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Architects Practice Act

CALIFORNIA ARCHITECTS BOARD

The Architects Practice Act and its regulations in effect as of January 1, 2014, are being provided to licensees, candidates, and members of the public as a reference. All licensees and candidates for licensure should have knowledge of the California Architects Board's (Board) statutes and regulations and should be familiar with and understand their provisions. While every effort has been made to ensure the accuracy of this document, it does not have legal effect. Should any difference or error occur, the law will take precedence.

Regulations may be changed during the year, whereas new statutes typically become effective on January 1 of the year following their passage unless, they have an urgency clause. The following section(s) of the Business and Professions Code and California Code of Regulations have been recently added or amended:

Business and Professions Code Sections Added or Amended

§ 30	§ 143.5
§ 31	§ 149
§ 107	§ 5515.5
§ 114.3	§ 5536.4
§ 115.5	§ 5550.5
§ 125.9	

California Code of Regulations Sections Amended

§ 103
§ 109
§ 117
§ 121

If there is a question regarding an interpretation of these statutes and regulations, you may contact the Board at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834, (916) 574-7220, fax at (916) 575-7283, or email at cab@dca.ca.gov.

Business and Professions Code
Chapter 3, Division 3

Article 1. General Provisions

§ 5500 Architect Defined

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

§ 5500.1 Practice of Architecture Defined

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

(b) Architects' professional services may include any or all of the following:

(1) Investigation, evaluation, consultation, and advice.

(2) Planning, schematic and preliminary studies, designs, working drawings, and specifications.

(3) Coordination of the work of technical and special consultants.

(4) Compliance with generally applicable codes and regulations, and assistance in the governmental review process.

(5) Technical assistance in the preparation of bid documents and agreements between clients and contractors.

(6) Contract administration.

(7) Construction observation.

(c) As a condition for licensure, architects shall demonstrate a basic level of competence in the professional services listed in subdivision (b) in examinations administered under this chapter.

§ 5501 Chapter Defined

This chapter constitutes the chapter on professional architects. It shall be known and may be cited as the Architects Practice Act.

§ 5502 Board Defined

As used in this chapter, board refers to the California Architects Board.

Article 2. Administration

§ 5510 Existence of Architects Board

There is in the Department of Consumer Affairs a California Architects Board which consists of 10 members.

Any reference in law to the California Board of Architectural Examiners shall mean the California Architects Board.

This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date. Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

§ 5510.1 Legislature Mandate of the Board

The Legislature finds and declares that it is the mandate of the board to regulate the practice of architecture in the interest and for the protection of the public health, safety, and welfare. For this purpose, the board shall delineate the minimum professional qualifications and performance standards for admission to and practice of the profession of architecture. The board shall establish a fair and uniform enforcement policy to deter and prosecute violations of this chapter or any rules and regulations promulgated pursuant to this chapter to provide for the protection of the consumer.

§ 5510.15 Priority of Board; Protection of the Public

Protection of the public shall be the highest priority for the California Architects Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

§ 5514 Qualifications of Members

The membership of the board shall be composed of 10 members, five of whom shall be architects and five of whom shall be public members.

The five professional members of the board shall be selected from architects in good standing who have been licensed and in practice in this state for at least five years at the time of appointment, all of whom shall be residents and in practice in California.

The public members of the board shall not be licensees of the board.

This section shall become operative on January 1, 1988.

§ 5515 Tenure and Appointment of Board Members; Vacancies

Every person appointed shall serve for four years and until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs.

No person shall serve as a member of the board for more than two consecutive terms.

Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

Each appointment shall expire on June 30 of the fourth year following the year in which the previous term expired.

The Governor shall appoint three of the public members and the five licensed members qualified as provided in Section 5514. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member.

§ 5515.5 Board Member Terms

(a) Notwithstanding Section 130 or 5515, the following provisions shall apply:

(1) Of the three licensed members appointed by the Governor whose terms commence on July 1, 2013, the term of two members shall expire on June 30, 2017, and the term of one member shall expire on June 30, 2019.

(2) Of the two licensed members appointed by the Governor whose terms commence on July 1, 2014, the term of one member shall expire on June 30, 2018, and the term of the other member shall expire on June 30, 2020.

(3) The term of the public member appointed by the Governor that commences on July 1, 2014, shall expire on June 30, 2019.

(4) Of the two public members appointed by the Governor whose terms commence on July 1, 2016, the term of one member shall expire on June 30, 2020, and the term of the other member shall expire on June 30, 2021.

(b) Except as provided in subdivision (a), this section shall not be construed to affect the application of Section 130 or 5515 to the terms of a current or future member of the board.

§ 5516 Compensation of Members; Per Diem; Expenses

Each member of the board shall receive a per diem and expenses as provided in Section 103.

§ 5517 Executive Officer Powers

The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

§ 5518 Officers of Board

The board shall elect from its members a president, a vice president, and a secretary to hold office for one year, or until their successors are duly elected and qualified.

§ 5520 Seal

The board shall adopt a seal for its own use. The seal used shall have the words, "State Board of Architectural Examiners" inscribed thereon.

The executive officer shall have the care and custody of the seal.

§ 5521 Records

The executive officer shall keep an accurate record of all proceedings of the board.

§ 5522 Meetings in General

The board shall meet at least once each calendar quarter for the purpose of transacting such business as may lawfully come before it.

The board may hold meetings at such other times and at such places as it may designate.

§ 5523 Special Meetings

Special meetings of the board shall be called by the executive officer upon the written notice of four members by giving each member of the board 10 days' written notice of the time and place of the meeting.

§ 5524 Quorum: Act or Decision of Board

Six of the members of the board constitute a quorum of the board for the transaction of business. The concurrence of five members of the board present at a

meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the board, except that when all 10 members of the board are present at a meeting duly held, the concurrence of six members shall be necessary to constitute an act or decision of the board.

§ 5525 Prosecutions by Board; Employees

The board may prosecute all persons guilty of violating the provisions of this chapter. Except as provided in Section 159.5, the board may employ inspectors, special agents, investigators, and such clerical assistants as it may deem necessary to carry into effect the provisions of this chapter. It may also fix the compensation to be paid for such services and incur such additional expense as may be deemed necessary.

§ 5526 Rules and Regulations

(a) The board shall adopt rules and regulations governing the examination of applicants for licenses to practice architecture in this state.

(b) The board may, by rule or regulation, adopt rules of professional conduct that are not inconsistent with state or federal law. Every person who holds a license issued by the board shall be governed and controlled by these rules.

(c) The board may adopt other rules and regulations as may be necessary and proper.

(d) The board may, from time to time, repeal, amend, or modify rules and regulations adopted under this section. No rule or regulation shall be inconsistent with this chapter.

(e) The board shall adopt, by regulation, a system as described in Section 125.9 for the issuance to a licensee of a citation and a system as described in Section 148 for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of the board.

(f) The adoption, repeal, amendment, or modification of these rules and regulations shall be made in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

§ 5527 Injunction

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or which will constitute an offense against this chapter, the superior court of the county in which the offense has occurred or is about to occur, on application of the board, may issue an injunction or other appropriate order restraining such act or practice.

The proceedings authorized by this section shall be in accordance with the provisions contained in Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

§ 5528 Consultants

(a) The board may select and contract with necessary architect consultants who are licensed architects to assist it in its enforcement program on an intermittent basis. The architect consultants shall perform only those services that are necessary to carry out and enforce this chapter.

(b) For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, any consultant under contract with the board shall be considered a public employee.

Article 3. Application of Chapter

§ 5535 Person Defined

As used in this chapter, the word "person" includes any individual, firm, partnership, general corporation, professional corporation, or limited liability partnership, as authorized by the Corporations Code.

§ 5535.1 Responsible Control Defined

The phrase "responsible control" means that amount of control over the content of all architectural instruments of service during their preparation that is ordinarily exercised by architects applying the required professional standard of care.

§ 5535.2 Partnerships with Non-Architects

This chapter does not prevent an architect from forming a business entity or collaborating with persons who are not architects, provided that any architects' professional services that are provided through that entity or collaboration are offered and provided under the responsible control of an architect, or architects, and in accordance with the provisions of this chapter.

§ 5535.25 Business Entity Defined

As used in this chapter, the terms "business entity" and "collaboration" include employer and employee relationships, joint ventures, partnerships, general corporations, and consulting relationships formed by written agreement in which the architect provides immediate and responsible direction of architectural services. For purposes of this section, "immediate and responsible direction" has the same meaning as that term is defined in Section 151 of Title 16 of the California Code of Regulations.

§ 5535.3 Corporation Responsible Control

This chapter does not prevent a corporation from furnishing or supplying by contract architectural services, as long as any architects' professional services are offered and provided under the responsible control of a licensed architect or architects.

§ 5536 Practice Without License or Holding Self Out as Architect; Misdemeanor

(a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who is not licensed to practice architecture under this chapter to practice architecture in this state, to use any term confusingly similar to the word architect, to use the stamp of a licensed architect, as provided in Section 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer.

(b) It is a misdemeanor, punishable as specified in subdivision (a), for any person who is not licensed to practice architecture under this chapter to affix a stamp or seal that bears the legend "State of California" or words or symbols that represent or imply that the person is so licensed by the state to prepare plans, specifications, or instruments of service.

(c) It is a misdemeanor, punishable as specified in subdivision (a), for any person to advertise or represent that he or she is a "registered building designer" or is registered or otherwise licensed by the state as a building designer.

§ 5536.1 Signature and Stamp on Plans and Documents; Unauthorized Practice; Misdemeanor

(a) All persons preparing or being in responsible control of plans, specifications, and instruments of service for others shall sign those plans, specifications, and instruments of service and all contracts therefor, and if licensed under this chapter shall affix a stamp, which complies with subdivision (b), to those plans, specifications, and instruments of service, as evidence of the person's responsibility for those documents. Failure of any person to comply with this subdivision is a misdemeanor punishable as provided in Section 5536. This section shall not apply to employees of persons licensed under this chapter while acting within the course of their employment

(b) For the purposes of this chapter, any stamp used by any architect licensed under this chapter shall be of a design authorized by the board which shall at a minimum bear the licensee's name, his or her license number, the legend "licensed architect" and the legend "State of California," and which shall provide a means of indicating the renewal date of the license.

(c) The preparation of plans, specifications, or instruments of service for any building, except the buildings described in Section 5537, by any person who is not licensed to practice architecture in this state, is a misdemeanor punishable as provided in Section 5536.

(d) The board may adopt regulations necessary for the implementation of this section.

§ 5536.2 Statement of Licensure

Each county or city which requires the issuance of any permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of the permit a signed statement that the person who prepared or was in responsible control of the plans and specifications for the construction, alteration, improvement, or repair of the building or structure is licensed under this chapter to prepare the plans and specifications, or is otherwise licensed in this state to prepare the plans and specifications.

The signature and stamp, as provided for in Section 5536.1, on the plans and specifications by the person who prepared or was in responsible control of the plans and specifications shall constitute compliance with this section.

It is the responsibility of the agency that issues the permit to determine that the person who signed and stamped the plans and specifications or who submitted the signed statement required by this section is licensed under this chapter or is otherwise licensed in this state to prepare the plans and specifications.

This section shall not apply to the issuance of permits where the preparation of plans and specifications for the construction, alteration, improvement, or repair of a building or structure is exempt from this chapter, except that the person preparing the plans and specifications for others shall sign the plans and specifications as provided by Section 5536.1.

§ 5536.22 Written Contract

(a) An architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. That written contract shall be executed by the architect and the client, or his or her representative, prior to the architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract

is executed. The written contract shall include, but not be limited to, all of the following items:

(1) A description of services to be provided by the architect to the client.

(2) A description of any basis of compensation applicable to the contract and method of payment agreed upon by both parties.

(3) The name, address, and license number of the architect and the name and address of the client.

(4) A description of the procedure that the architect and the client will use to accommodate additional services.

(5) A description of the procedure to be used by either party to terminate the contract.

(b) This section shall not apply to any of the following:

(1) Professional services rendered by an architect for which the client will not pay compensation.

(2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the architect's services are of the same general kind which the architect has previously rendered to and received payment from the same client.

(3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.

(4) Professional services rendered by an architect to a professional engineer registered to practice engineering under Chapter 7 (commencing with Section 6700), or to a land surveyor licensed under Chapter 15 (commencing with Section 8700).

§ 5536.25 Liability; Damages Caused by Subsequent, Unauthorized, or Unapproved Changes or Uses of Plans, Specifications, Reports or Documents; Construction Observation Services

(a) A licensed architect who signs and stamps plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to or uses of those plans, specifications, reports, or documents, where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved in writing by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the written authorization or approval was not unreasonably withheld by the architect and the architectural service rendered by the architect who signed and stamped the plans, specifications, reports, or documents was not also a proximate cause of the damage.

(b) The signing and stamping of plans, specifications, reports, or documents which relate to the design of fixed works shall not impose a legal duty or responsibility upon the person signing the plans, specifications, reports, or documents to observe the construction of the fixed works which are the subject of the plans, specifications, reports, or documents. However, this section shall not preclude an architect and a client from entering into a contractual agreement which includes a mutually acceptable arrangement for the provision of construction observation services. This subdivision shall not modify the liability of an architect who undertakes, contractually or otherwise, the provision of construction observation services for rendering those services.

(c) "Construction observation services" means periodic observation of completed work to determine general compliance with the plans, specifications, reports,

or other contract documents. However, "construction observation services" does not mean the superintendence of construction processes, site conditions, operations, equipment, or personnel, or the maintenance of a safe place to work or any safety in, on, or about the site.

For purposes of this subdivision, "periodic observation" means visits by an architect, or his or her agent, to the site of a work of improvement.

§ 5536.26 Use of Certify or Certification by Licensed Architect

The use of the words "certify" or "certification" by a licensed architect in the practice of architecture constitutes an expression of professional opinion regarding those facts or findings that are the subject of the certification, and does not constitute a warranty or guarantee, either expressed or implied. Nothing in this section is intended to alter the standard of care ordinarily exercised by a licensed architect.

§ 5536.27 Liability; Building Inspections

(a) An architect who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the scene of a declared national, state, or local emergency caused by a major earthquake, flood, riot, or fire at the request of a public official, public safety officer, or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury, wrongful death, or property damage caused by the architect's good faith but negligent inspection of a structure used for human habitation or a structure owned by a public entity for structural integrity or nonstructural elements affecting life and safety.

The immunity provided by this section shall apply only for an inspection that occurs within 30 days of the declared emergency.

Nothing in this section shall provide immunity for gross negligence or willful misconduct.

(b) As used in this section:

(1) "Architect" has the meaning given by Section 5500.

(2) "Public safety officer" has the meaning given in Section 3301 of the Government Code.

(3) "Public official" means a state or local elected officer.

§ 5536.3 Natural Disasters; Damage to Residential Real Property; Release of Copy of Plans

(a) In the event of damage to residential real property caused by a natural disaster declared by the Governor, if the damage may be covered by one or more policies of insurance, any architect or other person who has prepared plans used for the construction or remodeling of the residential real property shall release a copy of the plans to the homeowner's insurer or the homeowner, or duly authorized agent of the insurer or the homeowner, upon request and verification that the plans will be used solely for the purpose of verifying the fact and amount of damage for insurance purposes.

(b) No homeowner or any other person shall use any copy of plans obtained pursuant to subdivision (a) to rebuild all or any part of the residential real property without the prior written consent of the architect or other person who prepared the plans.

(c) In the event prior written consent is not provided pursuant to subdivision (b), no architect or other person who has prepared plans who releases a copy of plans pursuant to subdivision (a) shall be liable to any person if the plans are

subsequently used by the homeowner or any other person to rebuild all or any part of the residential real property.

(d) The architect or other person may charge a reasonable fee to cover the reproduction costs of providing a copy of the plans.

(e) As used in this section, "residential real property" means a single family structure, whether or not owner-occupied.

§ 5536.4 Instruments of Service-Consent

(a) No person may use 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.

(b) An architect shall not unreasonably withhold consent to use his or her instruments of service from a person for whom the architect provided the services. An architect may reasonably withhold consent to use the instruments of service for cause, including, but not limited to, lack of full payment for services provided or failure to fulfill the conditions of a written contract.

§ 5536.5 State of Emergency; Practice Without License or Holding Self Out as Architect; Penalty

Any person who violates 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 pursuant to Section 8625 of the Government Code, or for which an emergency or major disaster is declared by the President of the United States, shall be punished by a fine up to ten thousand dollars ($10,000), or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or for two or three years, or by both the fine and imprisonment, or by a fine up to one thousand dollars ($1,000), or by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment.

§ 5537 Exemptions; Dwellings, Garages, Agricultural and Ranch Buildings; Supervision of Licensed Architect or Registered Engineer Required

(a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:

(1) Single-family dwellings of woodframe construction not more than two stories and basement in height.

(2) Multiple dwellings containing no more than four dwelling units of woodframe construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.

(3) Garages or other structures appurtenant to buildings described under subdivision (a), of woodframe construction not more than two stories and basement in height.

(4) Agricultural and ranch buildings of woodframe construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.

(b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for woodframe construction found in the most recent edition of Title 24 of the

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

§ 5537.1 Exemptions; Structural Engineer

A structural engineer, defined as a registered civil engineer who has been authorized to use the title structural engineer under the provisions of Chapter 7 (commencing with Section 6700), insofar as he or she practices the profession for which he or she is registered, is exempt from the provisions of this chapter, except that a structural engineer may not use the title "architect," unless he or she holds a license as required in this chapter.

