaniel,

While I fully support the concept of protecting consumers from people using the title architect unlawfully I believe there are several issues with the rule as proposed. Those issues include the following:

1. The assumption that the cost of compliance with the new regulations will be up to \$100 is far from accurate. Even for my small firm the cost to update all business cards, stationary, websites etc. will far exceed that amount. We have looked at the cost in detail and they actual number will be closer to \$10,000 which is a huge financial impact to our firm.
2. There needs to be more clarity in the proposal to help us understand the what is involved and what is not. Does social media posts mean that every work related item I post to Facebook, for example, have to include my license number or my partners? I am concerned that a simple Facebook post which did not include my license number could raise the potential for an enforcement procedure against myself and my firm. And beyond that, the idea of broadcasting my license number out on social media gives me pause.
3. We are already required to include our license number on all proposals and contracts, so the public has that protection.
4. it would seem that rather than dealing with the real issue of enforcement the CAB is pushing the responsibility of enforcement back on those who are already performing their services in full conformance of the Practice Act.
5. I note that only 1 other state has this requirement, I think before it is adopted study needs to be done on the effectiveness of that regulation in that state.

Thank you for listening to my concerns.

Very truly yours,

Scott P. Bartley, AIA



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PO Box 609, Santa Rosa, CA 95402
<http://www.hallandbartley.com>

February 14, 2022

Kimberly McDaniel, Regulations Manager
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Email: kimberly.mcdaniel@dca.ca.gov

Dear Ms. McDaniel:

The Department of General Services (DGS), Division of State Architect (DSA) hereby submits comments to the California Architects Board (CAB) regarding the proposal to adopt Section 135 of Article 5, Division 2, Title 16 of the California Code of Regulations (CCR). DSA is an enforcement entity, within DGS, that performs architectural services as defined in the Architects Practice Act. (Bus. & Prof Code, § 5500.1, subds. (b)(1), (3) and (4)). DSA reviews construction plans and requires each plan reviewer to have a valid license issued by the CAB. DSA employs the State Architect and Associate, Senior, Supervising, and Principal Architects. DSA will be greatly affected by the proposed regulation. DSA respectfully recommends that the proposed regulation be amended to specifically exclude architects that work for state or local government, as is addressed in the comments below.

I. [Proposed] California Code of Regulation, section 135, subdivision (a)

The proposed regulation would require every architect, including those employed by DSA to include their name and license number in all forms of advertisement, solicitation, or other presentments made to the public in connection with rendition of architectural services, which requires a license under the Architects Practice Act.

Comment:

DSA architects supervise and review construction plans and specifications. These services are not provided through a contract or private agreements or any form of solicitation between DSA on one end and school boards or any member of the public on the other. These services are provided because DSA is charged by law to perform such services to make sure that construction plans comply with the California Building Standards Code. For example, DSA supervises, and reviews plans and specifications for public school construction pursuant to Education Code section 17280 *et seq.* and 81130 *et seq.*

In the Initial Statement of Reasons (ISOR), the CAB states that “By providing consumers with an architect name and license number on advertisements... the proposal will provide better consumer welfare and safety protection.” DSA as an enforcement entity maintains a high and stringent hiring standards and protocols to ensure not only consumer protection but the general public’s safety, health, and welfare. DSA hires and employs license and qualified architects to supervise and review construction plans. Such hiring standards and protocols make the proposed regulation an unnecessary and onerous expense and undertaking for DSA.

Furthermore, the ISOR also states, “...provides consumers with information they can use to identify licensed individuals *before consulting with or contracting for professional services.*” As abovementioned, DSA’s code compliance review of other design professional’s instruments of service is pursuant to its statutory authority to protect the health, safety, and welfare of those who visit, work, or attend California public schools. Such reviews are not through contracts or private agreements between DSA and the school district. Thus, DSA strongly believes that the CAB should revise the language of the proposed regulation to exclude DSA or jurisdictional entities performing architectural services as required by law.

II. [Proposed] California Code of Regulation, section 135, subdivision (b)

The proposed regulation provides that a business entity that employs two or more architects, would satisfy the requirements of subdivision (a), if the business entity’s advertisement, solicitations, or presentments to the public include the name and license number of at least one architect who is in management control of the business and either owner, part-owner or officer or an employee of the business.

Comment:

The proposed regulation is confusing on whether it applies to jurisdictional entities such as DSA. The proposed regulation’s use of the word “business entity” seems to indicate an entity that offers, solicits, or contracts architectural services with members of the general public. As explained above, this is not the case with DSA. DSA was created under the Field Act of 1933 and charged with establishing and enforcing safety standards for facilities constructed on public school campuses. DSA is not a “business entity” that solicits or contracts architectural services from the public or from school districts. It is an enforcement entity charged by law to enforce California Building Standards Code for projects under its jurisdiction. Proposed section 135(b) eases the

requirements of proposed section 135(a) for businesses that employ many architects. DSA believes that proposed section 135(b) may not apply to DSA; therefore, the requirements of proposed section 135(a) would apply to every architect employed by DSA and would be onerous to DSA. DSA strongly believes that the CAB should revise the language of the proposed regulations to exclude State and local jurisdictional entities performing architectural services as required by law.

V. Conclusion

DSA respectfully recommends that the proposed regulation be revised to address the above comments and proposals.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ida Antonioli Clair', with a stylized flourish at the end.

Ida Antonioli Clair, AIA
LEED®AP BD+C, CASp
State Architect
Division of State Architect.

From: doug@jhwarch.com
To: McDaniel_Kimberly@DCA
Subject: proposed rule to require listing architect's license number on advertising
Date: Wednesday, February 16, 2022 7:46:43 PM

[EXTERNAL]: doug@jhwarch.com

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February 16, 2022

Kim McDaniel, Regulations Manager
California Architects Board
2420 Del Paso Rd. #105
Sacramento, California 95834

Subject: February 18, 2022 Public Comments regarding proposed rule to require listing architect's license number on advertising, etc.

