

**MEETING MINUTES
CALIFORNIA ARCHITECTS BOARD
REGULATORY AND ENFORCEMENT COMMITTEE**

October 26, 2023
Teleconference Meeting
Physical Location:
2420 Del Paso Road, Suite 105
Sacramento, California 95834

Committee Members Present

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

Board Staff Present

Laura Zuniga, Executive Officer
Jesse Laxton, Assistant Executive Officer
Alicia Kroeger, Program Manager, Enforcement
Michael Sganga, Lead Enforcement Analyst
Jasmine Steinwert, Enforcement Analyst
Katie Wiley, Enforcement Analyst
Coleen Galvan, Administration Analyst
Reynaldo Castro, Office Technician

Guests

Cary Bernstein
Jacque Brown
Yvonne Dorantes
Mandy Freeland
Cheryl Lima
V. Picicci
Scott Terrell
Chris Texter

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

Regulatory and Enforcement Committee (REC) Chair Ronald A. Jones, called the meeting to order at 10:02 a.m.

Chair Jones called the roll. There being five members present at the time of roll, a quorum was established.

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

Chair Jones announced the meeting is being held by teleconference and pursuant to the provisions of Senate Bill No. 143, approved by Governor Newsom on September 13, 2023, this meeting will be held by teleconference and physical location at 2420 Del Paso Road, Suite 105, Sacramento, California 95834.

Chair Jones advised the Committee of the voting requirements: 1) all motions, and seconds will be repeated for the record; and 2) votes on all motions will be taken by rollcall.

C. Public Comment on Items Not on the Agenda

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

D. Review and Possible Action on November 18, 2022 REC Meeting Minutes

Chair Jones asked if there were any questions, comments, or changes to the November 18, 2022 REC Meeting Minutes. Robert Pearman questioned the use of the word "recourse" on page eight of the draft minutes (page 22 of the packet). Laura Zuniga explained that this was meant to state "resource."

Robert Pearman moved to approve the November 18, 2022 REC Meeting Minutes as amended.

Steven Winkel seconded the motion.

Members Winkel, Kwan, Chase, Pearman, and Committee Chair Jones voted in favor of the motion. The motion passed 5-0.

E. Enforcement Program Update

Alicia Kroeger provided an Enforcement Program Update that included regulation updates for 5 different regulations. The packet provided information about California Code of Regulations (CCR) sections 135 (Architectural Advertising), 152 (Citations), 154 (Disciplinary Guidelines), 165 (Disability Access Continuing Education), and 166 (Zero Net Carbon Design Continuing Education).

CCR section 166 zero net carbon design for continuing education is the only regulation that is still being worked. This regulation requires five hours of continuing education pertaining to zero net carbon design for all licensees who are renewing on or after January 1, 2023. It will establish the qualifications for zero net carbon education courses and course providers. The packet has been noticed and it

currently in the 45-day comment period. The rulemaking is on schedule to meet the legislative deadline.

Ms. Kroeger further mentioned the citation summaries that occurred since the last REC meeting have been provided for reference. She stated that from November 2022 through September 2023 there were 13 unlicensed practice, 3 unlicensed advertising, and 3 licensees citations issued.

Further, there were three administrative summaries for the same time period. 1) A stipulated surrender occurred in 2019, the individual petitioned for reinstatement and was placed on five years probation. The probation ended in March 2023. 2) A stayed revocation and three year probation. 3) Revocation that occurred in April 2023.

In the Enforcement Program Data (found on page 28 and 29 of the packet) Ms. Kroeger compared fiscal years pertaining to complaints received and opened by the Board. Ms. Kroeger pointed out that in FY 2022/2023 we closed 289 cases, so about 30 more than we have in the previous fiscal year. The average number of days to close slightly increased and we still have about the same number of cases pending by the end of the fiscal year. It was also noted, the number of citations issued each year has remained pretty consistent. The amount of fines assessed this fiscal year has increased; a nearly \$17,000 increase. This increase was due to a couple of unlicensed advertising and unlicensed practice cases. Two of the cases totaled \$15,000 in citation fines. Finally, The amount of fines collected actually quadrupled from 2021 to 2023. The Enforcement Unit continues to work hard to close cases, identify cases that are more serious in nature, and prioritize investigations to address any violations.

