



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

September 16, 2022

The California Architects Board (Board) will meet by teleconference

10:00 a.m., on Friday, September 16, 2022

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

Important Notice to the Public: The Board will hold a public meeting via WebEx Events.

Teleconference Information to Register/Join Meeting for Members of the Public via WebEx Events. To participate in the WebEx meeting, please log on to this website the date of the meeting:

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=mdb8798233fb1c37eb172c391aa145106>

If joining using the link above

Webinar number: 2481 325 4072
Webinar password: CAB09162022

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

Access code: 248 132 54072
Passcode: 22209162

Due to potential technical difficulties, please consider submitting written comments by September 11, 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: XXXXX@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
 - 1. Discussion Regarding the Retirement of Mark Christian, American Institute of Architects
- 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 June 8, 2022, Board Meeting Minutes
- F. Presentation on the California Baptist University, College of Architecture - Keelan P. Kaiser, Program Director of Architecture and Professor of Architecture
- G. Budget Update from DCA Budget Office, Harmony DeFilippo, Budget Analyst
- H. Update and Possible Action on Legislation:
 - 1. SB 1214 (Jones) Planning and Zoning: Local Planning
 - 2. SB 1237 (Newman) Licenses: Military Service
 - 3. SB 1443 (Roth) The Department of Consumer Affairs
- I. Update and Discuss National Council of Architectural Registration Boards (NCARB):
 - 1. Update and Discuss Committee Meetings
- J. Update on Committees
 - 1. Landscape Architects Technical Committee (LATC)
 - i. August 2, 2022, Landscape Architects Committee (LATC) Meeting
 - ii. Approval of the DRAFT 2022-2024 Strategic Plan
 - iii. Discuss and Possible Action on Proposed Regulatory Language to Amend California Code of Regulations (CCR) title 16, division 26, article 1, section 2614 (Examination Transition Plan)
 - 2. August 24, 2022, Communications Committee Meeting
- K. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
- L. Discuss and Possible Action on CCR, title 16, division 2, article 2, Proposed Adoption of new section 109.1 (Retired License Application) and Amendment to Section 144 and Proposed Responses to Public Comments
- M. Discuss and Possible Action on Proposed Modified Regulatory Text for CCR, title 16, division 2, article 10, section 165 (Disability Access Continuing Education) and Proposed Responses to Public Comments
- N. Discuss and Possible Action on Proposed Regulatory Text Amendments for CCR, title 16, division 2, article 2, section 109 (Filing of Applications)

O. Discuss and Possible Action on Proposed Modified Regulatory Text for CCR, title 16, division 2, article 5, section 135 (Public Presentments and Advertising Requirements) and Proposed Responses to Public Comments

P. Review of Future Board Meeting Dates

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

1. Deliberate and Vote on Disciplinary Matters

R. 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).

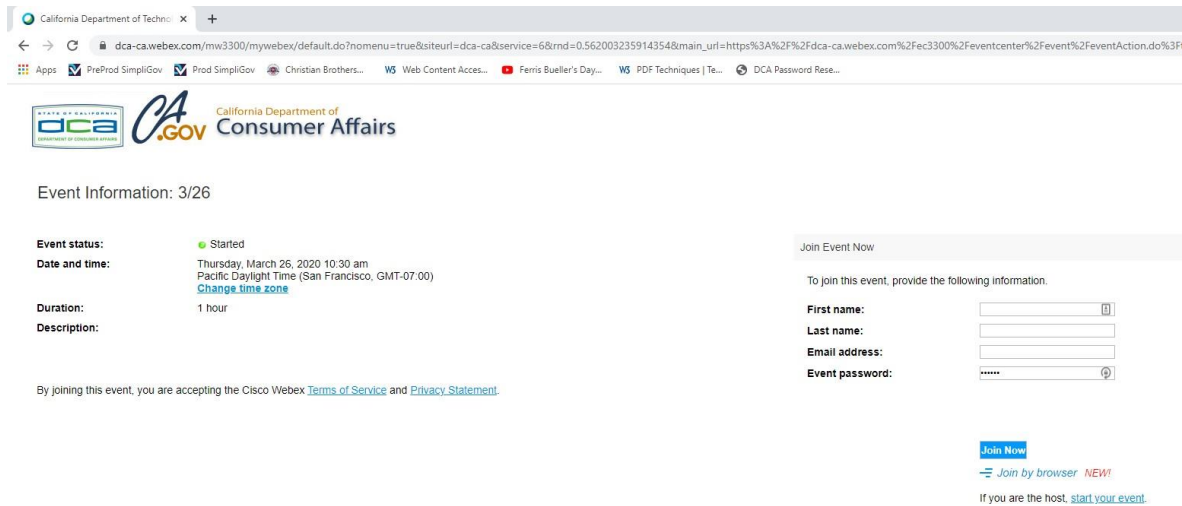
HOW TO – Join – DCA WebEx Event

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

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

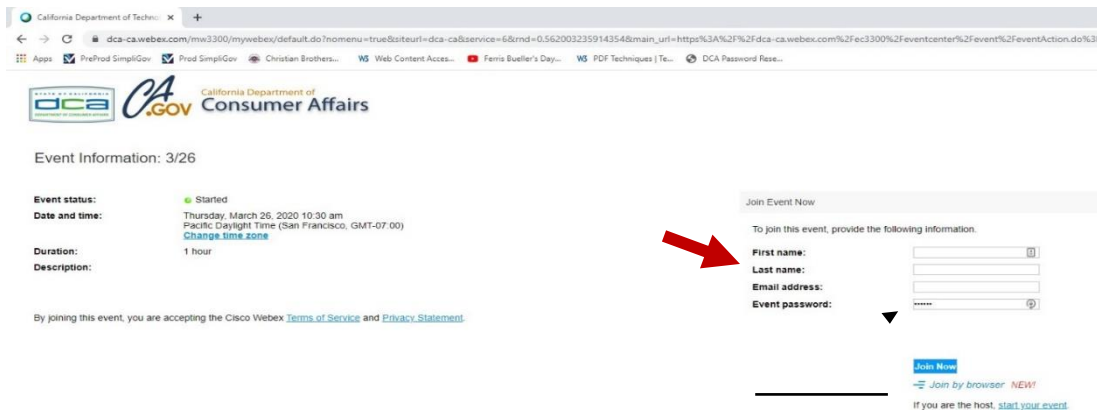
Example link:

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



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

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



HOW TO – Join – DCA WebEx Event

3. Click the 'Join Now' button.

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

Join Event Now

To join this event, provide the following information.

First name:

Last name:

Email address:

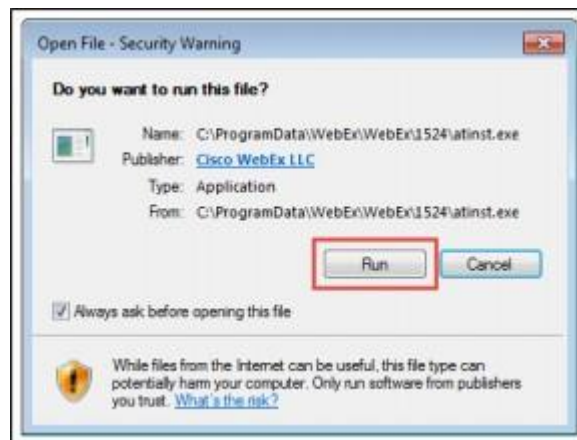
Event password:

Join Now

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

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

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



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

HOW TO – Join – DCA WebEx Event

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

Starting Webex...



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

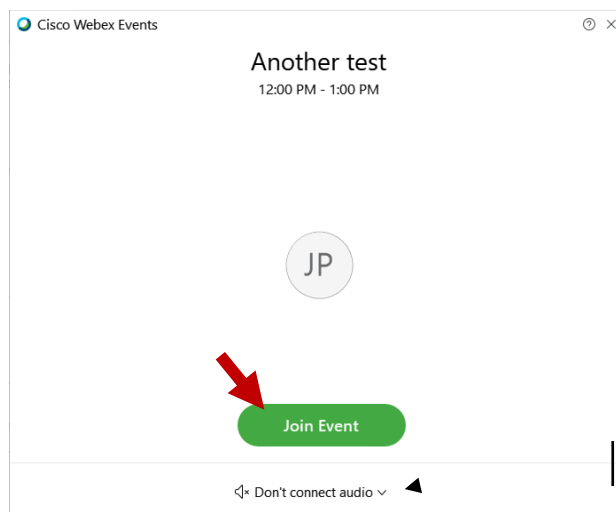
- A dialog box will appear at the bottom of the page, click 'Run'.



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

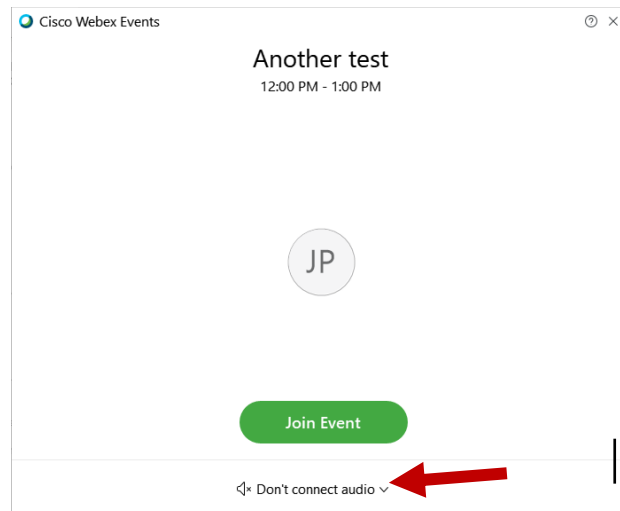
NOTE: The preferred audio connection to our event is via telephone conference or headset. Use of an open microphone and speakers through your computer could result in issue with audio clarity and potential feedback/echo.

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

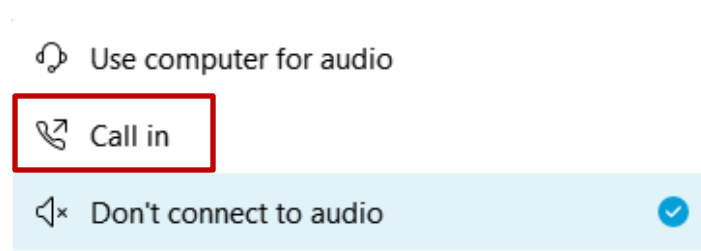


HOW TO – Join – DCA WebEx Event

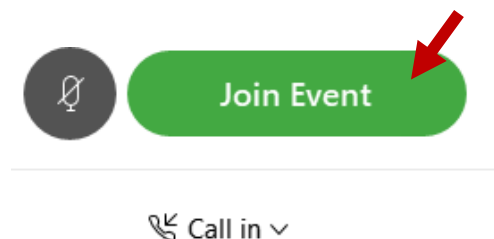
8. If using teleconference via your phone for audio, click the audio menu below the green 'Join Event' button.



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

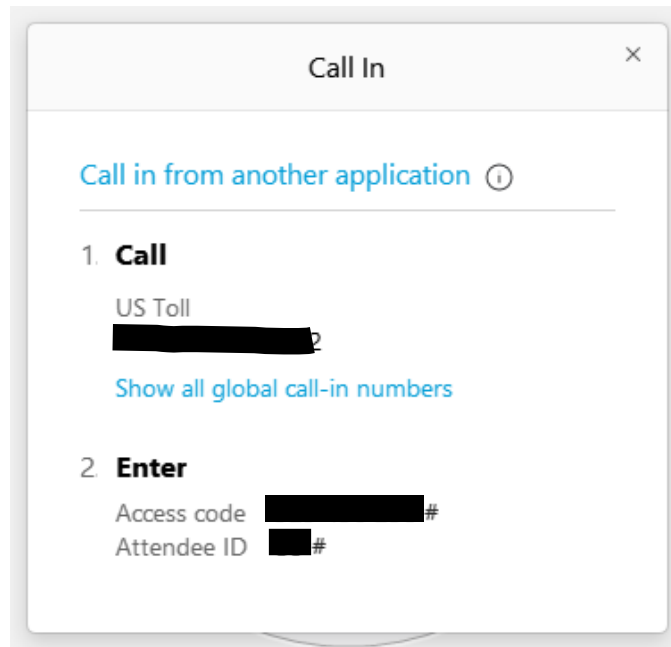


10. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



HOW TO – Join – DCA WebEx Event

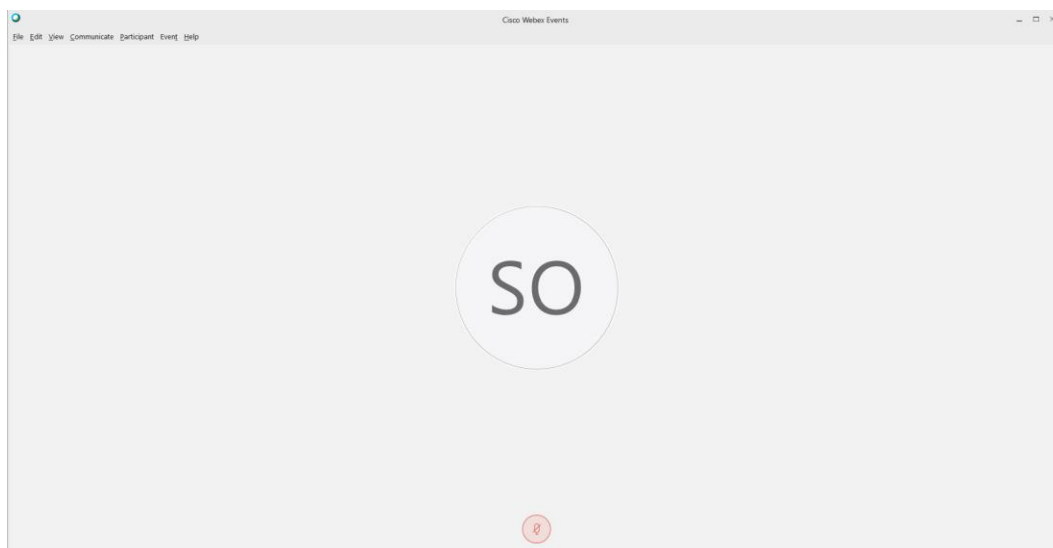
11. Call into the audio conference with the details provided.



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

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

Congratulations!

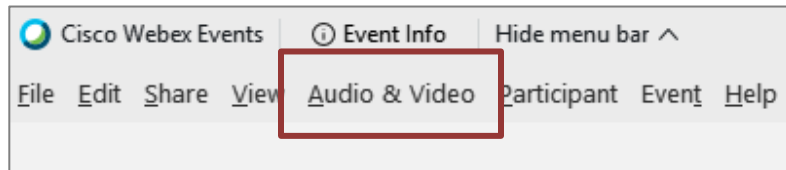


NOTE: Your audio line is muted and can only be unmuted by the event host.

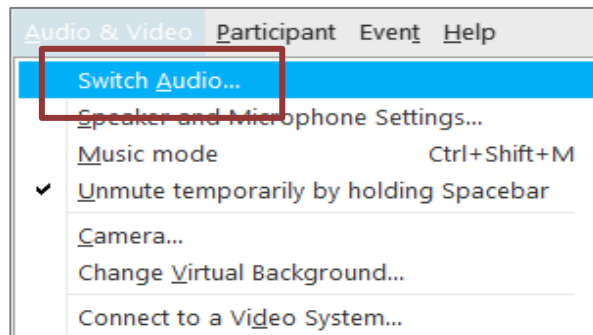
Selecting Audio Connection After Joining

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

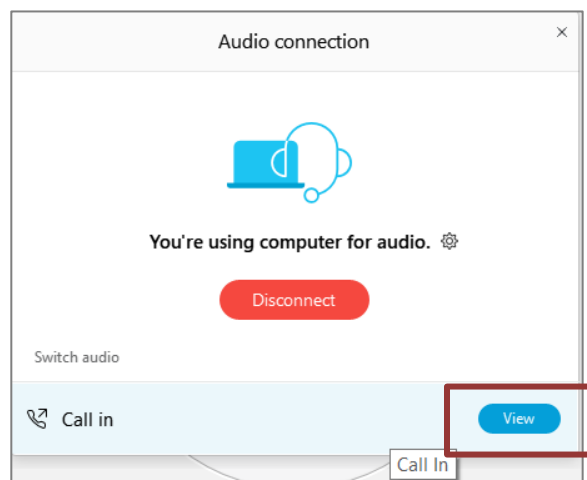
1. Select 'Audio & Video' from the menu bar at the top of your screen.



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



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



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

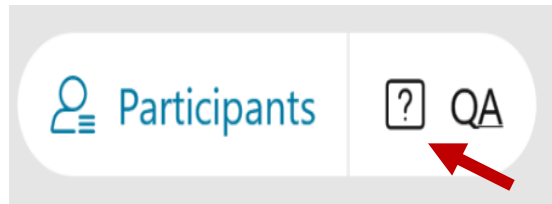
HOW TO – Join – DCA WebEx Event

Participating During a Public Comment Period

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

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

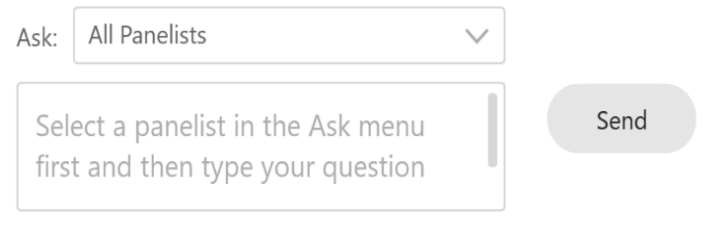
If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



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

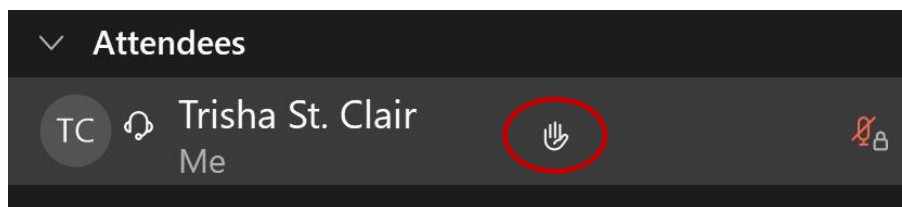
NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

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



Using the hand raise feature:

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

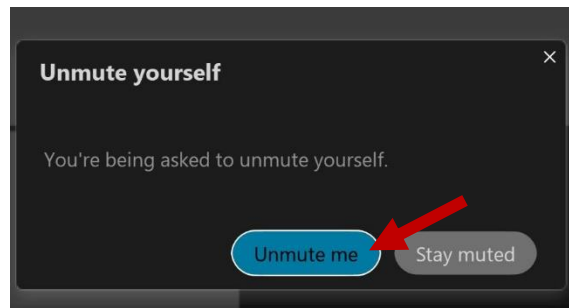


Please click on the hand icon again once your comment has been presented to lower your hand.

