



California Architects Board
Regulatory and Enforcement Committee
October 26, 2023
Teleconference Via WebEx





Committee Members

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

NOTICE OF TELECONFERENCE MEETING

October 26, 2023

The Regulatory and Enforcement Committee (Committee) of the California Architects Board will meet by teleconference at

10:00 a.m., on Thursday, October 26, 2023

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=m6b06dbe2d2674904307222f8581b5268>

If joining using the link above

Webinar number: 2494 972 7015
Webinar password: CAB10262023

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

Access code: 249 497 27015
Passcode: 22210262

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 October 19, 2023, to cab@dca.ca.gov for consideration.

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

(Continued)

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 a 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.

AGENDA

10 a.m. to 2:00 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 November 18, 2022, Committee Meeting Minutes
- E. Enforcement Program Update
- F. Discuss the use of the title "Architect in Training"
- G. Update on 2022-2024 Strategic Plan Objectives:
 - 1. Provide more detail on enforcement cases in the Executive Officer report during board meetings regarding decisions on cases, to make information more accessible and inform consumers.
 - 2. Develop narrative discussions and case studies of common violations to educate and inform consumers and architects on what violations to avoid.
 - 3. Better educate practitioners on standards of practice during the renewal process to protect the public.
 - 4. Educate the public and practitioners regarding their roles when contracts are signed with a third party (contractor/developer).

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

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

H. 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: Katie Wiley
Telephone: (916) 471-0762
Email: katie.wiley@dca.ca.gov
Telecommunications Relay Service: Dial 711

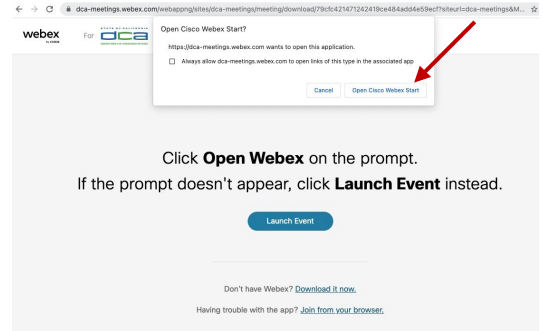
Mailing Address:
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

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

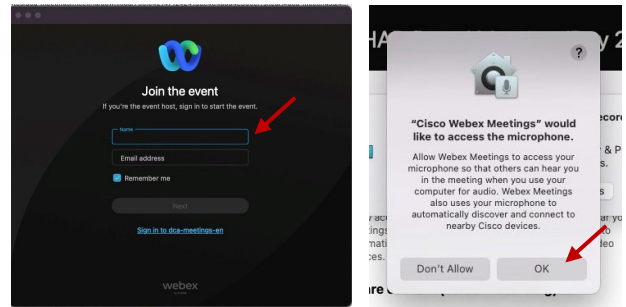
Protection of the public shall be the highest priority for the Committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and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

If joining using the meeting link

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



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

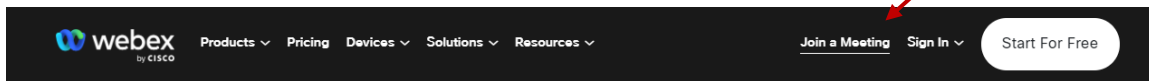


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

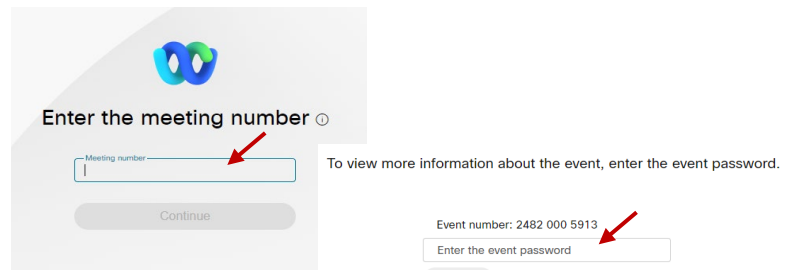
OR

If joining from Webex.com

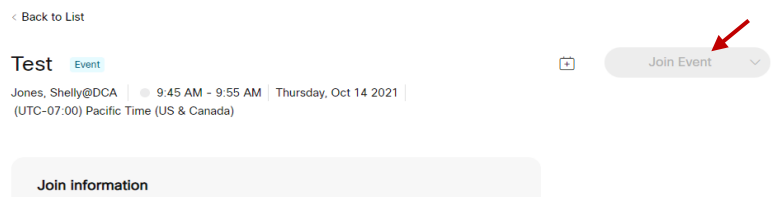
- 1 Click on "Join a Meeting" at the top of the Webex window.



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



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



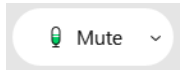
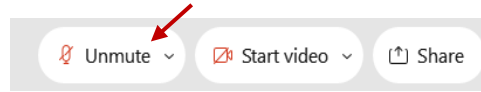
OR

Connect via telephone*:

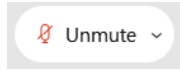
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

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

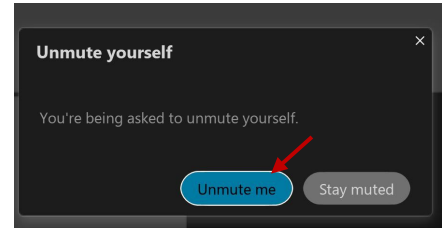


Green microphone = Unmuted: People in the meeting can hear you.



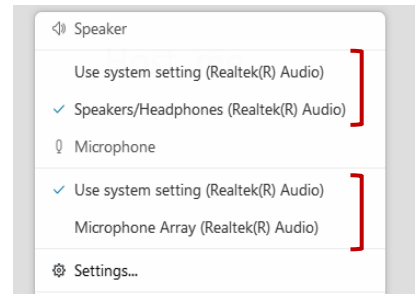
Red microphone = Muted: No one in the meeting can hear you.

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



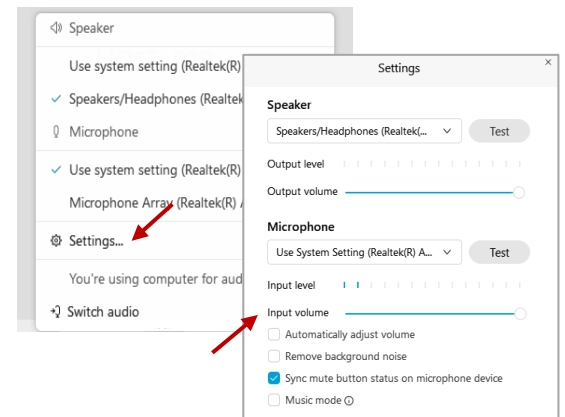
If you cannot hear or be heard

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



If your microphone volume is too low or too high

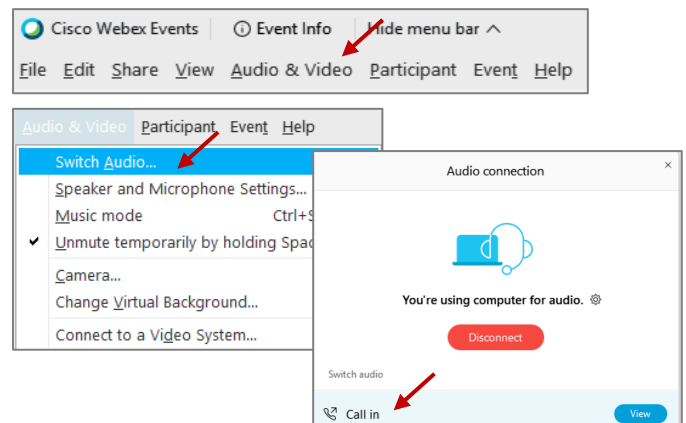
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

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

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



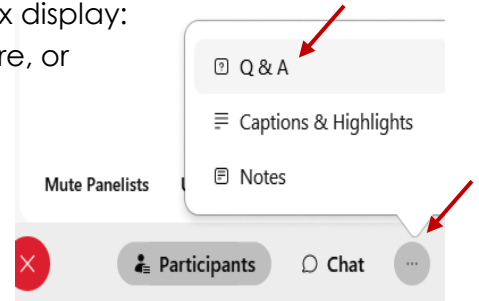
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

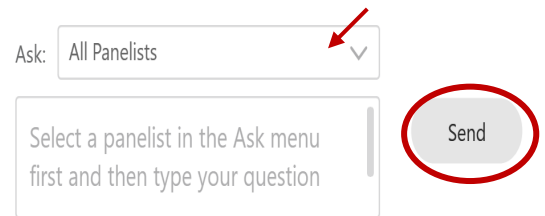
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



OR

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

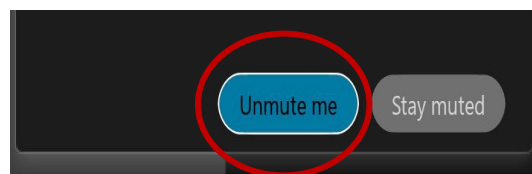
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

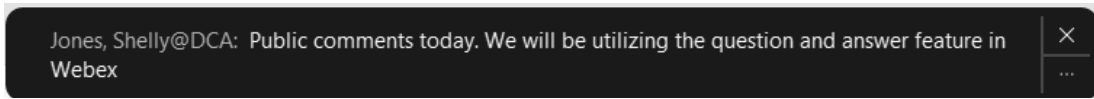


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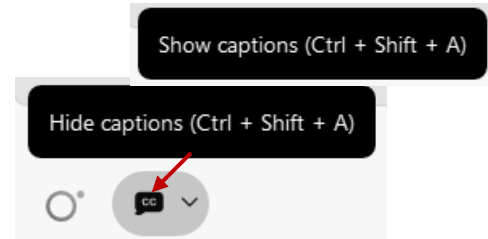
If connected via telephone:

- Press *3 to unmute your microphone.