§ 5537.2 Exemptions; Contractors

This chapter shall not be construed as authorizing a licensed contractor to perform design services beyond those described in Section 5537 or in Chapter 9 (commencing with Section 7000), unless those services are performed by or under the direct supervision of a person licensed to practice architecture under this chapter, or a professional or civil engineer licensed pursuant to Chapter 7 (commencing with Section 6700) of Division 3, insofar as the professional or civil engineer practices the profession for which he or she is registered under that chapter.

However, this section does not prohibit a licensed contractor from performing any of the services permitted by Chapter 9 (commencing with Section 7000) of Division 3 within the classification for which the license is issued. Those services may include the preparation of shop and field drawings for work which he or she has contracted or offered to perform, and designing systems and facilities which are necessary to the completion of contracting services which he or she has contracted or offered to perform.

However, a licensed contractor may not use the title "architect," unless he or she holds a license as required in this chapter.

§ 5537.4 Exemptions; Professional Engineer

A professional engineer registered to practice engineering under the provisions of Chapter 7 (commencing with Section 6700), insofar as he or she practices the profession for which he or she is registered, is exempt from the provisions of this chapter, except that a professional engineer may not use the title "architect," unless he or she holds a license as required in this chapter.

§ 5537.5 Exemptions; Civil Engineer

A civil engineer authorized to use that title under the provisions of Chapter 7 (commencing with Section 6700), insofar as he or she practices the profession for which he or she is registered, is exempt from the provisions of this chapter, except that a civil engineer may not use the title "architect," unless he or she holds a license as required in this chapter.

§ 5537.6 Exemptions; Landscape Architect

A landscape architect registered under the provisions of Chapter 3.5 (commencing with Section 5615), insofar as he or she practices the profession for which he or she is

registered, is exempt from the provisions of this chapter, except that a landscape architect may not use the title "architect," exclusive of the word "landscape," unless he or she holds a license as required in this chapter.

§ 5537.7 Exemptions; Land Surveyor

A land surveyor licensed under the provisions of Chapter 15 (commencing with Section 8700) of Division 3, insofar as he or she practices the profession for which he or she is licensed under Chapter 15 of Division 3, is exempt from the provisions of this chapter, except that a land surveyor may not use the title "architect," unless he or she holds a license as required in this chapter.

§ 5538 Planning or Design Affecting Safety of Building or Its Occupants; Nonstructural Store Front or Interior Alterations or Additions Excepted

This chapter does not prohibit any person from furnishing either alone or with contractors, if required by Chapter 9 (commencing with Section 7000) of Division 3, labor and materials, with or without plans, drawings, specifications, instruments of service, or other data covering such labor and materials to be used for any of the following:

(a) For nonstructural or nonseismic storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, or other appliances or equipment.

(b) For any nonstructural or nonseismic work necessary to provide for their installation.

(c) For any nonstructural or nonseismic alterations or additions to any building necessary to or attendant upon the installation of those storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, appliances, or equipment, provided those alterations do not change or affect the structural system or safety of the building.

Article 4. Issuance of Certificates

§ 5550 Examination

Subject to the rules and regulations governing examinations, any person who meets the qualifications set forth in this article shall be entitled to an examination for a license to practice architecture. Before taking the examination he or she shall file his or her application therefor with the board and pay the application fee fixed by this chapter. The fee shall be retained by the board.

§ 5550.1 Exterior and Interior Barrier Free Design; Inclusion in Examination

An applicant for a license to practice architecture shall be required, as part of the examination for licensure, to demonstrate to the board's satisfaction his or her knowledge and understanding of and proficiency in exterior and interior barrier free design.

The board shall include questions regarding exterior and interior barrier free design as part of the examination. Those questions shall periodically be reviewed by the board in order to ensure that the examination reflects current regulations and the latest developments in barrier free design.

§ 5550.3 Grading of Examinations; Delegation of Authority

(a) Notwithstanding Section 111, the board may adopt guidelines for the delegation of its authority to grade the examinations of applicants for licensure to any vendor under contract to the board for provision of an architect's registration examination. The guidelines shall be within the

board's legal authority to establish the standards for registration in this state, and shall include, but not be limited to:

(1) Goals for the appropriate content, development, grading, and administration of an examination, against which the vendor's rules and procedures can be judged.

(2) Procedures through which the board can reasonably assure itself that the vendor adequately meets the goals established by the board.

(b) The board shall not delegate its authority to grade the examinations of candidates for registration in this state to any vendor or any party not in compliance with Section 111 or with the guidelines established in subdivision (a).

§ 5550.5 Social Security Number Exemption

Notwithstanding Section 30 of this code or Section 17520 of the Family Code, the board may accept for processing an application from an individual for an original or renewed license to practice architecture containing an individual tax identification number, or other appropriate identification number as determined by the board, in lieu of a social security number, if the individual is not eligible for a social security account number at the time of application and is not in noncompliance with a judgment or order for support pursuant to Section 17520 of the Family Code.

§ 5551 Issuance of License

If the applicant's examination is satisfactory, and if no charges of having resorted to deception in obtaining the license, or any other violation of the provisions of this chapter have been filed with the board, upon the payment of the license fee fixed by this chapter, the board shall issue a license to the applicant showing that the person named therein is entitled to practice architecture in this state, in accordance with the provisions of this chapter.

§ 5552 Qualifications of Applicant

The applicant for a license to practice architecture shall:

(a) Not have committed acts or crimes constituting grounds for denial of a license under Section 480.

(b) Furnish evidence of having completed eight years of training and educational experience in architectural work. A five-year degree from a school of architecture approved by the board shall be deemed equivalent to five years of training and educational experience in architectural work.

§ 5552.5 Implementation of Intern Development Program

The board may, by regulation, implement an intern development program.

§ 5553 Denial of License; Grounds; Conduct of Proceedings

Issuance of a license may be denied if evidence is received by the board of the commission or doing by the applicant of any act which, if committed or done by the holder of a license, would be grounds for the suspension or revocation of that license. The proceedings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

§ 5554 Contents of Certificate; Index and Record

The certificate shall contain the name of the person to whom issued. Proper index and record of each certificate shall be kept by the board.

§ 5555 Duration of License

Licenses to practice architecture remain in full force until revoked or suspended for cause, or until they expire, as provided in this chapter.

§ 5557 Duplicates

A duplicate license to practice architecture, replacing one which has been lost, destroyed, or mutilated, may be issued subject to the rules and regulations of the board. The duplicate license fee fixed by this chapter shall be charged for that issuance.

§ 5558 Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services; Filing Requirements

Each person holding a license to practice architecture under this chapter shall file with the board his or her current mailing address and the proper and current name and address of the entity through which he or she provides architectural services. For purposes of this section, "entity" means any individual, firm, corporation, or limited liability partnership.

Article 5. Disciplinary Proceedings

§ 5560 Investigations; Suspension or Revocation of License

The board may upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any architect and may temporarily suspend or permanently revoke, the license of any architect who is guilty of, or commits one or more of, the acts or omissions constituting grounds for disciplinary action under this chapter.

§ 5561 Time for Processing

All accusations against licensees charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the board within five years after the board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action, whichever occurs first, but not more than 10 years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of Section 5579, the accusation may be filed within three years after the discovery by the board of the alleged facts constituting the fraud or misrepresentation prohibited by Section 5579.

§ 5561.5 Powers and Proceedings

The proceedings for the suspension or revocation of licenses under this article shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

§ 5565 Extent of Discipline; Conditions

The decision may:

(a) Provide for the immediate complete suspension by the holder of the license of all operations as an architect during the period fixed by the decision.

(b) Permit the holder of the license to complete any or all contracts for the performance of architectural services shown by evidence taken at the hearing to be then unfinished.

(c) Impose upon the holder of the license compliance with any specific conditions as may be just in connection with his or her operations as an

architect disclosed at the hearing, and may further provide that until those conditions are complied with no application for restoration of the suspended or revoked license shall be accepted by the board.

(d) Assess a fine not in excess of five thousand dollars ($5,000) against the holder of a license for any of the causes specified in Section 5577. A fine may be assessed in lieu of, or in addition to, a suspension or revocation. All fines collected pursuant to this subdivision shall be deposited to the credit of the California Architects Board Fund.

§ 5570 Review of Board by Court; Stay

In any proceeding for review by a court, the court may, in its discretion, upon the filing of a proper bond by the holder of the license in an amount to be fixed by the court, guaranteeing the compliance by the holder of the license with specific conditions imposed upon him or her by the board's decision, if any, permit the holder of the license to continue to practice as an architect pending entry of judgment by the court in the case. There shall be no stay of the board's decision pending an appeal or review of any proceeding unless the appellant or applicant for review shall file a bond in all respects conditioned as, and similar to, the bond required to stay the effect of the board's decision in the first instance.

§ 5571 Review of Superior Court

A judgment of suspension or cancellation of a certificate by the superior court shall be subject to appeal or review in accordance with the provisions of law as to appeal from or review of judgments of superior courts.

There shall be no stay of execution or enforcement of the judgment pending any proceedings on appeal or review unless the appellant or applicant for review shall file a bond in all respects conditioned as, and similar to, the bond required to stay the effect of the board's decision in the first instance.

The clerk of the court whose judgment has become final shall, within 10 days after its entry, transmit, by regular United States mail, to the executive officer of the board a notice containing information as to the affirmance, modification, or reversal of the judgment of the superior court in the matter.

§ 5573 Reinstatement of Suspended License; Expiration of Suspended or Revoked License; Renewal

After suspension of a license upon any of the grounds set forth in this chapter, the board may reinstate the license upon proof of compliance by the architect with all provisions of the decision as to reinstatement or, in the absence of that decision or any provisions therein as to reinstatement, in the sound discretion of the board. A license which has been suspended is subject to expiration and shall be renewed as provided in this chapter, but that renewal does not entitle the holder of the license, while the license remains suspended and until it is reinstated, to practice architecture, or to engage in any other activity or conduct in violation of the order or judgment by which the license was suspended.

A revoked license is subject to expiration as provided in this chapter, but it may not be renewed. If it is reinstated after its expiration, the holder of the license, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

§ 5577 Conviction of Certain Crimes; Record; Evidence; Procedure

The conviction of a crime substantially related to the qualifications, functions, and duties of an architect by the holder of a license constitutes a ground for disciplinary

action. The record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is obtained, is conclusive evidence of the conviction.

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

§ 5578 Violation as Ground for Discipline in General

The fact that the holder of a license is practicing in violation of the provisions of this chapter constitutes a ground for disciplinary action.

§ 5579 Fraud in Obtaining License

The fact that the holder of a license has obtained the license by fraud or misrepresentation, or that the person named in the license has obtained it by fraud or misrepresentation constitutes a ground for disciplinary action.

§ 5580 Impersonation; Use of Assumed or Corporate Name

The fact that the holder of a license is impersonating an architect or former architect of the same or similar name, or is practicing under an assumed, fictitious, or corporate name, constitutes a ground for disciplinary action.

§5582 Aiding Unlawful Practice

The fact that the holder of a license has aided or abetted in the practice of architecture any person not authorized to practice architecture under the provisions of this chapter, constitutes a ground for disciplinary action.

§ 5582.1 Signing Other's Plans or Instruments; Permitting Misuse of Name

(a) The fact that the holder of a license has affixed his or her signature to plans, drawings, specifications, or other instruments of service which have not been prepared by him or her, or under his or her responsible control, constitutes a ground for disciplinary action.

(b) The fact that the holder of a license has permitted his or her name to be used for the purpose of assisting any person to evade the provisions of this chapter constitutes a ground for disciplinary action.

§ 5583 Fraud in Practice of Architecture

The fact that, in the practice of architecture, the holder of a license has been guilty of fraud or deceit constitutes a ground for disciplinary action.

§ 5584 Negligence or Willful Misconduct

The fact that, in the practice of architecture, the holder of a license has been guilty of negligence or willful misconduct constitutes a ground for disciplinary action.

§ 5585 Incompetency or Recklessness

The fact that in the practice of architecture the holder of a license has been guilty of incompetency or recklessness constitutes a ground for disciplinary action.

§ 5586 Public Agency; Disciplinary Action

The fact that the holder of a license has had disciplinary action taken by any public agency for any act substantially related to the qualifications, functions, or duties as an architect constitutes a ground for disciplinary action.

§ 5588 Report of Settlement or Arbitration Award

(a) A licensee shall report to the board in writing within 30 days of the date the licensee has knowledge of any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee in any action alleging fraud, deceit, negligence, incompetence, or recklessness by the licensee in the practice of architecture if the amount or value of the judgment, settlement, or arbitration award is five thousand dollars ($5,000) or greater.

(b) The report required by subdivision (a) shall be signed by the licensee and shall set forth the facts that constitute the reportable event. If the reportable event involves the action of an administrative agency or court, the report shall set forth all of the following:

(1) The title of the matter.

(2) The court or agency name.

(3) The docket number.

(4) The claim or file number.

(5) The date on which the reportable event occurred.

(c) A licensee shall promptly respond to oral or written inquiries from the board concerning the reportable events, including inquiries made by the board in conjunction with license renewal.

(d) Failure of a licensee to report to the board in the time and manner required by this section shall be grounds for disciplinary action.

(e) Any licensee who fails to comply with this section may be subject to a civil penalty of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000) as an additional intermediate sanction imposed by the board in lieu of revoking the licensee's license. Any licensee who knowingly and intentionally fails to comply with this section may be subject to a civil penalty of up to twenty thousand dollars ($20,000) as an additional intermediate sanction imposed by the board in lieu of revoking the licensee's license.

§ 5588.1 Requirement that Insurer Report Certain Judgment, Settlement, or Arbitration Awards

(a) Within 30 days of payment of all or any portion of a civil action judgment, settlement, or arbitration award described in Section 5588 against a licensee of the board in which the amount or value of the judgment, settlement, or arbitration award is five thousand dollars ($5,000) or greater, any insurer providing professional liability insurance to that licensee or architectural entity shall report to the board all of the following:

(1) The name of the licensee.

(2) The claim or file number.

(3) The amount or value of the judgment, settlement, or arbitration award.

(4) The amount paid by the insurer.

(5) The identity of the payee.

(b) Within 30 days of payment of all or any portion of any civil action judgment, settlement, or arbitration award described in Section 5588 against a licensee

of the board in which the amount or value of the judgment, settlement, or arbitration award is five thousand dollars ($5,000) or greater, any state or local governmental agency that self insures that licensee shall report to the board all of the following:

(1) The name of the licensee.

(2) The claim or file number.

(3) The amount or value of the judgment, settlement, or arbitration award.

(4) The amount paid.

(5) The identity of the payee.

§ 5588.2 Application of Reporting Requirements

The requirements of Section 5588 and 5588.1 shall apply if a party to the civil action, settlement, arbitration award, or administrative action is or was a sole proprietorship, partnership, firm, corporation, or state or local governmental agency in which a licensee is or was an owner, partner, member, officer, or employee and is or was a licensee in responsible control of that portion of the project that was the subject of the civil judgment, settlement, arbitration award, or administrative action.

§ 5588.3 Report to Board Not a Violation of Confidentiality

Notwithstanding any other provision of law, a licensee shall not be considered to have violated a confidential settlement agreement or other confidential agreement by providing a report to the board as required by this article.

§ 5588.4 Adoption of Reporting Requirement Regulations

The board may adopt regulations to further define the reporting requirements of Sections 5588 and 5588.1.

§ 5590 Malpractice Judgment in Civil or Criminal Case; Clerk's Report

Within 10 days after a judgment by a court of this state that a license holder has committed a crime or is liable for any death, personal or property injury, or loss caused by the license holder's fraud, deceit, negligence, incompetency, or recklessness in practice, the clerk of the court which rendered the judgment shall report that fact to the board. However, if the judge who tried the matter finds that it does not relate to the defendant's professional competence or integrity, the judge may, by order, dispense with the requirement that the report be sent.

Article 6. Revenue

§ 5600 Expiration of License; Renewal of Unexpired Licenses

(a) All licenses issued or renewed under this chapter shall expire at 12 midnight on the last day of the birth month of the licenseholder in each odd-numbered year following the issuance or renewal of the license.

(b) To renew an unexpired license, the licenseholder shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

(c) The renewal form shall include a statement specifying whether the licensee was convicted of a crime or disciplined by another public agency during the preceding renewal period and that the licensee's representations on the renewal form are true, correct, and contain no material omissions of fact, to the best knowledge and belief of the licensee.

§ 5600.05 License renewal process; Conditions; Certifications; Audit; False or misleading information; Disciplinary action; Coursework regarding disability access requirements; Submission of letter to Legislature

(a) (1) As a condition of license renewal, a licensee shall have completed coursework regarding disability access requirements pursuant to paragraphs (2) and (3). A licensee shall certify to the board, as a part of the license renewal process, that he or she has completed the required coursework prior to approval of his or her license renewal and shall, until the conclusion of the license renewal cycle beginning January 1, 2011, provide documentation to the board from the course provider that shall include the course title, subjects covered, name of provider and trainer or educator, date of completion, number of hours completed, and a statement about the trainer's or educator's knowledge and experience background. Commencing with the license renewal cycle beginning January 1, 2013, a licensee shall, upon a board audit, provide the documentation from the course provider to the board. A licensee who provides false or misleading information as it relates specifically to the requirements of this paragraph shall be subject to an administrative citation, which may include an administrative fine pursuant to Section 125.9, or to disciplinary action by the board.