HOW TO – Join – DCA WebEx Event

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

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



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

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



**DRAFT
MEETING MINUTES
CALIFORNIA ARCHITECTS BOARD**

June 8, 2022
In Person -Teleconference Meeting
Sacramento-West Hollywood

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

On June 8, 2022, Board President Tian Feng called the meeting to order at 10:10 a.m. and Secretary Brett Gladstone called roll.

Board Members Present

Tian Feng, President
Charles "Sonny" Ward, Vice President
Malcolm "Brett" Gladstone, Secretary
Mitra Kanaani
Robert Pearman
Ron Jones
Sylvia Kwan (Joined at 10:45am)

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

Guests Present

Eric Driever, Division of the State Architect
Janice Kent, AIA
Laura Knoss-Docous, AIA/Lionakis

Board Staff Present

Laura Zuniga, Executive Officer
Kimberly McDaniel, Regulations Manager
Drew Liston, Board Liaison
Michael Sganga, Lead Enforcement Analyst
Kourtney Nation, LATC

DCA Staff Present

Karen Halbo, Regulatory Counsel
Michael Kanotz, Board Counsel
Brianna Miller, DCA Board and Bureau Relations
Bryce Penny, DCA Office of Public Affairs

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

President Feng welcomed Jon Wreshinsky, Landscape Architects Technical Committee (LATC) Chair.

Public Comment:

Mark Christian, American Institute of Architects California (AIACA), mentioned there are several items that AIA hopes to have a thorough conversation about, particularly items J, L and N. There are licensees in both locations to help the Board understand these issues.

Jon Wreschinsky thanked everyone for allowing him to participate in the meeting.

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

Brianna Miller from DCA's Board and Bureau Relations (BBR) provided the following update:

- Assembly Bill 1733 which would permanently allow boards and bureaus to meet remotely or in-person was not heard and may not move forward this year.
- COVID-19 guidelines were distributed in April. The California Department of Public Health strongly recommends masking in indoor settings.
- DCA's Open Meeting Survey will be collected until further notice capturing the costs and attendance since April 1, 2022. The survey needs to be completed 30 days after meetings.
- DCA's Enlightened Licensing Report was distributed on May 13, 2022. The collaborative project will streamline and enhance licensing costs using SMEs, among other recommendations.
- The Board has one public position open and BBR can assist. Board Manager Orientation Training is June 15 and recently appointed or reappointed Board members must register in the Learning Management System portal on DCA's website to register.
- Carrie Holmes has left BBR. Continuity of services will continue during the transition period.

Mr. Gladstone asked about the status of AB 1733 and whether the Board was sending a letter. Ms. Miller said it is unlikely the bill will move forward, but the Board will be kept apprised.

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

February 18, 2022 Board Meeting Minutes

Mr. Wreschinsky recommended that Item K2.i. the second paragraph, second line, the word “uniformed” should be changed to “uniform.”

Brett Gladstone moved to approve the February 18, 2022 minutes as amended.

Ron Jones seconded the motion.

There were no comments from the public.

Members Feng, Gladstone, Kanaani, Jones, Pearman and Ward voted in favor of the motion. Motion passed 6-0.

F. UPDATE AND POSSIBLE ACTION ON LEGISLATION

Ms. Zuniga provided the update on the following bills:

AB 225 (Assemblymember Gray). Existing law allows spouses of active military to obtain a temporary license, and this bill extends the date. It has passed the Assembly and is awaiting hearing in the Senate.

AB 646 (Assemblymember Low). This requires boards to remove the revocation of a licensee due to a criminal conviction that was subsequently expunged if the licensee sends a copy of the expungement order to the board. It has passed the Assembly and is awaiting hearing in the Senate.

AB 1662 (Assemblymember Gipson). Under existing law, if someone applies for licensure, they submit a background check. The Board can deny a license based on convictions. This bill requires the Board to establish a process by which prospective applicants can request a pre-application determination as to whether their criminal history could be cause for denial of licensure. The Board can deny licensure based on a substantially related conviction. Ms. Zuniga is unsure how this could work because the denial is partially based on time passed since the conviction.

Mr. Gladstone asked if the purpose of the bill was early testing of the waters. Ms. Zuniga said that it's possible because people receive training oftentimes after a

conviction and can't qualify for licensure. She added that the Board does not receive many candidates with this issue.

AB 1733 (Assemblymember Quirk). This was previously mentioned by Ms. Miller, and still hasn't moved.

SB 1237 (Senator Newman). Under existing law, active-duty licensees can request a fee waiver. This makes a change in the definition of active duty and doesn't have a significant impact.

SB 1443 (Senator Roth) extends our sunset date for an additional year, until January 1, 2025.

SB 1214 (Senator Jones) requires a local planning agency to ensure that architectural drawings are made available to the public.

Mr. Gladstone mentioned it also states that architects can provide a summary or a short version of their plans and make that available to the public without going through the process of getting approval from the original owner of the plans. He mentioned that in San Francisco, the building department won't look at microfiche and it could take months to get copies. Additionally, the architect of record may not be alive anymore and the process is arduous. He shared that he is pleased to hear this allows people to put together a shortened version of the plans and make them immediately available.

Public Comment:

Mark Christian addressed Mr. Gladstone's comment on SB 1214 and stated that AIA's bill doesn't affect the Health & Safety Code—it affects the Government Code and planning departments. Mr. Christian offered to speak with Mr. Gladstone about the subject in the future.

G. Update and Discuss National Council of Architectural Registration Boards (NCARB)

Ms. Zuniga shared that NCARB had its annual meeting last week, and new committees were appointed by the NCARB president. Ms. Zuniga asked Board members to let her know if they are on a committee. She mentioned that she is a member of the Examination Committee, Nilza Serrano is on the Diversity Committee, and Tian Feng is on the Diversity and Certification Alternative Review Committees.

There were no comments from the public.

H. Update on Committees

1. The Professional Qualifications Committee (PQC) met on March 30. Sonny Ward, PQC Chair, said the focus was to discuss AB 1010 and to deliver a recommendation to the Board on its definition for Zero Net Carbon Design

(ZNCD) and the mission to implement the requirements. Mr. Ward said that staff proposed a recommendation, but there were some concerns. According to DCA's Legal Affairs Division, it seemed to be broad enough to cover the issues dealing with climate change.

Mr. Feng added there was discussion regarding further efforts in reviewing the current educational equivalency of degrees for licensing. Mr. Ward stated the Committee reviewed the list of credits toward licensure and will continue at the next PQC meeting. Mr. Ward highlighted that students with community college two-year degrees who continued to a five-year professional accredited degree were being credited with half a credit less than students with the five-year degree.

There were no comments from the public.

2. Landscape Architects Technical Committee (LATC). Kourtney Nation, LATC Special Projects Analyst, reported that a two-day meeting was held in Sacramento on April 7 and 8. The Uniform Standards for Licensure proposed by the Council of Landscape Architectural Registration Boards (CLARB) was discussed. Committee members Jon Wreschinsky and Pamela Brief prepared recommendations on the proposed Resolutions for a vote during CLARB's Mid-Year Update meeting on April 20. LATC submitted three letters to CLARB prior to the meeting to voice concerns and address discrepancies between California's licensure requirements and CLARB's proposed Uniform Standards.

LATC voted to reject Resolutions 1 and 2, Adoption of the CLARB Uniform Licensure Standard for Landscape Architecture and Revisions to the CLARB Model Law and Regulations, to align with the Draft Uniform Licensure Standard for Landscape Architecture. LATC submitted amendments to Resolution 3, Revisions to the CLARB Model Law and Regulations to Promote Diversity, Equity, and Inclusion (DEI) in Licensure Standards, and to align with CLARB's DEI Principles.

Resolution 1 – If adopted, the Uniform Standard would result in a more restrictive licensure process because the standards do not allow for alternative pathways currently outlined in California law, and would also require an additional two years of experience.

Resolution 2 - The update to the CLARB Model Law and Model Regulations directly relates to the proposed Uniform Standards outlined in Resolution 1.

Resolution 3- LATC chose not to support as proposed because the removal of language referencing "good moral character" did not alleviate concerns of bias when applying for licensure nor meet the needs of a DEI process.

Resolutions 1, 2, and 3, as proposed by CLARB were adopted on April 20 by CLARB membership. LATC discussed the consequences to California if the resolutions were adopted. The Model Law and Regulations do not serve California's best interests and are not enforceable by CLARB. California will continue to accept its current licensure requirements as outlined in its statutes and regulations.

In response to one of the letters sent to CLARB, an LATC representative was invited to participate in a 2023 work group to evaluate the outcomes of the upcoming Job Task Analysis. Mr. Wreschinsky participated in the CLARB work group.

The Strategic Planning session on April 8 developed objectives for 2022 through 2024. The draft Strategic Plan will be reviewed by LATC and presented to the Board for approval at the next Board meeting.

Mr. Jones, Board liaison to the LATC, commended Mr. Wreschinsky and the Committee as a whole.

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)

Ms. Zuniga stated the motion for the Board: **The Board moves to approve and adopt the second modified proposed regulatory text for California Code of Regulations Title 16, Division 26, Article 1, Section 2620.5, Requirements for an Approved Extension Certificate Program, which was sent out for a 15-day public comment period from April 1 through April 18, 2022, and if no comments are received, direct staff to prepare and submit the final rulemaking documents to the Director of DCA, the Business, Consumer and Housing Agency, and authorize the Executive Officer to make any non-substantiative changes that may be required in the rulemaking file.**

Mr. Gladstone moved to approve the motion.

Mr. Jones seconded the motion.

Public Comment:

Cheryl DeMarco addressed the Board and asked them to consider that documents for any permit require a professional signature. She stated that she has seen several projects reviewed by the Coastal Commission that are not completed by professionals and are accepted. She stated it's a tremendous disturbance to consumers because they are dragged through the process and

find out afterward that they need to hire a licensed professional. Mr. Feng asked Ms. DeMarco if her comment was directed toward LATC's proposal, and she affirmed that it was. Mr. Wreschinsky mentioned that he doesn't think the comments are related to the regulation.

Members Feng, Gladstone, Kanaani, Kwan, Jones, Pearman and Ward voted in favor of the motion. Motion passed 7-0.

3. Discuss and Possible Action on Draft Board Committee Policy

Mr. Feng explained that this is an opportunity to formalize the Board's Committee practice. Ms. Zuniga added this is part of the Board's Administrative Procedures manual. One of the changes is that committees are now comprised of five members which will help the flow of information and make the meetings more manageable. Currently, committee members are required to complete the same paperwork and training as Board members, which is significant. Mr. Feng added that the policy also formalizes the number of meetings that should take place each year, and directs committees to support the strategic agendas and provide the Board with action items. The committees' charge is clearly laid out. He thanked staff for the good work.

Mr. Pearman clarified that the public member refers to a general member, and not a public member on the Board. Mr. Gladstone asked if there is a problem finding committee members. Mr. Feng replied that we haven't had problems, but as Laura said, the process is now more rigorous for committee members. Mr. Feng thanked them for serving.

There were no comments from the public.

Mr. Feng made a motion to adopt the Committee Policy.

Mr. Gladstone seconded the motion.

Members Feng, Gladstone, Kanaani, Kwan, Jones, Pearman and Ward voted in favor of the motion. Motion passed 7-0.

I. EXECUTIVE OFFICER'S REPORT

Ms. Zuniga summarized the report and highlighted the following:

The Board continues to monitor the budget and the budget analyst will attend September's Board meeting to provide a fund condition update.

Business Modernization has commenced. A meeting of the Executive Steering Committee was held yesterday. Ms. Zuniga thanked Trish Rodriguez and Blake Clark from LATC and added that Mr. Clark is our business modernization product

owner. The first release of the system should be early this fall and will be online in November 2023.

Ms. Zuniga also mentioned personnel updates, and outreach and social media statistics. She highlighted California candidate statistics for the Architectural Registration Exam, and the comparison data between California and the national pass rates.

Ms. Zuniga mentioned the updates on regulatory proposals and thanked Regulations Manager, Kimberly McDaniel, and Karen Halbo, Regulations Counsel, for their dedication.

Ms. Zuniga shared that she and Ms. Kanaani attended a roundtable with large firm representatives in San Diego. Additionally, she participated in an AIA San Diego sponsored webinar with a student group to talk about workplace environment and unpaid internships. NCARB doesn't take unpaid internship experience, except through a certain community service project.

Mr. Jones stated that AIA and CAB needs to communicate that NCARB doesn't accept unpaid internships to practitioners. Students are grasping at any opportunity, and we owe it to them to communicate that NCARB requires paid internships. Ms. Zuniga responded that staff is working on information to be placed on our website, and additional outreach can also be done. This is a labor and employment issue, but we can do a better job educating students. We don't get many complaints in this area.

Mr. Ward reminded the group that there's a law regarding unpaid internships in California, and believes internships have to be tied to the student's education and degree. Ms. Zuniga stated that California law doesn't prohibit unpaid internships, but the internship has to benefit the student and not the employer.

Ms. Zuniga continued with her update and mentioned LATC's public presentments and advertising regulation went into effect in January 2022.

There were no comments from the public.

The meeting adjourned at 11:27 a.m. and reconvened at 12:07 p.m.

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)

Karen Halbo, Regulations Counsel, said the Zero Net Carbon Design (ZNCD) regulation is being promulgated because the legislature passed a law for new continuing education (CE). Feedback has been received on the regulatory language. The revised language provided in Handout #1 under Section 166 (a)(2) is to add the

word “equitably” prior to procuring. Also, replacing the word “annually” with “over the building project’s lifecycle.”

On the second page, subdivision (c), there is a broadening of acceptable course topics and subject matters that would be accepted to meet this CE requirement. The changes are highlighted on Handout #1, and are as follows with strikeouts:

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 relating to ~~meet zero emissions performance standards, which includes training on any aspect of a building zero net carbon design project’s life cycle where defined as the sum of all greenhouse gas emission sources should total zero (“zero net carbon”). Totaling zero or less, over the building project’s life cycle.~~ Examples of zero net carbon CE coursework topics or subjects may include any one or combination of the following: ~~highly insulated~~ energy efficient building systems ~~envelope design,~~ deep energy efficient retrofits of existing ~~structures~~ buildings, natural ventilation and daylighting, ~~passive solar harvesting design,~~ advanced energy efficiency strategies, renewable energy strategies, embodies carbon analysis, ~~California Green Building Standards Code (“CALGreen” – Title 24, Part 11, of the California Code of Regulations),~~ renewable energy systems, environmental ~~resilience~~ sustainability, resilient design and climate justice, ~~electric lighting and daylight design,~~ energy targets for new and renovated buildings and current energy standards in California.

Ms. Halbo stated she understands there is additional proposed language in Handout #3, that the Board is being asked to vote on. She asked if the person who crafted Handout #3 would like to talk about it or if the Board would like to take a vote, the Board needs to instruct staff to move forward and start the rulemaking process. Ms. Zuniga added the PQC talked about this, but this is the first time the whole Board is seeing it.

Mr. Ward provided more background from the PQC meeting. Handout #1 – Section 166 (a)(2) definitions (yellow marks) are staff’s response to our committee meeting. Mr. Ward reminded the Board about its interest in expanding CE in ZNCD and reiterated that Category 2 of our CE requirements suggests sustainability. One portion of our conversation revolved around our interest in expanding the breadth and variety and amount of CE units that revolve around sustainability (Category 2 in our CE requirements). The question was, can the courses also fulfill the requirements of CE with this definition? After the meeting, at Mr. Ward’s suggestion, staff made some changes, e.g., the addition of the word “equitably” prior to “procured.” Also, responding to the public, AIA, and PQC, the word “annually” wasn’t responding to the architectural life process design from beginning to end, and it was replaced with “over the building’s project lifecycle,” which means from construction until the building doesn’t exist. Those were the subtle and simple changes that were made.

Subsequently, choices were made to not include that in today's discussion, which is Handout #3, stemming from a discussion Mr. Feng had with AIACA. They came up with a completely different definition, which Mr. Feng can address. Mr. Feng thanked Mr. Ward and referenced Handout #2. He commended staff's work on the regulatory proposal. In collaboration with AIA CA, he expanded the idea of what architects should learn through ZNCD. There's no definition of ZNCD in the legislation and staff and AIA are trying to define it--what staff has proposed is a milestone. The principle that we want is the lifecycle aspect of the built environment--not just the building costs. He said that a tremendous amount of carbon can't be invested into the environment without a negative impact, and it is in this context that this has been developed and modified. He requested additional feedback from AIA, practitioners, and the Division of State Architects (DSA).

Mr. Gladstone asked if the highlighted text on Handout #3 came from AIA and, if not, asked where it came from. Mr. Feng said no, and the staff's proposal was on the screen. Kimberly McDaniel, Regulations Manager, clarified that the text in the packet is based on PQC's recommendations. She stated that additional information came in after the packet was made and fell outside of what the PQC had seen and discussed. The third handout is an expanded definition the Board President wanted to be discussed and considered. Handout #1 has highlighted changes in yellow and those are changes from the packet.