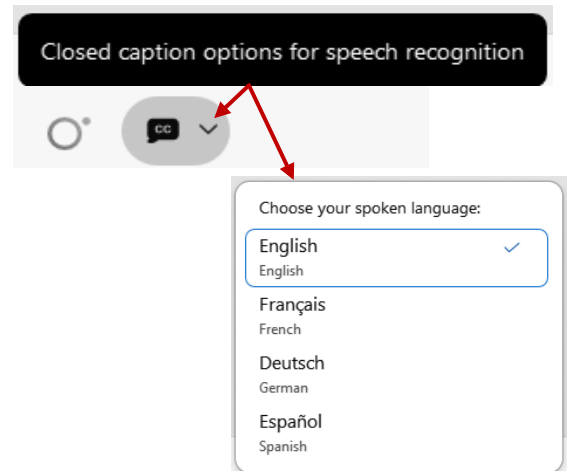
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



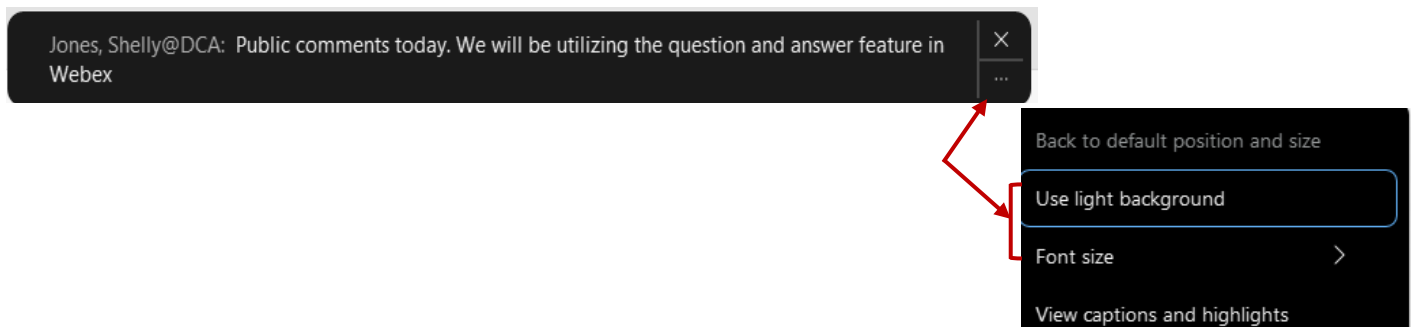
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.



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

Roll will be called by Vice Chair, Robert C. Pearman Jr.

Three members of the Committee constitute a quorum for the transaction of business. The concurrence of three members in attendance during a duly held meeting at which a quorum is established shall be necessary to constitute an act or decision of the Committee.

Committee Members

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

AGENDA ITEM B: CHAIR'S PROCEDURAL REMARKS AND COMMITTEE MEMBER INTRODUCTORY COMMENTS

Committee Chair Ronald A. Jones will review scheduled actions and make appropriate announcements.

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

Members of the public may address the Committee at this time.

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

Public comments will also be taken on agenda items at the time an item is heard and prior to the Committee taking any action. Total time allocated for public comment may be limited at the discretion of the Chair.

**AGENDA ITEM D: REVIEW AND POSSIBLE ACTION ON NOVEMBER 18, 2022
REGULATORY ENFORCEMENT COMMITTEE MEETING
MINUTES**

Action Requested

Approval of the November 18, 2022 meeting minutes.

Attachment

Draft November 18, 2022 meeting minutes



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

November 18, 2022
Teleconference Meeting

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
Alicia Kroeger, Program Manager, Enforcement
Michael Sganga, Lead Enforcement Analyst
Idris Ahmed, Enforcement Analyst
Jasmine Steinwert, Enforcement Analyst
Katie Wiley, Enforcement Analyst
Coleen Galvan, Administration Analyst
Stacy Townsend, Enforcement Analyst
Natalia Diaz, Office Technician

Guests

Glenn S.A. Gall
Kimberly Anderson
Laura Knauss
Keven Kroeger
Matthew Wainwright
Scott Terrell
Ida Clair

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 10:03 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 Governor Gavin Newsom's Executive Order N-1-22, dated January 5, 2022 a physical meeting location is not being provided.

Chair Jones thanked everyone for their attendance and welcomed everyone for being here. He commented how impressive and comprehensive the information in the packet was and thanked staff for their work on it.

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 January 25, 2022 REC Meeting Minutes

Chair Jones asked if there were any questions, comments, or changes to the January 25, 2022 REC Meeting Minutes. There were none.

Robert Pearman moved to approve the January 25, 2022 REC Meeting Minutes.

Robert Chase seconded the motion.

Members Kwan, Pearman, Chase and Committee Chair Jones voted in favor of the motion. Member Winkel abstained. The motion passed 4-0-1.

E. Enforcement Program Update

Alicia Kroeger provided an Enforcement Program Update that included information on the updates to the Building Official Guide for 2019 and again in 2020 to include data for the landscape architects. She mentioned that the Enforcement staff has welcomed Natalia Diaz who is working to collect contact information from each Building Official to remind them of the Guide and offer a copy for their department.

Disciplinary Guidelines are in the review process with the legal division of Consumer Affairs and staff have been working closely to align the Guidelines for the Board and the Landscape Technical Assistance Committee.

Ms. Kroeger mentioned that there are a few regulations in the review process, including California Code of Regulation (CCR) 135 (Architectural Advertising) which is still pending and the Board will be voting on this regulation in the December 9,

2022 meeting. CCR 152 (Citations) will update citations for advertising violations and unlicensed practice under Business and Professions Code (BPC) section 5536.

Ms. Kroeger discussed the process of the Subject Matter Expert (SME) Program and its effectiveness. The three year program started in 2019 with 15 SMEs and about 12 of the SMEs will be renewed in 2022. She mentioned that the SMEs are used for the complaints that are more egregious or technical in nature.

In the data provided for the Architects Complaints and Enforcement Actions Ms. Kroeger compared the data from the current quarter to last years fiscal year data. She pointed out the spike in the Days to Close data and stated that it was due to cases that had recently been closed and with the investigation unit for an extended period of time and/or cases that went before an Administrative Law Judge to hear the case before a decision was made. Most of the data for each category was aligned in comparison to the past year. Ms. Kroeger referred to the Governor's Executive Order N-39-20, during the State of Emergency, where the Director of the California Department of Consumer Affairs may waive any statutory or regulatory renewal requirements pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code while highlighting data within the Continuing Education section. Ms. Kroeger stated that members should see those numbers appearing over the next few reports. Ms. Kroeger continued to provide clarification to the members regarding the data that was provided.

Ms. Kroeger turned the remainder of the discussion over to Michael Sganga who discussed the Enforcement Action Summaries and noted a document in the packet which provided Elements of the Architect Practice Act Violation for the members to reference in relation to the violations in the summaries. Mr. Sganga further went into detail about each Enforcement Action Summary and provided details about how and why there were the violations for each case.

F. 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.

Mike Sganga discussed this objective in the context of information available to the Board and to the public about the consumer complaint process. He gave an overview of the process from intake through outcome.

During intake, complaints from various sources are reviewed to ensure completeness and that they allege a potential violation of the Architects Practice Act (Act) over which the Board has jurisdiction. The case is then assigned to an

analyst who verifies the potential violation and conducts an investigation, including gathering of relevant documents and interviewing the Subject of the complaint and other witnesses. If a violation is found, the analyst then recommends an appropriate penalty or other outcome.

The actions that might be taken against a Subject include an informal letter of advisement, citation with an administrative fine, or referral to the Attorney General which might result in suspension or revocation of the Subject's license.

The outcomes of cases are reported to the Board in the form of statistics, case summaries, proposed decisions, and disciplinary settlements. The public has access to information on the Board's website and through public records requests, Board publications, and professional outreach.

The Committee discussed the information currently available to consumers and the need for architects to be familiar with the Act. They recommended that this presentation on the enforcement process be provided to the full Board at a future meeting.

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

Jasmine Steinwert gave a presentation to the REC on information regarding the Board's Strategic Plan Objective 2.2: Develop narrative discussions and case studies of common violations to educate and inform consumers and architects on what violations to avoid.

Ms. Steinwert explained that this item is still in progress, but the Board would be working on it and gathering data on the most common violations.

Ms. Steinwert presented an update on the Board's efforts to complete this objective, including plans to create a video seminar or PowerPoint presentation on "Do's and Don't's" for architects and consumers, and possibly a "Year in Review" article for the website, newsletter, and social media posting. The article would include regulatory updates, common violations, and case studies.

The REC approved the Board's plans to complete this objective, and gave approval to move forward with it. The REC also suggested outreach on this topic to other organizations, such as the America Institute of Architects, the Coalition for Adequate School Housing (CASH), and colleges and universities.

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

Ms. Steinwert gave a presentation to the REC on information regarding the Board's Strategic Plan Objective 2.3: Better educate practitioners on standards of practice during the renewal process to protect the public.

Ms. Steinwert explained that the terms "standards of practice" and "standard of care" were typically used interchangeably in the industry.

Ms. Steinwert stated that the Board needed to be cautious not to establish a higher standard than the professional standard of care that would otherwise apply, and that the definition cannot be narrowed down to a list of what is included in standard of care. The Board recently updated California Code of Regulations, title 16, section 160(B)(1) to give standard of care its own section under the Rules of Professional Conduct. Ms. Steinwert explained that cases that involve standard of care violations are very complicated, and are usually sent to an expert to determine if the standard of care was met, and, if not, how serious the violations were.