(2) (A) For licenses renewed on and after July 1, 2009, and before January 1, 2010, a licensee shall have completed one hour of coursework.

(B) For licenses renewed on and after January 1, 2010, and before January 1, 2011, a licensee shall have completed two and one-half hours of coursework.

(C) For licenses renewed on and after January 1, 2011, a licensee shall have completed five hours of coursework within the previous two years.

(3) Coursework regarding disability access requirements shall include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework provided pursuant to this paragraph shall be presented by trainers or educators with knowledge and expertise in these requirements.

(b) The board may audit the records of a licensee to verify the completion of the coursework requirements of subdivision (a). A licensee shall maintain records of completion of the required coursework, containing the information specified in paragraph (1) of subdivision (a), for two years from the date of license renewal and shall make those records available to the board for auditing upon request.

(c) Until January 1, 2015, the board shall audit at least 3 percent of the license renewals received each year to verify the completion of the continuing education requirements of this subdivision.

(d) On or before January 1, 2019, the board shall submit a letter to the Legislature on the disability access continuing education provisions required under this subdivision, including the level of licensee compliance with the requirements, any actions taken by the board for noncompliance with the

requirements, the findings of board audits, and any recommendations of the board for improving the process.

§ 5600.1 Renewal Notice

The board shall give written notice to a licensee 30 days in advance of the regular renewal date and shall give written notice by registered mail 90 days in advance of the expiration of the fifth year that a renewal fee has not been paid.

The board shall also notify licensees of the availability of abstract and other informational materials on requirements for interior and exterior barrier-free design to permit access to and use of the architectural environment by the physically handicapped.

§ 5600.2 Renewal of Expired License; Applications; Fees; Effective Date of Renewal

Except as otherwise provided in this chapter, a license which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If a license is renewed more than 30 days after its expiration, the licenseholder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in this chapter which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

§ 5600.3 Failure to Renew Within Five Years; Issuance of New License; Conditions

A license which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter. The holder of the expired license may apply for and obtain a new license only if he or she pays all of the fees, and meets all of the requirements set forth in this chapter for obtaining an original license, except as follows:

(a) An examination shall not be required if the expired license was issued without an examination.

(b) Examination may be waived by the board if it finds that with due regard for the public interest, the holder of the expired license is qualified to practice architecture.

(c) The holder of the expired license shall not be required to meet the qualifications set forth in this chapter relating to education.

The board may, by regulation, authorize the waiver or refund of all or any part of the application fee paid by a person to whom a license is issued without an examination under this section.

§ 5600.4 Retired License; Conditions

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to an architect who holds a license that is current and active or capable of being renewed pursuant to Section 5600.2 and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active architect's license is required. An architect

holding a retired license shall be permitted to use the title "architect retired" or "retired architect."

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore his or her license to active status, the holder of a retired license shall comply with Section 5600.3.

§ 5601 Disposition of Fees

Within 10 days after the beginning of every month, all fees collected by the department for the month preceding, under the provisions of this chapter, shall be paid into the State Treasury to the credit of the California Architects Board Fund.

§ 5602 Use of Fund

The money paid into the California Architects Board Fund, which is hereby continued in existence, shall be used in the manner prescribed by law to defray the expenses of the board in carrying out and enforcing the provisions of this chapter.

§ 5603 Roster of Licensees

The board shall make available to local building departments, and others upon request, an official roster listing the name, license number, and address of all its licensees issued licenses pursuant to this chapter and who are in good standing. The roster shall be open to inspection by the public during office hours of the board. Except for local building departments, the board may charge a fee for the maintenance, publication, and distribution of the roster, not to exceed the actual cost. All fees collected pursuant to this section shall be deposited in the California Architects Board Fund.

§ 5604 Fee Schedule

The fees prescribed by this chapter for architect applicants or architect licenseholders shall be fixed by the board as follows:

(a) The application fee for reviewing a candidate's eligibility to take any section of the examination may not exceed one hundred dollars ($100).

(b) The fee for any section of the examination administered by the board may not exceed one hundred dollars ($100).

(c) The fee for an original license at an amount equal to the renewal fee in effect at the time the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect at the time the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the fee for an original license if the license is issued less than 45 days before the date on which it will expire.

(d) The fee for an application for reciprocity may not exceed one hundred dollars ($100).

(e) The fee for a duplicate license may not exceed twenty-five dollars ($25).

(f) The renewal fee may not exceed four hundred dollars ($400).

(g) The delinquency fee may not exceed 50 percent of the renewal fee.

(h) The fee for a retired license may not exceed the fee prescribed in subdivision (c).

Article 7. Architectural Corporations

§ 5610 Definition

A professional architectural corporation is a corporation which is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are licensed architects, are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and all other statutes and regulations pertaining to the corporation and the conduct of its affairs. With respect to an architectural corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the California Architects Board.

§ 5610.2 Reporting Requirements; Fee; Signature and Verification

It is unprofessional conduct and a violation of this chapter, punishable as specified in Section 5560, for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate, the Moscone-Knox Professional Corporation Act, this article, or any regulation adopted pursuant to those provisions.

§ 5610.3 Name; Restrictions

The name of a professional architectural corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders, or of persons who were associated with a predecessor person, partnership, or other organization and whose name or names appeared in the name of the predecessor organization, and shall include either (1) the words "architectural corporation" or (2) the word "architect" or "architects" and wording or abbreviations denoting corporate existence.

§ 5610.4 Individual Licensure; Necessity

Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a professional architectural corporation shall be a licensed person as defined in the Moscone-Knox Professional Corporation Act.

§ 5610.5 Corporate Income for Professional Services; Prohibition Against Accrual to Disqualified Person or Shareholder

The income of a professional architectural corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Moscone-Knox Professional Corporation Act) shall not in any manner accrue to the benefit of that shareholder or his or her shares in the professional architectural corporation.

§ 5610.6 Unprofessional Conduct; Conduct of Practice

A professional architectural corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule, or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by those statutes, rules, and regulations to the same extent as a person holding a license under Section 5551.

§ 5610.7 Rules and Regulations

The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of an architectural corporation shall include a provision whereby the capital stock of the corporation owned by a disqualified person

(as defined in the Moscone-Knox Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of the corporation within the time as those rules and regulations may provide, and (b) that an architectural corporation shall provide adequate security by insurance or otherwise for claims against it by its clients arising out of the rendering of professional services.

Title 16, Division 2

Article 1. General Provisions

§ 100 Location of Office

The principal office of the California Architects Board is located at 2420 Del Paso Road, Ste 105, Sacramento, California.

§ 102 Definitions

For the purpose of the rules and regulations contained in this chapter, the term "board" means the California Architects Board; and the term "code" means the Business and Professions Code.

§ 103 Delegation of Certain Functions

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; to approve settlement agreements for the revocation or surrender of license; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the executive officer of the Board.

§ 104 Filing of Addresses

Each person holding a certificate of registration, license, permit, or any other authority to practice architecture in the State of California under any and all laws administered by the board, shall file his/her proper and current business name and address and mailing address with the board at its office in Sacramento, and immediately notify the board at its said office of any and all changes of business name and address or mailing address, giving both the old and new names or addresses.

Article 2. Applications

§ 109 Filing of Applications

(a) Definitions:

(1) A “new candidate” shall mean a candidate who is submitting his or her first application to the Board for eligibility evaluation for the Architect Registration Examination (ARE) or one who had previously submitted an application but had been determined by the Board to be ineligible.

(2) An “inactive candidate” shall mean a candidate who (A) has not taken an examination as a candidate of the Board for five or more years, or (B) has been determined by the Board to be eligible but who has not taken any examination since the Board’s determination and five or more years have passed.

(3) “Active in the examination process” shall mean that there has not been a period of five or more years since (A) the candidate last took an examination as a candidate of the Board, or (B) the candidate has been determined by the Board to be eligible.

(4) A "re-examinee" shall mean a candidate who has previously been determined by the Board to be eligible for the ARE and who is active in the examination process as a candidate of the Board.

(b) Application Process:

(1) Effective July 1, 2008, a new or inactive candidate applying to the Board for eligibility for the ARE shall prior to eligibility for the examination enroll in the Intern Development Program (IDP) by establishing a Council Record with the National Council of Architectural Registration Boards (NCARB).

The requirement to establish an NCARB Council Record does not apply to a candidate who was determined by the Board to be eligible on or before June 30, 2008 and who is active in the examination process.

(2) A new or inactive candidate applying to the Board for eligibility evaluation for the ARE shall prior to licensure complete the IDP of the NCARB, as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the November 2012 edition), or the Internship in Architecture Program (IAP) of Canada (currently the 2001 edition). Both documents referred to in the preceding sentence are hereby incorporated by reference.

The IDP/IAP requirement does not apply to a candidate who (A) was determined by the Board to be eligible on or before December 31, 2004, and who is active in the examination process; or (B) has completed all of the necessary education equivalents prior to January 1, 2005, who has submitted a completed application for eligibility evaluation to the Board that is postmarked on or before December 31, 2004, and who has been determined by the Board to be eligible.

(3) A new or inactive candidate shall submit an Application for Eligibility Evaluation, 19C-1 (9/2006), as provided by the Board and certified under penalty of perjury, and accompanied by such supporting documents required herein. Such supporting documents may include the candidate's current and valid IDP file transmitted by NCARB or current and valid verification of completion of the requirements of Canada's IAP, certified original transcripts sent directly to the Board by the college or university, Employment Verification Form(s), 19C-12 (9/2006), and, if appropriate, proper foreign education evaluations and self-employment documentation. Applications for Eligibility Evaluation shall be accepted on a continuous basis throughout the year. For a candidate applying for eligibility for the ARE, the eligibility review fee specified in Section 144(a) shall be required.

(4) A new or inactive candidate receiving notification that he or she is ineligible based on insufficient education and/or employment verification as evaluated by the Board and/or failure to enroll in IDP by establishing an NCARB Council Record shall submit such additional education and/or employment verification and/or verification of enrollment in IDP.

(5) Upon the Board's determination of a candidate's eligibility for the ARE based upon the Board's education requirements and evidence of the candidate's enrollment in IDP, the Board shall transmit the candidate's eligibility information to NCARB or its authorized representative for entry into NCARB's database. For a candidate whose application is submitted on or after July 1, 1999 and who has been determined to be eligible, such

eligibility shall be retained while the candidate is active in the examination process.

(6) As a candidate acquires additional work experience, it is the candidate's responsibility to ensure that the employer(s) complete Employment Verification Forms covering the work experience gained with that employer and that the forms are submitted to the Board.

(7) A new or inactive candidate who is a licensed architect in a qualifying foreign country, as defined in Section 117(c)(2), shall prior to licensure (A) complete IDP, or IAP, as referenced in subdivision (b)(2); or (B) submit to the Board 1. proof of licensure in the qualifying foreign country, 2. an Employment Verification Form on his or her own behalf documenting five years of practice of architecture as a licensed architect in the qualifying foreign country, 3. an Employment Verification Form documenting at least one year of experience under the direct supervision of an architect licensed in a United States jurisdiction granted at 100% credit or at least two years of experience under the direct supervision of an architect(s) registered in a Canadian province granted at 50% credit, and 4. documentation of five years of education equivalents. Both documents referred to in subdivision (b)(7)(A) are hereby incorporated by reference.

(8) Effective January 1, 2005, a new or inactive candidate who is a licensed architect in a non-qualifying foreign country and one who is a licensed architect in a qualifying foreign country but who does not submit all of the items prescribed in subdivision (b)(7) shall apply as a new candidate and meet the requirements prescribed in subdivisions (b)(1) and b(2) of this section.

(c) Effective July 1, 1999, a re-examinee applying for eligibility for the ARE shall submit a Test Application Form, 19C-11 (3/2006), and accompanied by the eligibility review fee specified in Section 144(a). Upon determination that the candidate is eligible, the Board shall transmit the candidate's eligibility information to NCARB or its authorized representative for entry into NCARB's database. For a candidate whose application is submitted on or after July 1, 1999 and who has been determined to be eligible, such eligibility shall be retained while the candidate is active in the examination process. Test Application Forms shall be accepted on a continuous basis throughout the year.

(d) A candidate who had a valid eligibility on file with the Board on or before June 30, 2008 may schedule with NCARB or its authorized representative to take one or more division(s) of the ARE without first enrolling in IDP.

(e) A candidate who did not have a valid eligibility on file with the Board on or before June 30, 2008 may only schedule with NCARB or its authorized representative to take one or more division(s) of the ARE after first enrolling in IDP by establishing an NCARB Council Record.

(f) The Board shall retain the file of a candidate who is active in the examination process as a candidate of the Board. The Board may purge the candidate file of an inactive candidate. An inactive candidate who wishes to reapply to the Board shall be required to apply in accordance with this section by submitting the required documents to allow the Board to determine the candidate's current eligibility. For a candidate applying for the ARE, the eligibility review fee specified in Section 144(a) shall be required.

The Board shall retain for a two-year period, transcripts, Employment Verification Forms, and other supporting documents received from

individuals who have not submitted an Application for Eligibility Evaluation. Thereafter, the Board may purge these documents.

§ 110 Substantial Relationship Criteria

For the purposes of denial, suspension, or revocation of the license of an architect pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions and duties of an architect if to a substantial degree it evidences present or potential unfitness of an architect to perform the functions authorized by his/her license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but not be limited to, those involving the following:

(a) Any violation of the provisions of Chapter 3, Division 3 of the Business and Professions Code.

§ 110.1 Criteria for Rehabilitation

(a) When considering the denial of an architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering the petition for reinstatement of the license of an architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

§ 111 Review of Applications

(a) Within thirty (30) days after receipt of an Application for Eligibility Evaluation, 19C-1 (9/2006), for the Architect Registration Examination (ARE), the Board shall inform the candidate whether the application is

complete and the candidate is eligible or that the application is deficient and what specific information or documentation is required to complete the application.

(b) (1) The Board shall notify a candidate within one hundred and fifty (150) days after the filing of a complete Application for Eligibility Evaluation for the ARE of his or her results thereon. These processing times apply to those candidates who are eligible and who take first available scheduled appointment for the ARE.

(2) The Board shall notify a candidate within one hundred and sixty-five (165) days after the filing of a complete application for the California Supplemental Examination of his or her results thereon. These processing times apply to those candidates who submit their complete California Supplemental Examination application on the examination filing deadline.

(3) The Board shall decide within three hundred and thirty (330) days after the filing of an Application for Eligibility Evaluation whether the candidate meets the requirements for original licensure. The actual processing time applies to those candidates who are eligible for licensure and who take and pass the first available examinations and who initially submitted a complete Application for Eligibility Evaluation.

(c) The Board shall decide within two hundred and ten (210) days after the filing of a reciprocity application whether the applicant meets the requirements for original licensure. The actual processing time applies to those persons who are eligible for licensure and who take and pass the first available examinations and who submitted a complete application on the first available examination deadline.

(d) Within thirty (30) days after receipt of an Application for Licensure, the Board shall notify the applicant whether the application is complete and the applicant is eligible for licensure or that the application is deficient and what specific information or documentation is required to complete the application.

§ 112 Processing Times

(a) The minimum, median, and maximum processing times for examination results from the time of receipt of a complete application until the Board makes a decision is set forth below.

Architect Registration Examination	California Supplemental Examination
Minimum -- 100 days	Minimum -- 120 days
Median -- 125 days	Median -- 150 days
Maximum -- 150 days	Maximum -- 165 days

These processing times apply to those candidates who initially submit a complete Application for Eligibility Evaluation or who submit a complete application on the filing deadline for the applicable examination and who take the first available examination.

(b) The minimum, median and maximum processing times for a license from the time of receipt of a complete application until the Board makes a decision is set forth below.

In-State Application	Reciprocity Application
Minimum -- 210 days	Minimum -- 150 days
Median -- 270 days	Median -- 180 days
Maximum -- 330 days	Maximum -- 210 days

These processing times apply to those candidates who initially submit a complete Application for Eligibility Evaluation or who submit a complete application on the first available examination deadline and who take and pass the first available examinations.

Article 3. Examinations

§ 116 Eligibility for Examination

This section shall apply to candidates who are not licensed architects and who are not eligible for reciprocity pursuant to Section 121.

(a) To be eligible for the Architect Registration Examination (ARE), a candidate shall meet one of the following requirements below and enroll in the Intern Development Program by establishing a Council Record with the National Council of Architectural Registration Boards:

(1) Have a degree in architecture accredited by the National Architectural Accrediting Board from a school of architecture as approved by the Board, or

(2) Have at least sixty (60) net months of architectural training and experience under the direct supervision of an architect in private practice or the equivalent as evaluated by the Board, or

(3) Have a combination of educational and experience credit as evaluated by the Board such as to total sixty (60) net months.

(b) (1) To be eligible for a California Supplemental Examination administered prior to January 1, 2005, a candidate shall have been granted Board credit for all required divisions of the ARE and have at least seven and one-half (7-1/2) net years of educational and/or experience credits as evaluated by the Board, of which at least one year of experience shall have been under the direct supervision of an architect(s) licensed in a United States jurisdiction.