Mr. Gladstone asked if those changes came from Mr. Ward and the PQC. Mr. Ward clarified that there were two committee meetings. The document in the packet was original language created after the first meeting. The document on the screen (Handout #2) came after the second meeting. Lastly, Handout #3 also came after the last meeting. Ms. McDaniel further explained that Handout #1 differs from the packet because the changes are highlighted. Handout #2 is merely Handout #1 without the highlights—it's a clean version. Handout #3 is an additional piece of information that the Board President provided as another option, and it's highlighted, because it is a change from the packet.

Mr. Gladstone asked who added the highlighted text on Handout #3. Mr. Feng acknowledged that he added the information. Mr. Feng said that he would like to reduce the discussion of technicalities of these versions and that some of our comments are already incorporated in the packet. Some of the remarks are not incorporated but for the purposes of managing this meeting, the Board can live with this document as a base document.

Mr. Feng inquired if the document on page 65 is the proposal for the Board to take action and Ms. McDaniel said yes, it is. Mr. Feng directed attention to (a)(2) on page 65 showing the definition through collaboration with other organizations and member input, such as including resilient design for new construction. Mr. Ward indicated that "annually" was removed, but it is still here. He emphasized to Board members that if you measure ZNCD annually in an operating based scenario--this is not the goal of this Board. The architects must understand the impact is from cradle to grave that

affects carbon cumulatively, and we want to reduce carbon from early construction to operation. He suggested to approve the definition of (a)(2) but remove the word, “annually.”

Mr. Gladstone inquired if Mr. Feng wants the Board not to concentrate on Handout #3 but focus on section (a)(2) on page 65. Mr. Feng said yes, because staff proposed it, even though he doesn't believe it's at the level of inclusiveness that he would like, but it can live as it is. Ms. Kwan tried to clarify that (a)(2) relies on an annual assessment of the energy consumption of a building after it's been constructed. She agreed with Mr. Feng's comments to be more inclusive and talk about the entire construction process as well as the operation footprint afterward. She added that she believes Mr. Feng is saying we need to look at it from the minute we think about construction materials. Mr. Feng said the Board needs to look at the definition and how to enforce CE in terms of topics and providers.

Ms. Zuniga added that Handouts #1 and #2 are changes that Mr. Ward and the PQC recommended, which should be the starting point. The change on Handout #3 was substantively different, which is why it's separate. The changes in Handouts #1 and #2 are more easily incorporated in the draft. Mr. Feng said that we can take content of Handouts #2 and #3.

Mr. Jones asked if this is a matter of wordsmithing and whether the proposed modifications compromise the intent or the integrity of the original document. He continued by saying if not, the document lives and is strong enough to carry its own weight. Mr. Ward said the text of page 65 in the packet and Handouts #1 and #2 do fulfill the intent of AB 1010. Handout #3 requires a much bigger, longer and complicated conversation. Mr. Ward told the Board that whatever they vote on today does not mean this discussion is closed. It is a very important conversation and should be ongoing, and the work of the PQC will continue.

Mr. Ward agreed that the word “annually” can be removed. He shared that the word “equitably” is important, and a deal breaker because it's a bigger conversation for ZNCD. This idea that a building needs to procure offset renewable energy; there are a lot of problems with climate justice and climate equity where that energy is produced and the neighborhoods where that energy could potentially come from. It's a testament to say that it was easier for the legislature to require CAB to require CE before the state has been able to pass any laws to require new construction to have ZNCD. The reason is because it's complex and there's many layers, and he wants to ensure disadvantaged communities are heard throughout the design process.

Mr. Gladstone agreed that “annually” should come out and “over the building's lifespan” should be added along with “equitably.” He mentioned that he is interested in what the PQC drafted (Handout #1). Ms. Kwan mentioned that she doesn't know what “equitably” means. Ms. Zuniga said it will require a definition because anyone reading it must understand it. Mr. Gladstone said that equitably means keeping in mind the communities from which power is procured.

Mr. Jones mentioned that offsite renewable energy is often put in low-income communities and the health hazards aren't evaluated. That's where the equitable phrase comes in.

Ms. Kanaani mentioned that in research and publication it is important to have interpretation and a glossary of the terms. She also said that the word "reconstruction" needs to be defined. Discussion continued on the definition of reconstruction. Ms. McDaniel said that there is a definition in subsection (a), and maybe definitions for equitable, resilient design and reconstruction would add value instead of adding additional subparagraphs. Mr. Gladstone suggested having subsections (i) and (ii) with definitions.

Mr. Feng directed Board members to the next subject. Mr. Feng wants to hear opinions or concerns on the content on page 66 of the packet. He stated that in subsection (c) he would like to change "environmental resilience" on the third line from the bottom to "climate resilience" and change "climate justice" on the second line from the bottom to "environmental justice."

Mr. Ward wanted to go back to Handout #1, Article 10, Section 166 (a)(4) and mentioned that "equitable" is important and the definition is *fair and just*. He said he was concerned because AIA made a comment during the PQC meeting that they didn't believe that social and climate justice was what AB 1010 was about. Mr. Ward said he suggested the word "equitable" in response. He stated the broadness of the definition of "fair" and most of the topics fit into the glove of ZNCD. He stated that the definitions are good, and if defined later, he would prefer a broader definition to open the horizon of ZNCD CE units. He expressed that he is trying to respond to staff's definition as simply as possible because this needs to be passed today and it can be modified later.

Mr. Feng directed the Board back to page 66 in the packet and reiterated his changes, saying that it's difficult to list everything and this is the starting point. In the fear of not forgetting anything, Ms. Kwan asked if the wording could say, "examples of net zero carbon coursework topics or subjects may include any one or more of the following." What if we say, "examples may include...?" Mr. Ward said this is a living document so as we move through this, and we can increase examples.

Mr. Feng said we want to address the qualifications of providers. We ask for professionals with licenses but some of these subjects can be covered by people who are not licensed such as mechanical engineers. Do we exclude them in the provisions?

Ms. Halbo said that subsection (f)(2) includes faculty members and wouldn't have to hold a license. Instructors can always bring additional teachers to address new issues and developments. Mr. Feng asked if someone works for the Energy Commission and doesn't have a license, are they qualified? Ms. Kanaani asked if

we can we say, “nonlicensed professionals and current educators”. She also asked about a minimum of three projects and how it makes them professional.

Ms. Zuniga asserted that it opens it up to anyone who is unlicensed and is professional. Ms. Kanaani said she is questioning the three projects and asked why it is a prequalification. Ms. Halbo said there has to be a number—a standard, and to let her know if there’s a better number. Ms. Kanaani would like to avoid using a number and Ms. Halbo said a number is a way to establish expertise to teach.

Mr. Feng asked Eric Driever, Division of the State Architect (DSA), to talk about his view on license requirements. Mr. Driever pointed out that regulatory agencies employ engineers that are not required to have a license nor have worked on a project, despite their expertise. He stated that this regulatory package excludes the potential for a regulatory employee to provide training and that DSA provides training and employs unlicensed engineers.

Mr. Feng said that electronic and mechanical engineers and others do not have a license, so excluding them from offering their expertise may not benefit consumers because the pool would be small. He continued to say that we should not be too restrictive. Mr. Jones asked if it is fair to say this language was due to a comment during the last Board meeting in which we challenged the thought process that the burden was on the licensee to find credible providers? Ms. Zuniga said we were talking about potentially approving providers, but we don’t so we are setting the standard. The regulations have to be clear about who is qualified so licensees know who can provide CE. We are not approving courses or providers but there has to be a standard that’s easy to understand. The Board can modify the language, but we need something defensible.

Ms. Zuniga read the regulatory language (f)(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 five 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.

Mr. Gladstone said he heard not all engineers have licenses, and the engineer needs to be an engineer in construction. Ms. Zuniga said you can’t be an engineer in California if you are not licensed, just as you can’t be an architect in California without a license.

Mr. Feng said that given some of the professions, do we need the language as specific as (f)(1)? He said he knows there are professionals not holding a license who are experts. Mr. Jones stated that we are trying to establish a threshold. Under the disability accessibility CE, unlicensed architects can teach the course and we don’t have the same standards. We are setting a precedent and want to be careful. There are career professionals who have never built so I think the idea of having to work on projects, is a legitimate argument against that requirement. Suggesting not

having credentialed qualifications is a slippery slope. Some level of training, certification, credentials have to be in place.

Mr. Pearman shared that the question is whether the definition grants a pool of instructors. If the Board determines the universe of licensed people, faculty members, and other categories gives a satisfactory pool of people to teach, there is not a need to go with unlicensed people. The language regarding the requirement of a “minimum of 3 projects” in the last 10 years, but those who are licensed must have five projects within the last three years is kind of strange. A faculty member can’t work on a project. Also, what is high performance building?

Mr. Feng told Board members that when they vote, they weigh heavily on the three key elements: definition of ZNCD, the topics, and who can provide training. Mr. Gladstone stated that Mr. Pearman suggested changes and he would like to see these changes incorporated before we vote. Mr. Pearman asked if we have to say a minimum of three projects or can it be deleted and say five recent projects or three projects in the last five years into subpart one and qualified faculty appointment responsible for teaching carbon reduction without any reference to a number of years. Lastly, could the Board add into category three about the sort of certification from these ICC programs that are related to five recent projects, e.g., three years of working with carbon neutral design?

Mr. Ward asked if (f)(3) can be removed for now? What’s the evidence that anybody in this category has the education for ZNCD? Staff can allow public comment and work internally and combine the two for the final document.

Mr. Feng said the original goal was to move the agenda item forward and leave some of the non-substantive editorial work to staff, but there is uncertainty. Mr. Feng asked if it should be tabled? Ms. Zuniga said she will defer to Ms. Halbo, but her concern is this will continue at the next meeting too. She suggested the Board approve a set of language today within the packet or Handouts #1 and #2 and initiate the rulemaking process which is a very long process to meet our statutory deadline to have the regulations in place. The Board will get public comment and staff will modify the language to address the comments we receive, and staff can be working on the Board member comments.

Ms. Halbo said it is doable and there’s a statutory deadline involved which **will** move things forward. Staff has the recording of this meeting to make changes and it will come back before the Board with things struck out and underlined. The Board can vote on some specific changes or just go with this and have staff make changes and bring it to the Board. This will move the process forward.

Mr. Feng asked if the Board can vote on some highlighted changes not attached to any particular paragraphs, for example, the Board wants to strike the license requirements and wants to define definition of ZNCD and wants all the CE topics listed as examples. Is that okay?

Mr. Halbo said if the Board can get it fairly clear on the record, then we can take it, along with the public comment. She needs to be able to prove to the Office of Administrative Law attorneys who review it, that it is clearly what the Board voted on. The Board can say it wants certain changes.

It may not be possible to get definitions done at this meeting but switching or moving around the language between climate justice is a simple switch. The language suggested about the providers would be very simple to remove the language in (f) to just say: striking from the word design to the word “and meet” and then in the first subsection combine “holding a license and registration” or “holding a current unexpired certification from the ICC”. It has to be clear.

Mr. Feng related he wants to propose a motion that highlights what the Board wants and the staff will continue to work out the details. Mr. Feng said they are okay with (a)(c) but want to extend the definition of (a)(2). He asked Mr. Gladstone to craft the language.

Mr. Pearman stated on (f) let’s strike “a minimum of three projects in the last 10 years.” He asked staff what the staff intends with “recent project”? Ms. Halbo said this is one of the things we have to justify in the Statement of Reasons, and we are hoping to hear something we can use to justify it from the Board. Should it be 20 years or 10 years? How many projects are done each year?

Mr. Feng wants staff to be aware that ZNCD is not a very well-defined industry practice. There’s no vehicle to teach us step by step. By asking for more general qualifications we may be precluding a significant number of good instructors who have real life experience pertinent to ZNCD, but do not have the conventional qualifications. Ms. Halbo said the Board can cite that in the regulations—it just must be clear.

Mr. Pearman suggested how (f) would be changed: strike “a minimum of three projects within the last ten years.” So, repeat the language in (f)(1) strike “5 recent projects to say a minimum of three years....” In (f)(3), we would parrot the language in (f)(1), which says “with a minimum of three years of demonstrable direct experience in the designing, examining for inspection of carbon neutral and/or high-performance buildings or groups of buildings and structures.”

Ms. Halbo restated Mr. Pearman’s changes: subdivision (f) starting from the term carbon building design, striking the words “with a minimum of three projects within the last 10 years” and the rest of the sentence continues. In (f)(1) in the second sentence after the words “structural engineer” strike “5 recent projects with a minimum of three years of demonstrable direct experience in the designing of carbon neutral and/or high-performance buildings or groups of buildings and structure. In (f)(3), after the three types of current unexpired certifications, add “and have a minimum of three years of demonstrable direct experience in the designing,

examining and inspecting carbon neutral and or high-performance buildings or groups of buildings and structures.”

The Board took a break at 1350 and reconvened at 1402.

Mr. Feng asked staff or Mr. Pearman to read the language for (f).

Ms. Halbo stated the language is: Subdivision (f) leave the sentence as is until the term “zero net carbon building design and strike out “with a minimum of three projects within the last 10 years” and adding the word “and” before the sentence continues. It will read “...expertise in zero net carbon building design and in the designing of carbon neutral and or high-performance buildings or groups of buildings and goes on; so we're striking “with a minimum of three projects within the last 10 years” and adding the word “and” before the sentence continues.

Ms. Kwan stated that she likes it because there are two areas of expertise—zero net carbon and designing of carbon neutral—so that’s a very highly qualified person. Ms. Halbo asked if “and” should be replaced with “or.” The decision was made to replace “and” with “or.”

Mr. Feng said that Mr. Gladstone will provide language for (a)(2). Board members wanted to finish (f), but Mr. Feng was emphatic that they discuss (a)(2). Mr. Gladstone stated that the language he is proposing can be changed at a later time.

After some discussion, the language for (a)(2) is: cross out the word “annually” and add the phrase, “over the building project's lifecycle.” Add a sentence as follows: This also includes architectural design responsive to embodied carbon reduction and resilient performance of a facility that results in reduced embodied carbon or minimized carbon. Also, insert the word “equitably” on the third line between the words “or” and “procures,” and to create a new subsection 2(i) and 2(ii), and will read as follows:

(2)(i) For the purposes of this section, (a)(2), “resilient performance” describes the capacity of a system for example a community, society or ecosystem, to withstand physical calamities and continue to function.

Include double section ii, which reads as follows:

(2)(ii) For the purposes of this section (a)(2), the phrase “equitably procures from off-site” shall refer to consideration of environmental justice goals.

Public Comment:

Eric Driever stated his name and shared that he is the Principal Architect over Architectural Codes and Policies at the DSA. He mentioned that at a live

conference, attendance is required—not testing. He also proposed that language for providers be changed to allow regulatory agencies to train. Mr. Driever shared that DSA provides training. Architects and civil engineers are required to hold licenses. Mechanical engineers are not required to hold licenses. DSA employs mechanical and electrical engineers to provide training who are not licensed, and proposes that regulatory agencies be included as trainers. With regard to some of the definitions, practitioners understand that water conservation is a topic, but the language stops short of including water conservation.

Janice Kent, architect and trainer for AIA, stated that subsection (h) states that a certificate should be provided within five business days. AIA allows 10 days. Also, she would like to see that a test is only provided by AIA if it's a recorded on-demand webinar. She doesn't know any organization that provides a test if it is live or in person and would highly suggest that this be looked at and aligned with AIA.

Glenn Gall, AIA, agreed and asked if the language around (f) is specific to building design. Some of the training he has received on zero net didn't have anything to do with design. Also, training is available from utilities such as SMUD and Southern California Edison and it may not meet the requirements. It should be broadened.

Mark Christian, AIACA, said he would like to echo previous comments regarding when a test should be required. The standard is a pass rate of 70%--not 80%. AIACA would ask the Board to require a test only when the course is live and to have a pass rate of 70%. If CAB adopts language as written, it would be the only state to deter from that standard. It would make it easier for out of state architects and in state architects to take the test in other states as well.

Mr. Feng stated that his preference is 70% for a passing score and reminded architect members that when we take five hours of disability access CE in person, the enforcement of the quality is through the length of the session which is five hours. He said that submitting the certificate without testing is satisfactory to protect consumers. The passing score for the ARE given by NCARB is 60-70%. He is not specifically concerned with 70% versus 80%. The Board doesn't want to limit opportunities for training if the number doesn't impact consumer protection.

Ms. Halbo stated the wording would be changed to allow for a passing score of 70%, and a certification be sent within 10 days of completion of the course or passing of the test, if it is a recorded test.

There were no comments from the public.

Ms. Halbo reminded Mr. Feng that (f)(1) and (f)(3) were not finished because we jumped to (a)(2).

Ms. Zuniga read the motion. **The Board is asked to consider a motion to approve**

the proposed regulatory text as amended today for 16 CCR section 166, direct and authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any technical or non-substantive changes to the package, submit the text to the director of the department of consumer affairs and the Business, Consumer Services and Housing Agency for review, notice the proposed text for a 45-day comment period and set the matter for a hearing if requested.

Mr. Pearman moved to approve the motion.

Ms. Kwan seconded the motion.

There were no comments from the public.

Members Feng, Gladstone, Kanaani, Kwan, Jones, Pearman and Ward voted in favor of the motion. Motion passed 7-0.

K. DISCUSS AND POSSIBLE ACTION ON PROPOSED REGULATORY TEXT AMENDMENTS FOR CCR TITLE 16, DIVISION 2, ARTICLE 2, SECTION 109 (FILING OF APPLICATIONS)

This agenda item will be discussed at the next Board meeting.

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

Ms. Halbo stated the Board received public comments which are in the materials, and recommended we change the modified text to match the language we just adopted. In Section 165(d), the language should read: "a provider shall only issue a certificate of completion to a participant who takes a pre-recorded course not presented live or on Zoom upon the participants successfully passing a test of the participant's knowledge and understanding of the CE coursework. Successfully passing shall mean a minimum cumulative passing score of at least 70%."