Mr. Pearman wanted to clarify that the Board assessed citations on unlicensed individuals and was successful in recovering funds. Ms. Kroeger communicated that the amount of fines we issued is different from amount of fines we have collected. Further, Ms. Pearman wanted to verify if the collections agency we have recently been using has been successful in recovering funds. Ms. Kroeger disclosed that it was a mixture of individual both licensees and unlicensed individuals paying the fines on their own and in conjunction with the collections agency to assist in additional recovery. The citation summaries contains the information on whether a citation has been paid or not. Currently the Board is looking at either reauthorizing the collections contract or using the Department of Consumer Affairs (DCA) agency wide contract to ensure we can continue to increase collections. She thinks it is better than the methods the Board was using previously which was collecting citation fines through the Franchise Tax Board (FTB).

Ms. Kroeger moved on to discuss disciplinary cases which were more egregious and are the cases that are escalated for higher discipline rather than just a citation. These types of cases have increased a little bit, but we have actually been quicker at getting a turnaround on these.

Ms. Kroeger moved on to discuss the conviction and arrest information which paper copy renewals were received by the majority of renewals through the mail. Recently, the Board has an online portal for licensees to renew their licenses. Due to the transition of paper to electronic renewal the reports showing a check mark on the discipline question on the online renewals have not been delivered to the Board timely; therefore the FY 2022/2023 numbers may increase.

Sylvia Kwan wanted to discuss the incorrect use of the term “architect” to describe an unlicensed person. For example, when an unlicensed person is using the title “interior architect.” She wanted to confirm how the Board handles a first time offense of this nature. Ms. Kroeger responded and explained that this issue will be covered in greater detail in the strategic plan objective G.6 that covers social media. But, the Board does review cases in which an unlicensed person either uses the title of “architect” or offers “architectural services.” We have an updated process that the staff began using in the last six to eight months where specific Enforcement Staff have been assigned duties to manually scour the internet for unlicensed advertising. Ms. Zuniga further noted that advertising cases are treated a little differently than unlicensed practice. In unlicensed practice there is documented consumer harm because it involves a project for a consumer. In unlicensed advertising there is only evidence of a person or business advertising, most commonly online, as “architects,” and state they provide “architecture,” or “architectural services.” Once an investigation is complete and it is determined that the violation may have been unintentional the Board will often provide the unlicensed person with a Letter of Advisement (LOA) which instructs them of the advertising requirements. The more serious cases will often result in a citation. Ms. Kroeger interjected that a newspaper article where an unlicensed person is being interviewed and represents themselves as an architect would be treated very similarly to a unlicensed advertising case. This would also be the case if a person is advertising on a business card as an architect.

Mr. Jones referred to page 28 of the packet that the average days to close is an additional 41 days when comparing FY 2021/2022 and FY 2022/2023. He wanted to know if there is an additional cost related to that closure rate and if it correlated to better outcomes in terms of collections. He also highlighted that some of the citations include repeat offenders. Ms. Kroeger shared that the additional time is more likely associated with the more in-depth investigative process staff are conducting. For example, when a new complaint contains a written contract violation, the Enforcement Unit staff will conduct a deeper investigation including further analysis and sometimes it will include an investigation by a subject matter expert to determine if there are any more egregious violations of the Architects Practice Act, in addition to the written contract issue. Ms. Kroeger further stated that the data for days to close may have increased due to the closure of several disciplinary cases. The Board has more disciplinary cases now and these types of cases take up a lot of time. The average days to close number is comprised of all the initial complaint cases the Board receives, which can result in citations or discipline. Ms. Zuniga added that once a citation is issued, there are options for an appeal including an informal conference or hearing. If it goes to a formal hearing with the Office of Administrative Hearings that can take many more months. This all adds

additional time and in some cases a licensee may leave a citation fine outstanding until it holds up their renewal. Ms. Kroeger added that a licensee has an incentive to pay the fine to get their license renewed, where an unlicensed person does not have an incentive to pay their fine, other than to avoid being sent to collections. After the window for an appeal has lapsed, an unlicensed person's citation will be directed to the collections agency for recovery. If this individual fails to pay, the unpaid amount will be transferred to the FTB for collection. FTB is often most successful at collecting on the really old cases.