Ms. McDaniel,

Please include my comments below in the record for the meeting this Friday.

Being licensed for almost 35 years, I have run across numerous advertisements, websites, and so forth, with references to an "architectural designer" or similar description. It is easy enough to bring those to the Board's attention, as I have, or to notify the person who is often simply unaware of the illegality. Most people intend to maintain good business practices to build a reputation in a given location, and have no intent to break the law. The few that don't spoil it for everyone else. This proposed rule is example of very few bad actors potentially making life more difficult for the many.

It's important to contrast the two main types of unlicensed individuals working in our field. The first type are honest, albeit ignorant of the rules, often because they have never read the Architects' Practice Act, because they are not architects nor intend to pursue licensing, and are happy to comply to with the law once it's pointed out. The second type are cheats and liars who will continue to try to subvert the law, regardless of the rules, even to their own detriment. There is a third category who are licensed to practice architecture elsewhere, and identify themselves verbally as small -"a" architects. They are usually aware of typical state license rules, and generally careful to make sure their clients are aware of their unlicensed status in California. The place you can fix most of the problems is in education through local jurisdictions, such as "signs" on building department websites or physical counters.

Regarding the proposal, it is said that, statistically, only about 3% of the population will ever hire an architect, either for themselves, or on behalf of an organization they are a part of. The converse is that 97% of the population doesn't need to be protected any more than they already are. And I would argue that by far and away, most of the 3% are not affected by the bad actors, the liars and cheats. The "consumer" needing protection in this case is likely a very small fraction of a percent of the population. CA CAB is tasked with enforcing the code

against those bad actors, so it may seem like a big deal from inside, but from out here, it's not.

1. It is easy to see that the proposed rule will not increase consumer protection in any measurable way. The current requirements to identify the architect on contracts is sufficient to protect the people who are directly affected by the architect's work, and assure them that the person is actually licensed. Further, it would be a rare case that someone hiring an architect does not have access to the CA CAB website to check a person's license, and many clients and potential clients will do just that, even if only through Google and a few clicks.
2. I agree with the CCAIA that publishing my license number in globally accessible websites will only make it easier for a cheater to find and try to use my number. Of course, my number is already out in the public domain on the CA CAB website, but it doesn't have to show on Yelp.
3. There are many web listings by companies like Yelp that do not have to ask for permission; they just repeat publicly available information on a search page where they can get advertising revenue. It is absolutely impossible for a person or firm to monitor where they may be "advertising" without their knowledge or consent, and whether that advertisement has all the required information on it, so any such rule will be unenforceable.
4. Adding information to printed materials will require a lot of new printing, and a lot of waste, too. Printing quotes for my firm from last year were about \$0.42 per page for letterhead, in a volume of 1000 pages, and \$0.56 per card for business cards in a quantity of 500. For a very small firm like ours, with only one architect, those two things represent a \$700 expense, to say nothing of the cost to modify the rest of the printing/advertising most firms have, including jobsite signs, and so forth. All told, it could be well into thousands of dollars for a lot of companies. This not a reasonable burden to place on firms to address an issue that will provide no benefit to the firm or the licensed person, and no tangible consumer protection beyond current law.

If this rule is adopted anyway, it must be extremely focused, exclude all web listings and social media, and include only key items that a given firm has complete and direct control over. Even then, it would not prevent the liars and cheats from making up a number and using that to fool a potential client, just as they do now.

Thanks,

Douglas Roberts

Principal Architect

JHW Architects, Inc.

2400 Garden Rd, Suite C

Monterey, Ca 93940

831-649-1701

doug@jhwarch.com

From: [Allison Shawn Conley](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Comment on Proposed Regulation Section 135
Date: Thursday, February 17, 2022 12:08:39 PM

[EXTERNAL]: alli.conley@gmail.com

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Ms. Kim McDaniel,

I'm writing to share comments on proposed regulation to require architects to include their name and license number on "all forms of advertisement, solicitation, or other presentations made to the public in connection with the rendition of architectural services ... including any advertisement, card, letterhead, telephone listing, Internet Web site, written solicitation to a prospective client or clients, or contract proposal."

Please do not move forward with this added regulation on licensed architects. The assumptions included in this regulation are highly inaccurate and place additional burden on an already overburdened profession. The AIA intends to present a list of points in opposition to this regulation -- I concur and support all of their comments and will not repeat them here. I'd simply like to add: legally practiced architecture is among the least profitable, most highly regulated professions in existence. Adding further unthoughtful regulation on law-abiding practitioners hurts the profession while having little effect on bad actors. Please focus your efforts directly on unlicensed practice in ways that do not directly create further hardship on all of the licensed practitioners the Board should be supporting.

Sincerely,

Allison

From: [Brandan Podesta](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Regulations effecting adverstising
Date: Thursday, February 10, 2022 8:07:28 AM

[EXTERNAL]: bpodesta@podestaconstruction.com

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Hi Kimberly

My name is Brandan Podesta, and I am a second-generation contractor in the Bay Area. I grew up in construction and I've seen firsthand how professionals and non-professionals can make (professional) or literally break (non-professional) a project.

I have been on projects where a homeowner is stuck correcting work designed by non-licensed individuals. Its heartbreaking. The number one comment I always get is; "how is this legal?"

I made a slight change to my career 10 years ago at the age of 32 and decided to get my master's degree in architecture in pursuit of becoming a licensed architect, which I did almost 3 years ago. I did this for the credibility of the industry, and to give my clients the confidence they hired someone professional.

When a homeowner (client) first enlists a design professional, the burden of proof of professionalism falls on the company hired. There are too many firms stating and advertising as 'architectural designers', or 'interior architects,' when the truth of the matter is that they aren't architects, and do not have a licensed individual on staff.

We see disclaimers in advertising every day on TV, print, and the web. When a company is selling a product there is usually a disclaimer saying "we are not licensed (accountants, attorneys, etc.) so please seek professional advice. I don't see why this regulation is putting the burden on licensed individuals opposed to unlicensed individuals. The reality is that unlicensed individuals selling their services as "architectural" anything should also put disclaimers saying they aren't architects. Not the other way around.