Ms. Steinwert informed the REC that the Board's suggested way of achieving this objective and the best way of educating practitioners would be to add a checkbox to the License Renewal Application which would require licensees certify that they have reviewed the Act during the renewal process.

Robert Chase moved to proceed with the checkbox feature.

Robert Pearman seconded the motion.

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

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

Ms. Steinwert gave a presentation to the REC on information regarding the Board's Strategic Plan Objective 2.4: Educate the public and practitioners regarding their roles when contracts are signed with a third party (contractor/developer). The REC wanted to clarify the relationship between the consumer and architect when an architect is hired by a third-party and not the homeowner.

Ms. Steinwert explained that the Board had already made progress towards this objective through a Related 2019-2021 Strategic Plan Objective, which was 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.

In response to the previous Strategic Plan Objective, the Board has continued enforcing BPC 5536.1 requiring architects sign all contracts for architectural services, and ensure contracts comply with BPC 5536.22 requirements. The Board has also published an Informational Bulletin regarding Responsible Control within Design and Design-Build Firms and published a Consumer’s Guide educating consumers on contract requirements.

The REC brought up their concerns about contract situations that did not include homeowners, such as an architect contracting with a developer to design a subdivision, where the homeowner comes along further down the line. The REC brought up situations where the third-party hiring an architect is an insurer or design/build company and asked for clarification on differences in signing requirements.

Ms. Steinwert pointed out that the Act did not define “Client” nor require that the client of an architect’s contract be the homeowner, however the Act stated that if a contract contains architectural services, an architect is required to sign it.

The REC made a motion to request the Board continue to research this item and reach out to other entities such as insurance companies, developers, and the Design-Build Institute of America to have a discussion about how they think the architect/third-party relationship should work, and bring a report to the REC in the future.

Robert Pearman moved for staff to continue to work on ways to educate the public and practitioners and to research other ideas with outside parties and entities.

Sylvia Kwan seconded the motion.

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

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

Mike Sganga discussed the current thresholds for administrative fines that can be imposed by the Board as defined in the Act and other DCA regulations.

CCR 152(c) sets forth a range for fines between \$750 and \$2,500 per violation. BPC 5536.5 allows increased fines of \$5,000 for advertising and unlicensed practice violations in a declared disaster zone. CCR 152(e) gives the Executive Officer discretion to increase fines to \$5,000 under specified aggravating circumstances. BPC 125.9, which applies to all DCA licensing Boards, sets a maximum of \$5,000 for each investigation.

The deterrent effects of these amounts were considered based on the low rate of repeat offenses. The Committee agreed that the current thresholds are appropriate. No action was taken.

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

Idris Ahmed presented this agenda item which included a presentation on the Board's process for advertising cases, statistics on advertising cases, and staff work on the strategic plan objective.

Mr. Ahmed provided a description of the process for opening, investigating, and closing an advertisement case. Mr. Ahmed described the statutory authority for Board's power against unlicensed advertising. He then provided examples of advertising cases and some common issues staff encounter with advertising cases. Mr. Ahmed presented data of advertising cases opened from 2017 to 2022.

Robert Chase asked if the spike in 2019 data could be a result of the fires in California and the rebuilding that took place afterward. Mr. Ahmed explained that he was unsure if that was the case in particular and would have to look at the data in more detail, but there was an architect who was actively reporting many violations to the Board at that time.

Mr. Ahmed then presented a pie chart of case closures from 2017-2022, and pointed out that most of the advertising cases had been closed with a cease and desist/letter of advisement, as the Board staff strategy in the past has been a more compliance oriented approach.

Mr. Ahmed presented some of the limitations of resources the Board is faced with when handling the objective including staff time, and discussed the

compliance versus citation approach. Mr. Ahmed described how the compliance approach involves the letters of advisement, but citations could be more recourse intensive for the Board.

Mr. Ahmed also stated that Board staff contacted our current Business Modernization Vendor (inLumon) to inquire about an automated approach to dealing with unlicensed advertising and heard back that at this time it would not be a possible solution due to resource limitations. Mr. Ahmed also noted the expansive nature of social media in scope as a limitation.

Mr. Ahmed then presented some possible solutions Board staff came up with including, streamlining the advertising case process, potentially increasing citations, which could increase Board staff workloads. Mr. Ahmed noted that Board staff would continue to work with other DCA entities to discover which approach is generally the best practice. Mr. Ahmed also stated Board staff would proactively work on an approach to identify advertising violations. Mr. Ahmed lastly stated that another idea was to have a social media campaign to encourage architects to report unlicensed advertising online.

Glen Gall, AIA stated he would like to provide a public comment.

During the pause waiting for public comments from Mr. Gall, Chair Jones noted that he believed the term “associate architect” was no longer used by AIA and Ms. Kwan and Mr. Winkel confirmed that is true. Mr. Chase noted that the state also used to have positions that used the term architect for unlicensed people, but that has since been updated.

The public comment from Mr. Gall started and he asked if the Board would actively pursue the misrepresentation in the first example, and if the Board staff were actively pursuing cases or pursued cases that staff discovered. Mr. Ahmed responded when the Board staff encounter a violation incidentally they open the case, but part of the overall strategic goal is to determine how to move in a proactive direction with the consideration of the resource limitations. Mr. Gall concluded that more structured time on the monitored side would be good and go after the first example presented.

Mr. Pearman commented that he was a proponent of taking proactive action on the matter and while the social media landscape is expansive and growing quickly he thinks that means the network of unlicensed practitioner who advertise will also grow. He stated the Board must deal with unlicensed advertising in an aggressive manner. Mr. Pearman mentioned that the Board had the advertising regulation proposal, but that at the last Board meeting he was under the understanding that this regulation was not moving forward.

Mr. Pearman suggested he would like to see how effective a campaign would be for having an advertising banner on a website like Yelp that linked to the Board's website to search for architects. Mr. Pearman stated he was not content with the Board staff report and that it did not deal with the problem.

Mr. Winkel stated that while it sounds like some of the Board's current technology is obsolete there could be some search engine solutions and while there could be expense associated with that it could be something simple and be a more effective use of staff time. Mr. Winkel also mentioned that education to consumers and architects could be effective as well.

Mr. Jones commented on the data provided by the staff report and commented that outside from the outliers it looks like there is an average of 40 advertising cases a year and that the majority of cases are closed cease and desist and no violation. Mr. Jones mentioned resource allocation and a possible study of how resources are allocated in order to efficiently use staff time. Mr. Jones stated that there was a possibility for consumer harm from unlicensed practice and questioned how these are classified.

Ms. Kroeger asked the REC to keep that in mind that the statistics show just advertising cases and that is different from unlicensed practice cases, which are related to an actual project. Mr. Ahmed mentioned the strategic goal is specific to just advertising cases and unlicensed practice cases do get a higher priority due to active consumer harm.

Mr. Pearman concluded that he wanted the Board to further look into a technological solution. Ms. Zuniga stated that Board staff could report back on future findings at the next REC meeting.

G. Adjournment

The meeting adjourned at 2:25 p.m.

AGENDA ITEM E: ENFORCEMENT PROGRAM UPDATE

Summary

Attached is the Enforcement Program Update, which is a synopsis of Board and Enforcement Program activities and projects of interest to the Regulatory and Enforcement Committee.

Also included in this item is an overview of Final Citations (October 2022-September 2023) and Final Administrative Actions (October 2022-September 2023) that became effective in the last fiscal year.

Attachment(s)

1. Enforcement Program Update (October 2022-September 2023)
2. Citations (October 2022-September 2023)
3. Final Administrative Actions (October 2022-September 2023)

ENFORCEMENT PROGRAM UPDATE

October 2022 – September 2023

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 about the regulation's implementation and whether it would protect consumers, and asked the issue be returned to the REC to research 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. The initial regulatory package was submitted 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.

At the September Board meeting, members discussed the proposed regulatory amendments and did not have enough members present for a voting quorum. As the Board was unable to direct staff to either modify the text or file the final documents, the final rulemaking documents cannot be filed with the Office of Administrative Law (OAL) by December 31, 2022. On that date, under Government Code Section 11346.4(b), the notice for this rulemaking is no longer effective. If at a later date the Board wishes to proceed with a rulemaking on this topic, new text will need to be adopted and published for a 45-day public comment period (starting the rulemaking process over again from the beginning).

Status: At the December 9, 2022 meeting, the Board voted not to move forward with this regulatory proposal.

CCR Section 152 (Citations) was amended effective October 1, 2022. In addition to citations for advertising violations and unlicensed practice (BPC 5536), CCR 152 now allows the Board to issue citations to unlicensed persons for the following:

- BPC 5536.1 – Failure of persons preparing or being in responsible control of plans, specifications, and instruments of service for others to sign those plans, specifications, and instruments of service and all contracts therefor.
- BPC 5536.4 - Use of an architect's instruments of service, as those professional services are described in paragraph (2) of subdivision (b) of Section 5500.1, without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use.
- BPC 5536.5 – Violation of subdivision (a) of Section 5536 in connection with the offer or performance of architectural services for the repair of damage to a residential or nonresidential structure caused by a natural disaster for which a state of emergency is proclaimed by the Governor or President.

The text for CCR 152 can be found at:

[https://govt.westlaw.com/calregs/Document/I76F6AEC0354F11EDBEE8EA2E26D1DB2B?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I76F6AEC0354F11EDBEE8EA2E26D1DB2B?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

Status: This amended regulation became effective on effective October 1, 2022.