Mr. Jones is concerned that we are not doing enough to enforce unlicensed individuals from providing public service. There needs to be a balance between the effort and the cost relative to the collections. Ms. Kroeger feels that we have a good system in place because we have a collection agency contract. We were using an independent company and are considering use of the collection agency contract through DCA.

Robert Chase pointed out that he has been involved in a number of disciplinary cases that often take a couple years to complete. He referred to page 28 of the packet highlighting the final number of administrative cases closed within the fiscal year. This shows that new cases have been opened but also that it can take a few years to actually close an administrative case. Ms. Kroeger explained that these cases were a couple years old and were rolled over before we were able to close them.

F. Discuss the use of the title “Architect in Training”

Michael Sganga presented this agenda item to inform that REC that the Board received a request from the American Institute of Architects, California (AIACC) to look at some proposed legislation involving the use of the title to recognize individuals pursuing architectural licensure. Mr. Sganga explained that this is background information and that no action would be requested today.

Back in 2014 and 2015 very similar legislation was proposed to allow the use of the term “Architect-in-Training” (AIT) by unlicensed designers that met specific qualifications.

In 2016, after the Board put a lot of resources into this topic Governor Brown vetoed Senate Bill (SB) 1132.

Mr. Sganga highlighted that important background information on this item can be found on the Board's website in the meeting documents and minutes and notice that a working group was involved and conducted research on this topic.

Mr. Sganga provided a timeline of background events to consider:

- 2015/2016 strategic plan includes an objective for the Board to look into this issue as a result of National Council of Architectural Registration

Boards (NCARB) forming a task force to research the pros and cons of using this title.

- March 2015 AIACC asked for support from the Board for their proposed legislation.
- REC meeting held on April 29, 2015, in which the title was discussed and the REC unanimously opposed supporting this legislation.
- Board meeting held on June 10, 2015, where the Board rejected the REC proposal to oppose the legislation and recommended more research on the use of the title.
- REC meeting held on November 5, 2015, the Committee asked Board staff to conduct more research and collect more information from AIACC and NCARB.
- Board meeting held on December 20, 2015, tabled the issue requesting more input from the REC.
- February 18, 2016, AIACC sponsors legislation for SB 1132.
- REC meeting held on April 28, 2016, where REC discussed SB 1132 and recommended the Board oppose the bill.
- June 9, 2016, the Board voted to oppose unless the REC and AIACC were able to work out a compromise through a working group meeting which is linked to this agenda item page. This contains all the work done by the Enforcement Unit.
- July 13, 2016 the working group meeting was held.
- July 28, 2016 the Board voted to support SB 1132 with the proposed amendments that came from the working group meeting.
- Two months later, SB 1132 went to the Governor's Office and Governor Brown issued a statement vetoing the bill. This statement is included in the REC packet.

Mr. Chase mentioned that Enforcement Analyst Katie Wiley noticed that the American Institute of Architects (AIA) National contained information on their website allowing unlicensed individuals to use certain titles while trying to obtain their license that included use of the terms "architect" or "architectural." The Board wrote a letter and informed them that it is a violation of our state laws and could result in a citation and fine. They complied and modified their website.

Ms. Zuniga reminded the REC that this is background information only and no action is being taken. She reminded the REC that the Board's mission is consumer

protection so we are not advocating for this change, but we are happy to work with AIA to implement and make it as workable as possible.

Mr. Pearman added that he was around when these discussions were happening. The REC opposed the legislation and the Board was not enthusiastic about it. A lot of resources were put into this topic and Mr. Pearman did not feel as though the resources were used effectively. If the topic is revisited, Mr. Pearman hopes that the language does not require a new negotiation to take place.