There will always be the argument between doctors, attorneys, and architects about who studied their craft longer. Attorney and doctors aren't required to put their license # on every piece of communication. So why is this regulation requiring architects to do so?

I am opposed to this.

Thanks!

Brandan Podesta, | Architect, AIA

Podesta Construction Inc.

344 Connecticut St.

San Francisco, CA 94107

(415) 642 1600 Ext. 150

bpodesta@podestaconstruction.com

www.PodestaConstruction.com

From: [Cameron Hempstead](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Regulations Affecting Architect Advertising
Date: Thursday, February 10, 2022 8:30:19 AM

[EXTERNAL]: CHempstead@hga.com

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Hi Kim,

I am a licensed architect in the State of California and I strongly disagree proposed regulation section 135. I have included reasons below on why I disagree.

- The assumption that updating marketing materials (business cards, letterhead, website updates) may cost up to \$100 is not accurate. These costs will be higher.
- This will make it easier to steal and illegally use an architect's license number.
- Focusing on the non-licensed individuals who illegally call themselves architects would protect consumers
- The proposed regulation has a lack of clarity on what it covers; the real world implications are not yet known or understood. For example, how do architects comply when making social media posts about projects?
- This proposed regulation, intended to protect consumers from unlicensed practice, puts all responsibility of compliance on licensed architects.
- Only one other state has this requirement, as it does not increase consumer protection.

Sincerely,

Cameron Hempstead

(she/her/hers)

Project Architect | Senior Associate

HGA

222 Sutter Street, Suite 500

San Francisco, CA 94108

D 415.814.6929 | M 408.398.1195

hga.com

Chandra Baerg AIA, LEED AP
California Lic #C-38263
1770 Massachusetts Ave #169
Cambridge, MA 02140

Friday, February 4, 2022

FEB - 8 2022

Attn. Kimberly McDaniel
Attn. Idris Ahmed
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

Dear California Architects Board,

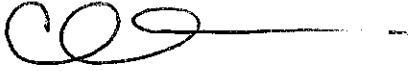
I am writing to oppose the adoption of section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR). Having personally witnessed an unethical company with owners that to this day purposefully misrepresent themselves as architects practicing architecture, being published and giving interviews, in which they are represented as architects, I am very concerned that the public and the profession be protected from this type of grift. I do not believe however that forcing registered architects to bear the burden is the appropriate course of action. Any company, group or individual providing services that resemble the practice of architecture but are not licensed to do so ought to be required to provide a disclaimer, indicating on their marketing materials, to the public and to the press, that they are not architects and that they are not qualified to act in the capacity of architects, that they are not practicing architecture. The State ought to go after offenders rather than put the burden on those of us that are qualified to practice. Further reasons are outlined below:

1. The legislation affects all architects working in all scales and types of practice. The legislation is particularly complicated to implement with large firms, national firms and international firms. A NY firm advertising in CA for work would have to post the CA license number of their staff person/principal. Whose license number goes on the "advertising media"? If every state used this rule and you're licensed in multiple states, you would need a very large business card/letterhead to include all the license numbers from all the states multiplied x the various licensed individuals. Licenses are given to individuals not to firms, but if firms advertise, they'll have to put an individual's license number on the advertisement.
2. CAB has completely underestimated the costs to firms for reprinting cards, website and social media pages, etc.
3. CAB itself doesn't know how they're going to "regulate" social media posts. Does every Instagram post have to have "#C-license number" on it? As you might imagine, a lot of self-promotion happens through social media. Similarly, CAB has no way to manage a third party's promotion of your work so bad actors can get others to do the promotion as a workaround.
4. CAB is putting the burden on compliant individuals rather than on non-compliant individuals. There are potentially hefty fines awaiting architects who make a misstep. If you receive a citation it stays on your permanent record. This can have negative implications for obtaining work.
5. CAB's basis for pursuing the legislation is a shaky survey they did several years ago which resulted in a small sample of responding architects (appx. 1,000 out of 22,000 licensed in the state). Of the respondents, 64% supported - this means that the basis for their pursuit is appx. 640 architects. This does not pass scientific muster. AIACA has asked to see the survey, review the questions, etc.

6. CAB's notice is incorrect regarding finding out if someone is licensed - it's very easy to do and takes less than a minute.

7. I think there are many, many other things that CAB can do instead which will help rectify the problems of unlicensed individuals before putting a huge burden - and professional risk - on architects.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'C' followed by a series of loops and a long horizontal line extending to the right.

Chandra Baerg AIA, LEED AP

From: [Chris Texter](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Section 135
Date: Thursday, February 17, 2022 8:53:52 AM

[EXTERNAL]: ctexter@ktgy.com

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To: Kim McDaniel, Regulations Manager,
California Architects Board

I am writing this letter stating my opposition to the proposed CAB rule Section 135 requiring licensed architects to include their name and license number in all forms of advertisement.

I understand the rule is to protect the general public from UN-licensed individuals providing architectural services. This rule does nothing to achieve that goal. It places all the burden on licensed architects practicing legally instead of focusing on the unlicensed.

The proposed regulation does not even consider the complexities of advertising in this digital world. Facebook, LinkedIn, Instagram, Twitter all forms of digital social media platforms that are borderless, global and that can be reposted by others, are not even contemplated with this regulation.

The proposed regulation does not consider larger firms that have multiple licensed architects, multiple offices in different states.

It does not consider the privacy of the licensed architect, making it convenient and easy for anyone to steal and use a person's personal information, name and license number.

This proposed regulations puts more unnecessary regulation and burden on licensed, legally practicing architects. Now they can be fined for an advertisement while some unlicensed individual continues to provide architectural services unpunished?

This rule misplaces the regulation and penalty. This proposed regulation is ill conceived, and does nothing to stop unlicensed individuals from illegally practicing architecture.