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 due to edits recommended by the Office of Administrative Law (OAL) to LATC's *Disciplinary Guidelines* rulemaking to ensure the language in the two regulatory packages is better aligned, and to expedite the review of the Board's *Disciplinary Guidelines* rulemaking when the final documents are submitted to OAL.

Status: Effective July 2023, CCR section 2680 was amended to incorporate the revised *Disciplinary Guidelines* by reference and appropriate changes needed as a result of the passage of AB 2138 (Chiu and Low, Chapter 995, Statutes of 2018).

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, 2021 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 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, and additional public comments were received. The Board adopted the proposed responses to the additional comments at the September 16, 2022 Board meeting and approved the proposed second modified text. The second modified text public comment period closed October 4, 2022. At the December 9, 2022 Board meeting, the Board considered comments received during the 15-day public comment period for the second modified text and made no further changes to the proposed regulatory text.

Status: This regulation became effective on January 17, 2023.

CCR Section 166 (Zero Net Carbon Design Continuing Education). This is a regulatory proposal to establish requirements for zero net carbon design (ZNCD) continuing education (CE) through the creation of a new CCR section 166. [Assembly Bill 1010](#) (Berman, Chapter 176, Statutes of 2021) amended the Business & Professions Code (BPC) requiring architects to complete five hours of CE coursework on ZNCD for all renewals occurring on or after January 1, 2023. BPC section 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 Professional Qualifications Committee (PQC) meeting.

After considerable discussion on the topic of ZNCD CE, the Board approved proposed amended regulatory language during the June 8, 2022 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.

The Notice, ISR, and proposed language were submitted to OAL on behalf of the Board by LAD on June 12, 2023. The notice was posted on June 23, 2023 which began the 45-day comment period. Staff will review any comments received and review with LAD and the Board for substantive comments.

Status: Regulation package was noticed by OAL and is currently in the 45-day comment period. Rulemaking is on schedule to meet legislative deadline.

Enforcement Program Data		
Complaints	Fiscal Year 2022/23	Fiscal Year 2021/22
Received	285	267
Opened	285	266
Closed	289	259
Average Days to Close	203	162
Pending	135	143
Citations		
Citations	Fiscal Year 2022/23	Fiscal Year 2021/22
Issued	23	28
Amount of Fines Assessed	53,250	36,200
Amount of Fines Reduced, Withdrawn, Dismissed	13,000	8,750
Amount Collected	24,129	6,575
Disciplinary Cases		
Disciplinary Cases	Fiscal Year 2022/23	Fiscal Year 2021/22
Attorney General Cases Initiated	3	1
Final	5	5
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	881	972

Enforcement Program Data (Continued)		
Disciplinary Outcomes	Fiscal Year 2022/23	Fiscal Year 2021/22
Revocation	2	2
Surrender	0	1
Suspension Only	0	0
Probation with Suspension	1	2
Probation Only	1	0
Public Reprimand/Public Reproval/Public Letter of Reprimand	0	0
Other	1	0
Conviction/Arrest		
Conviction/Arrest	Fiscal Year 2022/23	Fiscal Year 2021/22
Conviction Received	24	32
Conviction Closed without Referral for Investigation	0	0
Conviction Referred to Investigation	24	32
Conviction Pending (Close of FY)	0	0

Citation Summaries **October 2022 – September 2023**

Joseph Aragon (Moreno Valley) - The Board issued a one-count citation that included a \$1,500 administrative fine to Joseph Aragon, an unlicensed individual, doing business as Paragon Design, Inc., for alleged violations of Business and Professions Code section 5536(a).

The action alleged that Aragon agreed to provide J.K. with blueprints for his restaurant conversion located in Murrieta, California. Aragon was paid a total \$4,000 but the plans he submitted to the city of Murrieta were never approved. The title block on the Aragon's plans included a reference to commercial services and stated, "International Associate Member of the American Institute of Architects." His company website stated "The mission of Aragon Construction, Inc. is to deliver high-quality and practical glazing and architectural solutions to the public and private sectors," and included a portfolio of residential apartments and commercial buildings, which are not exempt from licensing requirements under Business and Professions Code section 5537. Aragon's company Houzz profile was also categorized under Architects.

Aragon was served with notice of the violations, but he did not respond to multiple requests to make corrections. His title block, company websites, and Houzz profile are devices that might indicate to the public that he is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes a violation of Business and Professions Code section 5536(a). The citation became final on October 27, 2022.

Juan Barrientos (Escondido) - The Board issued a one-count citation that included a \$1,500 administrative fine to Juan Barrientos, an unlicensed individual for alleged violations of Business and Professions Code section 5536(a).

Barrientos was hired in September 2020 to provide "Architectural Drafting Services" to prepare plans and obtain a construction permit for a two-bedroom accessory dwelling unit in Vista, California. Barrientos has been paid \$3,800. Preliminary plans were submitted to the building department, but after more than two years the plans had not been approved and the application expired.

The Board sent Barrientos notice of the violation, but he failed to respond to any of Board requests for a response. Barrientos' contract wherein he described his services as "Architectural" is a device that might indicate to the public that Barrientos is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes a violation of Business and Professions Code section 5536(a). The citation became final on June 10, 2023.

Maxwell Anthony Beaumont (Emeryville) - The Board issued a two-count citation, including an administrative fine in the amount of \$3,000 to Maxwell Anthony Beaumont, architect license number C-24621, dba Beaumont+Associates, for alleged violations of Business and

Professions Code (BPC) sections 5584 and 5536.22(a), and California Code of Regulations, title 16, sections 150 and 160(c)(1).

Beaumont had been hired in June 2021 to prepare plans and obtain a construction permit for a new single-family residence located in Hayward, California. A contract for services was signed and executed on June 16, 2021 which included the term "Period of Performance: 12 weeks." Beaumont was paid \$10,560, but the permit had not been issued after 37 weeks.

During this extended period, there was a significant lack of communication from Beaumont to his client regarding the basis for the delays and the permitting process. Beaumont violated Business and Professions Code section 5584, willful misconduct as defined in California Code of Regulations, title 16, section 150.

Beaumont also failed to respond in a timely manner to the Board's request for information pertaining to this case. The Board sent an initial request on March 22, 2022, and a final request, via certified mail on May 3, 2022. Beaumont did not respond formally to the Board's request until September 7, 2022. Beaumont's failure to respond timely constituted a violation of California Code of Regulations, title 16, sections 160(c)(1).

Beaumont's written contract failed to include a description of the procedure to accommodate additional services, a description of the procedure to terminate the contract, a statement identifying the ownership and use of instruments of services prepared by the architect, or a statement in at least 12-point type that reads, "Architects are licensed and regulated by the California Architects Board located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834." Beaumont's failure to include all of the required elements in his written contract for professional services for the above-referenced project constituted a violation of Business and Professions Code section 5536.22(a).

In a separate project located in Fairfield, California, Beaumont agreed to prepare plans for the permitting of proposed commercial tenant improvements. Within the contract there was a term stating, "Period of Performance: 4 Weeks." Beaumont was paid \$2,260.50, but the plans were never completed.

Beaumont stopped responding to his client's phone calls and requests for updates. Because of the non-responsiveness of Beaumont, the client had to retain legal counsel to terminate the contract. Beaumont violated Business and Professions Code section 5584, willful misconduct as defined in California Code of Regulations, title 16, section 150.

Beaumont also failed to respond in a timely manner to the Board's request for information pertaining to this case. The Board sent an initial request on March 22, 2022, and a final request, via certified mail on May 3, 2022. Beaumont did not respond formally to the Board's request until September 7, 2022. Beaumont failure to respond timely constitutes a violation of California Code of Regulations, title 16, sections 160(c)(1).

Beaumont's written contract failed to include a description of the procedure to accommodate additional services, a description of the procedure to terminate the contract, a statement identifying the ownership and use of instruments of services prepared by the architect, or a statement in at least 12-point type that reads, "Architects are licensed and regulated by the California Architects Board located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834." Beaumont's failure to include all of the required elements in his written contract for professional

services for the above-referenced project constituted a violation of Business and Professions Code section 5536.22(a). The citation became final on September 3, 2023.

John Braly (Llano) – The Board issued a citation including a \$2,000 administrative fine to John Braly, an unlicensed person, dba Instructures Design and Build, for alleged violations of Business and Professions Code (BPC) 5536(a).

Braly was hired to prepare plans and obtain a construction permit for a residential remodel in San Pedro, California. He was paid over \$6,000 and refused to complete the plans for over seven months.

Braly's personal LinkedIn profile offered "Architecture" services. His company Thumbtack profile was categorized under "Architects" and offered architectural services. His company Yelp profile was categorized under "Architects" and stated, "We provide custom architectural design, engineering and construction plans." These online profiles wherein Braly described himself and his services as "Architects," "Architecture," and "Architectural," are devices that might indicate to the public that he was an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes a violation of Business and Professions Code section 5536(a).

Previously, on August 31, 2018, Braly had been issued a citation for similar violations of California Business and Professions Code section 5536(a) and was formally advised that an unlicensed individual or firm in California cannot use any term confusingly similar to the word architect or architectural to describe services offered or be labeled in such a category.

The new citation became final on September 2, 2023.

Gustave Carlson (Berkeley) - The Board issued a one-count citation that included a \$4,000 administrative fine to Gustave Carlson, an unlicensed individual, dba Gustave Carlson Design, for alleged violations of Business and Professions Code section 5536(a) and California Code of Regulations, title 16, sections 134(a) and (b). The action alleged that Carlson was misrepresenting himself as an architect through his online presence and advertising.

Carlson's Houzz, LinkedIn, and Instagram profiles were categorized under "Architects," referred to his business as an architecture firm, described his projects as "architectural," and offered "architectural design."