(2) To be eligible for a California Supplemental Examination administered on or after January 1, 2005, a candidate shall have been granted Board credit for all required divisions of the ARE and have at least eight (8) net years of educational and/or experience credits as evaluated by the Board, of which at least one year of experience shall have been under the direct supervision of an architect(s) licensed in a United States jurisdiction granted at 100% credit or at least two years of experience under the direct supervision of an architect(s) registered in a Canadian province granted at 50% credit, including completion of the IDP/IAP requirement if applicable pursuant to Section 109.

§ 117 Experience Evaluation

The Board's evaluation of candidates' training and educational experience is based on the Board's Table of Equivalents as listed below.

The Table is comprised of four columns. Column A lists the types of experience for which credit may be granted. Columns B and C specify the maximum credit that may be granted to a candidate who was determined by the Board to be eligible for the Architect Registration Examination (ARE), the California Supplemental Examination, or licensure prior to January 1, 2005 and who is active in the examination process or to a candidate who is otherwise exempt from the IDP/IAP requirement specified in Section 116(b). Column D specifies the maximum credit that may be granted to a new or inactive candidate who was determined by the Board to be eligible for the ARE on or after January 1, 2005 and who is subject to the IDP/IAP requirement.

TABLE OF EQUIVALENTS

(a) Experience Equivalents:

COLUMN A	COLUMN B	COLUMN C	COLUMN D
Experience Description	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP Requirement
	Education Equivalents Max. Credit Allowed	Training and/or Practice Equivalents Max. Credit Allowed	Max. Credit Allowed
(1) A professional degree in architecture, where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB), or units toward such a degree.	5 years		5 years

Continued on next page

COLUMN A	COLUMN B	COLUMN C	COLUMN D
Experience Description	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP Requirement
	Education Equivalents Max. Credit Allowed	Training and/or Practice Equivalents Max. Credit Allowed	Max. Credit Allowed
(2) A professional degree in architecture, where the degree program has not been accredited by NAAB or CACB and the program consists of at least a five-year curriculum, or units toward such a degree.	4 years		4 years
(3) A four-year degree in architecture Baccalaureus Atrium (BA), Atrium Baccalaureus (AB), Bachelor of Science (BS), or units toward such a degree.	3½ years		3-1/2 years
(4) A degree from a school/college which has an NAAB-accredited or CACB-accredited professional degree program in architecture, where the degree could be accepted for entry into a two-year NAAB-accredited or CACB-accredited Master of Architecture program, or units toward such a degree.	3½ years		3-1/2 years
(5) A degree which consists of at least a four-year curriculum in a field related to architecture as defined in subsection (b)(6), or units toward such a degree.	2 years		2 years
(6) Any other university or college degree which consists of at least a four-year curriculum.	1 year		1 year
(7) (A) Any other city/community college degree which consists of at least a two-year curriculum.	6 months		6 months
(B) Any other city/community college degree or technical school certificate in a field related to architecture.	1 year		1 year
(8) Experience under the direct supervision of an architect(s) licensed in a United States jurisdiction shall be granted 100% credit.	5 years	3 years	5 years

Continued on next page

COLUMN A	COLUMN B	COLUMN C	COLUMN D
Experience Description	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP Requirement
	Education Equivalents Max. Credit Allowed	Training and/or Practice Equivalents Max. Credit Allowed	Max. Credit Allowed
(9) Certification by the National Council of Architectural Registration Boards (NCARB) shall be granted a maximum of eight years credit upon receipt in the Board office of the candidate's current and valid NCARB blue cover file, transmitted by NCARB.	5 years	3 years	8 years
(10) While a candidate is enrolled in a college or university, credit shall be granted:			
(A) 100% for experience obtained under the direct supervision of architect(s) licensed in the U.S.	1 year	or 1 year	1 year
(B) 50% for experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer and/or a licensed landscape architect licensed in a United States jurisdiction.		1 year	1 year
(C) 50% for experience as, or experience obtained under the direct supervision of, a California licensed general building contractor.		1 year	1 year
(D) 50% for experience as, or experience obtained under the direct supervision of, a California certified building official as defined in subsection (c)(7).		1 year	1 year
(E) 50% for experience as, or experience obtained under the direct supervision of, a foreign licensed architect licensed in the qualifying foreign country where the experience occurred.		1 year	1 year
Continued on next page			

COLUMN A	COLUMN B	COLUMN C	COLUMN D
Experience Description	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP Requirement
	Education Equivalents Max. Credit Allowed	Training and/or Practice Equivalents Max. Credit Allowed	Max. Credit Allowed
(11) Completion of the Intern Development Program (IDP) of the National Council of Architectural Registration Boards or the Intern Architect Program of Canada shall be granted a minimum of three years credit, upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB or documentation transmitted by a Canadian provincial architectural association, respectively.	2 years	3 years	5 years
(12)(A) Experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer, and/or a licensed landscape architect licensed in a United States jurisdiction shall be granted 50% credit.		2 years	2 years
(B) Experience as, or experience obtained under the direct supervision of, a California licensed general building contractor shall be granted 50% credit.		1 year	1 year
(C) Experience as, or experience obtained under the direct supervision of, a California certified building official as defined in subsection (c)(7) shall be granted 50% credit.		1 year	1 year
(13) Experience as a licensed architect practicing in another U.S. jurisdiction with a verified record of substantial architectural practice shall be granted 100% credit.		8 years	8 years
(14)(A) A post professional degree in architecture or with an emphasis on architecture consisting of a Master, Master of Science, or Ph.D. degree, or units toward such a degree, or Continued on next page		1 year	1 year

(B) Teaching and/or research in NAAB-accredited or CACB-accredited architectural curriculums shall be granted 100% credit only for those hours worked if verified by the college or university.		1 year	1 year
(15)(A) Experience under the direct supervision of an architect licensed in the qualifying foreign country where the experience occurred shall be granted 50% credit.	5 years	2 years	5 years
(B) Experience as a foreign licensed architect licensed in the qualifying foreign country with a verified record of substantial architectural practice shall be granted 50% credit.	5 years	2 years	5 years

(b) Education Equivalents:

"Education equivalents" shall mean Table categories (a)(1) through (a)(9), (a)(10)(A), (a)(11), (a)(13), and (a)(15)(A) and (B).

(1) For the purposes of this section, NAAB shall refer to the National Architectural Accrediting Board, and CACB shall refer to the Canadian Architectural Certification Board.

(2) A "professional degree program" shall be defined as one of the following types of programs: 1. Bachelor of Architecture, five-year program; 2. Bachelor of Architecture for individuals with a prior degree; 3. Master of Architecture, four-year undergraduate program in architecture plus a two-year graduate program in architecture; 4. Master of Architecture, four-year undergraduate program in another discipline plus a three-year graduate program in architecture.

(3) Where a candidate is seeking education equivalents for having obtained a professional degree or units towards such a degree from an NAAB-accredited or CACB-accredited program, he or she shall be eligible for such credit if such program is or was accredited by NAAB or CACB either at the time of graduation or within two years after the date of graduation or termination of enrollment.

(4) Credit allowed for units obtained without a degree shall only be computed within the categories of subsections (a)(1) through (5) or (a)(14)(A) of this section. No credit for units obtained under subsections (a)(6) or (7) shall be recognized unless such units have been transferred to and accepted by a school within subsections (a)(1) through (5) of this section.

(5) Academic units based on the categories specified in subsections (a)(1) through (5) or (a)(14)(A) of this section shall be evaluated up to the maximum allowed for that subsection. Where a candidate has not obtained a degree, the maximum credit allowed for the categories contained in subsections (a)(1) through (5) or (a)(14)(A) shall be six months less than the maximum credit that would have been granted if the candidate had obtained a degree in that category. Fractions greater than one-half of an academic year shall be counted as one-half of a year and smaller fractions will not be counted. 30 semester units or 45 quarter units is considered to be one academic year.

(6) Degrees in a field related to architecture shall be evaluated under subsection (a)(5) and defined as the following: Architectural Design; Architectural Engineering; Architectural Studies; Architectural Technology; Building Science; City and Regional Planning; Civil, Mechanical, Structural, or Electrical Engineering; Construction Engineering; Construction Management; Environmental Design; Interior Architecture; Landscape Architecture; and Urban and Regional Design.

(7) (A) Experience obtained as, or experience obtained under the direct supervision of, a licensed professional as defined in subsections (a)(8), (a)(12), and (a)(15)(A) or (B) while a candidate is enrolled in a college or university shall be allowed maximum credit for educational/training equivalents of 1 year as defined in subsections (a)(10)(A) through (E). A candidate who obtains experience under the direct supervision of a licensed professional as defined in subsections (a)(8), (a)(12), and (a)(15)(A) or (B) while enrolled in a college or university shall have his/her education and/or experience evaluated according to the method which provides the candidate the most credit.

(B) A candidate enrolled in a degree program where credit earned is based on work experience courses (i.e., internship or co-op programs) shall not receive more than the maximum credit allowed for degrees earned under subsections (a)(1) through (7).

(C) A candidate who is certified as having completed the requirements of IDP, as referenced in section 109(b)(2), based upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB, is exempt from the provisions of subsection (b)(7)(B) relating to maximum credit allowed for degrees where credit is earned based on work experience courses.

(8) A candidate who possesses a degree and possesses units from more than one college or university shall have the degree evaluated first prior to evaluating additional education credits.

(9) A candidate with multiple degrees shall not be able to accumulate credit for more than one degree unless he or she has received one professional degree in architecture and one post professional degree in architecture or with an emphasis on architecture as specified in subsection (a)(14)(A). Otherwise, the degree that receives the most credit as determined by subsection (a) shall take priority over any other degree.

(10) A candidate who possesses a professional degree and also possesses a post professional degree in architecture or with an emphasis on architecture as specified in subsection (a)(14)(A) shall be granted one additional year credit for the post professional degree.

(11) Degrees from a foreign college or university shall be granted credit, as determined by the applicable category contained in subsections (a)(1) through (7). A transcript(s) certified by the college or university must be evaluated by NAAB or an educational evaluation service, approved by the National Association of Credential Evaluation Services, Inc. (NACES) equating the degree toward a comparable U.S. degree. Any cost of evaluation shall be the responsibility of the candidate. Professional degrees accredited by CACB shall be accepted by the Board and shall not be required to be evaluated by NAAB or an NACES education evaluation service equating the degree toward a comparable U.S. degree.

(12) Units from a foreign college or university shall be granted credit, as provided for in the applicable category contained in subsections (a)(1) through (5) upon submission of a transcript(s) certified by the college or university. These certified documents must be evaluated by NAAB or an NACES educational evaluation service equating the units toward a comparable U.S. degree. Any cost of evaluation shall be the responsibility of the candidate. Professional degrees accredited by CACB shall be accepted by the Board and shall not be required to be evaluated by NAAB or an NACES education evaluation service equating the degree toward a comparable U.S. degree.

(c) Training Equivalents:

"Training equivalents" shall mean Table categories (a)(8) through (a)(15).

(1) Candidates shall be at least 18 years of age or a high school graduate before they shall be eligible to receive training credit for work experience.

(2) Except as provided below, work experience shall be granted training credit only when:

(a) The supervising professional is licensed in a United States jurisdiction or a Canadian province and the work experience is obtained or project is located in a United States jurisdiction or Canadian province, or

(b) The supervising professional is licensed in a qualifying foreign country where the work experience is obtained or project is located.

Training credit shall be granted for work experience obtained under the authority of or on the property of the United States Federal Government when the work experience is obtained as or under the direct supervision of a licensed professional as defined in subsections (a)(8), (a)(12)(A), and (a)(13).

The term "qualifying foreign country" shall mean a foreign country whose standards and qualifications for issuing a license to practice architecture are equivalent to those required in this state.

(3) Employment shall be considered on the basis of a calendar month of 40-hour work weeks. Credit may be given for overtime.

(4) Every candidate shall earn at least one year of training credit for experience as or under the direct supervision of an architect(s) licensed in a United States jurisdiction granted at 100% credit or at least two years of experience under the direct supervision of an architect(s) registered in a Canadian province granted at 50% credit.

(5) Any combination of credit received under subsections (a)(10)(B) and (a)(12)(A) shall not exceed the two years maximum credit allowed for experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer and/or a licensed landscape architect licensed in a United States jurisdiction. Any combination of credit received under subsections (a)(10)(C) and (a)(12)(B) shall not exceed the one year maximum credit allowed for experience as, or experience obtained under the direct supervision of, a California licensed general building contractor. Any combination of credit received under subsections (a)(10)(D) and (a)(12)(C) shall not exceed the one year maximum credit allowed for experience as, or experience obtained under the direct supervision of, a California certified building official. Any combination of credit received under subsections (a)(10)(E) and (a)(15)(A) or (B) shall not exceed the maximum credit allowed for experience as, or experience

obtained under the direct supervision of, a foreign licensed architect licensed in the qualifying foreign country where the experience occurred. A candidate cannot exceed two years maximum credit in any combination under subsections (a)(10)(B) through (D) and (a)(12)(A) through (C).

(6) Experience under the supervision of a "responsible managing officer" operating under a corporate contractor license shall qualify as experience under subsection (a)(12)(B) and shall be verified by the responsible managing officer of that corporation.

(7) For the purpose of this section, a California certified building official shall be as defined by Section 18949.27 of the Health and Safety Code as an individual who is certified in accordance with or otherwise exempt from Chapter 7, Part 2.5 of Division 13 (commencing with Health and Safety Code Section 18949.25).

(8) The entry point for IDP shall be as defined in NCARB's *Intern Development Program Guidelines,* as referenced in section 109(b)(2).

(d) Practice Equivalents:

"Practice equivalents" shall mean Table categories (a)(8) through (a)(15).

(1) Practice credits for experience as a licensed architect, registered civil and/or structural engineer, California licensed general building contractor, licensed landscape architect, or certified California building official may be accumulated only after initial registration, licensure or certification by a licensing authority of a political jurisdiction.

(2) A candidate verifying his or her experience as a licensed architect, registered civil and/or structural engineer, California licensed general building contractor, licensed landscape architect, or certified California building official shall complete an Employment Verification Form (19C-12)(3/2006) available from the Board on his or her own behalf, submit proof of licensure, registration, or certification, and attach a list of projects for the time period covered. The list shall include the names and addresses of the clients, type of projects, construction costs, date project was started, date of completion, and all services provided by the candidate.

(e) Miscellaneous Information:

(1) Independent, non-licensed practice or experience, regardless of claimed coordination or liaison with licensed professionals, shall not be granted credit.

(2) Training experience under subsections (a)(10)(B) through (D), (a)(12), or (a)(14) can only be accumulated after the candidate has obtained credit for at least the five years of educational equivalents as evaluated by the Board. Candidates who are certified as having completed the requirements of IDP as referenced in section 109(b)(2), based upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB, or IAP, as referenced in section 109(b)(2), based upon receipt in the Board office of documentation transmitted by a Canadian provincial architectural association, are exempt from this requirement for their IDP/IAP training units.

§ 118 Time and Place of Examination

Examinations shall be held at such times and places as may be determined by the board.

§ 118.5 Examination Transfer Credit

A candidate who is not a licensed architect and who has passed an examination prepared by NCARB or divisions thereof in another United States or Canadian jurisdiction shall be entitled to receive Board credit, in accordance with sections 119, 119.5, and 119.6, for those examination sections or divisions as they correspond to the ARE divisions.

§ 119 Written Examination—Transition Plan

Effective January 1, 1987, all candidates for licensure as an architect shall pass all sections of the California architectural licensing examination, subject to the following provisions:

(a) Candidates who have previously received Board credit for any section of the Qualifying test or the Professional examination or division of the Architect Registration Examination (ARE) shall be given credit for those sections/divisions as these sections/divisions correspond to the 1987 California architectural licensing examination sections in accordance with the following transition chart:

PREVIOUS SECTIONS PASSED PROFESSIONAL EXAMINATION/ QUALIFYING TEST	CREDIT TO ARE DIVISIONS
Professional Examination, Section B, Part I & II	Division A
Professional Examination, Section A, (Design/Site)	Division B and C
Professional Examination, Section B, Part III	Division D, E, F, G, & H
Qualifying Test, Section B	Division D, E, & F
Qualifying Test, Section D	Division G
Qualifying Test, Section C	Division H
Professional Examination, Section B, Part IV	Division I

PREVIOUS DIVISION PASSED - ARE	CREDIT TO 1987 CALIFORNIA EXAM SECTIONS
Division A	Section 7
Division B	Section 8
Division C	Section 9
Division D	Section 1
Division E	Section 2
Division F	Section 3
Division G	Section 4
Division H	Section 5
Division I	Section 6

§ 119.5 1989 and 1990 Transition Plan

(a) Effective January 1, 1989, Section 1 - "General Structures" and Section 3 - "Long Span," of the California architectural licensing examination shall be combined into a single section entitled "Section 1-Structural Systems."

A candidate who has not received Board credit for Sections 1 and 3 of the 1987 or 1988 California architectural licensing examination shall be required to pass Section 1 - "Structural Systems" of the 1989 California architectural licensing examination.