Licensed architect, opposed to this Section 135 rule,

Chris S. Texter AIA, LEED AP
Principal

KTGY
Architecture | Branding | Interiors | Planning

17911 Von Karman Avenue, Suite 200
Irvine, CA 92614

949.221.6260 Direct
949.851.2133 Main
949.246.3300 Cell

Received

FEB - 7 2022

CHR DAUER

CHRDAUER | ARCHITECTS

California Architects Board

1 ARKANSAS STREET D2
SAN FRANCISCO CA 94107

TEL: 415 431 5518
FAX: 415 861 5095

CHR@CHRDAUER.COM
WWW.CHRDAUER.COM

2/4/22

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

Re: **LETTER OF OPPOSITION** regarding Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations ("CCR 135")

Dear Sir/Madam

I am writing you to communicate my **opposition** to the adoption of CCR 135. My reasons are listed below.

1. Even though the problem of unlicensed individuals occurs at the small office/residential design scale, the legislation affects all architects working at all scales and types of practice. The legislation is particularly complicated to implement with large, national, and international firms. For example, would a New York firm advertising in CA be required to post the CA license numbers of all licensed staff? Just principal? Who's license number goes on the "advertising media"? If every state used this rule and you're licensed in multiple states, one would need quite a large business card/letterhead to include all the license numbers from all the states multiplied by the various licensed individuals. Additionally, **Licenses are given to individuals not to firms**. If firms advertise, and if CCR 135 is adopted, and an individual's or multiple individuals license number(s) are required to be recorded, this potentially increases the legal liability for the individual (at the very least in the public's eye).

2. It is unclear how CAB would "regulate" advertising such as social media posts. Does every Instagram post have to have "#C-license number" on it? As you might imagine, a lot of self-promotion happens through social media. How would CAB manage/enforce a third party's promotion of your work? This seems like a major loophole in which unlicensed bad actors could easily work-around the rules by engaging another party to promote their work.

3. CAB is putting the burden on compliant individuals rather than on non-compliant individuals. There are potentially hefty fines awaiting architects who make a misstep. If you receive a citation it stays on your permanent record. This can have very large negative implications for obtaining work.

4. CAB's basis for pursuing the legislation is a non-comprehensive survey completed several years ago which resulted in a small sampling of responding architects (approx. 1,000 out of 22,000 licensed in the state). Of the respondents, 64% supported this change of rules (that's only 640 out of 22,000 architects). Sounds like bad science to me.

5. CAB has stated that it is very difficult to verify an individual's license. I do not believe this is true. It took my elderly mother 2 minutes to check mine. If in-fact others do have difficulty, then I suggest rather than create new hurdles for law abiding registered architects to follow, CAB revamp its existing website and telephone representative process to better communicate licensing status to the general public.

6. I firmly believe that there are many, many alternatives that CAB can implement that will help rectify the problems of unlicensed individuals before putting the burden and professional risk on licensed architects.

7. Lastly, as a small office owner I will say that CAB has completely underestimated the costs to firms for reprinting cards, re-fabricating job signs, revising websites, updating social media posts, etc.

I respectfully encourage CAB to reconsider the adoption of CR 135.

Sincerely yours,



Christian Dauer
Principal, Dauer Architect PC dba ChrDAUER Architects

From: [Don Tomasi](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Cc: [David Delasantos](#); [Jason Brabo](#); [Carl Servais](#)
Subject: Proposed Regulation Section 135
Date: Thursday, February 10, 2022 8:54:58 AM

[EXTERNAL]: don.tomasi@tlcd.com

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Kimberly: Please forward my comments on to the CAB:

I strongly oppose the proposed Regulation Section 135 for the following reasons:

- This puts an undue burden on architectural firms.
- It creates confusion in that most employees will have both their name and the name of an architect with “management control” on the same business card, letterhead, etc.
- A consumer who hires an unlicensed architect is highly unlikely to understand that an architect’s license number needs to be included on the various documents referenced in Section 135, effectively rendering this proposed regulation ineffective.

Respectfully Submitted,
Don Tomasi, AIA

DON TOMASI, AIA, LEED AP, NCARB
Principal

TLCD ARCHITECTURE
tlcd.com | [LinkedIn](#) | [Facebook](#) | [Twitter](#)

520 Third St. #250
Santa Rosa, CA 95401
d: 707.535.5267
o: 707.525.5600

From: [Mark Christian](#)
To: McDaniel, Kimberly@DCA
Cc: Zuniga, Laura@DCA; [Tian Feng](#)
Subject: Public Comment on Proposed CCR 135
Date: Friday, February 18, 2022 7:43:29 AM
Attachments: [image001.png](#)
[AIA CA Letter on Proposed CCR 135.pdf](#)

[EXTERNAL]: mchristian@aiacalifornia.org

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Good Morning Kim.

Attached please find comments from AIA California and several local AIA Chapters on the proposed regulation on Architectural Advertising, CCR 135.

Thank you.

Best,



Mark Christian, Hon. AIA CA | Director of Government Relations
American Institute of Architects, California
1931 H Street Sacramento, CA 95811
phone: (916) 642-1708 | web: <http://www.aiacalifornia.org>
follow us on [Twitter](#) and [Facebook](#)

 **California**

 **Los Angeles**

 **San Francisco**

 **Central Valley**

 **San Fernando Valley**

 **San Diego**

 **California Desert**

 **Orange County**

 **Redwood Empire**

 **East Bay**

 **Santa Barbara**

 **Long Beach/South Bay**

 **Silicon Valley**

 **California Central Coast**

February 18, 2022

Tian Feng, FAIA
President, California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

Regarding: Request for Hearing on Proposed CCR 135

Dear President Feng:

The above components of the American Institute of Architects (AIA) respectively ask the California Architects Board (CAB) to hold another public hearing on the proposed advertising regulation CCR 135. The growing awareness of CCR 135 among licensed architects has caused significant concern to be expressed about the assumptions made regarding the proposed regulation, the impact it will have on licensed architects, and the presumed benefit to the public.