The Board found at least 18 separate articles written about interviews with Carlson, all of which referred to him as an "Architect" or described his services as "Architecture" and "Architectural." Several of these interviews were published on well-known magazine and newspaper websites such as ElleDecor.com, Sunset.com, and SFChronicle.com. On or about March 17, 2022, the magazine Elle Décor made an Instagram post about Carlson for their article interviewing him, referring to Carlson as "Architect Gustave Carlson." Carlson made multiple posts to his Instagram account about this article, all using the hashtag #architecture.

Carlson's website, Houzz, LinkedIn, and Instagram profiles, and 18 interview articles, wherein Carlson is referred to as an "architect" and described his services as "Architecture" and "Architectural," are devices that might indicate to the public that Carlson is an architect or qualified to engage in the practice of architecture in California. He also used the terms

“architecture” and “architectural” in his company’s description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. Such conduct constitutes violations of Business and Professions Code section 5536(a) and California Code of Regulations, title 16, sections 134(a) and (b). Carlson paid the fine, satisfying the citation. The citation became final on March 23, 2023.

David Daniel Drennan (Vernon) – The Board issued a two count-citation that included a \$2,000 administrative fine to David Daniel Drennan, architect license number C-40236, for alleged violations of BPC 5536(a), 5536(b), 5536.1(c).

Prior to Drennan becoming licensed in California, he created preliminary plans for a data center project in Vernon, California. The data center project is not a building exempt from licensing requirements under Business and Professions Code section 5537(a) and 5538, and preliminary plans are included within the practice of architecture as defined in Business and Professions Code section 5500.1. Furthermore, due to the size and nature of the project there was a substantial risk of consumer harm and threat to public safety. Offering and providing such services constituted a violation Business and Professions Code sections 5536(a) and 5536.1(c)

Drennan also represented himself as a licensed architect in California by including the statement on his plans “This Document was produced by or under the authority of Registered Architect: D. Daniel Drennan.” This constituted a violation of Business and Professions Code section 5536(b). Mr. Drennan paid the fine, satisfying the citation. The citation became final on February 21, 2023.

Wade D. Ellenberger (Walnut Creek) – The Board issued a one-count citation that included a \$1,000 administrative fine to Wade D. Ellenberger, architect license number C-29201, for alleged violations of BPC 5584 and CCR, title 16, section 160(a)(2) (Negligence). The action alleged that Ellenberger was hired between 2015 and 2016 to provide complete construction documents and construction administration, including assisting the contractor with Requests for Information (RFIs), for a travel plaza in Sacramento.

After a permit was issued for the project, the design required a total of 105 RFIs, including more than thirty before Ellenberger was terminated from the project. Ellenberger did not respond to the RFIs in a timely manner, causing delays to the project and falling below the standard of care for a qualified architect in similar circumstances. The citation became final on January 8, 2023.

Zeden Jones (Redwood City) - The Board issued a two-count citation, including a \$3,000 administrative fine, to Zeden Jones, former architect license number C-34705, for alleged violations of Business and Professions Code (BPC) 5584 and California Code of Regulations, title 16, sections 150 and 160(c)(1) (Willful Misconduct and Failure to Respond respectively).

The complaint alleged that Jones was hired on February 22, 2022, to perform architectural services under a contract worth \$6,000, with a retainer of \$2,000 paid upfront. After his license was revoked on April 17, 2022, he ceased communication with his clients, despite their attempts to establish contact with him. Jones’s failure to comply with the terms of his architectural service contract and his failure to keep his client informed is a violation of BPC 5584 and 16 CCR 150 (Willful Misconduct).

The Board made multiple attempts to contact Jones, asking for a written response to the allegations and supporting documents. Jones did not respond to these requests, which constitutes a violation of 16 CCR 160(c)(1) (Failure to Respond). The citation became final on June 4, 2023.

Blair Liggatt (Laguna Beach) - The Board issued a one-count citation that included a \$1,000 administrative fine to Blair Liggatt, an unlicensed individual, dba Blair Liggatt Group, for alleged violations of Business and Professions Code section 5536(a) and California Code of Regulations, title 16, sections 134(a).

On or about June 11, 2021, Respondent offered a contract to provide architectural services to Ms. C.A. (client) for the renovation of a residence located in Rancho Palo Verde, California. The total cost of the contract was a fixed fee of \$6,000.

On June 14, 2021, Respondent emailed the client and stated, "I can do the architecture plans and construction documents," specifying "Architecture Plans/ Construction docs/ submittal process: \$6,000."

Respondent was also hired by the same client to provide architectural services for a residential project located in Los Alamitos, California. The Project Directories on both plans referred to the Respondent as responsible for "Architecture & Interior."

Respondent has been paid a total of \$16,700 for these two projects, however, there has been no progress made on either project. The City of Rancho Palo Verde and Orange County Building Departments have confirmed that there were no applications for permits or plans submitted by the Respondent for either project.

Respondent's company website offers "full-service commercial and residential design" and includes a *Gallery* with commercial projects which are not exempt from licensing requirements.

Respondent's company Facebook profile states, "Blair Design and Interiors is a full-service interior design firm that specializes in architectural design of homes from concept to completion."

Respondent's company Houzz profile is categorized under "Architects" and offers "Architecture Design."

Respondent's company LinkedIn profile uses the title of "Architectural Designer."

Respondent's company Thumbtack profile is categorized under "Architects" and states, "Blair Design Group is a boutique full-service architectural design studio specializing in Commercial & Residential Architecture."

Board records fail to reveal that there is a California licensed architect associated with either of Respondent's businesses "Blair Design Group" or "Blair Design & Interiors."

Respondent was contacted by the Board but did not address the allegations and did not make the corrections requested.

Respondent's contract, website, email message and online profiles (Facebook, Houzz, LinkedIn, and Thumbtack), wherein Respondent used the title of "Architect" and described his services as "Architecture" and "Architectural," are devices that might indicate to the public that Respondent is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a) and Title 16, California Code of Regulations section 134(a). The citation became final on May 13, 2023.

Dawn Ma (San Francisco) – The Board issued a two-count citation that included a \$1,000 fine to Dawn Ma, an unlicensed individual, doing business as Q-Architecture, for alleged violations of Business and Professions Code section 5536(a) and California Code of Regulations title 16, section 134(a).

The action alleged that Ma executed a design contract with homeowners P.F. and P.K which identified Q-Architecture as the Designer and included architecture, engineering, landscape and urbanism in their description of services. The terms of the contract offered architectural documentation services, architectural design, and architectural detailing for a residential project in San Francisco. Additional services were to be provided at an hourly rate for Q-Architecture's personnel, including their "Sr. Project Manager/Architect & Engineer," and their "CAD3 Senior Architect & Engineer." Dawn Ma is a licensed professional engineer, not an architect. However, her signature block included the term "Cal Arch. Bd. No. C9278." Architect license number C-9278 belongs to Kevin Stong, who has been licensed since 1977. He has reported his association with Q-Architecture to the Board since 2009. However, he is not mentioned in the contract, and when asked for a response to the allegations, stated that he was semi-retired and knew nothing about the project.

By including the term "Cal Arch. Bd. No. C9278" in her signature line, Dawn Ma represented herself as a licensed architect in violation of BPC 5536(a). The engineer's exemption in Business and Professions Code section 5537.4 does not apply because a professional engineer may not use the title "architect." By using the business name Q-Architecture and a description of services including "architecture," without an architect who was in management control of the company's professional services, Dawn Ma violated California Code of Regulations title 16, section 134(a). Ma paid the fine, satisfying the citation. The citation became final on October 22, 2022.

Eric Martinez-Lucio (Fresno) - The Board issued a one-count citation that included a \$1,500 administrative fine to Eric Martinez-Lucio, an unlicensed individual, dba Urbatect Development, for alleged violations of Business and Professions Code section 5536(a). On and between

January 14, 2022 and January 20, 2022, the Board received two complaints that the Respondent was holding himself out as an architect and offering architectural services.

Respondent's company website offered "architecture" and stated, "Our architecture responds to the needs and aspirations of our clients and communities" and "We are a team of sophisticated **estimators, architects, engineers and contractors**, who will take your project from conceptual design all the way to execution."

Respondent's Craigslist advertisement offered an "Affordable Architect" and stated, "We are a team of sophisticated estimators, architects, engineers and contractors..." This advertisement offered "Architectural Design."

Respondent's company Facebook profile was categorized under "Architectural Designer" and stated, "We are a team of sophisticated estimators, architects, engineers and contractors, who will take your project from conceptual design all the way to execution."

Respondent's company Houzz profile was categorized as "Architects" and stated, "Attention to detail, efficiency, economy and architectural and engineering innovation are among some of the great hallmarks of all Urbatec's projects" and offered "Architectural Design." This profile also included a sample commercial design, which is not exempt from licensing requirements.

Respondent is neither a licensed architect nor a professional engineer.

Respondent's website, advertisement, and online profiles wherein Respondent described his services as "Architect," "Architecture" and "Architectural," are devices that might indicate to the public that Respondent is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a). The citation became final on December 3, 2022.

Xin Miao (Irvine) - The Board issued a two-count citation that included a \$2,500 administrative fine to Xin Miao, an unlicensed individual, dba M and C Architecture, for alleged violations of Business and Professions Code sections 5536(a) and 5536.1(c), and title 16, California Code of Regulations section 134(a).

In May 2020, Miao executed an "Agreement on Architectural Designs" under the business name: "M and C Architecture" and the title "Architect" to provide design services for a new hillside single-family dwelling and accessory dwelling unit in San Dimas, California for a fee of \$58,500. Miao was paid \$30,000. The project involved three distinct living levels in the house, which is not a building exempt from the licensing requirements of the Architects Practice Act. Such conduct constitutes a violation of Business and Professions Code sections 5536(a) and 5536.1(c).