A candidate who has received Board credit on the 1987 or 1988 California architectural licensing examination shall be given credit on the 1989 California architectural licensing examination in accordance with the following transition table:

PREVIOUS SECTIONS PASSED 1987/1988 CALIFORNIA EXAM	CREDIT TO 1989 CALIFORNIA EXAM
Section 1	No Credit
Section 2	Section 2
Section 3	No Credit
Section 4	Section 4
Section 5	Section 5
Section 6	Section 6
Section 7	Section 7
Section 8	Section 8
Section 9	Section 9
Section 1 and 3	Section 1

(b) Effective January l, 1990, the California architectural licensing examination shall consist of nine separate divisions. A candidate who has passed portions of the l989 California architectural licensing examination shall receive credit in accordance with the following transition table:

PREVIOUS SECTIONS PASSED 1989 CALIFORNIA EXAM	CREDIT TO 1990 CALIFORNIA EXAM AND THEREAFTER
Section 1	Division D/F
Section 2	Division E
Section 3	Not Applicable
Section 4	Division G
Section 5	Division H
Section 6	Division I
Section 7	Division A
Section 8	Division B.1 (Written) Division B.2 (Graphic)
Section 9	Division C (Graphic)

(c) Effective January 1, 1990, a candidate who has passed all or portions of either the 1987, 1988, or 1989 Architect Registration Examination (ARE) as prepared by the NCARB, shall be given corresponding credit for those sections of the 1987, 1988 or 1989 California architectural licensing examination in accordance with the following transition tables:

PREVIOUS DIVISIONS PASSED 1987 ARE	CREDIT TO 1987 CALIFORNIA EXAM SECTIONS
Division A	Section 7
Division B	Section 8
Division C	Section 9
Division D	Section 1
Division E	Section 2
Division F	Section 3
Division G	Section 4
Division H	Section 5
Division I	Section 6

PREVIOUS DIVISIONS PASSED 1988 ARE	CREDIT TO 1988 CALIFORNIA EXAM SECTIONS
Division A	Section 7
Division B.1 (Written)	Section 8
Division B.2 (Graphic)	Section 8
Division C (Graphic)	Section 9
Division D/F	Sections 1 & 3
Division E	Section 2
Division G	Section 4
Division H	Section 5
Division I	Section 6

PREVIOUS DIVISIONS PASSED 1989 ARE	CREDIT TO 1989 CALIFORNIA EXAM SECTIONS
Division A	Section 7
Division B.1 (Written)	Section 8
Division B.2 (Graphic)	Section 8
Division C (Graphic)	Section 9
Division D/F	Section 1
Division E	Section 2
Division G	Section 4
Division H	Section 5
Division I	Section 6

To receive credit for Section 8 of the 1988 or 1989 California architectural licensing examination, a candidate shall have passed both Division B.1 and Division B.2 of the 1988 or 1989 ARE.

§ 119.6 Computer-Based Examination Transition Plan

(a) Commencing with the first administration of the computer-based Architect Registration Examination (ARE) in February 1996, Division B1: Site Design (Written) and Division B2: Site Design (Graphic) of the California architectural licensing examination shall be combined into a single division entitled "Division B: Site Design."

A candidate who has passed Division B: Site Design of the computer-based ARE during the February 1996 Field Test shall be given Board credit for both

Division B1: Site Design (Written) and Division B2: Site Design (Graphic) of the California architectural licensing examination.

(b) Commencing with the implementation of the computer-based ARE in February 1997, Division B: Site Design shall be entitled "Site Planning."

Effective July 1, 1996, a candidate who has not received Board credit for both Division B1: Site Design (Written) and Division B2: Site Design (Graphic) of the California architectural licensing examination by June 30, 1996 shall be required to pass the Site Planning division of the computer-based ARE.

(c) Commencing with the implementation of the computer-based ARE in February 1997, Division C: Building Design shall be separated into two divisions entitled "Building Planning" and "Building Technology."

Effective November 1, 1996, a candidate who has not received Board credit for Division C: Building Design of the California architectural licensing examination by June 30, 1996 shall be required to pass both the Building Planning and Building Technology divisions of the computer-based ARE.

(d) Commencing with the implementation of the computer-based ARE in February 1997, the titles of the divisions of the ARE shall be revised to those listed on the following transition table.

Effective July 1, 1996, a candidate who has received Board credit on the 1990-1996 California architectural licensing examination shall be given Board credit on the computer-based ARE in accordance with the following transition table:

PREVIOUS DIVISIONS PASSED 1990-1996 CALIFORNIA EXAM	CREDIT TO 1997 COMPUTER-BASED ARE AND THEREAFTER
Division A	Pre-Design
Division B1	No Credit
Division B2	No Credit
Division C	Building Planning and Building Technology
Division D/F	General Structures
Division E	Lateral Forces
Division G	Mechanical & Electrical Systems
Division H	Building Design/Materials & Methods
Division I	Construction Documents and Services
Divisions B1 and B2	Site Planning

§ 119.7 Examination Transition Plan – ARE 3.1 to ARE 4.0

(a) Effective July 1, 2008, all candidates for licensure as an architect who have not passed at least one division of the Architect Registration Examination Version 3.1 (ARE 3.1) will be required to take and pass all divisions of Architect Registration Examination Version 4.0 (ARE 4.0) and versions thereafter.

(b) Effective July 1, 2008, all candidates for licensure as an architect who have passed at least one division of ARE 3.1 will have until June 30, 2009 to pass all remaining divisions of ARE 3.1.

(c) Effective July 1, 2009, candidates for licensure as an architect who have not passed all divisions of ARE 3.1 by June 30, 2009 will be required to transition to ARE 4.0 and versions thereafter.

Candidates who are required to transition from ARE 3.1 to ARE 4.0 will be required to take and pass divisions of ARE 4.0 in accordance with the following transition chart:

Divisions Not Passed in Version 3.1	Divisions Required for Version 4.0
Pre-Design	Programming Planning & Practice
General Structures	Structural Systems
Lateral Forces	Structural Systems
Mechanical & Electrical Systems	Building Systems
Building Design/Materials & Methods	Building Design & Construction Systems
Construction Documents & Services	Construction Documents & Services
Site Planning	Programming Planning & Practice Site Planning & Design
Building Planning	Schematic Design
Building Technology	Building Design & Construction Systems Building Systems Construction Documents & Services Structural Systems

§ 120 Re-Examination

(a) Prior to January 1, 2006, candidates for the Architect Registration Examination (ARE) shall receive credit for each division passed and shall be required to retake only those divisions of the ARE previously failed. Credit for divisions passed prior to January 1, 2006 shall be retained.

(b) Effective January 1, 2006, candidates for the Architect Registration Examination (ARE) shall receive conditional credit for each division passed and shall be required to retake only those divisions of the ARE previously failed or those divisions passed on or after January 1, 2006 for which the conditional credit has expired. Conditional credit shall remain valid for five years after the date the division was passed for which conditional credit was granted. Conditional credit shall become full credit only if the conditional credit is within its five-year period of validity and the candidate has passed all remaining divisions of the ARE. Candidates who have received full credit for all divisions of the ARE shall be deemed to have passed the ARE.

(c) A candidate who has failed a division of the ARE or who has failed to appear for a scheduled division of the ARE shall not be permitted to take any subsequent divisions of the ARE unless he or she has reapplied properly to NCARB or its authorized representative for the division(s).

(d) A candidate who has failed a division of the ARE shall not be permitted to reapply to NCARB or its authorized representative for that previously failed division within six (6) months after the date that the candidate last failed the division.

§ 121 Form of Examinations; Reciprocity

All candidates for an architectural license shall be required to take and successfully complete the Architect Registration Examination (ARE) and the California Supplemental Examination subject to the following provisions:

(a) (1) A candidate who is licensed as an architect in another United States jurisdiction, (i.e., state, territory or possession of the United States) either by having passed a written architectural licensing examination administered by that United States jurisdiction on or before January 1, 1966 and who has engaged in the practice of architecture as a licensed architect for five or more years in one or more United States jurisdiction or by having passed an examination prepared by the National Council of Architectural Registration Boards (NCARB), comparable to the ARE (as determined by the Board), shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

(2) A candidate shall prior to licensure (1) complete IDP or IAP, as referenced in section 109(b)(2); or (2) submit to the Board (A) proof of licensure in another U.S. jurisdiction, (B) an Employment Verification Form on his or her own behalf documenting three years of architectural practice as a licensed architect in another U.S. jurisdiction, and (C) documentation of five years of education equivalents. Both documents referred to in the preceding sentence are hereby incorporated by reference. A candidate who holds a current and valid Certification by NCARB shall be exempt from the IDP/IAP requirement and the requirement to submit items (A) through (C) prescribed in this subdivision upon receipt in the Board office of the candidate's current and valid NCARB blue cover Certification file transmitted by NCARB.

(b) (1) A candidate who is registered as an architect in a Canadian province and who holds a current and valid Certification issued by the National Council of Architectural Registration Boards shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

(2) A candidate who is registered as an architect in the United Kingdom and who holds a current and valid Certification issued on or before December 31, 1996 by the National Council of Architectural Registration Boards shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

(3) A candidate who is registered as an architect in a foreign country and who holds a current and valid Certificate issued by the National Council of Architectural Registration Boards obtained by completing the Broadly Experienced Foreign Architect Program shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

§ 122 Examinations; Waivers

Those applicants who had unsuccessfully attempted and were only required to complete the graphic design section of the Qualifying test shall have until June 30, 1982 to pass the graphic design section or the equivalent thereof in order to receive credit for the Qualifying test.

§ 122.5 Refund of Fees

If the board determines that a candidate is not eligible for any of the applicable examination or sections thereof for which he or she has applied, the examination fee submitted shall be refunded to such candidate.

§ 124 California Supplemental Examination

(a) The California Supplemental Examination shall consist of an examination covering the practice of architecture.

(b) A candidate who has been deemed eligible for the California Supplemental Examination, pursuant to Section 116(b)(2) of these regulations, shall submit the applicable fee and application, as provided by the Board.

(c) A candidate who fails the California Supplemental Examination shall be allowed to retake the examination only after reapplying with the Board, as prescribed above.

(d) A candidate who fails the California Supplemental Examination may not retake the examination for at least 180 days from the date that the candidate took the examination that he or she failed.

(e) Effective January 1, 1991, where a candidate who has been found to be deficient in an area or areas of the California Supplemental Examination, such candidate shall be required to reappear for another complete California Supplemental Examination.

(f) A candidate who has received Board credit for any individual section(s) of the California Supplemental Examination but who has not passed that exam as of January 1, 1991, shall be required to pass the California Supplemental Examination as administered after January 1, 1991.

§ 124.5 Review of California Supplemental Examination

(a) A candidate who has failed the California Supplemental Examination may apply to the Board for review. The Board's review shall be limited to situations where a candidate has alleged that he or she was significantly disadvantaged due to a significant procedural error in or adverse environmental conditions during the exam administration.

(b) A request for review and all supporting documentation shall be filed with the Board within 30 days after the date on which the examination result was mailed to the candidate. A request for review shall be made in writing and shall set forth the grounds for review and all of the specific facts or circumstances and how those facts or circumstances constitute the basis for review.

(c) Examination materials shall not be released to or reviewed by any candidate.

(d) Within 30 days after the Board has rendered a decision on a candidate's request for review, the candidate will be notified in writing of the Board's decision. In acting on requests for review, the Board may take such action as it deems appropriate, provided that such action shall not include the reversal of a failing score.

§ 124.7 Expired License; California Supplemental Examination

An individual whose architect license has been expired for more than five years shall apply for a new license pursuant to Section 5600.3 of the code. Except as provided for in subdivision (a) of Section 5600.3, all such individuals shall be examined by the Board. In the examination of the applicant, the Board may waive all or portions of the Architect Registration Examination, but shall require the applicant to pass the California Supplemental Examination specified in Section 124.

Article 5. Miscellaneous

§ 134 Use of the Term Architect; Responsible Control within Business Entity

(a) Use of the Term Architect: It shall be unlawful for any person to use a business name that includes as part of its title or description of services the term "architect," "architecture," or "architectural," or any abbreviations or confusingly similar variations thereof, unless that person is a business entity wherein an architect is: (1) in management control of the professional services that are offered and provided by the business entity; and, (2) either the owner, a part-owner, an officer or an employee of the business entity.

(b) Responsible Control within Business Entity: Where a person uses a business name that includes as part of its title or description of services the term "architect," "architecture," or "architectural," or any abbreviations or confusingly similar variations thereof, all of the professional services offered and provided by that person are to be offered and provided by or under the responsible control of an architect.

(c) Definitions of Terms Used in this Section:

(1) The term "professional services" shall be given the same meaning as defined in Business and Professions Code section 5500.1.

(2) The term "management control" shall mean general oversight of the professional services offered and provided by the business entity.

(3) The term "responsible control" shall be given the same meaning as defined in Business and Professions Code section 5535.1.

(4) The term "business entity" shall mean any sole proprietorship, firm, corporation, partnership, limited liability partnership, or alliance formed by written agreement to practice architecture including on a single project or on a series of projects.

(5) The term "person" shall be given the same meaning as defined in Business and Professions Code section 5535.

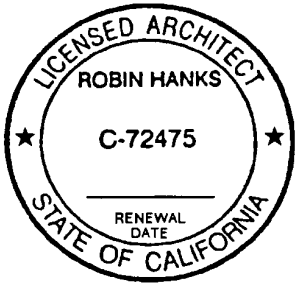
(6) The term "architect" shall be given the same meaning as defined in Business and Professions Code section 5500.

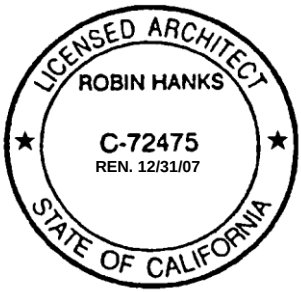
§ 136 Stamp

(a) The stamp authorized for use by architects by section 5536.1 of the code may be purchased from any source. It shall be circular in shape and shall be not less than one (1) inch in diameter and not more than two (2) inches in diameter. The stamp shall be of a design similar to those shown below and shall bear at minimum those elements specified in section 5536.1(b) of the Code.

(b) The stamp shall not be of the embossing type.

(c) The license renewal date shall be shown on the stamp by either leaving a space on the stamp where the architect shall write his or her renewal date or having the license renewal date printed on the stamp.





REN. Refers to Renewal Date

§ 137 Public Information Disclosure

(a) The Board shall establish and maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed architects and unlicensed persons subject to the Board's jurisdiction and Chapter 3, Division 3 of the Code (commencing with section 5500). Such a system shall also provide the public with information regarding the licensed status of the Board's licensees.

Information subject to the public information system shall be disclosed to members of the public, upon request, by telephone, in person, or in writing (including fax or email). Such information, when feasible and to the extent required or permitted by law, shall be made available by the Board in writing or by telephone. Requests for information shall be responded to within ten (10) days.

(b) Information to be Disclosed Regarding License Status.

The Board shall disclose the following information regarding past and current licensees:

(1) The name of the licensee, as it appears in the Board's records;

(2) The license number;

(3) The address of record;

(4) The license issue date;

(5) The license expiration date; and

(6) The license status and history.

(c) Information to be Disclosed Regarding Disciplinary or Enforcement Action.

Unless otherwise required by law, the Board shall disclose the following information regarding disciplinary or enforcement actions taken against licensees and unlicensed persons, if applicable:

(1) Total number of disciplinary and enforcement actions taken by the Board;

(2) Brief summary of disciplinary and enforcement actions taken by the Board; Citations that have been satisfactorily resolved shall be disclosed as such;

(3) Current status of pending Accusations, Statements of Issues, and Citations filed by the Board; disclosure of pending actions shall contain a disclaimer stating that the pending administrative action(s) against the person is/are alleged and no final legal determination has yet been made;

further disclaimers or cautionary statements regarding such pending actions may also be made; and

(4) Information which is statutorily mandated to be disclosed.

(d) Information to be Disclosed Regarding Complaints.

(1) The Board shall disclose complaint information when the executive officer has determined that:

(A) The complaint information has a direct and immediate relationship to the health and safety of another person; and

(B) One or more of the following have occurred:

1. A complaint involves a dangerous act or condition caused by the subject of the complaint that has or could result in a death, bodily injury or severe consequences and disclosure may protect the consumer and/or prevent additional harm to the public;

2. A series of complaints against a party alleging a pattern of unlawful activity has been received by the Board and it has been determined that disclosure may protect the consumer and/or prevent additional harm to the public;

3. A complaint has been referred to the Attorney General for filing of an Accusation or Statement of Issues; or

4. A complaint has been referred to other law enforcement entity for prosecution.

Complaint information that is determined to meet the conditions of disclosure listed in subsection (d)(1) shall be incorporated into the public information system no later than ten (10) days after the conditions of disclosure have been met.

(2) Information about a complaint shall not be disclosed if it is determined by the executive officer that any of the following apply:

(A) Disclosure is prohibited by statute or regulation;

(B) Disclosure might compromise an investigation or prosecution; or

(C) Disclosure might endanger or injure the complainant or third party.

(3) When conditions of disclosure have been met, the Board shall disclose the following information regarding complaints received against licensees and unlicensed persons, if applicable:

(A) Total number of complaints meeting conditions of disclosure;

(B) Date(s) of receipt and nature of the complaint(s);

(C) Disposition of the complaint(s), by indicating whether the matter has been:

1. Referred to formal disciplinary action;

2. Disposed of through any other action, formal or informal; or

3. Other disposition;

(D) Information which is statutorily mandated to be disclosed;

(E) Current status of criminal prosecution resulting from a complaint received by the Board;

(F) A description of the type of public information not included in the system (i.e., civil judgments, criminal convictions, unsubstantiated complaints); and

(G) Disclaimers indicating that the system does not constitute endorsement or non-endorsement of a person, and that the system may not contain all available information.