Concerns raised by our Members include:

Assumed Marketing Costs of \$100

The Initial Statement of Reasons assumes “licensees needing to update existing marketing materials (i.e. business cards, letterhead, contracts, forms, etc.) may incur one-time set-up printing costs up to \$100.”

We have been told by our Members that these costs will exceed the assumed \$100. The cost to design and print new business cards and letterhead, and other marketing materials (i.e. monographs, brochures, etc.) will be significantly higher than \$100. Additionally, we assume

[The American Institute of Architects](#)

AIA California
1931 H Street
Sacramento, CA 95811
T (916) 448-9082
F (916) 442-5346

www.aiacalifornia.org

the business cards of non-licensed staff of architectural firms would have to be redesigned and reprinted, which further drives up the cost-per-architect assumption.

Focus on Unlicensed Individuals

This proposed regulation was formed during discussions on how to protect consumers from unlicensed individuals. We believe exploring steps to stop the illegal advertising of architectural services by unlicensed individuals should remain the focus of the CAB in protecting consumers from services being offered illegally by unlicensed individuals. CCR 135 attempts to protect consumers from unlicensed individuals by solely placing a new requirement on licensed architects, subject to disciplinary action and fines for failure to follow the proposed advertising regulation.

CCR 135 Lacks Clarity

Licensed architects would be expected to fully comply with the proposed advertising regulation or be subject to disciplinary action and fines. Some forms of advertising clearly fall within the scope of CCR 135, such as business cards and letterhead; each of these would have to include the name of a licensed architect and a license number. However, there is a lack of clarity of how it applies to other forms of “advertisement, solicitation, or other presentments made to the public.” For example, would all emails from an architect’s work email have to include the architect’s license number, or all social media posts about a project have to include a license number? We believe any regulation covering the advertising and marketing of architectural services, and how it will be enforced, should be fully defined and explained before it is adopted.

Could Encourage the Illegal Use of a License Number

As we have seen with general contractors, those who illegally offer and provide contractor services routinely use false contractor license numbers, either a number that is randomly generated or one that is stolen from a licensed contractor. Furthermore, by the widespread advertising of license numbers on electronic and printed material, we are concerned CCR 135 will result in the same with the illegal offering of architectural services.

To be clear, we fully support the primary purpose of the CAB, to protect consumers. However, we question if CCR 135 will accomplish its anticipated benefit to consumers as expressed in the Initial Statement of Reasons. It is for this reason we ask the CAB to hold another public hearing on the proposed CCR 135.

From: [Drew Weigl](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Cc: [Carissa Green \(cgreen@aiare.org\)](mailto:Carissa.Green@aiare.org)
Subject: Comment Letter on CCR 135 from AIA Redwood Empire
Date: Friday, February 18, 2022 8:00:28 AM
Attachments: [CAB CCR 135 Comment Letter AIARE 220218.pdf](#)

[EXTERNAL]: dweigl@axiaarchitects.com

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Kimberly-

You will find our comment letter regarding CCR 135 from the American Institute of Architects Redwood Empire Chapter attached. Thanks.

Drew Weigl, AIA, LEED AP BD+C
Director of Sustainability



540 Mendocino Ave
Santa Rosa, CA 95401
C: 806.239.5678
O: 707.542.4652
axiaarchitects.com

Please note AXIA Architects is working remotely. For urgent matters please contact me on my cell phone directly.



February 18, 2022

**Tian Feng, FAIA, FCSI
President
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834-9673**

Regarding: Request for Hearing on Proposed CCR 135

Dear President Feng:

The American Institute of Architects (AIA) Redwood Empire chapter respectfully asks the California Architects Board (CAB) to hold another public hearing on the proposed advertising regulation CCR 135. The growing awareness of CCR 135 among licensed architects has caused significant concern to be expressed about the assumptions made regarding the proposed regulation, the impact it will have on licensed architects, and the presumed benefit to the public.

Concerns that have been raised by our Members include:

Assumed Marketing Costs of \$100

The Initial Statement of Reasons assumes “licensees needing to update existing marketing materials (i.e. business cards, letterhead, contracts, forms, etc.) may incur one-time set-up printing costs up to \$100.”

We have been told by our Members that these costs will exceed the assumed \$100. The cost to design and print new business cards and letterhead, and other marketing materials (i.e. monographs, brochures, etc.) will be significantly higher than \$100. Additionally, we assume the business cards of non-licensed staff of architectural firms would have to be redesigned and reprinted, which further drives up the cost-per-architect assumption. We also have concerns that the business cards of unlicensed individuals will then be required to have license numbers, which is at odds with the Architects Practice Act.

Focus on Unlicensed Individuals

This proposed regulation was formed during discussions on how to protect consumers from unlicensed individuals. We believe exploring steps to stop the illegal advertising of architectural services by unlicensed individuals should remain the focus of the CAB in protecting consumers from services being offered illegally by unlicensed individuals. CCR 135 attempts to protect consumers from unlicensed individuals by solely placing a new requirement on licensed

[The American Institute of Architects](http://www.aia.org)

AIA Redwood Empire
P.O. Box 4178
Santa Rosa, CA 95402-4178

www.aiare.org

architects, subject to disciplinary action and fines for failure to follow the proposed advertising regulation.

CCR 135 Lacks Clarity

Licensed architects would be expected to fully comply with the proposed advertising regulation or be subject to disciplinary action and fines. Some forms of advertising clearly fall within the scope of CCR 135, such as business cards and letterhead; each of these would have to include the name of a licensed architect and a license number. However, there is a lack of clarity of how this applies to other forms of “advertisement, solicitation, or other presentments made to the public.” For example, would all emails from an architect’s work email have to include the architect’s license number, or all social media posts about a project have to include a license number? We believe any regulation covering the advertising and marketing of architectural services, and how it will be enforced, should be fully defined and explained before it is adopted.

Could Encourage the Illegal Use of a License Number

As we have seen with general contractors, those who illegally offer and provide contractor services routinely use false contractor license numbers, either a number that is randomly made up, or one that is stolen from a licensed contractor. We are concerned CCR 135 will result in the same with the illegal offering of architectural services. Additionally, we are concerned that the real license number of architects will be stolen and used by those illegally offering architectural services.