Mr. Feng again commended staff for their work and said this will make enforcement far more effective.

Ms. Halbo said the Board would also need to amend subdivision (h) because it reads within five business days of the administration of the course. It should be revised that to match the language that was previously provided to within 10 days from the completion of the course or the passing of the test of a recorded course, a provider shall issue a certificate.

Ms. Zuniga stated the motion: **The Board is asked to consider a motion to approve the proposed modified text as amended today amending 16 CCR Section 165 for a 15-day public comment period, and if no adverse comments are received during the 15-day public comment period, delegate to the**

executive officer the authority to adopt the proposed modified text, and also delegate to the executive officer the authority to make any technical or non-substantive changes to the proposed modified text that may be required in completing the rulemaking file and adopting the proposed regulatory changes. The second action is 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.

Mr. Ward made a motion to accept the text as amended.

Mr. Feng seconded the motion

Public Comment:

Eric Driever suggested that the word “Zoom” be replaced with “live webinar” because it is a proprietary term. Secondly, he would submit his proposed statement and considering the topic relates to civil rights, if the Board limits the CE opportunities for architects, this is also limiting the education on accessibility because it is a civil rights issue. Also, testing is not required for on-demand courses. Sustainability is important, but there’s a federal requirement related to accessibility.

Janice Kent mentioned that if the Board is aligning with AIA for testing, they have a system regarding the number of questions and pass rates. Mark Christian thanked Board members and Board staff and added that AIA fully supports these proposed changes to the proposed regulations.

Discussion ensued regarding live versus recorded webinar. The language will be changed to recorded webinar instead of Zoom. Mr. Kanotz asked if any Board member objects to the change. No one objected.

Members Feng, Gladstone, Kanaani, Kwan, Jones, Pearman and Ward voted in favor of the motion. Motion passed 7-0.

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

Ms. Halbo presented that this regulation package was sent to the Office of Administrative Law (OAL). She shared that OAL had a concern that required the package to be withdrawn and the text be modified and resubmitted. Ms. Halbo indicated text changes include changing “and” conjunctions to “or,” and, at the end of the last sentence in Section 152(a)(1), adding the phrase “except a higher fine may be assessed when expressly authorized by statute.” Ms. Halbo explained that BCP section 5536.5 states pretending to be an architect and selling services during a state of emergency, such as a fire - the statute allows for a fine up to \$10,000 and the OAL attorney said this is limiting to only \$2,500 and to put an express sentence in to be very clear. This language was circulated for public comment and no public comments were received. The Board is asked to approve the text and instruct the Executive Officer to do the resubmission so that this becomes a rulemaking.

Ms. Zuniga stated the motion: **The Board is asked to approve the proposed modified text amending Title 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 adopt the proposed modified text and also 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 adopting the proposed regulatory changes.**

Mr. Ward made a motion to accept the text.

Sylvia Kwan seconded the motion.

There were no comments from the public.

Members Gladstone, Jones, Kanaani, Kwan, Pearman, Ward, and President Feng voted in favor of the motion. Motion passed 7-0.

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

Ms. Halbo mentioned there was a considerable amount of public comment, which is in the materials along with prepared responses and proposed modifications to the text. The Board needs to seriously consider and discuss the issues that have been raised.

Ms. Zuniga stated the Board has been talking about this since September 2019, sent it back to REC, and the Board approved the language in December 2020 with no public comment, and approved modified language in 2021 with no comment received. Other DCA boards are moving in this direction. Ms. Halbo stated there is a strong commitment from DCA to have licensees put their license numbers on advertising for consumer protection. LATC has adopted this. If it's not right at this time, be aware the pressure will continue.

Mr. Gladstone inquired if other boards/bureaus have considered this and decided against it. Both Ms. Zuniga and Ms. Halbo said not that they are aware of any. Ms. Halbo mentioned that she is assigned to eight boards, and most of them are healing arts boards. She shared that the Medical Board doesn't have this language because doctors are required to post a notice informing patients that they are licensed by the Medical Board, which is comparable.

Mr. Feng said he was the liaison to LATC and the concern was too many competing entities in the field, and consumers could get them confused. LATC felt this would make a difference and distinguish that they are licensed. If the Board adopts this, his concern is enforcement.

Public Comment:

Laura Knoss-Docous, AIA, and Principal of Lionakis, stated we understand and concur with the mission to protect consumers and don't believe this proposal does that. AIACA believes the response to the initial concerns raised during the 45-day comment period did not adequately respond to the comments and asks that this item be withdrawn. Specially, item #1 is ambiguous. There was an insufficient response to objections and recommendations. They think the reasons the Board gave did not believe the concerns existed, was speculative, or the Board does not agree, and they don't believe that's in keeping with the rulemaking objective.

Lionakis commented during the 45-day period, and some of the Board response is "the board believes," which doesn't seem to be a substantive response. The concern is the idea of putting an individual's license on a firm's presentment. Most firms are going through a reviewing agency that requires licensure and stamps and can differentiate those architects at that point. They are really concerned that the burden of finding unlicensed individuals is placed on licensees. AIACA wants its comments to be on rulemaking; however, as a practitioner, it's an issue of communication and how they apply licenses to the profession.

Mr. Gladstone stated that Ms. Knoss-Docous must be aware of the role the Board plays in public protection. He inquired if Ms. Knoss-Docous or the organization has considered any alternative that might be acceptable in lieu of going in the direction that we are going? The AIA's Central Valley letters are in the packet. Paul Menard, AIA, and building official for U.C. Davis Health Facilities, mentioned that it is easy and straightforward to get on the Board's website and look up a license. He brought up the following four alternatives:

Preparing a campaign that educates the public on the importance of using a licensed architect: part of this education campaign could be to show everybody exactly how easy it is to find somebody's license on the website and to talk about the importance of hiring a licensed architect. We believe that architects are one of the classic professions like physicians, certified public accountants, and attorneys, etc. and we should be thought about in that same category when it comes to this requirement.

Education campaign for planning and building department staff on what they should look for when a license is required.

Standardize the professional designation for licensed architects something like "RA" which could stand for registered architect or "LA" licensed architect similar to the term Dr. for doctor and ESQ for attorneys.

Address the loss of protection of the title of architect in society due to technology usurping the term and using software architects, enterprise architects, etc.

They would like the Board to look at some of these proposed alternatives, and place this on hold while other alternatives are considered.

Janice Kent stated that she finds this proposed requirement very upsetting. As a sole practitioner, it is an expensive endeavor which will be in vicinity of \$800-\$1,000. She also does not feel that this is going to protect the public by putting numbers after her name on business cards, website, or stationery. CAB's comments are that license numbers are already public knowledge and easy to look up. Why do I have to put it on everything? Another thing is that architects is a classic profession like attorneys, doctors, and CPAs. She gives a lot of seminars and a lot of webinars. Is that a form of advertising? She doesn't like putting a personal license number on something that is so public. When I am doing contracts, it makes sense. They are not the problem, it's the people who are pretending to be them.

Mark Christian, AIACA, reiterated comments mentioned to him by architects. They do not completely understand how this benefits consumers. Most clients of architects are sophisticated and are not first-time clients of architects. License numbers are on the contract and documents the architect submits to the building department or the planning department. Putting this burden on architects for the actions of non-architects does not make sense. Business & Professions Code section 5536.22 paragraph 8, already says that when a licensed architect is providing a service to a client, there must be a written contract that says the client knows the architect is licensed by the California Architects Board.

Mr. Feng asked Mark Christian whether the concern is the cost or wanting to be aligned with the doctors and lawyers who don't publish their name. Mr. Christian said the concern is that there is a new requirement that has significant cost to comply with, especially for sole practitioners, and they do not understand how it's going to benefit the consumer. It's not going to stop the illegal advertising of architectural services. Also, someone advertising on Craigslist can just use a fake number. Additionally, it's putting the burden and the exposure to disciplinary action if there is a slip up. A fine would be levied and discipline would appear on the record of the architect for potential clients to see. They believe that this is an overreach without justification, and it doesn't provide protection to the consumers.

Mr. Gladstone asked if it's part of the Architects Practice Act (APA) to have your license number on a proposal. The answer is no; however, if the proposal turns into the written contract, the written contract requires the license number. Mr. Gladstone is concerned that the license number is not on the proposal.

Mr. Gladstone said he understands what AIA has said regarding lawyers and medical professions not having to put their license numbers on advertising. However, people in professions that have the public safety in their hands such as medical personnel perhaps should, and architects do have public safety in their hands when they're designing buildings. He shared that the Contractors State License Board has done a great job over the years in educating the public that

contractors need to have licenses. the license. Most members of the public are very aware of contractors needing that. I wonder whether there should be better education--as AIA proposed--of the public that architects should be licensed. The Board doesn't have the money for a huge amount of education but does AIACA have the willingness to go out with us and educate the public? Mark Christian acknowledged that AIACA would welcome the opportunity to partner with the California Architects Board.

Mr. Feng stated that on the surface, it is a measure of consumer protection, and he cannot see from a pure consumer protection standpoint that this is negative or harmful to them. The argument becomes at what price does the Board intend to protect the public.

Mr. Jones observed that Mr. Knoss-Doucous' comments about corporate licenses has not been resolved and is a complicated issue. The principal objective is to protect consumers who are seeking residential design services. Those consumers are the most vulnerable. He doesn't believe that most consumers look up license numbers of people they hire. The fact they don't doesn't mean the Board shouldn't provide additional protection. It's trying to provide consumer protection without an overburden of practitioners. This is another area where licensees could find themselves disciplined because their license wasn't on a contract. In the absence of enforcement, it doesn't discourage the Board from doing something. He is not certain the costs associated with this is worth the additional protection.

Mr. Pearman shared that he can vote for the proposal as submitted because it's not new and issues were addressed and amended. Some of the burdens are overstated. As an attorney, he could easily do this, if required. The issue of the large firms could be a problem. The contractors have a requirement under Business & Professions Code section 7030.5 to put their number in their advertisements. Mr. Christian talked about sophisticated consumers who see the architect's or contractor's license on their contracts because it is required by law. It would be naive to think in the absence of a law like that, there would be great transparency to the consumers, and that was for sophisticated consumers. As Mr. Jones mentioned, what about the unsophisticated consumers? The Legislature is going to force the Board to do it at some point, so better to get ahead of the curve and shape the regulations. He recalls one of the reasons for this regulation is the fact that one of the social media platforms in terms of architect categories refused to police them, which led to abuses. None of AIA's suggested options directly addresses that problem. He agrees with Mr. Feng that there's nothing adverse in this proposal and other Board's job is consumer protection so he would support the regulation.

Mr. Feng asked what would happen if there aren't enough resources to enforce it? Would that lead the public to think the Board is going after people in a random manner? Ms. Zuniga said that there are sufficient resources. On the enforcement issue, we can discipline for any violation of the APA.

Mr. Gladstone said that he understands that enforcement consists of a gentle letter reminding the architect of the violation, and he doesn't understand why the architect profession thinks it is demeaning to put a number on their card. Mr. Gladstone proposed that the APA be amended to require that license numbers are put on proposals. If it's a huge architect firm located in many states, it should be the firm's identification.

Ms. Kwan said this discussion is so passionate, and her issue is how large firms will handle the advertising. She asked if the issue could go away. Ms. Zuniga said the Board has approved the language twice before and we are in the middle of the regulatory process. If the Board doesn't want to approve, it can be withdrawn; however, this will be addressed in our next sunset review report because it was presented as a consumer protection issue.

Ms. Halbo said that December 30, 2022 is the one-year mark. This particular modified text responding to public comment is better than prior text. At this point, the Board has worked on it for quite a while.

Mr. Feng said the Board has responded to public comment but the public did not receive it well. Also, there is a range of practitioners and Board concerns about implementing it. It's complicated. He stated that since Ms. Zuniga says there are resources, he is okay with it.

Mr. Ward apologized to staff because of their work on this regulation, and mentioned that the Board has voted on it twice. He mentioned that he is still uncomfortable with it and agrees with Mr. Jones and Mr. Pearman and said he previously reached out to Mark Christian for feedback. He shared the names of the 21 states that don't have this requirement. He said he wants to protect the consumer but doesn't believe the consumer has been harmed; therefore, he is not confident to vote yes.

The Board took a recess from 4:08 p.m. and reconvened at 4:17 p.m.

Mr. Feng feels this item should be tabled for another time. It can be directed back to the REC, deferred to the full Board, or let staff work on it more. Mr. Gladstone stated it is a good idea because we are missing the full Board. He continued and said he believes staff has done a fantastic job of responding to the public, contrary to what they think. Not every word can be responded to. We understand what the public has said in their comments and believes there is an alternative to what's on the table. He would like to hear directly from AIA and public members on an alternative.

Mr. Ward apologized to staff and asked for Ms. Zuniga's opinion. Ms. Zuniga stated staff will do as directed. The Board has received a lot of public comment, staff has responded and addressed it at length. It's not clear how much better it will get. It will need a vote of some kind because the vote needs to be on record. The one-year deadline is December 30, 2022. If rulemaking is not completed by that date, it is dead.

Mr. Ward said that he is open to consumer protection. If someone wants to make a motion to go back and it be about Instagram, he would be okay with it on business cards.

Ms. Zuniga said the Board may consider alternatives, but they are separate issues. Mr. Ward asked if the package can be modified. Ms. Zuniga said it can be modified, but alternatives are different. Individual Board members can make recommendations to staff and it can be placed on the September agenda knowing it may not make the year deadline. Ms. Zuniga said if the Board withdraws it, staff is not going to recommend restarting the process because we have other regulations packages to complete.

Mr. Pearman suggested to bring the matter back in September.

Mr. Feng made a motion that the regulation be deferred to a future Board meeting for the full board to act on.

Mr. Pearman seconded the motion.

Public Comment:

Janice Kent mentioned that in talking with other AIA chapters, they had ideas that could protect the public and are worth exploring. The idea is to protect the public--not make it harder for architects.

Mr. Gladstone said out of respect to the AIA and public, he encourages fellow members to comment on specific alternatives that AIA proposed. They should hear from Board members regarding the reasons the Board may have not liked some of their proposals.

Members Gladstone, Kwan, Pearman, Ward, and President Feng voted in favor of the motion. Member Jones voted no. Motion passed 5-1.

The meeting adjourned at 4:35 p.m.

AGENDA ITEM G: BUDGET UPDATE FROM THE DCA BUDGET OFFICE

Attachments

Expenditure Projection Report

Revenue Projection Report

Fund Condition

Memo from Legal Affairs Division

Department of Consumer Affairs

Expenditure Projection Report

California Architects Board

Reporting Structure(s): 11110310 Support

Fiscal Month: 12

Fiscal Year: 2021 - 2022

Run Date: 08/26/2022

PERSONAL SERVICES

Fiscal Code	Line Item	PY FM13	Budget
5100	PERMANENT POSITIONS	\$1,397,649	\$1,666,000
5100	TEMPORARY POSITIONS	\$0	\$0
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$132,975	\$10,000
5150	STAFF BENEFITS	\$874,816	\$958,000
	PERSONAL SERVICES	\$2,405,440	\$2,634,000

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY FM13	Budget
5301	GENERAL EXPENSE	\$24,203	\$22,000
5302	PRINTING	\$14,567	\$20,000
5304	COMMUNICATIONS	\$5,166	\$9,000
5306	POSTAGE	\$4,257	\$70,000
5308	INSURANCE	\$338	\$0
53202-204	IN STATE TRAVEL	\$1,503	\$96,000
53206-208	OUT OF STATE TRAVEL	\$0	\$0
5322	TRAINING	\$3,760	\$21,000
5324	FACILITIES	\$210,810	\$300,000
53402-53403	C/P SERVICES (INTERNAL)	\$150,455	\$124,000
53404-53405	C/P SERVICES (EXTERNAL)	\$144,843	\$504,000
5342	DEPARTMENT PRORATA	\$771,328	\$1,000,000
5342	DEPARTMENTAL SERVICES	\$136,107	\$0
5344	CONSOLIDATED DATA CENTERS	\$18,456	\$14,000
5346	INFORMATION TECHNOLOGY	\$3,542	\$189,000
5362-5368	EQUIPMENT	\$35,526	\$38,000
5390	OTHER ITEMS OF EXPENSE	\$0	\$0
54	SPECIAL ITEMS OF EXPENSE	\$5,341	\$0
57	INTERNAL COST RECOVERY	-\$26,000	\$0
	OPERATING EXPENSES & EQUIPMENT	\$1,504,204	\$2,407,000

OVERALL TOTALS		\$3,909,644	\$5,041,000
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57 INTERNAL COST RECOVERY			-\$26,000
REIMBURSEMENTS			-\$5,000
OVERALL NET TOTALS		\$3,909,644	\$5,010,000

Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
\$123,564	\$1,429,704	\$0	\$1,429,704	\$1,435,104	\$230,896
\$8,214	\$49,024	\$0	\$49,024	\$49,284	-\$49,284
\$0	\$11,208	\$0	\$11,208	\$11,208	-\$1,208
\$67,939	\$859,730	\$0	\$859,730	\$860,000	\$98,000
\$199,717	\$2,349,665	\$0	\$2,349,665	\$2,355,596	\$278,404

Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
\$2,871	\$14,179	\$0	\$14,179	\$14,295	\$7,705
\$0	\$27,887	\$0	\$27,887	\$28,803	-\$8,803
\$427	\$7,038	\$0	\$7,038	\$8,254	\$746
\$4,467	\$10,043	\$0	\$10,043	\$12,220	\$57,780
\$0	\$45	\$0	\$45	\$45	-\$45
\$51	\$2,416	\$0	\$2,416	\$2,416	\$93,584
\$0	\$0	\$0	\$0	\$760	-\$760
\$0	\$0	\$0	\$0	\$0	\$21,000
\$23,659	\$213,129	\$0	\$213,129	\$213,850	\$86,150
\$9,361	\$169,743	\$0	\$169,743	\$175,031	-\$51,031
\$5,016	\$129,545	\$33,020	\$162,565	\$191,367	\$312,633
-\$16,196	\$1,004,804	\$0	\$1,004,804	\$1,004,804	-\$4,804
\$10,402	\$56,799	\$0	\$56,799	\$57,216	-\$57,216
\$3	\$8,296	\$0	\$8,296	\$30,997	-\$16,997
\$62,195	\$64,328	\$1,577	\$65,904	\$65,904	\$123,096
\$0	\$28,922	\$0	\$28,922	\$28,922	\$9,078
\$0	\$1,047	\$0	\$1,047	\$1,047	-\$1,047
\$135	\$1,755	\$0	\$1,755	\$1,755	-\$1,755
-\$26,000	-\$26,000	\$0	-\$26,000	\$0	\$0
\$76,392	\$1,713,975	\$34,596	\$1,748,571	\$1,837,687	\$569,313

\$276,110	\$4,063,640	\$34,596	\$4,098,236	\$4,193,282	\$847,718
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				-\$26,000	
\$276,110	\$4,063,640	\$34,596	\$4,098,236	\$4,167,282	\$842,718

16.82%

Department of Consumer Affairs

Revenue Projection Report

Reporting Structure(s): 11110310 Support

Fiscal Month:

Fiscal Year: 2021 - 2022

Run Date: 08/26/2022

Revenue

Fiscal Code	Line Item	Budget	Year to Date	Projection To Year End
	Delinquent Fees	\$45,000	\$63,200	\$63,200
	Other Regulatory Fees	\$63,000	\$15,127	\$15,127
	Other Regulatory License and Permits	\$336,000	\$365,660	\$365,660
	Other Revenue	\$24,000	\$13,867	\$13,867
	Renewal Fees	\$3,338,000	\$3,903,735	\$3,903,735
	Revenue	\$3,806,000	\$4,361,589	\$4,361,589

Reimbursements

Fiscal Code	Line Item	Budget	Year to Date	Projection To Year End
	Unscheduled Reimbursements	\$0	\$10,306	\$10,306
	Reimbursements	\$0	\$10,306	\$10,306

0706 - California Architects Board Fund Analysis of Fund Condition
(Dollars in Thousands)
2022-23 Governor's Budget with 2021-22 FM 12 Projections

Prepared 8.30.2022

	PY 2020-21	CY 2021-22	BY 2022-23	BY +1 2023-24	BY +2 2024-25
BEGINNING BALANCE	\$ 5,783	\$ 4,509	\$ 4,193	\$ 2,097	\$ 1,238
Prior Year Adjustment	\$ -77				
Adjusted Beginning Balance	\$ 5,706	\$ 4,509	\$ 4,193	\$ 2,097	\$ 1,238
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 26	\$ 63	\$ 25	\$ 63	\$ 25
4127400 - Renewal fees	\$ 2,611	\$ 3,904	\$ 2,729	\$ 3,904	\$ 2,729
4129200 - Other regulatory fees	\$ 40	\$ 15	\$ 73	\$ 15	\$ 73
4129400 - Other regulatory licenses and permits	\$ 312	\$ 366	\$ 432	\$ 366	\$ 432
4163000 - Income from surplus money investments	\$ 25	\$ 11	\$ 14	\$ 18	\$ 0
4171400 - Escheat of unclaimed checks and warrants	\$ 3	\$ 3	\$ 0	\$ 0	\$ 0
4173500 - Settlements and Judgements - Other	\$ 3	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 3,020	\$ 4,362	\$ 3,273	\$ 4,366	\$ 3,259
Totals, Transfers and Other Adjustments	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 3,020	\$ 4,362	\$ 3,273	\$ 4,366	\$ 3,259
TOTAL RESOURCES	\$ 8,726	\$ 8,871	\$ 7,466	\$ 6,463	\$ 4,497
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 3,910	\$ 4,157	\$ 5,007	\$ 4,398	\$ 4,530
Chapter 16, Statutes of 2020 (AB 84)	\$ 0	\$ 180	\$ 0	\$ 0	\$ 0
Estimated BIZMOD Costs for BY+1 and BY+2	\$ 0	\$ 0	\$ 0	\$ 465	\$ 328
9892 Supplemental Pension Payments (State Operations)	\$ 95	\$ 95	\$ 95	\$ 95	\$ 95
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 212	\$ 246	\$ 267	\$ 267	\$ 267
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 4,217	\$ 4,678	\$ 5,369	\$ 5,225	\$ 5,220
FUND BALANCE					
Reserve for economic uncertainties	\$ 4,509	\$ 4,193	\$ 2,097	\$ 1,238	\$ -723
Months in Reserve	11.6	9.4	4.8	2.8	-1.7

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
Expenditures General Salary 4.55% increase.



MEMORANDUM

DATE	November 5, 2021
TO	Board Members Board of Vocational Nursing and Psychiatric Technicians
FROM	<i>Kristy Schieldge</i> Kristy Schieldge, Attorney IV Department of Consumer Affairs, Legal Affairs Division
SUBJECT	Agenda Item 5: Discussion Regarding Fiduciary Responsibilities, Liabilities, and Governing Laws with Respect to the Fiscal State of the Board

Introduction

The purpose of this agenda item is to inform the Board members about their fiduciary duties and responsibilities under California law for the fiscal management and administration of the Board's fund. The discussion will focus on the duties imposed on all Board members and the Board's Executive Officer and the potential liability associated with noncompliance under California law.

Governing Laws

The Board is authorized pursuant to California's Budget Act (Assembly Bill (AB) 128 (Ch. 21, Stats. 2021) and the Department of Finance to spend money ("expenditures") and incur monetary obligations for specific purposes, for example, to pay for personnel and Attorney General costs ("budgetary appropriation"). A budgetary appropriation for a specific purpose is usually limited by the amount and time during which it may be expended (e.g., the current fiscal year), and the Board's ability to spend money is strictly tied to that appropriation.

Board members, through their Executive Officer, are responsible for ensuring that the Board remains solvent and does not attempt to incur expenditures in excess of the Board's legally authorized budgetary appropriation. California law imposes on state officers, including Board members, the following responsibilities and corresponding liability for failing to meet those responsibilities.

Government Code section 13320 requires every state agency, including the Board, to submit to the Department of Finance:

a complete and detailed budget at such time and in such form as may be prescribed by the department, setting forth all proposed expenditures and estimated revenues for the ensuing fiscal year.

Government Code section 13324 provides:

Every person who incurs any expenditure in excess of the allotments or other provisions of the fiscal year budget as approved by the department or as subsequently changed by or with the approval of the department, is ***liable both personally and on his official bond for the amount of the excess expenditures.*** (Emphasis added.)

Section 32.00 of the Budget Act provides, in pertinent part:

(a) **The officers of the various departments, boards, commissions, and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of these appropriations.** Any indebtedness attempted to be created against the state in violation of this section shall be null and void, and shall not be allowed by the Controller nor paid out of any state appropriation.

(b) **Any member of a department, board, commission, or institution who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act shall be liable both personally and on the member's official bond for the amount of the indebtedness,** to be recovered in any court of competent jurisdiction by the person or persons, firm, or corporation to which the indebtedness is owing. . . .

(c) Neither subdivision (a) nor (b) applies to the expenditure of moneys to fund continuous appropriations, including appropriations made in the California Constitution, and federal laws mandating the expenditure of funds. (Emphasis added.)

Discussion

Based upon the foregoing, the Board's operations and spending must strictly follow the appropriations approved by the Department of Finance and authorized by the Budget Act.

Under the foregoing authorities, expenditures in excess of the appropriations made in the Budget Act will be disallowed by the State Controller and an action to create such indebtedness would trigger personal liability in the amount of the unauthorized indebtedness for the Board's officers, which include the Board members and its Executive Officer. This would be the legal equivalent of writing a check for which no funds are available. An example

might include voting to settle litigation for a monetary amount in excess of what the Board's fund is authorized to spend or for which the Board does not currently have funds available.

Conclusion

In essence, the Board and its Executive Officer have a responsibility to ensure the Board does not vote for or authorize the spending of money in excess of the amounts authorized by the Budget Act, or for unauthorized purposes.

I will be available at the meeting to answer questions the members may have.

AGENDA ITEM H.1: 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 H.2: 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.

AGENDA ITEM H.3: 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

None.

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

Summary

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

1. Committee Meetings Update

AGENDA ITEM J: UPDATE ON COMMITTEES

1. LATC Update

Approval of the Draft 2022-2024 Strategic Plan

Summary

On April 8, 2022, LATC participated in a session to update its Strategic Plan. The session was facilitated by the Department of Consumer Affairs' SOLID team.

Action Requested

The Board is asked to review and approve the draft 2022-2024 Strategic Plan.

Discuss and Possible Action on Second Modified Proposed Regulatory Text for CCR Title 16, Division 26, Article 1, Section 2614 (Examination Transition Plan)

Summary

On August 25, 2022, the Council of Landscape Architectural Registration Boards (CLARB) announced that the Landscape Architect Registration Examination (LARE) will transition to a new examination format in December 2023. Currently, there is no transition plan in place to give examination credit to candidates who passed sections of the previously administered LARE to the new LARE format.

Staff worked with legal counsel to prepare the attached regulatory proposal to amend California Code of Regulations (CCR) section 2614 (Examination Transition Plan) by adding subsections (g)(1) – (3), thus establishing a transition plan for those candidates who passed sections of previously administered landscape architect licensing examinations into the upcoming LARE format. The existing regulation sets forth the transition plan for previous sections of the licensing examination to the sections of the LARE through August 2023.

Action Requested

The Board is asked to consider a motion to approve the Proposed Regulatory Language to amend 16 CCR section 2614 (Examination Transition Plan), and if there are no adverse comments received during the 45-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 Regulatory Language.

Attachment

Proposed Regulatory Language to amend CCR, title 16, section 2614 (Examination Transition Plan)

2. Communications Committee Update

Attachments

August 2, 2022 LATC Meeting Notice

August 24, 2022 Communications Committee Meeting Notice



NOTICE OF MEETING
Landscape Architects Technical Committee

LATC MEMBERS

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

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

**The Landscape Architects Technical Committee (LATC or Committee) will
meet by teleconference at
10 a.m., on August 2, 2022**

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

Important Notice to the Public: The 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=m81f0da72a8517d2ad250eca6892b6ac5>

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 July 27, 2022, to latc@dca.ca.gov for consideration.

AGENDA

10 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

(Continued)

- 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 April 7-8, 2022, LATC Meeting Minutes
- F. Program Manager's Report
 - 1. Update on Committee's Administrative/Management, Examination, Licensing, and Enforcement Programs
 - 2. Discuss and Possible Action on Annual Enforcement Report
- G. Discuss and Possible Action on the Committee's Annual Budget – DCA, Budget Office
- H. Review and Discuss 2022 Legislation
 - 1. Assembly Bill (AB) 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions
 - 2. AB 1662 (Gipson) Licensing Boards: Disqualification from Licensure: Criminal Conviction
 - 3. Senate Bill (SB) 1237 (Newman) Licenses: Military Service
 - 4. SB 1443 (Roth) The Department of Consumer Affairs
- I. Discuss and Possible Action on University of California, Los Angeles Extension Landscape Architecture Pilot Low Residency
- J. Review and Possible Action on Draft 2022-2024 Strategic Plan
- K. Discuss and Possible Action on Draft 2022-2024 Strategic Plan Objective to Continue Promoting the Value of the Profession Using Social Media, Specifically Twitter, and Work to Establish a LinkedIn and Instagram Presence to Reach a Greater Audience
- L. Council of Landscape Architectural Registration Boards (CLARB)
 - 1. Review CLARB September 21-23, 2022, Annual Meeting Agenda
 - 2. Review and Possible Action on 2022 CLARB Board of Directors and Leadership Advisory Council Elections Ballot
- M. Review of Future Committee Meeting Dates

N. 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 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 meeting will be webcast, 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)).

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: Kourtney Nation

Telephone: (916) 575-7230

Email: Kourtney.Nation@dca.ca.gov

Telecommunication Relay Service: Dial 711

Mailing Address:

Landscape Architects Technical Committee

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 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).



DEPARTMENT OF CONSUMER AFFAIRS

CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

Public Protection through Examination, Licensure, and Regulation

Strategic Plan 2022 – 2024

Prepared By: Solid Planning Solutions



Table of Contents

Landscape Architects Technical Committee Members.....	2
Message from the Committee Chair.....	3
About the Landscape Architects Technical Committee.....	4
Mission, Vision, and Values.....	5
Goal 1: Regulation and Enforcement.....	6
Goal 2: Professional Qualifications.....	7
Goal 3: Public and Professional Outreach.....	8
Goal 4: Organizational Effectiveness.....	9
Strategic Planning Process.....	10

DRAFT

Landscape Architects Technical Committee Members

Jon Wreschinsky, Chair, Licensee
Pamela Brief, Vice Chair, Licensee
Andrew Bowden, Licensee
Susan Landry, Licensee
Patricia Trauth, Licensee

DRAFT

Gavin Newsom, Governor
Lourdes M. Castro Ramírez, Secretary, Business, Consumer Services and Housing Agency
Kimberly Kirchmeyer, Director, Department of Consumer Affairs
Laura Zuniga, Executive Officer
Trish Rodriguez, Program Manager

Message from the Committee Chair

Regulation of the profession of landscape architecture has one primary goal, to protect the public's health, safety, and welfare. This remains important considering the increased threats, both human-made and natural, that require thoughtful, informed action to help ensure that protection. It is also increasingly important to have landscape architects who are educated, knowledgeable, and experienced in addressing issues such as water use, public safety and accessibility, climate resiliency, stormwater management, and the design of livable communities amongst others.

A part of this important effort is to help ensure that the practice of landscape architecture reflects the increased expertise necessary to protect the interests and values of California consumers. The Landscape Architects Technical Committee's (LATC) mission is to ensure that all landscape architects practicing in the State of California are duly qualified to provide services to the public in a professional and ethical manner.

The Committee is working diligently to expand the pathways to professional licensure. We recognize the importance of bringing a plethora of well-educated and qualified practitioners into the profession that reflect the breadth and experience of California society. In the past year, we have worked to implement an experience-only pathway and expanded the acceptable education credits to help meet the growing demand for licensed professionals. We also continue to support the University of California Extension Certificate Program, which provides additional licensure candidates who cannot attend a full-time studio program.

We will continue to seek input from the industry, allied partners, and most importantly, the public while we strive for transparency and collaboration. This Strategic Plan will guide our work for the next three years as we continue to work on our mandate, which is to protect consumers.

About the Landscape Architects Technical Committee

The Landscape Architects Technical Committee (LATC) was created pursuant to Assembly Bill 1546 which became effective January 1, 1998. The committee was statutorily established under the jurisdiction of the California Architects Board (Board). Its purpose is to act in an advisory capacity to the Board on examinations and other matters pertaining to the regulation of the practice of landscape architecture in California.

The five-member committee consists of technical experts who are licensed to practice landscape architecture in California. Under the provisions of AB 1546, the governor appoints three members; the Senate Rules Committee appoints one member, and the speaker of the Assembly appoints one member.

The activities of the LATC benefit consumers in two important ways. First, regulation protects the public at large. Second, regulation protects the consumer of services rendered by landscape architects. It is imperative to ensure those who hire landscape architects are protected from incompetent or dishonest landscape architects.

The LATC is one of 38 licensing and regulatory entities within the Department of Consumer Affairs (DCA) and is part of the Business, Consumer Services and Housing Agency. DCA is responsible for consumer protection through the regulation of licensees. While DCA provides administrative oversight and support services, the LATC further sets its own regulations, policies, and procedures.

Mission, Vision, and Values

Mission

LATC regulates the practice of landscape architecture through the enforcement of the Landscape Architects Practice Act to protect consumers, and the public health, safety, and welfare while safeguarding the environment.

Vision

Champion for consumer protection, and a safer, healthier environment for the people of California.

Values

- Consumer Protection
- Integrity
- Education
- Communication
- Leadership
- Innovation

Goal 1: Regulation and Enforcement

Protect consumers through effective regulation and enforcement of laws, codes, and standards affecting the practice of landscape architecture.

- 1.1 Enhance the complaint process to increase accessibility for the public and streamline the filing and tracking of complaints.
- 1.2 Expand and improve communications regarding regulations and enforcement to promote public understanding of what constitutes a violation.
- 1.3 Improve communication of enforcement cases with complainants and consumers to increase public awareness of LATC's enforcement activities.
- 1.4 Update the LATC website to clarify LATC's roles and responsibilities and explain the difference between regulated and unregulated professions listed on various online platforms and educate consumers on requirements and permitted practice of licensed and unlicensed professionals.
- 1.5 Work with the American Society of Landscape Architects (ASLA) and other license advocates to address concerns regarding licensed versus unlicensed professionals to educate and protect consumers.

Goal 2: Professional Qualifications

Ensure the professional qualifications of those practicing landscape architecture by setting and maintaining requirements for education, experience, and examinations.

- 2.1 Continue to monitor practice issues and determine the need for additional education/knowledge in the Americans with Disabilities Act, water management, fire management, climate change, and other relevant subjects to protect the health, safety, and welfare of the people of California.
- 2.2 Conduct a review of the Landscape Architect Registration Examination (LARE) and linkage study to determine areas not covered in the LARE that need to be covered in the California Supplemental Exam (CSE) to ensure the CSE reflects the content that is unique to California.
- 2.3 Identify and analyze the causes of low pass rates amongst California exam candidates in comparison to national pass rates to determine areas of concern and develop a plan of action to decrease deficiencies.

Goal 3: Public and Professional Outreach

Increase public and professional awareness of LATC's mission, vision, values, and services.

- 3.1 Continue promoting the value of the profession and professional licensure using social media, specifically Twitter, and work to establish a LinkedIn and Instagram presence to reach a greater audience.
- 3.2 Pursue reciprocal sharing of social media posts with other programs/associations to increase the impact of posts and build a greater following.
- 3.3 Identify and track the number of followers on social media platforms to measure the impact of social media posts and seek ways to increase audience.
- 3.4 Explore the etiquette of social media and then develop a messaging plan, such as celebrating new licensees, to reach out to the public and practitioners.
- 3.5 Explore linking LATC's website directly to other jurisdictions' and licensing boards' websites for increased licensee awareness of what other states are doing and to promote dialogue.