Mr. Jones asked why this issue was resurfacing. Mr. Sganga explained that AIACC sent the issue to the Board last month for our comment. Ms. Zuniga added that she met with Board President Charles L. Ward III and the AIACC Executive Committee in the summer to discuss this issue because of the interest in the emerging professionals group. It is a long process for candidates to get licensed and they want a designated title to acknowledge the work they have put in thusfar in their chosen profession. There is no more specific information or detail on this issue.

Mr. Chase wanted to clarify if there were two paths for potential legislation. One would be for the Board to sponsor legislation to which Ms. Zuniga stated that the Board would not sponsor this type of legislation because it is not related to consumer protection. The other option would be for AIACC to sponsor the legislation. AIACC wants to Board to weigh in on the policy because it is outside the organization. Mr. Sganga indicated that NCARB is revisiting the topic of professional titles. He further added that it would be nice to have a national standard.

Mr. Jones added that the governor vetoed a similar legislation in 2016 and now in 2023 the discussion has resurfaced again. In the last few years, there has been a huge effort to manage the integrity of the term “architect.” Mr. Jones points out that it is almost like going backwards because all of the recent citations have been leaning towards the managing of the title. He said it feels like this legislation will allow the term “architect” to be available for unlicensed professionals to use. Mr. Jones further explained that our primary objective is to protect the consumers by monitoring and enforcing unlicensed individuals from referring to themselves as “architects.”

Ms. Kwan confirmed this issue has come up in NCARB. A few years ago, NCARB took the term “intern” away from unlicensed professionals. They could use other terms such as project manager or designer. In her opinion, there are two groups of practitioners that are not licensed. There are those that are in the process of getting licensed which can take close to an average of 11 years to obtain or those who have been practicing in the industry for 20 to 30 years, but are not licensed. Neither of these groups have a specific title. So there is a dilemma as to what to call these people who are either early in their career or very senior in their career.

Mr. Chase commented that he agreed with Ms. Kwan’s comment that there is a large group of individuals that have worked for decades in the profession without becoming licensed, but he thinks they did not intent to become licensed. These

individuals seem to be satisfied with their skills and are often very talented. He thinks it is the younger individuals looking for the use of the AIT title.

Mr. Steven Winkel commented that he is also a civil engineer in addition to being an architect. He suggested that the Board look into the Engineer-in-Training (EIT) title. There is a test where you cannot call yourself an EIT until you pass a fundamental knowledge test that allows the trainee into the queue for gaining licensure by experience. By having a test gateway at the beginning it would take care of the 30 year project manager; who is not an architect and does not intend to be. Mr. Winkel explained that many graduates do not go on to be licensed architects. The only way he would support the AIT title is if it increased the number of licensed architects. Mr. Jones added that there is an examination trigger that you have to pass in the first exam, which under the current language is similar to the EIT. Ms. Zuniga agreed that the EIT is being looked at as a model for the AIT and that there would be parameters that are undefined at this time.

Mr. Jones pointed out that back in 1977 when he was 17 years old living on the east coast, his first title was "Intern Architect." At that time it was a common term that was used. He stated that we have evolved as a profession and titles are important. Mr. Winkel added that he was called an "Apprentice" in his early years of this profession.

Mr. Jones asked for public comment to be reopened and Mandy Freeland, Vice President of the Academy for Emerging Professionals, AIACC commented that AIACC's intention is to align AIT title with the EIT title. She is an emerging professional, a California firm owner, has been licensed for eight years and feels that this is a title the profession deserves more so, than the individuals deserve themselves. Furthermore, she stated that this title would add a tiered designation on the path to licensure now that the added that the five years rolling clock to complete the Architect Registration Examination (ARE) is not a requirement any longer. The Academy of Emerging Professionals hope to have a designated period of time for use of the AIT title to encourage candidates to finish the requirements for architects to get licensed.