Miao's business name and contract, wherein Miao described his services as "Architecture" and "Architectural," are devices that might indicate to the public that Miao is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a) and title 16, California Code of Regulations section 134(a). The citation became final on May 20, 2023.

Salvatore Messina (Camino) - The Board issued a two-count citation that included a \$1,500 administrative fine to Salvatore Messina, an unlicensed person, for alleged violations of Business and Professions Code section 5536(a) (Practice Without License or Holding Self Out as Architect; Misdemeanor).

On or about January 2022, Messina was hired to prepare architectural plans for Mr. A.A. and to submit them to the City of Placerville Development Services Department for approval for a commercial project located on Broadway in Placerville, California. Messina was paid \$2,400 but failed to complete the plans and did not receive approval from the city. The project was not exempt from licensing requirements under Business and Professions Code section 5537 and 5538.

Messina also represented himself as a licensed architect through his company's website, which offers "Architectural Planning and Design." His company Houzz profile is categorized under "Architects" and offers "Architectural Design" and "Architectural Drawings." Messina's company Yelp profile is categorized under "Architects."

Messina's practice of architecture without a license constituted one violation of Business and Professions Code section 5536(a). His company website and online profiles, wherein he described his services as "Architectural" and uses the title of architect, are devices that might indicate to the public that Messina is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes an additional violation of Business and Professions Code section 5536(a). The citation became final on April 22, 2023.

Kevin Nguyen (Garden Grove) - The Board issued a one-count citation that included a \$750 administrative fine to Kevin Nguyen, an unlicensed person, for alleged violations of Business and Professions Code section 5536(a) (Practice Without License or Holding Self Out as Architect; Misdemeanor).

On or about December 23, 2020, Nguyen, doing business as "TDA Designs," offered a contract to provide "Architectural Design and Details" to Mr. C.P. (client) for the preliminary design, schematic development, and permits for an accessory dwelling unit (ADU) at a residence located in Garden Grove, California. Nguyen was paid \$4,000 but he failed to obtain approval by the building department.

Nguyen's also represented himself as a licensed architect through his company's Yellow Pages profile categorized under "Architectural Designers" and his use of the title "architectural consultant" on his personal LinkedIn profile.

Nguyen was contacted by the Board but did not make the corrections requested.

Nguyen's contract and online profiles, wherein he described his services as "Architectural," are devices that might indicate to the public that Nguyen is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a). The citation became final on April 8, 2023.

Joseph Phan (Fountain Valley) - The Board issued a two-count citation that included a \$4,500 administrative fine to Joseph Phan, an unlicensed person, for alleged violations of Business and Professions Code section 5536(a) (Practice Without License or Holding Self Out as Architect; Misdemeanor).

On or around August 24, 2022, the Board received a complaint alleging possible violations of the Architects Practice Act associated with a 3-story residential project located on Barnstable Circle in Huntington Beach, California. Phan was hired to prepare architectural plans for Mr. W.H. and to submit them to the City of Huntington Beach Planning Department for approval. The Board reviewed the Barnstable Project plans dated November 20, 2020, submitted to the City of Huntington Beach Planning Department which described the scope of work as “new second and third floor addition.” Phan is listed as the Designer and signed the plans. The third floor contains a loft and media area and is labeled as “3rd Floor Plans.” The staff report on Phan’s application for a Conditional Use Permit and Coastal Development Permit to the City of Huntington Beach Office of the Zoning Administrator dated August 17, 2022 also described the project as a third floor addition. Because it involved a three-story residence, the Barnstable project was not exempt from licensing requirements under Business and Professions Code section 5537 and 5538.

Phan also represented himself as a licensed architect through his company’s Houzz profile, under the business name Joseph Phan & Associates, which is categorized under “Architects.” Phan’s company Home Advisor profile, under the business name Joseph Phan & Associates offers “Architects” services.

Phan’s practice of architecture without a license constituted one violation of Business and Professions Code section 5536(a). The online profiles wherein Phan described himself and categorized his services as “Architects” are devices that might indicate to the public that Phan is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes a violation of Business and Professions Code section 5536(a).

The Board sent notice of these violations and requests for a response to the address found on Phan’s title block. He was formally advised that an unlicensed individual or firm in California cannot use any term confusingly similar to architect or architectural to describe services offered or be labeled in such a category. Phan has failed to respond to any of the Board’s requests to cease his conduct and correct his advertising. The citation became final on April 22, 2023.

Ali R. Pourhassan-Zonouz (Irvine) – The Board issued a one-count citation that included a \$750 administrative fine to Ali R. Pourhassan-Zonouz, an unlicensed individual, doing business as A2Z Architecture, for alleged violations of Business and Professions Code section 5536(a) and title 16, California Code of Regulations section 134(a).

The action alleged that Pourhassan-Zonouz drafted a proposal for the design of a residential project located in Costa Mesa, California. His title block included the business name “A2Z Architectures.” Pourhassan-Zonouz drafted plans for another residence, located in San Clemente using the same business name. Pourhassan-Zonouz’s company website included the word “Architectures” in its URL, stated, “A2Z Architectures is a full-service architecture and structural engineering practice,” and

offered “architectural design.” Pourhassan-Zonouz’s Home Advisor profile listed him as an Architect under *Areas of Expertise*. His company Houzz profile was categorized under Architects and offered architectural services. His company Local Biz Network profile stated, “Our architects work to understand your family and lifestyle as well as your individual needs for a home,” and offered architectural services. His Yelp profile was categorized under “Architects,” and stated, “At A2Z Architectures we provide you with architectural designing ranging from simple remodels to complete new construction, interior desing [sic] and structural engineering.”

Pourhassan-Zonouz’s business name, title block, website, and online profiles, wherein he described himself as an “Architect,” and his services as “Architectural,” and “Architecture,” are devices that might indicate to the public that he is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a). Pourhassan-Zonouz’s use of the business name “A2Z Architectures,” without an architect who was in management control of the services 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 California Code of Regulations, title 16, section 134(a). The citation became final on September 23, 2022.

Lily Remoundos (San Francisco) - The Board issued a one-count citation that included a \$1,500 administrative fine to Lily Remoundos, an unlicensed individual dba RE: Design, for alleged violations of Business and Professions Code section 5536(a). The action alleged that, on or about November 8, 2020, Remoundos executed a contract to prepare design documents for the renovation of a three-story residence located in San Francisco, a project which is not exempt from licensing requirements under Business and Professions Code section 5537(a)(1). Such conduct therefore constitutes the practice of architecture as defined in Business and Professions Code section 5500.1 and a violation of Business and Professions Code section 5536(a). Remoundos paid the fine, satisfying the citation. The citation became final on January 3, 2023.

Nasrin Sesar (Orange) – The Board issued a three-count citation in the amount of \$9,000 to Nasrin Sesar, an unlicensed person, for alleged violations of BPC sections 5536(a) (Holding Self Out as an Architect), 5537 and 5538 (Design of Non-Exempt Project), and California Code of Regulations, title 16, section 134 (Use of the Term Architect in Business Name).

The Board received a complaint alleging that the Respondent presented herself as an architect and charged and accepted payments totaling \$64,043.12 for her services. The project involved additions to a three-story hilltop home, which is not exempt from licensing requirements under Business and Professions Code sections 5537 or 5538. Her as-built plans dated December 30, 2020, referred to Levels 1, 2, and 3 of the building and included the business name Utopia Architect in the title block.

The Respondent executed a written contract with the homeowners including “architecture designs” in the description of services. Her business website at UtopiaArchitect.com, and other social media and advertising profiles referred to her as an architect and offered Architecture and Architectural Services.

Respondent's website, social media profiles, contract, and plans, wherein Respondent uses the business name Utopia Architect, describes herself as an architect, and describes her services as "Architecture" and "Architectural," are devices that might indicate to the public that Respondent is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a) and California Code of Regulations title 16, sections 134. The Respondent offered and provided design services for a project that required an architect's license, in violation of Business and Professions Code section 5536(a). The citation became final on February 22, 2023.

Kevin Stong (San Pablo) - The Board issued a one-count citation that included a \$500 fine to Kevin Stong, architect license number C-9278, for an alleged violation of Business and Professions Code section 5582.1(b) (Permitting Misuse of Name).

The action alleged that the principal of a firm Stong was associated with, Q-Architecture, executed a design contract with homeowners P.F. and P.K which identified Q-Architecture as the Designer and included architecture, engineering, landscape and urbanism in their description of services. The terms of the contract offered architectural documentation services, architectural design, and architectural detailing for a residential project in San Francisco. Additional services were to be provided at an hourly rate for Q-Architecture's personnel, including their "Sr. Project Manager/Architect & Engineer," and their "CAD3 Senior Architect & Engineer." The principal is a licensed professional engineer, not an architect. However, her signature block included the term "Cal Arch. Bd. No. C9278." Architect license number C-9278 belongs to Stong, who has been licensed since 1977. He has reported his association with Q-Architecture to the Board since 2009. However, he is not mentioned in the contract, and when asked for a response to the allegations, stated that he was semi-retired and knew nothing about the project.

By including the term "Cal Arch. Bd. No. C9278" in her signature line, the principal represented herself as a licensed architect in violation of Business and Professions Code section 5536(a). By using the business name Q-Architecture and a description of services including "architecture," without an architect who was in management control of the company's professional services, the principal violated California Code of Regulations title 16, section 134(a). Since he was the only licensed architect associated with Q-Architecture, Stong was responsible for exercising general oversight of the professional services rendered. By allowing his name to be used to violate the Architects Practice Act, Stong violated Business and Professions Code section 5582.1(b). Stong paid the fine, satisfying the citation. The citation became final on October 22, 2022.