Article 6. Certificates

§ 139 Issuance of Duplicate Certificates

Upon the submission of an affidavit by an architect verifying that his original certificate has been lost, destroyed or mutilated, and upon the payment of the fee as prescribed in Section 144, the Board shall issue a certificate marked "DUPLICATE."

§ 140 Notification of Licensure to Clients

Every licensee shall provide notice to the licensee's clients of the fact that the licensee is currently licensed by the Board. Notice shall be provided by any of the following methods:

(a) Displaying his or her license in a public area of the principal place of practice where the licensee provides the licensed service.

(b) Providing a statement to each client to be signed and dated by the client and retained in the architect's records, that states the client understands the architect is licensed by the California Architects Board.

(c) Including a statement that the licensee is licensed by the California Architects Board either on letterhead or on a contract for services.

(d) Posting a notice in a public area of the principal place of practice where the licensee provides the licensed service that states the named licensee is licensed by the California Architects Board.

Article 7. Fees

§ 144 Fees

Pursuant to Section 5604 of the code, the following fees are fixed by the Board effective January 1, 2011.

(a) The application fee for reviewing a candidate's eligibility to take any or all division(s) of the Architect Registration Examination (ARE) is one hundred dollars ($100) for applications submitted on or after July 1, 1999.

(b) The application fee for reviewing a reciprocity candidate's eligibility to take the California Supplemental Examination is thirty-five dollars ($35).

(c) The fee for the California Supplemental Examination is one hundred dollars ($100).

(d) The fee for an original license is three hundred dollars ($300). If the license is issued less than one year before the date on which it will expire, the fee is one hundred fifty dollars ($150).

(e) The biennial renewal fee commencing with the renewal period which begins on or after January 1, 2011 shall be three hundred dollars ($300).

(f) The delinquency fee is one hundred dollars ($100).

(g) The fee for a duplicate certificate is fifteen dollars ($15).

Article 8. Disciplinary Proceedings

§ 150 Willful Misconduct

Willful misconduct includes the violation by an architect of a provision of the agreement with a client if:

(1) the architect has full knowledge that the conduct or omission is a violation of the agreement, and

(2) the architect has made no reasonable effort to inform the client of the conduct or omission.

§ 151 Aiding and Abetting

(a) For purposes of Sections 5582 and 5582.1 of the code, aiding and abetting takes place when a California licensed architect signs any instrument of service which has been prepared by any person who is not:

(1) a California licensed architect or civil engineer or structural engineer, or

(2) a subordinate employee under his/her immediate and responsible direction, or

(3) an individual, who is associated by written agreement with the architect and who is under the architect's immediate and responsible direction as described in subsection (b) of this section.

(b) The requirements of "immediate and responsible direction" as used in this section shall be deemed to be satisfied when the architect:

(1) instructs the person described in subsection (a) of this section, in the preparation of instruments of service, and

(2) the architect has exercised the same judgment and responsibility in reviewing all stages of the design documents and other phases of the work as required by law, and which would normally be exercised if he/she personally performed the required tasks.

§ 152 Citations

(a) The Board's executive officer is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to sections 125.9 or 148 of the code against an architect or an unlicensed person who has committed any acts or omissions which are in violation of the Architects Practice Act or any regulation adopted pursuant thereto.

(b) A citation shall be issued whenever any order of abatement is issued or any fine is levied. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statutes or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

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

(1) Class "A" violations are violations which the executive officer has determined involve an unlicensed person who has violated Business and Professions Code section 5536, including but not limited to, acting in the capacity of or engaged in the practice of architecture. A class "A" violation is subject to an administrative fine in an amount not less than seven hundred and fifty dollars ($750) and not exceeding two thousand five hundred dollars ($2,500) for each and every violation.

(2) Class "B" violations are violations which the executive officer has determined involve either a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has caused physical damage to a structure or building or to real property or monetary damage to a client or member of the public or a person who has committed a class "C" violation and has one or more prior, separate class "C" violations. A class "B" violation is subject to an administrative fine in an amount not less than one thousand dollars ($1,000) and not exceeding two thousand five hundred dollars ($2,500) for each and every violation.

(3) Class "C" violations are violations which the executive officer has determined involve a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has not caused either the death or bodily injury to another person or physical damage to a structure or building or to real property or monetary damage to a client or a member of the public. A class "C" violation is subject to an administrative fine in an amount not less than two hundred and fifty dollars ($250) and not exceeding one thousand dollars ($1,000) for each and every violation.

(d) In assessing the amount of an administrative fine, the executive officer shall consider the following criteria:

(1) The good or bad faith exhibited by the cited person.

(2) The nature and severity of the violation.

(3) Evidence that the violation was willful.

(4) History of violations of the same or similar nature.

(5) The extent to which the cited person has cooperated with the board's investigation.

(6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.

(7) Such other matters as justice may require.

(e) Notwithstanding the administrative fine amounts specified in subsection (c), a citation may include a fine between $2,501 and $5,000 if one or more of the following circumstances apply:

(1) The citation involves a violation that has an immediate relationship to the health and safety of another person.

(2) The cited person has a history of two or more prior citations of the same or similar violations.

(3) The citation involves multiple violations that demonstrate a willful disregard of the law.

(4) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.

(f) The sanction authorized under this section shall be separate from, and in addition to, any other civil or criminal remedies.

§ 152.5 Contest of Citations, Informal Conference

(a) In addition to requesting an administrative hearing as provided for in subdivision (b)(4) of section 125.9 of the code, the cited person may request an informal conference to review the acts charged in the citation. A request for an informal conference shall be made in writing, within ten (10) days after service of the citation, to the executive officer.

(b) The executive officer shall hold, within sixty (60) days from the receipt of the request, an informal conference with the cited person. At the conclusion of the informal conference, the executive officer may affirm, modify or dismiss the citation, including any fine levied, order of abatement or order of correction issued. The executive officer shall state in writing the reasons for his or her action and transmit a copy of his or her findings and decision to the cited person.

Unless an administrative hearing as provided for in subdivision (b)(4) of section 125.9 of the code was requested in a timely manner, an informal conference decision which affirms the citation shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement or order of correction.

(c) If the citation, including any fine levied or order of abatement or correction, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If the cited person desires a hearing to contest the new citation, he or she shall make a request in writing, within thirty (30) days of receipt of the informal conference decision, to the executive officer. The hearing shall be conducted as provided for in subdivision (b)(4) of section 125.9 of the code.

A cited person may not request an informal conference for a citation which has been modified following an informal conference.

§ 153 Dwellings

(a) For the purposes of subdivision (a) of Section 5537 of the code, the term "single family dwelling" shall mean a free standing unattached dwelling of woodframe construction not more than two stories and basement in height. Such a single family dwelling shall not share any common building components, including, but limited to, foundations, roofing and structural systems, with any other structure or dwelling.

(b) For purpose of subdivision (a) of Section 5537 of the Code, the term" multiple dwellings" shall mean a structure composed of no more than four attached dwelling units which share any common building components including, but not limited to, foundations, roofing and structural systems. Such multiple dwelling units shall be of woodframe construction and not more than two stories and basement in height.

§ 154 Disciplinary Guidelines

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" [2000] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Article 9. Professional Conduct

§ 160 Rules of Professional Conduct

A violation of any rule of professional conduct in the practice of architecture constitutes a ground for disciplinary action. Every person who holds a license issued by the Board shall comply with the following:

(a) Competence:

(1) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(2) In addition to subsection (a)(1) above, 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.

(b) Willful Misconduct:

(1) In designing a project, an architect shall have knowledge of all applicable building laws, codes, and regulations. An architect may obtain the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations and shall not knowingly design a project in violation of such laws, codes and regulations.

(2) Whenever the Board is conducting an investigation, an architect or a candidate for licensure shall respond to the Board's requests for information and/or evidence within 30 days of the date mailed to or personally delivered on the architect or a candidate for licensure.

(c) Conflict of Interest:

(1) An architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all such parties.

(2) If an architect has any business association or financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or financial interest. If the client(s) or employer(s) object(s) to such association or financial interest, the architect shall either terminate such association or interest or offer to give up the project or employment.

(3) An architect shall not solicit or accept payments, rebates, refunds, or commissions whether in the form of money or otherwise from material or equipment suppliers in return for specifying their products to a client of the architect.

(4) An architect shall not engage in a business or activity outside his or her capacity as an officer, employee, appointee, or agent of a governmental agency knowing that the business or activity may later be subject, directly or indirectly to the control, inspection, review, audit, or enforcement by the architect.

(5) When acting as the interpreter of construction contract documents and the judge of construction contract performance, an architect shall endeavor to secure faithful performance of all parties to the construction contract and shall not show partiality to any party.

(d) Full Disclosure:

(1) An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with projects or services for which he or she is claiming credit.

(2) An architect shall respond in writing within 30 days to any request from the Board for information solicited in connection with a candidate's application for a license to practice architecture. When providing information in connection with a candidate's application for a license to practice architecture, an architect shall accurately report the candidate's training or experience for the period of time that the architect had direct supervision of the candidate.

(e) Copyright Infringement:

(1) An architect shall not have been found by a court to have infringed upon the copyrighted works of other architects or design professionals.

(f) Informed Consent:

(1) An architect shall not materially alter the scope or objective of a project without first fully informing the client and obtaining the consent of the client in writing.

General Provisions

§ 12.5 Authority to Issue Citation for Violation of Regulation

Whenever in any provision of this code authority is granted to issue a citation for a violation of any provision of this code, that authority also includes the authority to issue a citation for the violation of any regulation adopted pursuant to any provision of this code.

§ 22 Board-Definition

"Board," as used in any provision of this code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

§ 23.7 License-Definition

Unless otherwise expressly provided, "license" means license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

§ 23.8 Licentiate-Definition

"Licentiate" means any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Sections 1000 and 3600.

§ 27 Disclosure of License Status Information on Internet for Entities within the Department of Consumer Affairs

(a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs Guidelines for Access to Public Records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees, including marriage and family therapists, licensed clinical social workers, licensed educational psychologists, and licensed professional clinical counselors.

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of its licensees.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

§ 29.5 Compliance with Support Orders; License Qualifications

In addition to other qualifications for licensure prescribed by the various acts of boards under the department, applicants for licensure and licensees renewing their licenses shall also comply with Section 17520 of the Family Code.

§ 30 Federal Employer Identification Number or Social Security Number Required of Licensee

(a) Notwithstanding any other law, any board, as defined in Section 22, and the State Bar and the Bureau of Real Estate shall at the time of issuance of the license require that the licensee provide its federal employer identification number, if the licensee is a partnership, or his or her social security number for all others.

(b) Any licensee failing to provide the federal identification number or social security number shall be reported by the licensing board to the Franchise Tax Board and, if failing to provide after notification pursuant to paragraph (1) of subdivision (b) of Section 19528 of the Revenue and Taxation Code, shall be subject to the penalty provided in paragraph (2) of subdivision (b) of Section 19528 of the Revenue and Taxation Code.

(c) In addition to the penalty specified in subdivision (b), a licensing board may not process any application for an original license unless the applicant or licensee provides its federal employer identification number or social security number where requested on the application.

(d) A licensing board shall, upon request of the Franchise Tax Board, furnish to the Franchise Tax Board the following information with respect to every licensee:

(1) Name.

(2) Address or addresses of record.

(3) Federal employer identification number if the entity is a partnership or social security number for all others.

(4) Type of license.

(5) Effective date of license or a renewal.

(6) Expiration date of license.

(7) Whether license is active or inactive, if known.

(8) Whether license is new or a renewal.

(e) For the purposes of this section:

(1) "Licensee" means any entity, other than a corporation, authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(2) "License" includes a certificate, registration, or any other authorization needed to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(3) "Licensing board" means any board, as defined in Section 22, the State Bar, and the Bureau of Real Estate.

(f) The reports required under this section shall be filed on magnetic media or in other machine-readable form, according to standards furnished by the Franchise Tax Board.

(g) Licensing boards shall provide to the Franchise Tax Board the information required by this section at a time that the Franchise Tax Board may require.

(h) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, the social security number and federal employer identification number furnished pursuant to this section shall not be deemed to be a public record and shall not be open to the public for inspection.

(i) Any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a), or any former officer or employee or other individual who in the course of his or her employment or duty has or has had access to the information required to be furnished under this section, may not disclose or make known in any manner that information, except as provided in this section to the Franchise Tax Board or as provided in subdivision (k).

(j) It is the intent of the Legislature in enacting this section to utilize the social security account number or federal employer identification number for the purpose of establishing the identification of persons affected by state tax laws and for purposes of compliance with Section 17520 of the Family Code and, to that end, the information furnished pursuant to this section shall be used exclusively for those purposes.

(k) If the board utilizes a national examination to issue a license, and if a reciprocity agreement or comity exists between the State of California and the state requesting release of the social security number, any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a) may release a social security number to an examination or licensing entity, only for the purpose of verification of licensure or examination status.

(l) For the purposes of enforcement of Section 17520 of the Family Code, and notwithstanding any other provision of law, any board, as defined in Section 22, and the State Bar and the Bureau of Real Estate shall at the time of issuance of the license require that each licensee provide the social security number of each individual listed on the license and any person who qualifies the license. For the purposes of this subdivision, "licensee" means any entity that is issued a license by any board, as defined in Section 22, the State Bar, the Bureau of Real Estate, and the Department of Motor Vehicles.

§ 31 Noncompliance with Support Orders or Judgments-Effect on Registration and Licensing of Businesses

(a) As used in this section, "board" means any entity listed in Section 101, the entities referred to in Sections 1000 and 3600, the State Bar, the Bureau of Real Estate, and any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

(b) Each applicant for the issuance or renewal of a license, certificate, registration, or other means to engage in a business or profession regulated by a board who is not in compliance with a judgment or order for support shall be subject to Section 17520 of the Family Code.

(c) "Compliance with a judgment or order for support" has the meaning given in paragraph (4) of subdivision (a) of Section 17520 of the Family Code.

(d) Each licensee or applicant whose name appears on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code shall be subject to Section 494.5.

(e) Each application for a new license or renewal of a license shall indicate on the application that the law allows the State Board of Equalization and the Franchise Tax Board to share taxpayer information with a board and requires the licensee to pay his or her state tax obligation and that his or her license may be suspended if the state tax obligation is not paid.

(f) For purposes of this section, "tax obligation" means the tax imposed under, or in accordance with, Part 1 (commencing with Section 6001), Part 1.5 (commencing with Section 7200), Part 1.6 (commencing with Section 7251), Part 1.7 (commencing with Section 7280), Part 10 (commencing with Section 17001), or Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.

Division 1. Department of Consumer Affairs

§ 101.6 Purpose of Boards, Bureaus, and Commissions

The boards, bureaus, and commissions in the department are established for the purpose of ensuring that those private businesses and professions deemed to engage in activities which have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California.

To this end, they establish minimum qualifications and levels of competency and license persons desiring to engage in the occupations they regulate upon determining that such persons possess the requisite skills and qualifications necessary to provide safe and effective services to the public, or register or otherwise certify persons in order to identify practitioners and ensure performance according to set and accepted professional standards. They provide a means for redress of grievances by investigating allegations of unprofessional conduct, incompetence, fraudulent action, or unlawful activity brought to their attention by members of the public and institute disciplinary action against persons licensed or registered under the provisions of this code when such action is warranted. In addition, they conduct periodic checks of licensees, registrants, or otherwise certified persons in order to ensure compliance with the relevant sections of this code.

§ 101.7 Number and Location of Board Meetings; Exemption; Special Meeting

(a) Notwithstanding any other provision of law, boards shall meet at least three times each calendar year. Boards shall meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

(b) The director at his or her discretion may exempt any board from the requirement in subdivision (a) upon a showing of good cause that the board is not able to meet at least three times in a calendar year.

(c) The director may call for a special meeting of the board when a board is not fulfilling its duties.

§ 103 Member Compensation and Reimbursement

Each member of a board, commission, or committee created in the various chapters of Division 2 (commencing with Section 500) and Division 3 (commencing with Section 5000), and in Chapter 2 (commencing with Section 18600) and Chapter 3 (commencing with Section 19000) of Division 8, shall receive the moneys specified in this section when authorized by the respective provisions.

Each such member shall receive a per diem of one hundred dollars ($100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money.

Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment.

§ 105 Oath of Office–Board Members

Members of boards in the department shall take an oath of office as provided in the Constitution and the Government Code.

§ 105.5 Tenure of Office-Board Members-Others

Notwithstanding any other provision of this code, each member of a board, commission, examining committee, or other similarly constituted agency within the department shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

§ 106 Board Members-Removal

The Governor has power to remove from office at any time, any member of any board appointed by him for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct. Nothing in this section shall be construed as a limitation or restriction on the power of the Governor, conferred on him by any other provision of law, to remove any member of any board.

§ 106.5 Board Members-Disclosing Exam Questions

Notwithstanding any other provision of law, the Governor may remove from office a member of a board or other licensing entity in the department if it is shown that such member has knowledge of the specific questions to be asked on the licensing entity's next examination and directly or indirectly discloses any such question or questions in advance of or during the examination to any applicant for that examination.

The proceedings for removal shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the Governor shall have all the powers granted therein.