AIACC Director of Government Relations, Scott Terrell, pointed out that currently there is a different governor than the governor that vetoed the bill. Governor Jerry Brown originally vetoed the bill, but the current governor may have differing opinions on the use of the AIT title. Mr. Terrell stated this bill is being reintroduced to the governor for another opportunity for change because there were not any "no votes" and it was not a widespread opposition that passed on both the house and legislature. Mr. Terrell clarified that there will be a time limit in the bill proposal because there is a group that are not interested in becoming licensed. Mr. Terrell stated, as Ms. Freeland mentioned there is currently no rolling clock, so a time limit and sunset will be added to the new bill. The original bill included a 3-year sunset and the new legislation would include a sunset again to provide an opportunity to evaluate if there are enforcement issues or if the program is being utilized by individuals. Mr. Terrell has reached out to the Board for Professional Engineers,

Land Surveyors, and Geologists and confirmed the enforcement issues have been very minimal. He confirmed that all three industries are happy with the titles in place.

Ms. Zuniga further expanded on the rolling clock change that Ms. Freeland mentioned and explained that the ARE division scores used to be valid for five years and you could continually test for one division each year in order to keep current; so they would not expire. NCARB implemented this change to be effective January 1, 2024, allowing a candidate to keep the exam scores from the current and former versions of the ARE. The exam scores are going to be valid for a longer period of time.

Ms. Kwan asked Mr. Terrell if he has worked on the AIT title with any staff from NCARB specifically on the national level. Mr. Terrell confirmed that he has had conversations with NCARB about the current process and have looked at what other states have done. There are currently 4 states that use the term AIT and about 28 other states that use some version of a title with architect in it. The majority of those are either "Intern Architecture" or "Architect Intern."

Mr. Chase asked Mr. Terrell if he knew how many other states use the term "architect" as a protective title. Mr. Terrell did not have that information available. Ms. Kwan added that most states have protective titles.

G. Discuss and Possible Action on 2022-2024 Strategic Plan Objective to:

1. Provide more detail on decisions made in enforcement cases in the Executive Officer report during board meetings and inform consumers.

Mr. Sganga presented this objective and explained that at the last REC meeting held on November 11, 2022, the Enforcement Unit gave a detailed presentation on the enforcement process and the Architects Practice Act (Act). This was also done at the Board meeting on May 19, 2023, and all of the documents and a video of the presentation are available on the Board's website. This objective is considered completed.

Mr. Jones thought the presentation was excellent and thought it answered several questions.

2. Develop narrative discussions and case studies of common violations to educate and inform consumers and architects on what violations to avoid.

Jasmine Steinwert presented this objective and explained that it is still in progress. We are working on creating a video and putting together a script with case studies for violations. We are also working on our enforcement review article for websites that are using social media posting and discussing regulatory updates. This objective is considered ongoing.

Mr. Jones asked if there have been any advancements on the video or website applications. Ms. Steinwert advised that this is still a work in progress. We need to develop the script and have it approved by the Executive Officer and legal counsel.

Mr. Winkel commented that there is that group of people who have some knowledge of architecture and hold themselves out to be architects incorrectly. Mr. Winkel inquired how will this information be relayed to those people regarding what they should not be doing? Ms. Zuniga responded that NCARB does outreach on educational programs within each states. When these architectural outreach programs are conducted within California, NCARB invites Board staff to participate. Board staff provide information on how to obtain a license and the limitations and restrictions of the Act. Unlicensed individuals are told they cannot call themselves architects regardless whether it is inadvertent or deliberate they should know it is a violation to offer architectural services or call themselves an architect. Mr Jones added that this objective includes social media, newsletters, videos – we need to find the right vehicle to reach that audience. Typically there are unlicensed individuals disregard violations of the Act. We must make sure that the consumers are well informed by empowering them with accessible information prior to a problem occurring.

Mr. Jones highlighted that he felt the AIACC did a great job a few years back with commercial compaigns, both in print and through the media, to get the message out about the roles of licensed architects. and he was curious of the effectiveness of that campaign. Mr. Chase responded that the challenge is there is not a database we can refer consumers to for unlicensed people.