To be clear, we fully support the primary purpose of the CAB, to protect consumers. However, we question if CCR 135 will accomplish its anticipated benefit to consumers as expressed in the Initial Statement of Reasons. It is for this reason we ask the CAB to hold another public hearing on the proposed CCR 135.

Sincerely,



Drew Weigl, AIA, NCARB, LEED AP BD+C
AIACA Director
AIA Redwood Empire

On Behalf of the Board of Directors of AIA Redwood Empire



February 11, 2022

Kim McDaniel, Regulations Manager
California Architects Board
2420 Del Paso Rd. #105
Sacramento, California 95834
Email: kimberly.mcdaniel@dca.ca.gov

RE: Opposition to Proposed Regulation CCR Section 135

Dear Members of the California Architects Board (CAB):

This letter transmits the written comments of the AIA Central Valley (AIACV) Chapter Board of Directors for the rulemaking record regarding opposition to the proposed regulation that would establish Section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations.

This proposed regulation would require architects to include their license numbers on all forms of advertising, soliciting, or other presentments to the public. The AIACV supports the CAB's efforts to protect the health, safety and welfare of the public. However, it opposes the adoption of this regulation for the following reasons:

1. The Initial Statement of Reasons (ISOR) is inadequate. To facilitate the CAB responding to our written comments prior to your acting on the regulation, we have provided a notated copy of the ISOR as an attachment to this letter.

Perhaps the most serious deficiency in the ISOR is its lack of a clear problem statement (ISOR Comment #2) leading some of our members to conclude that the impetus for this regulation is that the CAB must take an action to address a 2019-21 Strategic Plan Objective.

Another serious deficiency in the ISOR is its lack of underlying data. (ISOR Comment #12).

2. It is repeatedly stated in the ISOR that architects are not currently required to provide their name and license number on advertisements, solicitations, or presentments made to the public. This is not correct. Architects are already required to provide their license numbers in written proposals (i.e., solicitations) and contracts.
3. It is repeatedly stated in the ISOR that consumers are unable to check the license number of an architect to determine if the license is in good standing before consulting or contracting with that architect. This is not correct. Consumers can already use the CAB website to confirm whether an individual has a license in good standing. An architect's license number is not required to access the site. Adoption of the regulation will not better protect the health, safety and welfare of the public precisely because it will more widely and publicly circulate license numbers. Architects are already required to include their license on written proposals and contracts and the CAB already has an easy-to-use interface that allows

consumers to check the license number of an architect and determine if they are in good standing. Indiscriminate circulation of architects' license numbers in both the real and virtual world will lead to the mis-appropriation and mis-use of license numbers.

4. It is stated several times in the ISOR that architects will benefit from the regulation because it will help distinguish licensed architects from unlicensed individuals on the internet. This statement appears to be based on an assumption stated in the CAB meeting minutes that architects will be better able to get platforms to correctly include their license numbers. This is not only an unreasonable assumption but is also an unreasonable transfer of a CAB responsibility to individual licensed architects. Architects protect the health and safety of the public by using their training and experience to provide architectural services. It is the responsibility of the CAB to regulate and discipline individuals and entities that market, or facilitate the marketing of, architectural services to consumers by unlicensed individuals.
5. In the CAB meeting minutes, it is frequently stated that the intent of the proposed regulation is not to negatively impact licensed architects but that its intent is to ensure unlicensed individuals are not advertising themselves as architects. However, in Notice of the Proposed Rulemaking issued on December 20, 2021, it is stated that the Board is authorized to issue a citation and a fine up to \$5,000 to licensed architects who fail to comply with the regulation.

While it is stated that the issuance of such a citation would only occur after multiple warnings, there is nothing in the regulation that assures this. Additionally given the internet's tendency to keep outdated information online forever, the potential damage/stain to an architect's 'permanent' record must be considered.

AIACV takes issue with the CAB's outreach on the proposed regulatory action being sent only to CAB's voluntarily subscribed listserv for CAB legislation announcements, instead of the CAB licensee listserv. If CCR Section 135 is approved for adoption, we request that the CAB, in accordance with Government Code Section 11346.4 (a) (4), email the requirements and effective date of the regulation to licensees at the email addresses provided when they most recently renewed their license.

Thank you for your consideration of our comments and our request.



Jacqueline Whitelam, AIA
AIA Central Valley Civic Engagement Team Chair



Laura Knauss-Docous, AIA, Principal | Lionakis
AIA Central Valley Vice President

From: [JoAnn Brookes](#)
To: McDaniel, Kimberly@DCA
Subject: Comment regarding Section 135
Date: Sunday, February 13, 2022 8:20:08 PM

[EXTERNAL]: joannbrookes@gmail.com

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.....
I am writing to express my concern for the rule changes to Section 135. While I believe that an architect should provide a license number that easily confirmed, i do not believe that placing this number on advertising or communications will actually prevent fraud. From my understanding, fraud is not very common, and providing this information will not eliminate the problem.

Thank you.

JoAnn Brookes

From: [John P. Hamilton, AIA - Hamilton Architects, INC](mailto:John.P.Hamilton.AIA@HamiltonArchitects.INC)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
Subject: Proposed Regulation Section 135
Date: Tuesday, February 15, 2022 7:34:58 PM

[EXTERNAL]: jph@hamiltonarchitects.net

WARNING: This message originated from the public internet. Do not open attachments unless you recognize the sender.

Mrs. McDaniel,

Please take this email as my vehement displeasure with the proposed regulation, it is onerous and arduous for no reason, as anyone can easily access my licensee information through the State's own website. No one needs or wants this type of over reach.