Goal 4: Organizational Effectiveness

Provide accessible and responsive quality services to consumers and licensees.

- 4.1 Research the economic and consumer protection impact of re-establishing the Landscape Architects Board or establishing a merged Board with the California Architects Board to provide better representation, strengthen the distinction between the two entities, and increase efficiency.
- 4.2 Collaborate with other jurisdictions to address concerns regarding the Council of Landscape Architectural Registration Boards (CLARB) national licensing framework to increase the member boards' voice and promote greater transparency of CLARB's discussions, actions, and information sharing.
- 4.3 Implement a new enforcement and licensing business modernization computer platform to improve services to candidates, licensees, and consumers.
- 4.4 Prepare for the sunset review hearing and responses to the background paper to comply with LATC's mandate.

Strategic Planning Process

To understand the environment in which LATC operates as well as identify factors that could impact LATC's success in carrying out its regulatory duties, the Department of Consumer Affairs' SOLID Planning Unit conducted an environmental scan of LATC's internal and external environments by collecting information through the following methods:

- Interviews were conducted with all LATC members and liaisons, as well as management and staff, during the months of November and December 2021, to assess the challenges and opportunities the LATC is currently facing or may face in the upcoming years.
- An online survey was sent to external stakeholders on December 1, 2021, closing on December 28, 2021. In the survey, external stakeholders provided anonymous input regarding the challenges and opportunities the LATC is currently facing or may face in the upcoming years. A total of 420 external stakeholders participated in the survey.

LATC members and staff were provided with the results of the environmental scan, along with an objectives worksheet, four months before the strategic planning session on Friday, April 8, 2022. The environmental scan results were carefully considered in the creation of the 2022 – 2024 strategic plan objectives.

Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834-9673
Phone: (916) 575-7230
www.latc.ca.gov

Strategic plan adopted on [REDACTED].
This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the Landscape Architects Technical Committee on April 8, 2022. Subsequent amendments may have been made after the adoption of this plan.



Prepared by:
SOLID Planning Solutions
1747 N. Market Blvd., Ste. 270
Sacramento, CA 95834

CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
PROPOSED REGULATORY LANGUAGE

Legend:	Additions are shown in <u>underline</u> . Deletions are shown in strikethrough
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Amend Section 2614 in Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2614. Examination Transition Plan

- (a) A candidate who has received Board credit for any section of the Uniform National Examination for Landscape Architects (hereafter UNE) shall be given credit for those sections as those sections correspond to the 1992 Landscape Architect Registration Examination (hereafter LARE) sections in accordance with the following transition chart:

Previous Sections Passed UNE	Credit to 1992 LARE
Section 1 - Professional Practice	Section 1 - Legal and Administrative Aspects of Practice
Section 2 - Design	Section 2 - Programming and Environmental Analysis Section 3 - Conceptualization Section 4 - Design Synthesis
Section 4 - Design Implementation	Section 5 - Integration of Technical and Design
Section 5 - Grading and Drainage	Section 6 - Grading and Drainage
Section 6 - California Section	Section 8 - California Section

- (b)(1) A candidate who has received Board credit for any section of the 1992 LARE shall be given credit for those sections as those sections correspond to sections of the Professional Examination for Landscape Architects (hereafter PELA) in accordance with the following transition chart:

Previous Sections Passed 1992 LARE	Credit To PELA
Section 1: Legal and Administrative Aspects of Practice Section 2: Programming and Environmental Analysis Section 7: Implementation of Design	Section 1: Objective
Section 4: Design Synthesis	Section 2: Design
Section 5: Integration of Technical Design Section 6: Grading and Drainage	Section 3: Construction Documents
Section 8: California Section	Section 4: California Section

(2) A candidate who is transferring credit from the UNE or 1992 LARE to the PELA and has not previously received Board credit for Section 8 (California) of the LARE shall be required to take and pass either Section 1 (Objective) or Section 4 (California) of the PELA. A candidate who has been granted transfer credit from the LARE to Section 1 of the PELA may not apply such transfer credit to fulfill his or her requirement to have passed the California Section of the PELA.

(c)(1) A candidate who has received Board credit for any section of the PELA shall be given credit for the corresponding sections of the 1997 through 1998 LARE and the California Section in accordance with the following transition chart:

Previous Sections Passed PELA	Credit to 1997 through 1998 LARE and California Section
Section 1 - Objective Section 1 - Legal and Administrative	<u>Section 1 - Legal and Administrative Aspects of Practice,</u> Section 2 (7) - Analytical and Technical Aspects of Practice, and California Section

Section 2 - Design	Section 3 - Conceptualization and Communication Section 4 - Design Synthesis
Section 3 - Construction Documents	No Transition Credit
Section 4 - California Section	California Section
No Transition Credit	Section 5 - Integration of Technical and Design Requirements Section 6 - Grading and Drainage

(2) To receive Board credit for Section 2 (7) – Analytical and Technical Aspects of Practice of the 1997 through 1998 LARE, a candidate shall either have passed Section 1 – Objective of the PELA or have received credit for both Section 2 – Programming and Environmental Analysis and Section 7 – Implementation of Design Through the Construction Process of the pre-1997 LARE, either by having previously passed those sections of the pre-1997 LARE or by having received transition credit from the UNE.

(d)(1) A candidate who has received credit for any section of the LARE which was administered on or before December 31, 1998 shall be given credit for the corresponding sections of the LARE administered on or after June 1999 in accordance with the following transition chart:

Previous Sections Passed 1998 and Prior LARE	Credit to June 1999 through 2005 LARE
Section 1 - Legal and Administrative Aspects of Practice	Section <u>A</u> - Legal and Administrative Aspects of Practice
Section 2 - Analytical and Technical Aspects of Practice	Section B - Analytical Aspects of Practice
Section 3 - Conceptualization and Communications; and Section 4 - Design Synthesis	Section C - Planning and Site Design

Section 5 - Integration of Technical and Design Requirements	Section D - Structural and Materials and Methods of Construction
Section 6 - Grading and Drainage	Section E - Grading, Drainage and Stormwater Management

(2) A candidate shall receive credit for Section C of the LARE administered on or after June 1999 only if the candidate has passed both Sections 3 and 4 of the LARE administered on or before December 31, 1998. A candidate who has passed either Section 3 or 4 of the LARE administered on or before December 31, 1998, but not both, shall be required to pass Section C of the LARE administered on or after June 1999.

(e) Effective April 2006 the LARE was reformatted and the sections renamed. Credits and conversions provided for the June 1999 through June 2005 sections remain:

Previous Sections Passed June 1999-2005 LARE	Credit to April 2006 and thereafter LARE
Section A - Legal and Administrative Aspects of Practice	Section A - Project and Construction Administration
Section B - Analytical Aspects of Practice	Section B - Inventory, Analysis and Program Development
Section C - Planning and Site Design	Section C - Site Design
Section D - Structural and Materials and Methods of Construction	Section D - Design and Construction Documentation
Section E - Grading, Drainage and Stormwater Management	Section E - Grading, Drainage and Stormwater Management

(f)(1) In 2012, the LARE was restructured from five sections to four and the sections renamed.

(2) A candidate who has received credit for any section of the five-section LARE shall be given credit for the corresponding sections of the four-section LARE in accordance with the following transition chart:

Previous Sections Passed of the Five-Section LARE	Credit to the Four-Section and thereafter LARE
Section A Project and Construction Administration	Section 1 Project and Construction Administration
Section B Inventory, Analysis and Program Development	Section 2 Inventory and Analysis
Section C Site Design; and Section D Design and Construction Documentation	Section 3 Design
Section D Design and Construction Documentation; and Section E Grading, Drainage and Stormwater Management	Section 4 Grading, Drainage and Construction Documentation

(3) A candidate shall receive credit for Section 3 of the four-section LARE only if the candidate has passed both Sections C and D of the previous five-section LARE. A candidate who has passed either Section C or D of the prior five-section LARE, but not both, shall be required to pass Section 3 of the four-section LARE.

(4) A candidate shall receive credit for Section 4 of the four-section LARE only if the candidate has passed both Sections D and E of the previous five-section LARE. A candidate who has passed either Section D or E of the prior five-section LARE, but not both, shall be required to pass Section 4 of the four-section LARE.

(g) (1) In 2023, the LARE will be restructured and the sections renamed.

(2) A candidate who has received credit for any section of the LARE which was administered on or before August 2023 shall be given credit for the corresponding sections of the LARE administered on or after December 1, 2023 in accordance with the following transition chart:

<u>Previous Sections Passed 2012- August 2023 LARE</u>	<u>Credit to December 2023 and thereafter LARE</u>
<u>Section 2 Inventory and Analysis</u>	<u>Inventory, Analysis, and Project Management</u>
<u>Section 3 Design</u>	<u>Planning and Design</u>
<u>Section 1 Project and Construction Administration; and Section 4 Grading, Drainage and Construction Documentation</u>	<u>Construction Documentation and Administration</u>
<u>Section 4 Grading, Drainage and Construction Documentation</u>	<u>Grading, Drainage, and Stormwater Management</u>

(3) A candidate shall receive credit for the “Construction Documentation and Administration” section the LARE only if the candidate has passed both Sections 1 and 4 of the previous LARE. A candidate who has passed either Section 1 or 4 of the prior LARE, but not both, shall be required to pass the “Construction Documentation and Administration” section of the LARE.

NOTE: Authority cited: Section 5630, Business and Professions Code;
Reference: Sections 5650 and 5651, Business and Professions Code.



Committee Members

Mitra Kanaani, Chair
Ebony Lewis, Vice Chair
Denise Campos
Doug McCauley
Nilza Serrano

NOTICE OF COMMUNICATIONS COMMITTEE MEETING

August 24, 2022

**The California Architects Communications Committee will meet by teleconference
at 2 p.m. on August 24, 2022**

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

Important Notice to the Public: The 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:

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=m18884e3a14927359abf9bf90f2231ecb>

If joining using the link above

Webinar number: 2484 817 5503

Webinar password: CAB08242022

If joining by phone

+1-415-655-0001 US Toll

Access code: 248 481 75503

Passcode: 22208242

(Continued)

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 August 18, 2022, to cab@dca.ca.gov for consideration.

AGENDA

2 p.m. to 3:30 p.m.
(or until completion of business)

Action may be taken on any item listed below.

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda

The Committee may not discuss or act on any item raised during this public comment section, except to decide whether to refer the item to the 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. Review and Possible Action on January 25, 2022, Communications Committee Meeting Minutes
- E. Discussion of Strategic Plan Objectives
- F. 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 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 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. Meeting adjournment may not be webcast if it 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 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 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)).

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: 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 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 5510.15).

Quarterly Report of the Executive Officer

Administrative/Management

Board. The Board met on June 8 at the Department of Consumer Affairs' (DCA) Headquarters with a satellite location in West Hollywood.

Meetings. Landscape Architects Technical Committee (LATC) met on April 7-8 at DCA Headquarters. The next LATC meeting is scheduled for August 2.

Newsletter

The newly-designed spring issue of the *California Architects* newsletter was distributed in April. The summer edition is in production.

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 commenced in Spring 2022 and should be fully operational in 2024.

Coronavirus (COVID-19)

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

Personnel

Natalia Diaz, Enforcement Unit, and Lorie Slebodnick, Administration Unit, joined CAB in May. Oscar Diaz returned to CAB in April as the Continuing Education Analyst, and Melanie Murphy was hired as the Architectural Registration Examination (ARE) Analyst and started in April.

Recruitment is underway to refill an Office Technician and Associate Governmental Program Analyst (AGPA) position in the Exams and Licensing Unit.

Outreach

CAB completed a “Licensing 101” video in English in June. DCA is working on the Spanish version and they will be uploaded and posted on social media. This video is the first in a series for candidates about how to become a licensed architect in California. Plans are underway to hold live licensing webinars later this year

A Fact Sheet regarding internships was posted on the website and shared on social media in June.

LATC provided a virtual presentation on April 14 regarding an overview of the licensure and examination process.

Social Media and Website

LATC’s Twitter account has 224 followers.

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

Platform	Q2 Posts	Followers 6/30/22
Twitter	9	1,392
Instagram	11	1,182
Facebook	11	412

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 are working with DCA's Legal Affairs Division (LAD) to prepare regulatory text for Board approval during the September 16, 2022 Board meeting.

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 returned 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 both of which were on the February 18, 2022 Board meeting agenda. The Board decided to postpone consideration of this item to the June 8, 2022 Board meeting. During the June 8, 2022 meeting, the Board voted to postpone this item to the September 16, 2022 Board meeting.

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 in 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. The 45-day public comment period ends July 19, 2022.

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

Initial submission documents were submitted to LAD June 26, 2022.

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 next Board meeting. At the June 8, 2022 Board meeting the Board voted to approve (1) the proposed modified text as amended during the meeting and (2) proposed responses to the public comments received during the 45-day public comment period. Modified proposed regulatory text addressing public comments was sent out for a 15-day public comment period from June 27 to July 13, 2022.

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. After considerable discussion on the topic of ZNCD CE, the Board approved proposed amended regulatory language during the June 8 Board meeting. The Board also delegated the 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, if needed.

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. At this time, LATC is planning to resubmit this proposal in the fall to the Senate Business and Professions Committee.

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. The regulatory package was resubmitted to OAL on April 28, 2022 and was approved on June 8, 2022. The changes were effective the same day, upon filing with the Secretary of State.

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 and the Board approved the modified text at its February 18, 2022 Board meeting. On February 28, a 15-day notice of the modified text commenced. A second 15-day notice of modified text commenced on April 1, 2022. The Board approved the modified text at its June 8, 2022 Board meeting. The final regulation package was resubmitted to OAL on June 22, 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. Staff is working on LAD's recommendations.

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. This regulatory package is on hold while a fee study is conducted to analyze the fiscal impact.

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 25, 2022. The revised documents were submitted to DCA Executive Office on April 11, 2022, and were approved May 5, 2022. The package was submitted to OAL to publish the Notice of the 45-day comment period which commenced on May 20 and will end on July 5, 2022.

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 second quarter of 2022 are presented in Tables A and B.



Table A
Architect CSE Examinee Performance: April 1 – June 30, 2022

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
Instate First-time	104	75%	35	25%	139
Instate Repeat	46	79%	12	21%	58
Reciprocity First-time	39	72%	15	28%	54
Reciprocity Repeat	13	72%	5	28%	18
Total	202	75%	67	25%	269

Table B
California ARE 5.0 Examinee Performance by Division/Topic: April 1 – June 30, 2022

ARE Division	Pass	Rate	Fail	Rate	Total Exams
Construction and Evaluation	145	48%	157	52%	302
Practice Management	174	46%	206	54%	380
Programming and Analysis	158	48%	173	52%	331
Project Development and Documentation	143	41%	209	59%	352
Project Management	199	60%	134	40%	333
Project Planning and Design	158	42%	214	58%	372

Table C
California and NCARB Performance Comparison (FY 2021/22)

ARE 5.0 Divisions	FY 21/22		
	CA Pass	Natl. Pass	▲%
Construction & Evaluation	48%	62%	-12%
Practice Management	47%	51%	-4%
Programming & Analysis	48%	52%	-4%
Project Development & Documentation	46%	51%	-5%
Project Management	59%	61%	-2%
Project Planning & Design	42%	45%	-3%

▲% is the difference in the California and national (NCARB) performance.

Landscape Architects

Table D
Landscape Architect CSE Examinee Performance by Candidate Status: April 1- June 30, 2022

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
First-time	13	65%	7	35%	20
Repeat	2	29%	5	71%	7
Total	15	56%	12	44%	27



Table E
California LARE Examinee Performance by Division/Topic: April 1 – June 30, 2022

Topic	Pass	Rate	Fail	Rate	Total Examinees
Project and Construction Management	29	58%	21	42%	50
Inventory and Analysis	27	51%	26	49%	53
Design	25	43%	33	57%	58
Grading, Drainage and Construction	38	61%	24	39%	62

Table F
California and CLARB Performance Comparison (FY 2021/22)

LARE Division	FY 21/22		
	CA Pass	Natl. Pass	▲%
Property and Construction Management	58%	57%	+1%
Inventory & Analysis	51%	63%	-12%
Design	43%	54%	-11%
Grading, Drainage and Construction	61%	65%	-4%

▲% is the difference in the California and national (CLARB) performance.

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 G
Architects Complaints and Enforcement Actions

Category	Current Quarter April-June 2022	Prior Quarter Jan.-March 2022	FY 21–22
Complaints			
Received	78	56	260
Opened	78	56	260
Closed	71	56	263
Average Days to Close	156	190	166
Pending	153	147	153
Citations			
Issued	9	8	25
Final	8	6	19
Pending Attorney General			
Pending Attorney General	4	6	4
Final	0	3	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 H
Landscape Architects Complaints and Enforcement Actions**

Category	Current Quarter April-June 2022	Prior Quarter Jan.-March 2022	FY 21-22
Complaints			
Received	7	10	30
Opened	0	0	20
Closed	9	10	28
Average Days to Close	107	174	115
Pending	11	11	10
Citations			
Issued	2	0	2
Final	1	0	1
Attorney General			
Pending Attorney General	0	0	0
Final	0	0	0

Enforcement Actions

Architects

Administrative Actions

Zeden M. Jones (Redwood City) - Effective April 17, 2022, Zeden M. Jones' architect license number C-34705 was revoked. The action came after a Default Decision was issued by the Board in connection with two complaints the Board received.

An Accusation filed against Jones on April 22, 2021, alleged four causes for discipline for violations of: (1) Business and Professions Code (BPC) section 5583; (2) BPC section 5584 and California Code of Regulations (CCR), title 16 section 150; (3) BPC section 5582.1 (4) BPC section 5584 and CCR title 16 section 160(b)(2).