§ 107 Boards–Executive Officer

Pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution, each board may appoint a person exempt from civil service and may fix his or her salary, with the approval of the Department of Human Resources pursuant to Section 19825 of the Government Code, who shall be designated as an executive officer unless the licensing act of the particular board designates the person as a registrar.

§ 108 Boards-Functions and Powers

Each of the boards comprising the department exists as a separate unit, and has the functions of setting standards, holding meetings, and setting dates thereof, preparing and conducting examinations, passing upon applicants, conducting investigations of violations of laws under its jurisdiction, issuing citations and holding hearings for the revocation of licenses, and the imposing of penalties following those hearings, insofar as these powers are given by statute to each respective board.

§ 108.5 Witness Fees, Expenses

In any investigation, proceeding or hearing which any board, commission or officer in the department is empowered to institute, conduct, or hold, any witness appearing at such investigation, proceeding or hearing whether upon a subpoena or voluntarily, may be paid the sum of twelve dollars ($12) per day for every day in actual attendance at such investigation, proceeding or hearing and for his actual, necessary and reasonable expenses and such sums shall be a legal charge against the funds of the respective board, commission or officer; provided further, that no witness appearing other than at the instance of the board, commission or officer may be compensated out of such fund.

The board, commission or officer will determine the sums due any such witness and enter the amount on its minutes.

§ 109 Decisions Non-Reviewable; Director Powers

(a) The decisions of any of the boards comprising the department with respect to setting standards, conducting examinations, passing candidates, and revoking licenses, are not subject to review by the director, but are final within the limits provided by this code which are applicable to the particular board, except as provided in this section.

(b) The director may initiate an investigation of any allegations of misconduct in the preparation, administration, or scoring of an examination which is administered by a board, or in the review of qualifications which are a part of the licensing process of any board. A request for investigation shall be made by the director to the Division of Investigation through the chief of the division or to any law enforcement agency in the jurisdiction where the alleged misconduct occurred.

(c) The director may intervene in any matter of any board where an investigation by the Division of Investigation discloses probable cause to believe that the conduct or activity of a board, or its members or employees constitutes a violation of criminal law.

The term "intervene," as used in paragraph (c) of this section may include, but is not limited to, an application for a restraining order or injunctive relief as specified in Section 123.5, or a referral or request for criminal prosecution. For purposes of this section, the director shall be deemed to have standing under Section 123.5 and shall seek representation of the Attorney General, or other appropriate counsel in the event of a conflict in pursuing that action.

§ 111 Appointment of Commissioners on Examination

Unless otherwise expressly provided, any board may, with the approval of the appointing power, appoint qualified persons, who shall be designated as commissioners on examination, to give the whole or any portion of any examination. A commissioner on examination need not be a member of the board but he shall have the same qualifications as one and shall be subject to the same rules.

§ 112 Directories-Publication, Sale

Notwithstanding any other provision of this code, no agency in the department, with the exception of the Board for Professional Engineers and Land Surveyors, shall be required to compile, publish, sell, or otherwise distribute a directory. When an agency deems it necessary to compile and publish a directory, the agency shall cooperate with the director in determining its form and content, the time and frequency of its publication, the persons to whom it is to be sold or otherwise distributed, and its price if it is sold. Any agency that requires the approval of the director for the compilation, publication, or distribution of a directory, under the law in effect at the time the amendment made to this section at the 1970 Regular Session of the Legislature becomes effective, shall continue to require that approval. As used in this section, "directory" means a directory, roster, register, or similar compilation of the names of persons who hold a license, certificate, permit, registration, or similar indicia of authority from the agency.

§ 113 Travel Expenses

Upon recommendation of the director, officers, and employees of the department, and the officers, members, and employees of the boards, committees, and commissions comprising it or subject to its jurisdiction may confer, in this state or elsewhere, with officers or employees of this state, its political subdivisions, other states, or the United States, or with other persons, associations, or organizations as may be of assistance to the department, board, committee, or commission in the conduct of its work. The officers, members, and employees shall be entitled to their actual traveling expenses incurred in pursuance hereof, but when these expenses are incurred with respect to travel outside of the state, they shall be subject to the approval of the Governor and the Director of Finance.

§ 114 Reinstatement-Expired License of Person on Active Duty

(a) Notwithstanding any other provision of this code, any licensee or registrant of any board, commission, or bureau within the department whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces, may, upon application, reinstate his or her license or registration without examination or penalty, provided that all of the following requirements are satisfied:

(1) His or her license or registration was valid at the time he or she entered the California National Guard or the United States Armed Forces.

(2) The application for reinstatement is made while serving in the California National Guard or the United States Armed Forces, or not later than one year from the date of discharge from active service or return to inactive military status.

(3) The application for reinstatement is accompanied by an affidavit showing the date of entrance into the service, whether still in the service, or date of discharge, and the renewal fee for the current renewal period in which the application is filed is paid.

(b) If application for reinstatement is filed more than one year after discharge or return to inactive status, the applicant, in the discretion of the licensing agency, may be required to pass an examination.

(c) If application for reinstatement is filed and the licensing agency determines that the applicant has not actively engaged in the practice of his or her profession while on active duty, then the licensing agency may require the applicant to pass an examination.

(d) Unless otherwise specifically provided in this code, any licensee or registrant who, either part time or full time, practices in this state the profession or vocation for which he or she is licensed or registered shall be required to

maintain his or her license in good standing even though he or she is in military service.

For the purposes in this section, time spent by a licensee in receiving treatment or hospitalization in any veterans' facility during which he or she is prevented from practicing his or her profession or vocation shall be excluded from said period of one year.

§ 114.3 Waiver of Fees and Requirements for Licensees Called to Active Duty

(a) Notwithstanding any other provision of law, every board, as defined in Section 22, within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following requirements are met:

(1) The licensee or registrant possessed a current and valid license with the board at the time he or she was called to active duty.

(2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.

(3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the board.

(b) (1) Except as specified in paragraph (2), the licensee or registrant shall not engage in any activities requiring a license during the period that the waivers provided by this section are in effect.

(2) If the licensee or registrant will provide services for which he or she is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted.

(c) In order to engage in any activities for which he or she is licensed once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the board within six months from the licensee's or registrant's date of discharge from active duty service.

(d) After a licensee or registrant receives notice of his or her discharge date, the licensee or registrant shall notify the board of his or her discharge from active duty within 60 days of receiving his or her notice of discharge.

(e) A board may adopt regulations to carry out the provisions of this section.

(f) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.

§ 114.5 Military Service Information Provided on Licensure Applications

Commencing January 1, 2015, each board shall inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

§ 115 License Obtained While in the Armed Services

The provisions of Section 114 of this code are also applicable to a licensee or registrant whose license or registration was obtained while in the armed services.

§ 115.5 Expedited Licensure for Spouses of Active Duty Members

(a) A board within the department shall expedite the licensure process for an applicant who meets both of the following requirements:

(1) Supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty

member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which he or she seeks a license from the board.

(b) A board may adopt regulations necessary to administer this section.

§ 118 Withdrawal of Application-Effect of Suspension or Forfeiture

(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

§ 119 Illegal Uses of License

Any person who does any of the following is guilty of a misdemeanor:

(a) Displays or causes or permits to be displayed or has in his or her possession either of the following:

(1) A canceled, revoked, suspended, or fraudulently altered license.

(2) A fictitious license or any document simulating a license or purporting to be or have been issued as a license.

(b) Lends his or her license to any other person or knowingly permits the use thereof by another.

(c) Displays or represents any license not issued to him or her as being his or her license.

(d) Fails or refuses to surrender to the issuing authority upon its lawful written demand any license, registration, permit, or certificate which has been suspended, revoked, or canceled.

(e) Knowingly permits any unlawful use of a license issued to him or her.

(f) Photographs, photostats, duplicates, manufactures, or in any way reproduces any license or facsimile thereof in a manner that it could be mistaken for a valid license, or displays or has in his or her possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by this code.

(g) Buys or receives a fraudulent, forged, or counterfeited license knowing that it is fraudulent, forged, or counterfeited. For purposes of this subdivision, "fraudulent" means containing any misrepresentation of fact.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration" or any other indicia giving authorization to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

§ 121 License Offenses; Legality of Practice Between Renewal and Receipt of License

No licensee who has complied with the provisions of this code relating to the renewal of his or her license prior to expiration of such license shall be deemed to be engaged illegally in the practice of his or her business or profession during any period between such renewal and receipt of evidence of such renewal which may occur due to delay not the fault of the applicant.

As used in this section, "license" includes "certificate," "permit," "authorization," and "registration," or any other indicia giving authorization, by any agency, board, bureau, commission, committee, or entity within the Department of Consumer Affairs, to engage in a business or profession regulated by this code or by the board referred to in the Chiropractic Act or the Osteopathic Act.

§ 122 Issuance of Duplicate Copies of Certificates of Licensure; Fees

Except as otherwise provided by law, the department and each of the boards, bureaus, committees, and commissions within the department may charge a fee for the processing and issuance of a duplicate copy of any certificate of licensure or other form evidencing licensure or renewal of licensure. The fee shall be in an amount sufficient to cover all costs incident to the issuance of the duplicate certificate or other form but shall not exceed twenty-five dollars ($25).

§ 123 Subversion of Licensing Examinations; Misdemeanor

It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:

(a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.

(b) Communicating with any other examinee during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf.

Nothing in this section shall preclude prosecution under the authority provided for in any other provision of law.

In addition to any other penalties, a person found guilty of violating this section, shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars ($10,000) and the costs of litigation.

(c) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

§ 123.5 Engagement in Practices Constituting a Violation Under §123; Injunction or Restraining Order

Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of Section 123, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of a board, the Attorney General or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other provision of law.

§ 124 Giving Written Notice

Notwithstanding subdivision (c) of Section 11505 of the Government Code, whenever written notice, including a notice, order, or document served pursuant to Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), or Chapter 5 (commencing with Section 11500), of Part 1 of Division 3 of Title 2 of the Government Code, is required to be given by any board in the department, the notice may be given by regular mail addressed to the last known address of the licentiate or by personal service, at the option of the board.

§ 125 Conspiracy with Unlicensed Person to Violate Code

Any person, licensed under Division 1 (commencing with Section 100), Division 2 (commencing with Section 500), or Division 3 (commencing with Section 5000) is guilty of a misdemeanor and subject to the disciplinary provisions of this code applicable to him or her, who conspires with a person not so licensed to violate any provision of this code, or who, with intent to aid or assist that person in violating those provisions does either of the following:

(a) Allows his or her license to be used by that person.

(b) Acts as his or her agent or partner.

§ 125.3 Investigation and Enforcement Costs; Payment by Licentiate

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licentiate to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licentiate who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licentiate who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

(k) Notwithstanding the provisions of this section, the Medical Board of California shall not request nor obtain from a physician and surgeon, investigation and prosecution costs for a disciplinary proceeding against the licentiate. The board shall ensure that this subdivision is revenue neutral with regard to it and that any loss of revenue or increase in costs resulting from this subdivision is offset by an increase in the amount of the initial license fee and the biennial renewal fee, as provided in subdivision (e) of Section 2435.

§ 125.5 Injunction; Restitution; Reimbursement of Expenses Incurred by Board

(a) The superior court for the county in which any person has engaged or is about to engage in any act which constitutes a violation of a chapter of this code administered or enforced by a board within the department may, upon a petition filed by the board with the approval of the director, issue an injunction or other appropriate order restraining such conduct. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. As used in this section, “board” includes commission, bureau, division, agency and a medical quality review committee.

(b) The superior court for the county in which any person has engaged in any act which constitutes a violation of a chapter of this code administered or enforced by a board within the department may, upon a petition filed by the board with the approval of the director, order such person to make restitution to persons injured as a result of such violation.

(c) The court may order a person subject to an injunction or restraining order, provided for in subdivision (a) of this section, or subject to an order requiring restitution pursuant to subdivision (b), to reimburse the petitioning board for expenses incurred by the board in its investigation related to its petition.

(d) The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other section of this code.

§ 125.6 Discrimination-Physically Handicapped

(a) (1) With regard to an applicant, every person who holds a license under the provisions of this code is subject to disciplinary action under the disciplinary provisions of this code applicable to that person if, because of any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code, he or she refuses to perform the licensed activity or aids or incites the refusal to perform that licensed activity by another licensee, or if, because of any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code, he or she makes any discrimination, or restriction in the performance of the licensed activity.

(2) Nothing in this section shall be interpreted to prevent a physician or health care professional licensed pursuant to Division 2 (commencing with Section 500) from considering any of the characteristics of a patient listed in subdivision (b) or (e) of Section 51 of the Civil Code if that consideration is medically necessary and for the sole purpose of determining the appropriate diagnosis or treatment of the patient.

(3) Nothing in this section shall be interpreted to apply to discrimination by employers with regard to employees or prospective employees, nor shall this section authorize action against any club license issued pursuant to Article 4 (commencing with Section 23425) of Chapter 3 of Division 9 because of discriminatory membership policy.

(4) The presence of architectural barriers to an individual with physical disabilities that conform to applicable state or local building codes and regulations shall not constitute discrimination under this section.

(b) (1) Nothing in this section requires a person licensed pursuant to Division 2 (commencing with Section 500) to permit an individual to participate in, or benefit from, the licensed activity of the licensee where that individual poses a direct threat to the health or safety of others. For this purpose, the term "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids and services.

(2) Nothing in this section requires a person licensed pursuant to Division 2 (commencing with Section 500) to perform a licensed activity for which he or she is not qualified to perform.

(c) (1) “Applicant,” as used in this section, means a person applying for licensed services provided by a person licensed under this code.

(2) "License," as used in this section, includes "certificate," "permit," "authority," and "registration" or any other indicia giving authorization to engage in a business or profession regulated by this code.

§ 125.9 System for Issuance of Citation to a Licensee

(a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) Whenever appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) In no event shall the administrative fine assessed by the board, bureau, or commission exceed five thousand dollars ($5,000) for each inspection or each investigation made with respect to the violation, or five thousand dollars ($5,000) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

(4) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be

represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

§ 128 Unlawful Sale of Equipment, Supplies, and Services

Notwithstanding any other provision of law, it is a misdemeanor to sell equipment, supplies, or services to any person with knowledge that the equipment, supplies, or services are to be used in the performance of a service or contract in violation of the licensing requirements of this code.

The provisions of this section shall not be applicable to cash sales of less than one hundred dollars ($100).

For the purposes of this section, "person" includes, but is not limited to, a company, partnership, limited liability company, firm, or corporation.

For the purposes of this section, "license" includes certificate or registration.

A violation of this section shall be punishable by a fine of not less than one thousand dollars ($1,000) and by imprisonment in the county jail not exceeding six months.

§ 128.5 Unencumbered Funds; Reduction of Fees

(a) Notwithstanding any other provision of law, if at the end of any fiscal year, an agency within the Department of Consumer Affairs, except the agencies referred to in subdivision (b), has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

(b) Notwithstanding any other provision of law, if at the end of any fiscal year, the California Architects Board, the Board of Behavioral Sciences, the Veterinary Medical Board, the Court Reporters Board of California, the Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians, or the Bureau of Security and Investigative Services has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

§ 129 Complaint Procedure-Notification of Complainant and Licentiate

(a) As used in this section, "board" means every board, bureau, commission, committee and similarly constituted agency in the department which issues licenses.

(b) Each board shall, upon receipt of any complaint respecting a licentiate thereof, notify the complainant of the initial administrative action taken on his complaint within 10 days of receipt. Each board shall thereafter notify the complainant of the final action taken on his complaint. There shall be a notification made in every case in which the complainant is known. If the complaint is not within the jurisdiction of the board or if the board is unable to dispose satisfactorily of the complaint, the board shall transmit the

complaint together with any evidence or information it has concerning the complaint to the agency, public or private, whose authority in the opinion of the board will provide the most effective means to secure the relief sought. The board shall notify the complainant of such action and of any other means which may be available to the complainant to secure relief.

(c) The board shall, when the board deems it appropriate, notify the person against whom the complaint is made of the nature of the complaint, may request appropriate relief for the complainant, and may meet and confer with the complainant and the licentiate in order to mediate the complaint. Nothing in this subdivision shall be construed as authorizing or requiring any board to set or to modify any fee charged by a licentiate.

(d) It shall be the continuing duty of the board to ascertain patterns of complaints and to report on all actions taken with respect to such patterns of complaints to the director and to the Legislature at least once a year. The board shall evaluate those complaints dismissed for lack of jurisdiction or no violation and recommend to the director and to the Legislature at least once a year such statutory changes as it deems necessary to implement the board' s functions and responsibilities under this section.

(e) It shall be the continuing duty of the board to take whatever action it deems necessary, with the approval of the director, to inform the public of its functions under this section.

§ 135 Re-Examination After Failure

No agency in the department shall, on the basis of an applicant's failure to successfully complete prior examinations, impose any additional limitations, restrictions, prerequisites, or requirements on any applicant who wishes to participate in subsequent examinations except that any examining agency which allows an applicant conditional credit for successfully completing a divisible part of an examination may require that an applicant be reexamined in those parts successfully completed if such applicant has not successfully completed all parts of the examination within a required period of time established by the examining agency. Nothing in this section, however, requires the exemption of such applicant from the regular fees and requirements normally associated with examinations.

§ 136 Address Change-Notice Required

(a) Each person holding a license, certificate, registration, permit, or other authority to engage in a profession or occupation issued by a board within the department shall notify the issuing board at its principal office of any change in his or her mailing address within 30 days after the change, unless the board has specified by regulations a shorter time period.