Best,

John Hamilton, AIA
Hamilton Architects, Inc.
12240 Venice Blvd. #25
Los Angeles, CA 90066
(310) 398 – 1500 Office
(310) 383 – 5747 Cell

From: [Noam Maitless](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Please reject CAB Proposed Regulation 135
Date: Tuesday, February 15, 2022 7:02:29 PM

[EXTERNAL]: maitless@me.com

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Ms. McDaniel,

I'm writing to express my opinion on CAB Proposed Regulation Section 135. I believe this regulation, as constructed, is problematic for the following reasons:

- The assumption that updating marketing materials (business cards, letterhead, website updates) may cost up to \$100 is not accurate. These costs will be higher;
- This will make it easier to steal and illegally use an architect's license number;
- Focusing on the non-licensed individuals who illegally call themselves architects would protect consumers;
- The proposed regulation has a lack of clarity on what it covers; the real world implications are not yet known or understood. For example, how do architects comply when making social media posts about projects?;
- This proposed regulation, intended to protect consumers from unlicensed practice, puts all responsibility of compliance on licensed architects;
- Only one other state has this requirement, as it does not increase consumer protection.

I would urge the Board to focus on protecting public safety by focusing on regulating the title of 'architect' and helping to ensure the market is clear about what values - and value - licensed architects bring to the community, instead of placing additional burdens on professionals-constraints whose consequences have not been fully vetted. Please reject Proposed Regulation 135. Thank you for your time.

Yours Sincerely,
Noam Maitless

AIA, RAIA, NCARB, LEED® AP BD+C
Registered Architect, CA (C32673) ACT, Australia (2716)

From: [Onju Updegrave](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Opposition to Proposed Regulation Section 135
Date: Wednesday, February 16, 2022 6:39:27 PM

[EXTERNAL]: onju@onju.net

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Kim McDaniel, Regulations Manager
California Architects Board
2420 Del Paso Rd. #105
Sacramento, California 95834

Kim McDaniel,

I am writing to express my opposition to the proposed regulation 135. This is a not a helpful tool for rooting out non-licensed individuals, and seems more like a tool to burden and punish licensed architects.

- The \$100 cost being presented as the cost for updating marketing materials is ludicrously low. This alone should kill this proposal.
- With all the complexity social media these days, there is simply not clarity about how this will applied.
- This proposal will make it easier for our license numbers to be stolen and misused.
- It seems absurd that a firm with multiple principles and architects must choose one person whose license number will be printed on marketing materials. This would be like asking a medical practice to choose one doctor's license to represent the entire practice.

I urge not moving forward with this misguided effort curtail non-licensed individuals. This regulation is more likely to burden and generate fines from licensed architects than prevent misrepresentation by non-licensed individuals.

Sincerely,
Onju Updegrave

Onju Updegrave, Architect

Email: onju@onju.net

Ph : 415-457-7788

Fax: 415-457-7747

110 Deer Hollow Road
San Anselmo, CA 94960
[Houzz Web Site](#)

www.onju.net

From: [Clair, Ida@DGS](mailto:Clair_Ida@DGS)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Comment on Section 135
Date: Monday, February 14, 2022 12:32:07 PM
Attachments: [image001.png](#)
[DGS-DSAcomment.pdf](#)

[EXTERNAL]: Ida.Claire@dgs.ca.gov

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Ms. McDaniel-

Please accept the attached as comment on the proposed rule CCR Section 135. Thank you.

Ida Antonioli Clair, AIA
LEED®AP BD+C, CASp
State Architect

Division of the State Architect
State of California » Department of General Services
Headquarters
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Via USPS Mail

9 February 2022

Proposed regulation section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations

To Whom It May Concern:

I am writing in regard of the proposed regulation section 135 in Article 5 of Division 2 of Title 16 of the California Code of Regulations. While I agree with the intent of the proposed regulation to help protect the public from "bad actors", I strongly oppose the proposed regulation as it places the burden on already compliant individuals rather than those who are not compliant. If the intent is to expose those who are not licensed and keep them from harming the public, the regulation should be directed and aimed at them and not legally practicing architects.

Those who are not licensed should state on their marketing materials that they are NOT licensed. This would better serve the public. To say that it is difficult to check to see if an individual is licensed couldn't be more false. In fact, it couldn't be easier to check if a person is licensed. A simple google search of "California architect license lookup" quickly reveals the CAB website in 0.63 seconds or less depending on your internet connection where an individual can easily check the status of a licensee. Google even fills in the search keywords while you are typing as it is apparently done often.

To state that it won't cost architecture firms very much to do modify their marketing materials, couldn't be more wrong. Marketing is expensive!!! Requiring that legally practicing architects to acquire all new marketing materials is expensive and could have potentially devastating effects on some small businesses. Why do legally practicing architects need to pay for the bad deeds of others? While it might seem like this would help to protect the public, it doesn't actually do much of anything other than add more financial burdens to Architects already legally licensed. When one calls him/herself an architect it is implied that the he/she has satisfied the state requirements to become licensed. This doesn't stop an individual from simply placing a fake license number on their business card, one who is already acting illegally to begin with. It would better serve the public for those who are not licensed to state it on their marketing materials that they are NOT LICENSED (in all caps no doubt!), not dissimilar to those companies which are required to state they are not doctors, or lawyers, etc. Why should architects be held accountable for the illegal acts of those who are not licensed? Certainly the impact to the public in requiring an Architect who is legally licensed to practice, to put a license number on his/her marketing materials doesn't really protect the public in the way that requiring unlicensed individuals who are not licensed to say they are not licensed to perform the services of an architect has.

Regardless of what CAB decides is best, how is CAB going to regulate social media? Many times, third-party individuals share a post or even make a post themselves promoting other individuals work on sites like Instagram or other similar social media outlets. How is CAB going to regulate a third-party's promotion of other individuals work which might be mine or some other architect? Basically, a bad actor can easily work around this regulation by having another individual promote their illegally performed work.

CAB should require that companies promoting themselves as designers attempting to perform architecturally related services or similar register with CAB prior to allowing cities to issue a business license. This way CAB has an ability to regulate them and to know whom these individuals are. This is when CAB can tell them they need to indicate on their marketing materials that they are NOT LICENSED cannot legally provide the following services of an Architect,... etc. At some point these individuals need to be accountable to the public and their clients by indicating that they are not licensed to perform the services of an architect.