Rajab Torabi (Woodland Hills) - The Board issued a one-count citation that included a \$1,500 administrative fine to Rajab Torabi, an unlicensed person, for alleged violations of Business and Professions Code section 5536(a) (Practice Without License or Holding Self Out as Architect; Misdemeanor).

On or about February 24, 2022, Torabi provided a written proposal to Mr. A.J. of Calabasas, California, to “Provide architectural, structural plans and structural calculations for one story remodeling and addition. RJ Engineering and Construction Co. is hereby proposing to provide all Architectural and structural details plans as per city code requirements.” The fee was \$23,000 for “architectural, structural and submit to the city” with a completion time of 8 weeks. The client signed the proposal and paid \$8,000 as a deposit. The plans had not been approved after eight months of delays.

Torabi’s description of his services as “Architectural” is a device that might indicate to the public that he is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a) and California Code of Regulations title 16, section 134(a). Mr. Torabi paid the fine, satisfying the citation. The citation became final on April 15, 2023.

Seth Voiron (San Diego) – The Board issued a two-count citation that included a \$2,000 administrative fine to Seth Voiron, an unlicensed individual, dba Design Appruv, for alleged violations of Business and Professions Code sections 5536(a) and 5536.1(c).

On April 9, 2021, Voiron contracted with a client to provide design services for a project that involved the conversion of steel shipping containers into studio apartments. Voiron received payment exceeding \$10,000 for the services provided but did not complete the project.

Voiron's offering and preparation of plans for shipping container apartments, which are not exempt from the licensing requirements of the Architects Practice Act, constituted a violation of Business and Professions Code sections 5536(a) and 5536.1(c). The citation became final on June 4, 2023.

Administrative Action Summaries October 2022 – September 2023

Jacob Bunting (Penryn) —Effective April 5, 2019, Jacob Slater Bunting’s architect license number C-33928, was surrendered, and he thereby loses all rights and privileges of an architect in California. The action was a result of a Stipulated Surrender of License and Order, which was adopted by the Board.

An Accusation was filed against Bunting for alleged violations of Business and Professions Code (BPC) sections 5577 (Conviction of Certain Crimes) and 490 (Conviction of Crime). The Accusation alleged that on or about May 25, 2016, in the criminal proceeding titled *People vs. Jacob Slater Bunting*, Slater was convicted by the Placer County Superior Court, on his plea of nolo contendere, of violating one count of Penal Code (PC) section 288.4(b) (meeting with minor for lewd and lascivious act), a felony, one count of PC section 288a(b)(1) (oral copulation of person under 18 years old), a felony, and two counts of PC section 261.5(c) (unlawful sexual intercourse with a minor), a felony, with an enhancement under PC section 12022.1(b) (secondary offense while released from custody on primary offense). On or about July 6, 2016, Bunting was sentenced to six years and four months in state prison and was ordered to register as a sex offender pursuant to PC section 290.

On or about February 5, 2019, Deputy Attorney General (DAG) Anahita S. Crawford submitted a Stipulated Surrender of License and Order to the Board for its consideration. The Stipulated Surrender of License and Order include terms and conditions that are consistent with the Board’s Disciplinary Guidelines.

On March 6, 2019, the Board adopted the Stipulated Surrender of License and Order, which became effective on April 5, 2019.

Bunting’s license was reinstated on March 20, 2023. He was placed on probation for five years with specific terms and conditions. The action came after Bunting submitted a Petition for Reinstatement and a Proposed Decision was adopted by the Board.

Donald Lee Holtz (Los Angeles) — Effective January 8, 2023, and in accordance with a stipulated settlement, Donald Lee Holtz’s architect license number C-21677 was revoked. However, the revocation was stayed, and he was placed on probation for three years beginning January 8, 2023, or until completion of both projects referenced in the First Amended Accusation, whichever is shorter, and fulfillment of specific terms and conditions, including reimbursing the Board in the amount of \$12,640 for investigative costs and \$500 for an administrative fine.

The Accusation alleged that on or about February 23, 2018, Holtz was hired to obtain Ready-To-Issue permits for a new multi-story apartment building on Sawtelle Boulevard in Los Angeles (Sawtelle project) in return for architectural fees of \$53,000, of which the client paid Holtz the sum of \$33,000. The work was to be completed within six months to a year.

On or about April 23, 2018, Holtz contracted with the same client to provide professional services to obtain Ready-To-Issue permits for a new multi-story apartment building on Coventry Place in Los Angeles (Coventry project) in return for architectural fees of \$38,500, of which the client paid Holtz the sum of \$28,000. The work was to be completed within six months to a year.

Holtz prepared plans for the Sawtelle and Coventry Place projects and submitted them for plan check in May 2018 and June 2018, respectively. Both were returned for corrections and Holtz provided revised plans for both projects but never obtained the permits. Beginning in or around January 2019, Holtz became less responsive to both emails and calls requesting status updates from his client and the structural engineer working in partnership on the projects. Holtz ultimately failed to complete his contractual obligations, a violation of BPC 5584 and CCR title 16, section 150 (Willful Misconduct). On or about October 29, 2020, the Board requested information from Holtz responding to the allegations, and he failed to respond, a violation of CCR 160(b)(2). Holtz entered into a stipulated settlement and the Board adopted the Proposed Disciplinary Order which became effective on January 8, 2023.

Andrew Roteman (Goleta)—Effective April 21, 2023, Andrew Roteman's architect license number C-14544 was revoked. The action came after a Default Decision was issued by the Board in connection with two complaints received by the Board.

An Accusation filed against Roteman on January 18, 2023, alleged four causes for discipline for violations of: (1) Business and Professions Code (BPC) section 5536.22 and BPC section 5578 (No Written Contract), (2) BPC section 5578 and California Code of Regulations title 16 section 160(c)(1) (Failure to Respond to the Board), (3) BPC section 5584 and California Code of Regulations title 16 section 150 (Willful Misconduct), (4) BPC section 5578 and California Code of Regulations title 16 section 160(c)(1) (Failure to Respond to the Board).

The Accusation alleged that in April 2021, Roteman was hired by R.H. to design a storage building in Whittier, California. With a verbal agreement he received a retainer payment of \$3,000. Roteman failed to respond to his client's requests for status updates and when the plans were finally submitted and required corrections, Roteman demanded additional fees. Roteman then failed to respond to the Board's requests for information about the project.

In another project, Roteman entered into a written agreement with C.B. to provide architectural services for a residential addition in Malibu, California. Despite receiving a payment of \$4,380, Roteman failed to deliver the agreed-upon documents and did not inform C.B. of the reason. Respondent also failed to respond to the Board's information requests.

The Board's Default Decision and Order was issued on March 22, 2023, and became effective on April 21, 2023.

AGENDA ITEM F: DISCUSS THE USE OF THE TITLE “ARCHITECT IN TRAINING”

Background

In prior years, the Regulatory and Enforcement Committee (REC) and the Board extensively deliberated the proposed "Architect-in-Training" (AIT) title, advocated by the American Institute of Architects California Council (AIACC) to recognize individuals pursuing architectural licensure.

Three of the concerns that were debated regarding the proposal included:

1. **Consumer Protection:** Evaluating whether the proposal aligns with the Board’s mission of consumer protection.
2. **Enforcement:** Risks of misuse of the AIT title and the difficulties of oversight, and increased risks to consumers.
3. **Title Recognition:** Potential erosion of the "Architect" title's significance.

Outcome

Three years of discussions eventually led to Senate Bill (SB) 1132, which Governor Brown vetoed in 2016.

Action Requested

Currently, AIACC has asked the Board to consider new statutory language that would allow use of the AIT title. While no action is needed at this time, this summary is presented for awareness of the previous work done by the REC and the Board to aid the REC and Board in making future decisions.

Attachment(s)

1. AIACC Draft Proposal 2023 to update to Business and Professions Code section 5500.2.
2. July 13, 2016 Working Group Meeting on Senate Bill 1132 (Galgiani) [Architect-in-Training] located online at: https://cab.ca.gov/docs/meetings/2016-17/2016_07_13_wg_-_sb_1132_meeting_packet.pdf
3. SB 1132 Veto Message by Governor Brown dated September 28, 2016.

Proposal for EP Nomenclature:

SECTION 1. Section 5500.2 is added to the Business and Professions Code, to read:

5500.2. (a) A person may use the title “architect-in-training” ~~while he or she is enrolled in the National Council of Architectural Registration Board’s Architectural Experience Program as specified in Division 2 of Title 16 of the California Code of Regulations.~~ **Instead tie this to the California Architect Board’s candidate process. This ensures that anyone using the title has at least completed the requirements to be considered a candidate for exams.**

(b) An abbreviation or derivative of the title “architect-in-training,” **other than “AIT,”** shall not be used.

(c) A person shall not use the title “architect-in-training” to independently offer or provide **architectural** services to the public.

(d) Notwithstanding any other law, the board may disclose a person’s authorization to use the title “architect-in-training” to a member of the public upon request.

(e) The use of the title “architect-in-training” in violation of this section may constitute unprofessional conduct and subject the user of the title to administrative action, including, but not limited to, citation, discipline, and denial of a license.