The Accusation alleged that on or about February 24, 2018, Jones executed a contract with homeowner D.P. for architectural services related to a kitchen relocation and home addition for a residential property in San Jose.

As part of the project, Jones entered into a written contract with Vector Engineers for structural calculations and drawings. Vector Engineers prepared the initial structural calculations and drawings, but Jones never paid them.

Following the payment dispute, Jones needed additional engineering calculations performed. Rather than ask Vector Engineering to do the calculations, Jones plagiarized their calculations from a nearby unrelated project. Jones submitted structural calculations to the building department dated April 5, 2019, of which two pages were copied after removing Vector Engineers' logo and copyright notice. Jones replaced the Vector Engineer's logo with his own, then stamped and signed the sheets as his own. The building department did not approve Jones' structural calculations.

On or about July 5, 2019, the Board received a second complaint against Jones alleging professional misconduct associated with his design of tenant improvements for a restaurant in San Jose. Jones failed to comply with the Board's multiple requests for a response and information related to the project.

The Board's Default Decision and Order was issued on March 18, 2022 and became effective on April 17, 2022.

Citations

James Adams (Bonsall) – The Board issued a two-count citation that included a \$2,500 administrative fine to James Adams, an unlicensed individual, dba Archavision International, for alleged violations of BPC sections 5536(a) and 5536.1(c), and CCR, title 16, section 134(a). On or about January 7, 2020, Adams executed a contract with J.W. (client) to provide design services for a commercial winery project in Fallbrook. Adams' scope of work included the preparation of plans, elevations, sketches, and renderings for four different venues. Adams quoted the client \$342,500 for these services, of which \$157,250 was paid.

Adams' offering to and preparing plans for a new commercial winery project, which is not a building exempt from the licensing requirements of the Architects Practice Act, constituted a violation of BPC section 5536(a) and 5536.1(c).

Adams' use of a business name, which includes an abbreviation of the term "architect" without a California licensed 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, constitutes a violation of CCR title 16, section 134(a). His contract and online profiles using that name, including his company LinkedIn profile, which also stated "Archavision International" is an architecture & planning company" and his company Google profile which described him as "Architect in Newport Beach, California," are devices that might indicate to the public that Adams is qualified to engage in the practice of architecture in California in violation of BPC section 5536(a). The citation became final on May 13, 2022.

Alberto Bohon (Los Angeles) - The Board issued a one-count citation that included a \$1,500 administrative fine to Alberto Bohon, an unlicensed individual, doing business as Alberto's Design, for alleged violations of BPC section 5536(a).

In or around August 2020, Bohon provided Ms. C.M. with a "project bid proposal" for a residential project located in Los Angeles, California. Bohon's proposal offered to complete "architectural drawings" and to provide "ARCHITECTURAL SERVICES.", Bohon's personal LinkedIn profile also identified him as a "Project Architect."

In response to the Board's investigation, Bohon revised his proposal template, but failed to change his LinkedIn profile. In October 2018, Bohon had previously been issued a Letter of Advisement regarding his use of the word "architectural" in his business devices and was cautioned that future violations would result in enforcement action.

Bohon's proposal and profile, wherein he identified himself as a "Project Architect" and described his services as "Architectural," are devices that might indicate to the public that Bohon is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of BPC section 5536(a). The citation became final on April 28, 2022.

Sam Saleh (Oakland) - The Board issued a one-count citation that included a \$1,000 administrative fine to Sam Saleh, an unlicensed individual, doing business as Altus Draft & Design, for alleged violations of BPC section 5536(a) and CCR, title 16, section 134(a).

From January 22, 2021 and August 31, 2021, Saleh's company website stated, "We offer drafting services specializing in: Architectural, Engineering, Construction Documents, Permit Sets, Title 24 and Calgreen analysis" and described his process for "preparing the architectural portion of your project." Saleh's company profile on Thumbtack offered architectural services and was categorized under "Architects." His company profile on Yelp was categorized under "Architects."

Saleh's company website, Thumbtack and Yelp profiles, wherein he described himself as providing "architectural services," and categorized himself under "Architects," are devices that might indicate to the public that Saleh is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of BPC section 5536(a). His use of the term "architectural" in his company's description of services, without an architect in management control of the services offered and provided by the business entity and either an owner, part-owner, officer, or employee of the business entity constitutes a violation of CCR, title 16, section 134(a). The citation became final on April 1, 2022.

Armen Sarkisian (Glendale) - The Board issued a one-count citation that included a \$1,000 administrative fine to Armen Sarkisian, a licensed engineer, doing business as Unkle Design and Build, for alleged violations of BPC section 5536(a). On or about October 14, 2021, Sarkisian's personal Facebook and LinkedIn profiles identified him as an "Architectural Designer." Licensed professional engineers are exempt from many provisions of the Architects Practice Act but may not use the title "Architectural Designer" under BPC section 5537.4.

Sarkisian has failed to respond to the Board's multiple requests for a written response and information related to the allegations.

Sarkisian's online profiles, wherein he described himself as an "Architectural Designer" are devices that might indicate to the public that he is a licensed architect in California. Such conduct constitutes violations of BPC section 5536(a). The citation became final on April 28, 2022.

Landscape Architects

Citation

Paykan Corporation (Hawthorne) - The Board issued a one-count citation that included a \$1,000 administrative fine to Paykan Corporation for alleged violations of BPC section 5640. The action alleged that Paykan Corporation used the stamp of a licensed landscape architect without permission for a project requiring landscape architectural plans. Paykan Corporation paid the fine, satisfying the citation. The citation became final on June 27, 2022.



MEMORANDUM

DATE	September 9, 2022
TO	California Architects Board
FROM	Kimberly McDaniel, Regulations Manager Karen Halbo, Regulations Counsel, Attorney III
SUBJECT	Agenda Item L: Sections and 109.1 and 104, Article 10, Division 2, Title 16 of the CCR Regarding Retired License Fee and Application

Background

The California Architects Board (CAB) Retired License Fee and Application regulatory proposal was originally approved by the Board at its December 11, 2019, meeting. At the Board's September 10, 2021 meeting, the Board approved and adopted adding CCR section 109.1 to the regulatory proposal to clarify who is eligible for a retired license, how to obtain a retired license, and how a holder of a retired license may return to active status. The regulatory package was published on May 27, 2022, for the 45-day public comment period that was extended to ensure proper notice was given and closed July 19, 2022 (53 days after the publication of the notice). Seven public comments were received, three which were directed at obtaining documents and information about the rulemaking, one which expressed a concern, and three positive comments, two of which inquired as to a matter outside the scope of the rulemaking.

Upon the Board adopting the proposed responses to the comments set out below, Board staff will prepare the Final Statement of Reasons (FSR) to be included in the final rulemaking package documents to be filed with the Office of Administrative Law.

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 directed at obtaining documents or information from Robert Rosenberg, Alan Dunham, and Sandra Baracco, a comment expressing a concern from Eric Elerath, and positive comments from Michael Boudreau, Susette Naylor, and James Leary, with Ms. Naylor and Mr. Leary inquiring about a matter outside the scope of this rulemaking. The Board is only required to respond to public comments

that raise concerns within the scope of the rulemaking. The Board is asked to review the summary of the concerns raised in the comments and proposed responses thereto for inclusion in the Board's FSR for this rulemaking.

Comment from Eric Elerath

Mr. Elerath objects to 16 CCR section 109.1, subsection (b), paragraph (1), sub-paragraph (G), where, in the application for a retired license, applicants are asked to provide: "A statement regarding whether the applicant is engaged in any activity for which an architect's license is required." and to sub-paragraph (H) which requires an applicant to sign a statement under penalty of perjury that the information provided on the application is true and correct. Mr. Elerath finds sub-paragraph (H) to be unclear, to the point he believes he could only answer "I don't know" to this item. Because of this lack of knowledge, Mr. Elerath objects to 16 CCR section 109.1, subsection (b), paragraph (1), sub-paragraph (H) which requires an applicant to sign a statement under penalty of perjury that the information provided on the application is true and correct.

Proposed Response: The Board finds that Business and Professions Code (BPC) section 5500.1 establishes with sufficient clarity what constitutes "activity for which a license is required." If an applicant for a retired license has any confusion about what activities require an active architect license, they can review BPC section 5500.1, or consult with an attorney to be certain they are no longer engaged in activities for which an architect's license is required. The Board chooses not to make any changes to 16 CCR section 109.1(b)(1)(G) because BPC section 5500.1 sufficiently clarifies what is an "activity for which a license is required."

Retired license applicants are being asked to certify that their answers are true and correct under penalty of perjury to ensure that the application contains truthful, factual representations made in good faith. (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [judicial explanation for the use of certifications under penalty of perjury: "The whole point of permitting a declaration under penalty of perjury, in lieu of a sworn statement, is to help ensure that declarations contain a truthful factual representation and are made in good faith."].) Accordingly, the certification under penalty of perjury in the form is necessary to ensure that applicants submit truthful and accurate information to the Board. The Board chooses not to make any change to 16 CCR section 109.1(b)(1)(H), as it is needed to ensure retired license fee applications contain truthful, factual representations made in good faith.

Comments of Susette Naylor and James Leary outside the scope of the rulemaking

Both Susette Naylor and James Leary asked if the regulation could be made retroactive for any architects who paid a fee to retire in previous years, so that retired architects could

obtain refunds. While these comments are beyond the scope of the rulemaking, staff wishes to provide the Board with a summary of applicable law on such refunds.

Proposed Response: BPC section 5604(h) allows the Board to establish a fee for a retired license that does not exceed the fee for an initial license. This rulemaking, by establishing a fee for obtaining a retired license and creating an application process, is CAB's attempt to come into compliance with BPC section 5604(h). When retired licenses were previously granted, CAB handled those requests on a case-by-case basis. This rulemaking sets out a formalized and simpler process, and when the rulemaking becomes effective the Board will charge \$40 for the issuance of a retired license.

If a licensee who previously obtained a retired license wants to request a refund, they can, and the Board will consider their request. However, under Government Code section 13142(a), the Board cannot provide a refund if an individual derived a benefit from the charge for which they seek a refund (Attachment 2). Because retired architects have been provided a retired architect wall certificate for display, their name is listed on the Board's website with the designation "retired architect," and they have not had to pay biannual renewal fees, under Government Code section 13142(a), the Board is prevented from providing previously retired architects refunds.

Action Requested

The Board is asked to consider the proposed responses to the written comments and entertain a motion to approve the proposed responses, direct staff to take all steps necessary to complete the rulemaking process, 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. Comments from Robert Rosenberg, Alan Dunham, Sandra Baracco, Eric Elerath, Michael Boudreau, Susette Naylor, and James Leary
2. Government Code Section 13142(a)

From: [McDaniel, Kimberly@DCA](mailto:McDaniel.Kimberly@DCA)
To: hunrob33@gmail.com
Subject: FW: Retired designation
Date: Friday, June 3, 2022 3:33:00 PM

Good afternoon Mr. Rosenberg,

Under the proposed regulatory proposal, once you retire your license you will not be permitted to continue to practice as an architect in California. You may retain your seal but it will be invalid and should not be used.

If you change your mind and decide you would like to practice, under the proposed regulation, you may restore your architect license to active status at any time within five years from the expiration date of your original architect license by: (A) Paying all accrued and unpaid renewal fees and if appropriate, any delinquency fee specified in Section 144; and, (B) Completing and submitting the architect license renewal application to the board.

I hope this answers your question.

Thank you,

From: Robert Rosenberg <hunrob33@gmail.com>
Sent: Wednesday, June 1, 2022 11:39 PM
To: CAB@DCA <CAB@dca.ca.gov>
Subject: Retired designation

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: hunrob33@gmail.com

Gentlepersons

Please clarify..

As a Retired Architect will I be permitted to continue to practice..
Will I be able to retain my seal?

Robert Rosenberg
C8369

From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: [ALAN DUNHAM](#)
Subject: RE: Retired architect regulation.
Date: Thursday, June 2, 2022 1:52:00 PM
Attachments: [Proposed Regulatory Language.pdf](#)
[Notice of Proposed Regulatory Action.pdf](#)
[Initial Statement of Reasons.pdf](#)
[Notice of Extension of Written Comment Period to July 19, 2022.doc](#)

Good afternoon,

Attached please find the material you requested. There are four documents that have been posted online for this regulatory package.

The public comment period has been extended thru July 19th.

Thank you,

Kim McDaniel

From: ALAN DUNHAM <alnberta@comcast.net>
Sent: Thursday, June 2, 2022 11:37 AM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Retired architect regulation.

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Hello,
Could I get a copy of the proposed regulations? I do not practice, however I keep my license active.

Thanks,
Alan Dunham C4451
alnberta@comcast.net
36 Plata Court
Novato CA 94947

From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: BaraccoArchitect@comcast.net
Subject: RE: Comments on Retired Architect License Fee
Date: Thursday, June 2, 2022 1:46:00 PM
Attachments: [Proposed Regulatory Language.pdf](#)

Ms. Baracco,

I am sorry you have not been able to locate the text online. Please see the attached document.

I hope this works. If not, let me know and I'll another option.

Best,

Kim McDaniel

From: Sandi Baracco <baraccoarchitect@comcast.net>
Sent: Thursday, June 2, 2022 11:40 AM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Comments on Retired Architect License Fee

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Ms. McDaniel,

Please email a copy of the California Regulatory Notice Register 2022, No. 21-Z, May 27, 2022, p. 615. I have tried to find the text online without success. Or maybe how to go about finding it on line.

Thank you in advance for your help. I've been checking the CAB website since last August for promised information on retiring my license...

Sandra Baracco
C8735
Retired Architect but not officially...

Eric Elerath
419 Clinton St
Ashland, OR 97520
(310) 429-8093
eelerath@verizon.net

July 18, 2022

Kim McDaniel, Regulations Manager
California Architects Board
2420 Del Paso Rd. #105
Sacramento, California 95834
T: (916) 471-0768
E: kimberly.mcdaniel@dca.ca.gov

Re: Comments To The Proposed Legislation Regarding Retired Architect License Fee.

Ms. McDaniel

Please find attached my comments to the proposed legislation regarding the Retired Architect License Fee. (California Regulatory Notice Register 2022, No. 21-Z, May 27, 2022, p 615.)

Regards



Eric Elerath

Enc. Comments to the Proposed Legislation Regarding Retired Architect Licensing Fee; 3 pgs.

Eric Elerath
419 Clinton St
Ashland, OR 97520
(310) 429-8093
License C - 22739

Monday, July 18, 2022

California Architects Board
2420 Del Paso Rd. #105
Sacramento, California 95834
T: (916) 471-0768
E: kimberly.mcdaniel@dca.ca.gov

Comments To The Proposed Legislation Regarding Retired Architect License Fee

To Whom It May Concern:

I write to object to the proposed legislation regarding requirements for the issuance of a retired architect's license. My objection is based on the terms of §109.1(b)(1)(G) and (H):

§109.1. Retired License Application

(a) To be eligible for a retired license, an architect ("applicant") shall ... submit a completed application to the board as required by subsection (b).

(b)(1) For the purposes of this section, a completed application for a retired license includes ... all of the following information from the applicant:

(G) A statement regarding whether the applicant is engaged in any activity for which an architect's license is required; and

(H) A statement signed under penalty of perjury that the information provided on the application is true and correct.

I object because I do not know what qualifies as "activity for which a license is required," and the only truthful answer would be "I don't know."

CA B.P.C. Division 3, Chapter 3, Article 1, §5500 begins:

5500. As used in this chapter, architect means a person who is licensed to practice architecture in this state under the authority of this chapter.

5500.1. (a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of

sites, **and the design**, in whole or in part, of buildings, or groups of buildings and structures.

In 2006, 2007 and 2009, I went to court against the American Institute of Architects, Los Angeles Chapter (“AIA/LA”) in small claims court to discover the answer to the question “What is good design’?” Good design is the basis for the AIA/LA’s giving out awards and I had been denied an award four times. I wanted to know, in essence, what activity is “activity for which an architect’s license is required.”

The AIA/LA went round and round over this, claiming that architecture is a subjective art form and it refused to actually answer how the AIA/LA judged ‘good design.’ The AIA/LA attorneys compared architects to film producers, for example, who need no license at all.

Historically, architecture has been a form of religious expression - cathedrals, for example - and various state and federal laws prohibit licensed professionals from discriminating on the basis of religion. The technical work is generally left up to the builders and engineers. Engineers design the structure, plumbing systems, heating and cooling systems, soil and earthwork systems, etc., and contractors are responsible for the performance of all the work they do, like making sure the roof doesn’t leak.

In response to my Small Claims action, the AIA/LA retaliated with a suit against me in Superior Court, insisting that I was ‘harassing’ them just for asking what “architects do that require the skills of an architect.” A year later, the countersuit was dismissed as itself being a form of harassment. Afterwards, I could not get an entry level job at an architecture firm, even in an allied field. This began a long and painful chapter of my life that I will not detail here and which still continues. Something is very, very wrong.

In one job around 2005, when working as a construction administrator in an architectural office of around 50 - 75 people, I was asked to review and compare two submittals for a large glazing system in an overhead location on a campus of the UC system. One system was, in my opinion, clearly superior in performance characteristics, such as how it would perform in an earthquake, and the potential for injury and loss of life due to breakage. I believe that people who do that kind of work should be licensed, because it takes a great deal of construction industry experience, care, and sense of responsibility to understand what one is looking at, where public safety may be involved.

However, I couldn’t see any visual difference between the two systems at all. They looked identical. My employer, and pretty much every person in the office of over 50 people, would evaluate the finished result on what it looked like, not how it would perform in a seismic event. It’s a little bit like evaluating the ‘design’ of a booster rocket on whether the O-ring system makes the rocket beautiful instead of whether it will fail during a launch in a cold spell. My employer wanted me to deny a substitution request against my better judgment on the glazing system, an issue of public safety. In a public trial involving a bereaved family, I

would not be able to defend myself or my integrity as a licensed architect if I did not approved the system requested. For that I was fired.