3. Better educate practitioners on standards of practice during the renewal process to protect the public.

Ms. Steinwert presented this objective and explained the definition of “standard of care” is not specific. The Board needs to be cautious and not to establish a higher standard than a professional standard of care. It was determined that the best way to complete this objective was to add a section to the online and physical License Renewal Applications requiring a checkbox certifying that they have reviewed the Act and they are familiar with its provisions. This ensures the licensees are aware that the Act is available online where it can be reviewed and have knowledge on what it includes. This objective is considered completed.

Mr. Jones questioned how many licensees, when approached by Board staff or investigations, state that they just did not know. This requirement keeps licensees from using this excuse in response to a complaint once they have marked the checkbox as reviewed during the renewal. Ms. Steinwert confirmed that was the intend of this change. The licensee is aware of the Act and to look for any changes. Mr. Chase confirmed many phone calls and emails that come to

the Board are from architects that are not familiar with the Act. By adding this checkbox to the renewals this objective is considered completed.

4. Educate the public and practitioners regarding their rights and roles when contracts are signed.

Ms. Steinwert presented this objective and explained the Committee was asked to clarify the relationship between the consumer and the architect in those structures and to ensure both parties understand their roles in the relationship. The Act states the architect must have a contract with the client. In some cases, industry practice recognizes the client as the developer or an insurance company, not the consumer.

Board members discussed this strategic goal at the December 10, 2021 Board meeting, and mentioned that the term “third party” is unclear. Board members were reminded that the objective is to ensure that both the consumer and practitioners understand their roles when an architect works with a developer to design a home. It is essential to educate the public and architects about the importance of understanding the written contract before signing. The 2019-2021 Strategic Plan contained a related objective to educate architects regarding their responsibilities under Business and Professional Code (BPC) section 5535.1 “responsible control defined” and California Code of Regulations (CCR), title 16, section 151 “aiding and abetting” to protect consumers from unlicensed practice. On August 1, 2019, the Board approved the publishing of an informational bulletin describing case analysis and the laws covering issues of responsible control and aiding and abetting. The bulletin was published on the Board’s website and is frequently disseminated to architects in potential violation of aiding and abetting. The bulletin was updated to include the new provisions of the written contract requirement under BPC section 5536.22 effective January 1, 2020, and to remind architects of their need to sign all contracts under which they provide services. A chart was also published on the Board’s website delineating the types of design projects that may legally be controlled by unlicensed persons, architects, or engineers.

Mr. Jones suggested that we need to understand the different ways that architects are contracted. First, property owner contracts with the architect directly. Second, property owner contracts with the architect to a second party such as a design build or speculative builders. The architect is contracted with the builder and then builds the home. In this case, who does the consumer go to with issues with the property. Third, merchant builders when architects are hired by merchant to design plan communities. There is a disconnect with the final occupant of the home. As a practitioner, it is important to know the depth of the engagement between the design practitioner and the homeowner. Also, for the homeowner to understand their level of connection between the architect when there is a force between. There is a huge gap between the practitioner and the

homeowner specifically, in what the practitioner's obligation is to the homeowner and what the homeowner's expectation is for the practitioner.

Ms. Steinwert explained that one of the difficulties with this objective is that the Act does not define who the client is in these contracts. However, she does think the Act is pretty clear on the architect's duties in BPC section 3536.1 which does not differentiate between contracts for the contractor, homeowner, or developer. It does require that all persons preparing and being in responsible control of plans, specification, and instruments of service for others shall sign those plan specifications, instruments of services, and contract therefore. This language is from the Act and we cannot define it differently based on who is signing that contract with the architect.

Mr. Jones noted that most citation summaries and disciplinary actions that he read though have always been between the architect and who they signed the contract. Oftentimes, he will get calls from the owner of the property requesting documentation and he will refer them back to the merchant builder who signed the contract with the homeowner. Ms. Steinwert responded that the intent of this section is that architects sign all contracts relating to professional services to ensure the homeowner is actually receiving services and has a resource to reach out to for any issues. She advised that Mr. Jones may need to consult with legal counsel about what that means for his practice. This is what the Act requires and without a change to the Act, the Board can not define it differently. She stated the way the Act is currently written serves the public interest because an architect is signing all contracts related to the architectural services they are providing and the homeowner will know who the architect was on their project. Ms. Steinwert pointed out that we see scenarios where the property owner does not know who is the appropriate contact to ask questions and sometimes the contractor just "washes their hands of it" and will not provide the architect's name.