(f) This section shall remain in effect only until January 1, ~~2020~~, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2020~~, deletes or extends that date. **(Establish new date for this to sunset so there is an opportunity to review whether or not the program has been effective or on what scale it is being used.)**

Proposed additions:

- **Allow the title to be used only after the passage of the first exam.**
- **Allow CAB to charge a fee to evaluate if a candidate qualifies to use title and tie in with existing fees (potentially look at hardship exemption).**
- **Add a timeline for how long the title can be used (consult with CAB about what a reasonable timeline might be).**
- **Allow fee to be recharged to re-evaluate past that established timeline (provides another incentive to get the process done in the time frame).**

**AGENDA ITEM F DISCUSS THE USE OF THE TITLE
“ARCHITECT IN TRAINING”**

**ATTACHMENT 2: JULY 13, 2016 WORKING GROUP MEETING ON SENATE
BILL 1132 (GALGIANI) [ARCHITECT-IN-TRAINING]**

Document is located online at: https://cab.ca.gov/docs/meetings/2016-17/2016_07_13_wg_-_sb_1132_meeting_packet.pdf



OFFICE OF THE GOVERNOR

SEP 28 2016

To the Members of the California State Senate:

I am returning Senate Bill 1132 without my signature.

This bill would allow a person to use the title architect-in-training if, they have earned a high school diploma and are enrolled in the National Council of Architectural Registration Board's Experience Program.

In May 2015, this very same Board discouraged the use of any title that implied a person was an architect, stating "architects are those who have met all the requirements to become licensed...everyone else is not an architect." I agree with this assessment.

Sincerely,


Edmund G. Brown Jr.

AGENDA ITEM G: UPDATE ON 2022-2024 STRATEGIC PLAN OBJECTIVES

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

AGENDA ITEM G.1 UPDATE ON 2022-2024 STRATEGIC PLAN OBJECTIVES

PROVIDE MORE DETAIL ON ENFORCEMENT CASES IN THE EXECUTIVE OFFICER REPORT DURING BOARD MEETINGS REGARDING DECISIONS ON CASES, TO MAKE INFORMATION MORE ACCESSIBLE AND INFORM CONSUMERS.

Summary

Analyst Michael Sganga described the Enforcement Unit's complaint process, from intake through outcome, focusing on the major decision points, common Architect Practice Act violations, and other factors considered in recommending Enforcement Actions.

Update

This Strategic Plan Objective was presented at the Regulatory Enforcement Committee Meeting held on November 18, 2022, and at the Board Meeting on May 19, 2023 by Analyst Michael Sganga. He provided information on the Enforcement Unit's complaint process, from intake through outcome, focusing on the major decision points, common Architect Practice Act violations, and other factors considered in recommending Enforcement Actions. This Strategic Plan Objective to provide more detail on enforcement cases in the Executive Officer Report during board meetings regarding decisions on cases, to make information more accessible and inform consumers is now complete.

AGENDA ITEM G.2: UPDATE ON 2022-2024 STRATEGIC PLAN OBJECTIVES

DEVELOP NARRATIVE DISCUSSIONS AND CASE STUDIES OF COMMON VIOLATIONS TO EDUCATE AND INFORM CONSUMERS AND ARCHITECTS ON WHAT VIOLATIONS TO AVOID.

Summary

The Board's 2022-2024 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to develop narrative discussions and case studies of common violations to educate and inform consumers and architects on what violations to avoid.

REC members discussed this objective during the January 25, 2022 Committee meeting, and stated that they believe that education should be available to licensees and consumers and wanted to create a targeted campaign to reach specific types of professionals. The REC members preferred that mechanisms of education included both printed and digital, such as printed publications and small video vignettes.

Enforcement Unit staff gathered data on the most common violations from complaints received and will create a video seminar or PowerPoint presentation about "Do's and Don'ts," and a newsletter article for distribution to licensees. The presentation will contain best practices and common violations to avoid. The REC also suggested using volunteer architects or contacts at the American Institute of Architects California to provide licensees with practical advice and knowledge on how to run the business side of an architecture practice.

The Board is also creating a yearly "Year in Review" article for website publishing containing stats on common violations.

Update

The Board is preparing a script for a video or presentation for web posting containing case studies on common violations and "Do's and Don'ts" for architects and consumers. The Board is also preparing an "Enforcement Year in Review" article for website, newsletter, and social media posting discussing regulatory updates, common violations, and case studies. This Strategic Plan Objective to develop narrative discussions and case studies of common violations to educate and inform consumers and architects on what violations to avoid is ongoing.

AGENDA ITEM G.3: UPDATE ON 2022-2024 STRATEGIC PLAN OBJECTIVES BETTER EDUCATE PRACTITIONERS ON STANDARDS OF PRACTICE DURING THE RENEWAL PROCESS TO PROTECT THE PUBLIC.

Summary

The Board's 2022-2024 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to better educate practitioners on standards of practice during the renewal process to protect the public. Committee members discussed this strategic goal during the January 25, 2022 REC meeting, stating they want licensees to be aware of their roles and responsibilities, and wondered if licensees violated the Act due to ignorance. The intent of this goal is to educate licensees on requirements and recent changes to the law, and the Board's Executive Officer stated that Board staff can identify and develop required information to be included as part of the renewal process. It was suggested that the Board create a bulletin detailing the standards of practice.

In the industry the terms "standards of practice" and "standard of care" are used interchangeably.

California Code of Regulations, title 16, section 160(b)(1) defines standard of care as:

When practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in this state under similar circumstances and conditions.

AIA sets forth the standard of care as:

"The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project." (AIA B101-2007 § 2.2)

The definition of the standard of care is deliberately non-specific, and the Board cannot create a bulletin dictating what the standard of care includes without further direction. The Board needs to be cautious not to establish a higher standard than the professional standard of care that would otherwise apply.

Update: A section was added to both the online and physical License Renewal Applications requiring all architects to check a box certifying that they have reviewed the Architects Practice Act and are familiar with its provisions. This Strategic Plan Objective to better educate practitioners on standards of practice during the renewal process to protect the public is now complete.

AGENDA ITEM G.4: UPDATE ON 2022-2024 STRATEGIC PLAN OBJECTIVES

EDUCATE THE PUBLIC AND PRACTITIONERS REGARDING THEIR RIGHTS AND ROLES WHEN CONTRACTS ARE SIGNED.

Summary

The Board's 2022-2024 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to make the public and practitioners aware of their roles and responsibilities when signing third-party contracts.

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 Architects Practice Act (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.

Update

The Board reached out to the Design-Build Institute of America to clarify the Architects Practice Act rules and regulations regarding the execution of contracts. After discussion, the Board determined that, in the interest of consumer protection, it will continue enforcing BPC 5536.1 as written, which requires architects sign "all contracts therefor" for architectural services, and ensure contracts comply with BPC 5536.22 requirements. The Board has also published an Informational Bulletin regarding Responsible Control within Design and Design-Build Firms and published a Consumer's Guide educating consumers on contract requirements. This Strategic Plan Objective to make the public and practitioners aware of their roles and responsibilities when signing third-party contracts is now complete.

**AGENDA ITEM G.5: UPDATE ON 2022-2024 STRATEGIC PLAN OBJECTIVES
REVIEW THE CURRENT THRESHOLD FOR FINES TO DETERMINE IF THEY
ARE APPROPRIATE TO DETER VIOLATIONS.**

Summary

Analyst Michael Sganga discussed the statutory and regulatory limitations on administrative fines that can be assessed by the Board and the current amounts imposed.

Update

The Enforcement Unit determined that the Board is currently imposing the maximum fine amounts allowed under Department of Consumer Affairs' statutes and that the low rate of repeat offenses supports that the amounts are sufficient to deter violations.

We are still exploring the options available for settling citation cases without public reproof and hope to present our findings to the REC members at its next meeting. This Strategic Plan Objective to review the current threshold for fines to determine if they are appropriate to deter violations is still ongoing.

AGENDA ITEM G.6: UPDATE ON 2022-2024 STRATEGIC PLAN OBJECTIVES MONITOR SOCIAL MEDIA TO PROACTIVELY ENFORCE AGAINST UNLICENSED ADVERTISING.

Summary

The Board's 2022-2024 Strategic Plan emphasizes the importance of overseeing social media to identify and act against unlicensed architectural advertising. Several considerations and initiatives have shaped this objective:

- **Advertising Enforcement:** The Board's current mechanism involves a structured approach to identify violations, followed by an investigation by the Enforcement Technician. Subjects, once confirmed to be in violation, receive notification and guidance on corrective action. Non-compliance results in citations, which Subjects can appeal.
- **Challenges and Opportunities in Monitoring:** Given the dynamic and expansive nature of social media, consistent monitoring poses its own challenges. However, the Board staff considered approaches such as having staff develop a process to monitor social media and provide outreach to encourage licensees to report unlicensed advertisements.
- **Technology and Its Role:** A significant focus has been on exploring technological solutions to automate the detection process. Although finding a specific technological solution remains challenging, the Board acknowledges the potential of leveraging technology to enhance our enforcement strategies.

Update

Progress in Advertising Complaint and Citation Process:

Staff have made efforts in improving the advertising complaint process, and preliminary results have been promising, indicating a more expedited progression through cases.

Monitoring Social Media and Online Advertising:

The Enforcement Unit staff progressively identifies and documents unlicensed advertising across various social media platforms. Although time constraints are present, efforts are being made to understand and evaluate how effective the current process is in addressing unlicensed advertising.

Technology Exploration and its Future Implications:

We are actively researching the potential of emerging technologies. Staff continue to research, track developments, and determine whether the integration of new technologies aligns and proves beneficial in furthering the Board's objectives and maintaining the efficiency and efficacy of our processes.

This Strategic Plan Objective to monitor social media to proactively enforce against unlicensed advertising is still ongoing.

AGENDA ITEM H: ADJOURNMENT

Time: _____