Last year I was on an architectural review board of a local HOA in Oregon for a brief period. Some homeowners had trouble making drawings of the fences they wanted to repair, or the solar panels they wanted to install. Under California law, I'm not sure these people could get assistance without hiring an architect, based on the legal definition. Even ordinary people could look at painted fence or house and decide whether or not they 'liked' it. But that's what an architect does!!

When I was in architecture school in the 80's, the issue was debated endlessly, and the 'architecture is an art' form won the debate. And since 9-11, architects seem to be terrified of opening their mouths as a matter of public safety. They are keeping a very dark secret and I want nothing to do with this so-called 'profession' anymore. Obviously, buildings like the Twin Towers cannot collapse in the manner they did by the forces of gravity alone, and I suspect there are hundreds - if not thousands - of building industry professionals who would agree. We have all been terrorized into silence in some form or other for over 20 years.

If architects are licensed for reasons of public safety, I would strongly urge the Legislature to file some sort of lawsuit against the AIA, where licensed architects are compelled to testify or give their professional view about what happened on 9-11, on the witness stand, under penalty of perjury. To my knowledge, this has never happened.

Second, the definition of 'what architects do' seems to change constantly, based on what is taught in architecture schools, and what architecture school graduates want to do as licensed professionals. The NCARB, from what I have read, does not tailor its testing and educational requirements based on the needs of the public or the expectation of the legislature, but on the career ambitions of new graduates. The NCARB's goal seems to be to 'get young people licensed.' Under the circumstances, I think the legislature should consider deregulating the profession altogether, and offer a license with a different name to candidates with far more technical experience and job experience than is required now.

In my view, the current licensing arrangement creates a public danger by establishing a level of power over behavior that many people can do for themselves, and prohibits people with less formal education from offering lesser, more inexpensive services needed by the public.

I will leave it at that, and just repeat my objection to signing a statement under penalty of perjury written in the proposed statute as written.



Eric Elerath

From: [Michael Boudreau](#)
To: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
Subject: RE: Extension of Comment Period
Date: Wednesday, June 8, 2022 1:40:58 PM

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: mikeb@mtbarchitecture.com

Kim,

Thank you for all the help!

I reviewed the language. No objections. I can tell lots of thought was put into this. I agree, defining "retired" in the code is helpful. Adding "Retired" to the Board's public info data base is ideal.

Sincerely,

Michael Boudreau, Architect

San Luis Obispo, CA

(805)550-4665 cell

MikeB@MTBarchitecture.com

From: McDaniel, Kimberly@DCA [mailto:Kimberly.McDaniel@dca.ca.gov]
Sent: Monday, June 06, 2022 8:34 PM
To: Michael Boudreau
Subject: RE: Extension of Comment Period

Mr. Boudreau,

By clicking on the following text after the bullet, it should take you to CAB's regulations page:

- [Notice of Modifications to Text of Proposed Regulations](#)

For your convenience, I have attached the three documents that are posted on the website.

Thank you,

Kim McDaniel

From: Michael Boudreau <mikeb@mtbarchitecture.com>
Sent: Monday, June 6, 2022 8:21 PM
To: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Extension of Comment Period

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: mikeb@mtbarchitecture.com

Hello Kimberly,

A link in your email would have been very helpful. I could not find a link to the proposed language and could not comment.

No response required,

Michael Boudreau, Architect

San Luis Obispo, CA

(805)550-4665 cell

MikeB@MTBarchitecture.com

From: California Architects Board Legislation and Regulation Updates [<mailto:CAB-LEGISLATION@SUBSCRIBE.DCALISTS.CA.GOV>] **On Behalf Of** California Architects Board
Sent: Thursday, June 02, 2022 10:37 AM
To: CAB-LEGISLATION@SUBSCRIBE.DCALISTS.CA.GOV
Subject: Extension of Comment Period

[California Architects Board Website](#)



On May 27, 2022, the California Architects Board published a Notice of Proposed Rulemaking concerning Retired Architect License Fee. (California Regulatory Notice Register 2022, No. 21-Z, May 27, 2022, p. 615.) The original written comment period deadline for this action was July 12, 2022. The Board is now extending the written comment deadline to July 19, 2022. Please submit all written comments to: Kim McDaniel, Regulations Manager, California Architects Board 2420 Del Paso Rd. #105 Sacramento, California 95834 Telephone: (916) 471-0768 Email: kimberly.mcdaniel@dca.ca.gov Below is the link:

- [Notice of Modifications to Text of Proposed Regulations](#)

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>

From: [McDaniel, Kimberly@DCA](mailto:McDaniel_Kimberly@DCA)
To: susette.naylor; Susette Naylor
Cc: kimberly.mcdanile@dca.ca.gov
Subject: RE: FW: retroactive retired license
Date: Monday, June 20, 2022 7:46:00 AM

Ms. Naylor,

Your comment has been received.

During this phase of the rulemaking process, the Board gathers all public comments and does not respond individually to each comment. At the end of the public comment period, public comments received are summarized in a memo that goes to the Board at a future meeting. During this future meeting is where the Board will discuss the memo and will be presented with all public comments received. During this future meeting, you may present your comment directly to the Board when the agenda item is presented.

Thank you,

Kim

From: susette naylor <susette.c.naylor@gmail.com>
Sent: Monday, June 20, 2022 7:27 AM
To: Susette Naylor <SXHNaylor@outlook.com>
Cc: McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>; kimberly.mcdanile@dca.ca.gov
Subject: Re: FW: retroactive retired license

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: susette.c.naylor@gmail.com

Dear Ms. Mcdaniel,

I am trying one more time.

If I am not allowed to ask a question or have input because I am no longer licensed, I would appreciate at least a response to that effect after 35 years working as a licensed architect in California and paying dues.

thank you for your time,
Sincerely,
Susette Naylor

On Tue, Jun 7, 2022 at 12:19 PM Susette Naylor <SXHNaylor@outlook.com> wrote:

My apologies – your name was spelled with different capitalization in two different email notifications
Sending to both this time.

Thank you.

For your information, I practiced for some 30 plus years, no lawsuits, altercations, problems or any problems during all those years.

My License number is C 19,062.

I served on several Design Review boards here in Santa Barbara during my career (Historic Landmarks Commission Chairperson and member; Montecito Architectural Board of Review, etc)

Thank you,

Susette H.H.C. Naylor, AIA Emeritus

From: Susette Naylor

Sent: Thursday, June 2, 2022 7:32 AM

To: Kimberly.Mcdaniel@dca.ca.gov

Subject: retroactive retired license

Dear Ms.Mcdaniel,

I gave up my license end of 2020 given the two options as detailed in the notification – pay \$300 , the active license renewal fee when I was not going to be as active, or give it up.

I am heartened by the proposed regulation of \$40.00.

May I ask if there is any discussion regarding making this retroactive for architects within a certain amount of lapsed time?

May I ask if there is a link to someone or some committee which might entertain this concept?

Thank you very much.

Susette H.H.C.Naylor, AIA emeritus

State of California

GOVERNMENT CODE

Section 13142

13142. This article does not authorize the refund of any fee when:

(a) The payor, either before or after the issuance of a permit, has exercised or enjoyed, or has not been prevented by law from exercising or enjoying, the rights and privileges conferred thereby.

(b) The payor has been granted permission to take an examination.

(c) The State agency has made an examination, inspection or filing.

(Repealed and added by Stats. 1945, Ch. 1204.)



MEMORANDUM

DATE	August 22, 2022
TO	California Architects Board
FROM	Kimberly McDaniel, Regulations Manager Karen Halbo, Regulations Counsel, Attorney III
SUBJECT	Agenda Item O: 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 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**.

This memo and the proposed Modified Text (**Attachment 3**) and other attachments were on the February 18, 2022 Board meeting agenda. The Board decided to postpone consideration of this item to the June 8, 2022 meeting. During the June 8, 2022 Board meeting the Board voted to postpone this item to the September 16, 2022 Board meeting

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 phrase "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. Commentors point out that unscrupulous individuals can place a false number on presentments and advertisements. Commentors 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 Counsel 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

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 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>

Caution: This is an external email and has a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

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

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-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

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-5Regulation.shtml&d=DwlFaQ&c=LHlWblRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmnpA2Y0nlWzEjg&m=NxNv42HD2Q8C7hyRaG04YUgnF1o8VaECfViPrWvhU550zGcVXyWg0pg1InFntuq_&s=zPizUwvtl3ce7zAeyl8oHuFNpd-RyhqORISVM7K7I0k&e=

.....
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https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cab.ca.gov_webapps_subscribe.php&d=DwlFaQ&c=LHlWblRMLqgNuqr1uGLfTA&r=90DZDxTmPw6hULWLCSkG3tVh26-ckmnpA2Y0nlWzEjg&m=NxNv42HD2Q8C7hyRaG04YUgnF1o8VaECfViPrWvhU550zGcVXyWg0pg1InFntuq_&s=3U38FbcVxZ4o7dDmHtQ3rGDU0_4KfMAOMRXd2XDdwwU&e=

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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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.

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: [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.

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<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



Passionate People Sustainable Design
VMWP's [COVID-19 Protocol](#)

----- Forwarded message -----

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.

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From: [Gregory De Peña](mailto: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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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: 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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----- Forwarded message -----

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

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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

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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: [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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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>
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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>

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Certified Access Specialist

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Sacramento, CA 95834
Kimberly.mcdaniel@dca.ca.gov

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

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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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Cc: <mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov>; Mark Christian <<mailto:mchristian@aicalifornia.org>>; AIA-LB/SB <<mailto:kristine@aialb-sb.org>>
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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: <mailto:Kimberly.mcdaniel@dca.ca.gov>
Cc: <mailto:CAB-LICENSEE@subscribe.dcalists.ca.gov>; Mark Christian <<mailto:mchristian@aicalifornia.org>>; AIA-LB/SB <<mailto: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
Stepping Thru Accessibility
phone - 562-426-9363

web site - [mailto:janisk@SteppingThruAccessibility.com](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 - <a href=)

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On Jan 3, 2022, at 2:22 PM, California Architects Board <<mailto: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.

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
<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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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

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[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.sahfrin@caab.ca.gov
To: moshe.sahfrin@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-faces/proposed_regulation_items/facesoccpd/

From: Moshe Sahfrin <moshe.sahfrin@caab.ca.gov>
Sent: Tuesday, January 4, 2022 11:42 AM
To: CAB_LICENSEE@SUBSCRIBE.DCAUSTS.CA.GOV; McDaniel, Kimberly@DCA <Kimberly.McDaniel@dca.ca.gov>
Subject: Re: Proposed Regulatory Action Extension

[EXTERNAL] moshe.sahfrin@caab.ca.gov

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Please send me a copy of the proposed rule-making.
Thanks
Moshe Sahfrin, Architect

From: California Architects Board License Related Bulletin -<CAB_LICENSEE@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_LICENSEE@SUBSCRIBE.DCAUSTS.CA.GOV <CAB_LICENSEE@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-faces/proposed_regulation_items/facesoccpd/
https://www.caab.ca.gov/faq-faces/proposed_regulation_items/facesoccpd/

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

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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;

MA (York); DipArch (Bartlett UCL); Registered in California, New York, Bavaria and the

UK; FCIEA; CGP (Sustainability All Sectors).

UK Mobile +44 787 489 7050

DE [Murnau](#) +49 151 1751 4929

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

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: [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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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: 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

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: [Tony Pings](#)
To: 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

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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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 <https://steppingthruaccessibility.thinkific.com>

<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

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PRESENTMENTS

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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: [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@aiacalifornia.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 Whitlam

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

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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](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-K75fENUjnlGMWB4IIzyGwQlttyr_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
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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

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://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@bj-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@bj-inc.com>
Sent: Monday, January 3, 2022 2:41 PM
To: Brion Jeannette <BrionJ@bj-inc.com>; Amy Creager <amyC@bj-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

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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](#)
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

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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](#)
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>

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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: [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

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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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

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=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

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__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

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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=GRxTngoQZ7SnHiCP5J-Ux2_XHIHuCbzQi5dpkPLSbXA2LZLqObn6prXEV6MeAwbP&s=mNzgKukVSRGno8d8AExYdPf-p2HTcw8wxiECdc7UOnU&e=

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From: [eileen.gueringer](mailto:eileen.gueringer@gmail.com)
To: 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

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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: 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](mailto:Jeff.C.Burns@organicmodern.com)
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

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://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:
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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: [Kurt Worthington](mailto:Kurt.Worthington@dca.ca.gov)
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-K75fENUjnlGMWB4IIZyGwQtltyr_oPxa_kfuMM&e=

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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
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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
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,

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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://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

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: [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

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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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--

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.

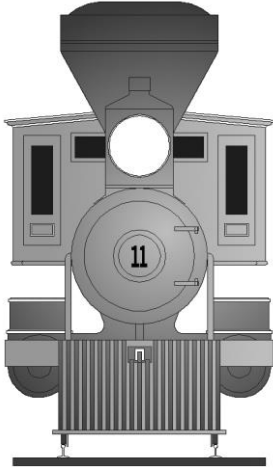
Thank you for your time.

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.

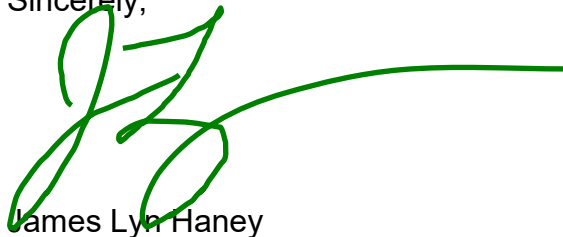
Dear Kimberly,

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 its intended perpetrator. It also moves the penalty away from the licensed architect moving the burden to those practicing without. Most importantly it does not impact licensed architects at all, which with covid still impacting billing we would all appreciate. Further it would education 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, overlapping 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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NEVER: provide credentials on websites via a clicked link in an Email.

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
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

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: [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
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

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>

--

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?
- Our firm has many licensed architects that “sign drawings” on behalf of the firm. Again, it would seem a misrepresentation to provide a license number in “presentments” that differs from the license numbers of those that are signing drawings. We could see a path forward where an individual, licensed architect includes their license number on business cards or in e-mail signatures. The association of one individual’s license with the firm name, wherever and however it is presented, is concerning.

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

Name
Regarding
Date
Page 2 of 2

employee of the business entity.” changes. We anticipate the cost to far exceed the \$100 stated in the proposed regulation.

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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She/Her/Hers

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Sacramento CA 95811
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F: 916.558.1919
www.lionakis.com

February 7, 2022

California Architects Board
Via email: idris.ahmed@dca.ca.gov

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Name
Regarding
Date

Page 2 of 2
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Sincerely,

Maynard Feist, AIA
Principal



California Architectural License Number: C23115

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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

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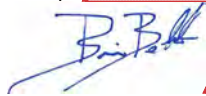
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Page 2 of 2
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Sincerely,

Brian Bell, AIA
Principal



California Architectural License Number: C28712

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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,

Carol Lanham, AIA
Principal



California Architectural License Number: C37100

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Sincerely,

Dennis Guerra, AIA
Principal



California Architectural License Number: 30075639

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Sincerely,

Jon Lundstrom, AIA
Principal



California Architectural License Number: C11976

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Sincerely,

Jonathan McMurtry, AIA
Associate Principal



California Architectural License Number: C23603

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February 7, 2022

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Via email: idris.ahmed@dca.ca.gov

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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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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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Sincerely,

Mike Davey, AIA
Principal



California Architectural License Number: C27266

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To Whom it May Concern:

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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?
- Our firm has many licensed architects that “sign drawings” on behalf of the firm. Again, it would seem a misrepresentation to provide a license number in “presentments” that differs from the license numbers of those that are signing drawings. We could see a path forward where an individual, licensed architect includes their license number on business cards or in e-mail signatures. The association of one individual’s license with the firm name, wherever and however it is presented, is concerning.

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

Name
Regarding
Date

Page 2 of 2

employee of the business entity." changes. We anticipate the cost to far exceed the \$100 stated in the proposed regulation.

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,

Nick Docous, AIA
Principal



California Architectural License Number: C18997

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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

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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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,

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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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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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

[nbbj.com](#) | [meanstheworld.co](#)

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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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www.archdim.com

WALNUT CREEK

801 Ygnacio Valley Road, Suite 230
Walnut Creek, CA 94596
TEL. 510.463.8300
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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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

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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

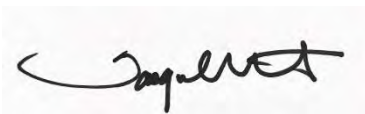
consumers to check the license number of an architect and determine if they are in good standing. Indiscriminate circulation of architects' license numbers in both the real and virtual world will lead to the mis-appropriation and mis-use of license numbers.

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

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.	Comment 16: <i>This overly broad statement should be removed because there has been no data provided to support it.</i>
Set forth below are the alternatives which were considered and the reasons each alternative was rejected: 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.	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> <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
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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

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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



Tel (707)544-1642
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 Antoniulli Clair', with a stylized, cursive script.

Ida Antoniulli 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,

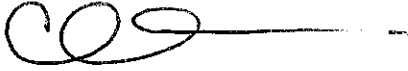
I am writing to oppose the adoption of section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations (CCR). Having personally witnessed an unethical company with owners that to this day purposefully misrepresent themselves as architects practicing architecture, being published 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 horizontal line that ends in a small flourish.

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 regulation 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
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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 5318
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>
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 **California**

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 **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

CAUTION: This message originated from the public internet. Do not open attachments unless you recognize the sender.

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

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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
1102 Q Street, Suite 5100
Sacramento, CA 95811
www.dgs.ca.gov/dsa
Phone 916.322.2490
Mobile 916.661.0308
Email ida.clair@dgs.ca.gov



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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

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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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www.rottetstudio.com

ROTTET STUDIO

ARCHITECTURE AND DESIGN

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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 P: 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>
November 1	LATC Meeting	TBD
December 9	Board Meeting	TBD