CAB should also require that any person or company that does not hold an architectural license to practice architecture to indicate in their contracts that they are NOT LICENSED and that they cannot perform the services of an Architect, and to then list those services out as they are spelled out in the Architect's Practice Act. This would speak volumes to the public and would go along way in helping to protect the public. There are a number of Interior Designers in California who are not licensed in California but no less attempt to perform the services of an Architect. Knowing whom these persons are would help CAB in regulating them and would protect the public as well as the profession.

Require that business owners of architectural related design companies, whether it be Interior design or more general building design, have at least one person who is licensed to practice architecture as an Owner. This would greatly go a long way to protect the public. This again would also protect the profession and the livelihood of those who have taken the necessary steps to become licensed.

Thank you for your consideration to my opposition,



Scott Andrew Schneider
C34143

From: [Mark Borkowski](#)
To: McDaniel.Kimberly@DCA
Subject: Comment to Proposed Regulation Section 135
Date: Wednesday, February 16, 2022 9:39:05 AM

[EXTERNAL]: mark.borkowski@rottetstudio.com

WARNING: This message originated from the public internet. Do not open attachments unless you recognize the sender.

I am writing this comment for inclusion in this Friday's hearing to register my opposition to the Proposed Regulation Section 135 as it is too broad and vague in its requirements making it a burden to comply with and opening the door to potential added liability.

Being a luxury interior design services practice, we have marketing collateral that cost close to the overall estimate apiece as well as embossed business cards, and other highly customized marketing materials making the \$100 estimate in the analysis of this proposed regulation grossly undervalued in our particular situation.

To my mind, the regulation language, "*or other presentations made to the public in connection with the rendition of architectural services*" is extremely vague. For example, does it cover a LinkedIn profile and any posts made within that platform associated with one's status as an Architect Licensed in California? What would be required when?? On occasion, we provide books about our company to prospective clients as part of our marketing efforts, do these have to include the license number as well?

We have national offices with one in Houston and another in New York. Depending on an existing client relationship, sometimes those offices market to a California based client with the understanding that an architect from the California office will be in general responsible control when and if we win the project. How are these out of state marketing transactions handled? How is that handled when the situation is reversed when the California office is soliciting work in other states?

I wonder, what is the end goal of this proposed Regulation change? Protecting the consumer or defending the supplier's right to exclusivity based on licensure? Or is it meant to be a combination of both? If the former, the consumer would be better served with increased outreach and education efforts. If the latter, enhanced investigation and enforcement actions would yield an improved result. Consider the following, while we can provide our name and license number on all our marketing material and client outreach, that does not guarantee that the consumer will recognize its significance or know what to do with the information. To my thinking, requiring license name and number on proposals and contracts should be sufficient for this purpose, something that is already required as part of the Practice Act.

For all these reasons and more, I would like to oppose the adoption of this Proposed Regulation.

Sincerely,
MARK J. BORKOWSKI, AIA, LEED AP, WELL AP
ASSOCIATE PRINCIPAL

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From: [Tim Saivar](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: Proposed Regulation section 135 Architect shall include License Number on all forms of Advertisement
Date: Thursday, February 17, 2022 10:00:40 PM

[EXTERNAL]: tmsaia@att.net

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2/17/22

Proposed Regulation section 135 Architect shall include License Number on all forms of Advertisement

Kimberly McDaniel

Only one state requires this. It should be up to the individual architect or firm to provide this information. Another freedom our government taken away from us. It will make it easier to to steal & illegally use our license number. It puts the responsibility on us to fix the problem of unlicensed practice. Architects will have the burden of paying for updating marketing materials (web sites, letterheads, business cards etc.) Next they will ask us to add our Social Security Number on our web site business card and letterhead.

Vote no when the time comes to vote

Sincerely,

Tim Saivar AIA
805-501-2828
tmsaia@att.net

Department of Consumer Affairs
TITLE 16. CALIFORNIA ARCHITECTS BOARD

MODIFIED TEXT
Public Presentments and Advertising

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

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Adopt Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

§135. Architectural Advertising.

(a) As of July 1, 2023, An architect shall include their name and license number in all forms of advertisement, solicitation, or other presentments made presented to the public in connection with the rendition of an offer to provide architectural services for which a license is required by the Architects Practice Act, which shall include including any writing, electronic device, advertisement, card, letterhead, telephone listing, Internet Web site, social media profile, written solicitation to a prospective client or clients, or contract proposal.

(b) (1) For purposes of a business entity that contains or employs two or more architects, the requirements of subsection (a) shall be deemed satisfied as to such business entity's architects if the business entity's advertisements, solicitations, or presentments to the public, include the name and license number of at least one any architect who is in management control of the business entity and either the owner, a part-owner, an officer, or an employee of the business entity.

(A) The requirements of subdivision (b) shall be deemed satisfied as to business cards if the business card of an architect associated or employed by a business entity that contains or employs two or more architects has the architect's own name and license number on it.

(B) Listing additional architect's names and license numbers on the business entity's advertisements or business cards is allowable, but not required.

(c) For the purposes of this section, "management control" shall have the meaning set forth in section 134.

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 137 and 5500.1, Business and Professions Code.

AGENDA ITEM O: REVIEW OF FUTURE BOARD MEETING DATES

Summary

A schedule of planned meetings and events for 2022 are provided to the Board.

<u>Date</u>	<u>Event</u>	<u>Location</u>
August 2	LATC Meeting	TBD
September 16	Board Meeting	TBD
November 1	LATC Meeting	TBD
December 9	Board Meeting	TBD

AGENDA ITEM P: CLOSED SESSION - PURSUANT TO GOVERNMENT CODE SECTIONS 11126(A)(1) AND (C 3), THE BOARD WILL MEET IN CLOSED SESSION TO:

- 1. Review and Take Action on February 18, 2022, Closed Session Minutes**
- 2. Deliberate and Vote on Disciplinary Matters**