Mr. Jones referred to the *Consumer's Guide to Hiring an Architect* but questioned if it effectively describes the different roles to the consumer. Mr. Winkel agreed with Mr. Jones and said that we cannot rely on common law and contract law, we need to make consumers feel satisfied if they are trying to make a complaint and they do not know where to go.

Mr. Jones asked to hold this agenda item open a little longer to see if there is a further way to remedy this issue.

5. Review the current threshold for fines to determine if they are appropriate to deter violations.

Mr. Sganga presented this objective and explained that the Enforcement Unit determined that the Board is currently imposing the maximum fine amounts allowed under DCA statutes. There is room for higher fine amounts in specific aggravating circumstances such as when unlicensed practice takes place in a

fire zone. Further, with the low rate of repeat offenses supports that the amounts are sufficient to deter violations. The Board is satisfied with the high rate of compliance. We are still exploring the options available for settling citation cases without public reproval. The hope is that we can settle a case with something different than a citation but where the offender pays for the cost of the investigation. This objective is considered complete and the fine amounts are appropriate.

6. Monitor social media to proactively enforce against unlicensed advertising.

Ms. Kroeger presented this objective and emphasized the importance of overseeing social media to identify and act against unlicensed architectural advertising. The Enforcement Unit is looking for ways to streamline this process, but some of the challenges include social media because it is a much larger area to monitor. In the past, unlicensed advertising might include a billboard sign, business card, invoice, or contract. .

The Board staff have improved complaint process, and we now have one staff member committed to reviewing online advertising as a consumer might. There is a challenge because we cannot open a case with only a business name, we need an individual with a physical address tied to the business. . We have streamlined the complaint process to use business online portals for contacting the website owner. We send them an email using their Contact Us portal to inform them that they are in violation of the Act and they are not allowed to call themselves architects or offer architectural services. In some cases, we are able to reach out by telephone.

We are still looking at a method where technology scours the internet for us. This was looked at over the last year and the technology was not sufficient for it to be a good option. However, technology advances very quickly so we are revisiting this option to see if there is a better method that is more cost effective. This objective is considered ongoing.

Mr. Jones commented that this is a challenging task. After reviewing the disciplinary actions, it seems most of the cases are opened due to a consumer complaint. He likes this model because Board staff can be sleuths and can identify individuals who are unlawfully advertising. Mr. Jones acknowledged there is a cost associated to this and wondered if part of the modernization program allows us to build some sort of search engine in the next five to ten years. This objective could be used to suggest strategies as opposed to implementation.

Mr. Pearman was happy with the efforts. He realizes it is a difficult task and the Enforcement Unit is trying to be creative and make some progress. He asked that if there is a technological advancement available, he would like it brought to the Board to pursue it as soon as possible.

Mr. Jones asked what the associated costs are using a search engine for this task. Ms. Kroeger responded that we currently have one person on staff who is responsible for online unlicensed advertising. Another option is to provide outreach using newsletters or social media to notify licensees to report any unlawful unlicensed advertising to the Board. She reminded everyone that the complaint must be tied to a person with a physical address and not just a business name because we only license individuals and not companies. The Board's Enforcement Technician recently received one complaint that included over 30 individuals. The Board's goal is to gain compliance by the individuals revising their online content. These types of cases are generally closed with a LOA. Sometimes we will have cases with repeat offenders where the individual reverts their corrected their online advertising to violating the Act again and a new complaint is received. These cases usually result in a citation without notice to the unlicensed individual.

Ms. Kwan asked if artificial intelligence (AI) could help by using key word searches such as "architectural designer" to identify potential violations. Ms. Kroeger responded that the Board's Enforcement Analyst has been working on this objective and has been researching AI functionality but it has not yet been successful. Mr. Jones reiterated that cost will come with this kind of technology.

H. Adjournment

The meeting adjourned at 11:57 a.m.