(b) Except as otherwise provided by law, failure of a licentiate to comply with the requirement in subdivision (a) constitutes grounds for the issuance of a citation and administrative fine, if the board has the authority to issue citations and administrative fines.

§ 137 Advertising by License-Inclusion of License Numbers, Exemptions

Any agency within the department may promulgate regulations requiring licensees to include their license numbers in any advertising, soliciting, or other presentments to the public.

However, nothing in this section shall be construed to authorize regulation of any person not a licensee who engages in advertising, solicitation, or who makes any other presentment to the public on behalf of a licensee. Such a person shall incur no liability pursuant to this section for communicating in any advertising, soliciting, or other presentment to the public a licensee's license number exactly as provided to him by the

licensee or for failure to communicate such number if none is provided to him by the licensee.

§ 138 Requirement that Licentiates Provide Notice of Licensing to Clients or Customers; Regulations; Periodic Evaluation of Licensing Examination

Every board in the department, as defined in Section 22, shall initiate the process of adopting regulations on or before June 30, 1999, to require its licentiates, as defined in Section 23.8, to provide notice to their clients or customers that the practitioner is licensed by this state. A board shall be exempt from the requirement to adopt regulations pursuant to this section if the board has in place, in statute or regulation, a requirement that provides for consumer notice of a practitioner's status as a licensee of this state.

§ 139 Examination Development, Validation, and Occupational Analysis Policy

(a) The Legislature finds and declares that occupational analyses and examination validation studies are fundamental components of licensure programs. It is the intent of the Legislature that the policy developed by the department pursuant to subdivision (b) be used by the fiscal, policy, and sunset review committees of the Legislature in their annual reviews of these boards, programs, and bureaus.

(b) Notwithstanding any other provision of law, the department shall develop, in consultation with the boards, programs, bureaus, and divisions under its jurisdiction, and the Osteopathic Medical Board of California and the State Board of Chiropractic Examiners, a policy regarding examination development and validation, and occupational analysis. The department shall finalize and distribute this policy by September 30, 1999, to each of the boards, programs, bureaus, and divisions under its jurisdiction and to the Osteopathic Medical Board of California and the State Board of Chiropractic Examiners. This policy shall be submitted in draft form at least 30 days prior to that date to the appropriate fiscal, policy, and sunset review committees of the Legislature for review. This policy shall address, but shall not be limited to, the following issues:

(1) An appropriate schedule for examination validation and occupational analyses, and circumstances under which more frequent reviews are appropriate.

(2) Minimum requirements for psychometrically sound examination validation, examination development, and occupational analyses, including standards for sufficient number of test items.

(3) Standards for review of state and national examinations.

(4) Setting of passing standards.

(5) Appropriate funding sources for examination validations and occupational analyses.

(6) Conditions under which boards, programs, and bureaus should use internal and external entities to conduct these reviews.

(7) Standards for determining appropriate costs of reviews of different types of examinations, measured in terms of hours required.

(8) Conditions under which it is appropriate to fund permanent and limited term positions within a board, program, or bureau to manage these reviews.

(c) Every regulatory board and bureau, as defined in Section 22, and every program and bureau administered by the department, the Osteopathic Medical

Board of California, and the State Board of Chiropractic Examiners, shall submit to the director on or before December 1, 1999, and on or before December 1 of each subsequent year, its method for ensuring that every licensing examination administered by or pursuant to contract with the board is subject to periodic evaluation. The evaluation shall include (1) a description of the occupational analysis serving as the basis for the examination; (2) sufficient item analysis data to permit a psychometric evaluation of the items; (3) an assessment of the appropriateness of prerequisites for admittance to the examination; and (4) an estimate of the costs and personnel required to perform these functions. The evaluation shall be revised and a new evaluation submitted to the director whenever, in the judgment of the board, program, or bureau, there is a substantial change in the examination or the prerequisites for admittance to the examination.

(d) The evaluation may be conducted by the board, program, or bureau, the Office of Professional Examination Services of the department, the Osteopathic Medical Board of California, or the State Board of Chiropractic Examiners or pursuant to a contract with a qualified private testing firm. A board, program, or bureau that provides for development or administration of a licensing examination pursuant to contract with a public or private entity may rely on an occupational analysis or item analysis conducted by that entity. The department shall compile this information, along with a schedule specifying when examination validations and occupational analyses shall be performed, and submit it to the appropriate fiscal, policy, and sunset review committees of the Legislature by September 30 of each year. It is the intent of the Legislature that the method specified in this report be consistent with the policy developed by the department pursuant to subdivision (b).

§ 140 Failure to Record and Preserve Cash Transactions Involving Wages; Disciplinary Action; Costs

Any board, as defined in Section 22, which is authorized under this code to take disciplinary action against a person who holds a license may take disciplinary action upon the ground that the licensee has failed to record and preserve for not less than three years, any and all cash transactions involved in the payment of employee wages by a licensee. Failure to make these records available to an authorized representative of the board may be made grounds for disciplinary action. In any action brought and sustained by the board which involves a violation of this section and any regulation adopted thereto, the board may assess the licensee with the actual investigative costs incurred, not to exceed two thousand five hundred dollars ($2,500). Failure to pay those costs may result in revocation of the license. Any moneys collected pursuant to this section shall be deposited in the respective fund of the board.

§ 141 Effect of Disciplinary Action Taken by Another State or the Federal Government

(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the

licensee by another state, an agency of the federal government, or another country.

§ 143 Suit for Collection of Compensation-License Prerequisite

(a) No person engaged in any business or profession for which a license is required under this code governing the department or any board, bureau, commission, committee, or program within the department, may bring or maintain any action, or recover in law or equity in any action, in any court of this state for the collection of compensation for the performance of any act or contract for which a license is required without alleging and proving that he or she was duly licensed at all times during the performance of that act or contract, regardless of the merits of the cause of action brought by the person.

(b) The judicial doctrine of substantial compliance shall not apply to this section.

(c) This section shall not apply to an act or contract that is considered to qualify as lawful practice of a licensed occupation or profession pursuant to Section 121.

§ 143.5 Provision Prohibited in Settlement Agreements; Adoption of Regulations; Exemptions

(a) No licensee who is regulated by a board, bureau, or program within the Department of Consumer Affairs, nor an entity or person acting as an authorized agent of a licensee, shall include or permit to be included a provision in an agreement to settle a civil dispute, whether the agreement is made before or after the commencement of a civil action, that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program within the Department of Consumer Affairs that regulates the licensee or that requires the other party to withdraw a complaint from the department, board, bureau, or program within the Department of Consumer Affairs that regulates the licensee. A provision of that nature is void as against public policy, and any licensee who includes or permits to be included a provision of that nature in a settlement agreement is subject to disciplinary action by the board, bureau, or program.

(b) Any board, bureau, or program within the Department of Consumer Affairs that takes disciplinary action against a licensee or licensees based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee or licensees to pay any additional sums to the benefit of any plaintiff in the civil action.

(c) As used in this section, “board” shall have the same meaning as defined in Section 22, and “licensee” means a person who has been granted a license, as that term is defined in Section 23.7.

(d) Notwithstanding any other law, upon granting a petition filed by a licensee or authorized agent of a licensee pursuant to Section 11340.6 of the Government Code, a board, bureau, or program within the Department of Consumer Affairs may, based upon evidence and legal authorities cited in the petition, adopt a regulation that does both of the following:

(1) Identifies a code section or jury instruction in a civil cause of action that has no relevance to the board’s, bureau’s, or program’s enforcement responsibilities such that an agreement to settle such a cause of action based on that code section or jury instruction otherwise prohibited under subdivision (a) will not impair the board’s, bureau’s, or program’s duty to protect the public.

(2) Exempts agreements to settle such a cause of action from the requirements of subdivision (a).

(e) This section shall not apply to a licensee subject to Section 2220.7.

§ 145 Unlicensed Activity-Criminal, Civil Sanctions, Fines

The Legislature finds and declares that:

(a) Unlicensed activity in the professions and vocations regulated by the Department of Consumer Affairs is a threat to the health, welfare, and safety of the people of the State of California.

(b) The law enforcement agencies of the state should have sufficient, effective, and responsible means available to enforce the licensing laws of the state.

(c) The criminal sanction for unlicensed activity should be swift, effective, appropriate, and create a strong incentive to obtain a license.

§ 147 Power to Issue Written Notices of Court Appearances

(a) Any employee designated by the director shall have the authority to issue a written notice to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. Employees so designated are not peace officers and are not entitled to safety member retirement benefits, as a result of such designation. The employee's authority is limited to the issuance of written notices to appear for infraction violations of provisions of this code and only when the violation is committed in the presence of the employee.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any person, acting pursuant to subdivision (a) and within the scope of his or her authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the person, at the time of such arrest, had reasonable cause to believe was lawful.

§ 148 System for Issuance of Citation to an Unlicensed Person

Any board, bureau, or commission within the department may, in addition to the administrative citation system authorized by Section 125.9, also establish, by regulation, a similar system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. The administrative citation system authorized by this section shall meet the requirements of Section 125.9 and may not be applied to an unlicensed person who is otherwise exempted from the provisions of the applicable licensing act. The establishment of an administrative citation system for unlicensed activity does not preclude the use of other enforcement statutes for unlicensed activities at the discretion of the board, bureau, or commission.

§ 149 Advertising in Telephone Directory Without License-Agency Citation

(a) If, upon investigation, an agency designated in subdivision (e) has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services, without being properly licensed by or registered with the agency to offer or perform those services, the agency may issue a citation under Section 148 containing an order of correction that requires the violator to do both of the following:

(1) Cease the unlawful advertising.

(2) Notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(b) This action is stayed if the person to whom a citation is issued under subdivision (a) notifies the agency in writing that he or she intends to contest the citation. The agency shall afford an opportunity for a hearing, as specified in Section 125.9.

(c) If the person to whom a citation and order of correction is issued under subdivision (a) fails to comply with the order of correction after that order is final, the agency shall inform the Public Utilities Commission of the violation and the Public Utilities Commission shall require the telephone corporation furnishing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(d) The good faith compliance by a telephone corporation with an order of the Public Utilities Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the telephone corporation arising from the termination of service.

(e) Subdivision (a) shall apply to the following boards, bureaus, committees, commissions, or programs:

(1) The Bureau of Barbering and Cosmetology.

(2) The Cemetery and Funeral Bureau.

(3) The Veterinary Medical Board.

(4) The Landscape Architects Technical Committee.

(5) The California Board of Podiatric Medicine.

(6) The Respiratory Care Board of California.

(7) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation.

(8) The Bureau of Security and Investigative Services.

(9) The Bureau of Automotive Repair.

(10) The California Architects Board.

(11) The Speech-Language Pathology and Audiology Board.

(12) The Board for Professional Engineers and Land Surveyors.

(13) The Board of Behavioral Sciences.

(14) The Structural Pest Control Board.

(15) The Acupuncture Board.

(16) The Board of Psychology.

(17) The California Board of Accountancy.

(18) The Naturopathic Medicine Committee.

(19) The Physical Therapy Board of California.

(20) The Bureau for Private Postsecondary Education.

(21) The Bureau of Real Estate.

§ 161 Public Records-Sale of Copies

The department, or any board in the department, may sell copies of any part of its respective public records, or compilations, extracts, or summaries of information contained in its public records, at a charge sufficient to pay the actual cost thereof. Such charge, and the conditions under which sales may be made, shall be determined by the director with the approval of the Department of General Services.

§ 162 Certificate of the Officer Admitted as Evidence

The certificate of the officer in charge of the records of any board in the department that any person was or was not on a specified date, or during a specified

period of time, licensed, certified or registered under the provisions of law administered by the board, or that the license, certificate or registration of any person was revoked or under suspension, shall be admitted in any court as prima facie evidence of the facts therein recited.

§ 163 Fee-Certification of Copy of Records

Except as otherwise expressly provided by law, the department and each board in the department shall charge a fee of two dollars ($2) for the certification of a copy of any record, document, or paper in its custody or for the certification of any document evidencing the content of any such record, document or paper.

§ 166 Guidelines for Mandatory Continuing Education Programs

The director shall, by regulation, develop guidelines to prescribe components for mandatory continuing education programs administered by any board within the department.

(a) The guidelines shall be developed to ensure that mandatory continuing education is used as a means to create a more competent licensing population, thereby enhancing public protection. The guidelines shall require mandatory continuing education programs to address, at least, the following:
   (1) Course validity.
   (2) Occupational relevancy.
   (3) Effective presentation.
   (4) Actual attendance.
   (5) Material assimilation.
   (6) Potential for application.

(b) The director shall consider educational principles, and the guidelines shall prescribe mandatory continuing education program formats to include, but not be limited to, the following:
   (1) The specified audience.
   (2) Identification of what is to be learned.
   (3) Clear goals and objectives.
   (4) Relevant learning methods (participatory, hands-on, or clinical setting).
   (5) Evaluation, focused on the learner and the assessment of the intended learning outcomes (goals and objectives).

(c) Any board within the department that, after January 1, 1993, proposes a mandatory continuing education program for its licensees shall submit the proposed program to the director for review to assure that the program contains all the elements set forth in this section and complies with the guidelines developed by the director.

(d) Any board administering a mandatory continuing education program that proposes to amend its current program shall do so in a manner consistent with this section.

(e) Any board currently administering a mandatory continuing education program shall review the components and requirements of the program to determine the extent to which they are consistent with the guidelines developed under this section. The board shall submit a report of their findings to the director. The report shall identify the similarities and differences of its mandatory continuing education program. The report shall include any board-specific needs to explain the variation from the director's guidelines.

(f) Any board administering a mandatory continuing education program, when accepting hours for credit which are obtained out of state, shall ensure that the course for which credit is given is administered in accordance with the guidelines addressed in subdivision (a).

(g) Nothing in this section or in the guidelines adopted by the director shall be construed to repeal any requirements for continuing education programs set forth in any other provision of this code.

§ 206 Dishonored Check-Payment of Fine, Fee, or Penalty

Notwithstanding any other provision of law, any person tendering a check for payment of a fee, fine, or penalty that was subsequently dishonored, shall not be granted a license, or other authority that they were seeking, until the applicant pays the amount outstanding from the dishonored payment together with the applicable fee, including any delinquency fee. The board may require the person whose check was returned unpaid to make payment of all fees by cashier's check or money order.

§ 301 Purpose of Chapter

It is the intent of the Legislature and the purpose of this chapter to promote and protect the interests of the people as consumers. The Legislature finds that vigorous representation and protection of consumer interests are essential to the fair and efficient functioning of a free enterprise market economy. The Legislature declares that government advances the interests of consumers by facilitating the proper functioning of the free enterprise market economy through (a) educating and informing the consumer to insure rational consumer choice in the marketplace; (b) protecting the consumer from the sale of goods and services through the use of deceptive methods, acts, or practices which are inimical to the general welfare of consumers; (c) fostering competition; and (d) promoting effective representation of consumers' interests in all branches and levels of government.

§ 450 Public Board Member Qualifications; Employment or Contractual Relationship

In addition to the qualifications provided in the respective chapters of this code, a public member or a lay member of any board shall not be, nor shall he have been within the period of five years immediately preceding his appointment, any of the following:

(a) An employer, or an officer, director, or substantially full-time representative of an employer or group of employers, of any licentiate of such board, except that this shall not preclude the appointment of a person which maintains infrequent employer status with such licentiate, or maintains a client, patient, or customer relationship with any such licentiate which does not constitute more than 2 percent of the practice or business of the licentiate.

(b) A person maintaining a contractual relationship with a licentiate of such board, which would constitute more than 2 percent of the practice or business of any such licentiate, or an officer, director, or substantially full-time representative of such person or group of persons.

(c) An employee of any licentiate of such board, or a representative of such employee, except that this shall not preclude the appointment of a person who maintains an infrequent employee relationship or a person rendering professional or related services to a licentiate if such employment or service does not constitute more than 2 percent of the employment or practice of the member of the board.

§ 450.2 Public Board Member; Conflict of Interest

In order to avoid a potential for a conflict of interest, a public member of a board shall not:

(a) Be a current or past licensee of that board.

(b) Be a close family member of a licensee of that board.

§ 450.3 Public Member; Financial Interest in Organization Subject to Regulation

No public member shall either at the time of his appointment or during his tenure in office have any financial interest in any organization subject to regulation by the board, commission or committee of which he is a member.

§ 450.5 Public Member Qualifications; Conflicting Pursuits

A public member, or a lay member, at any time within five years immediately preceding his or her appointment, shall not have been engaged in pursuits which lie within the field of the industry or profession, or have provided representation to the industry or profession, regulated by the board of which he or she is a member, nor shall he or she engage in those pursuits or provide that representation during his or her term of office.

§ 451 Delegated Duties to Board Members; Restrictions

If any board shall as a part of its functions delegate any duty or responsibility to be performed by a single member of such board, such delegation shall not be made solely to any public member or any lay member of the board in any of the following instances:

(a) The actual preparation of, the administration of, and the grading of, examinations.

(b) The inspection or investigation of licentiates, the manner or method of practice or doing business, or their place of practice or business.

Nothing in this section shall be construed as precluding a public member or a lay member from participating in the formation of policy relating to the scope of the activities set forth in subdivisions (a) and (b) or in the approval, disapproval or modification of the action of its individual members, nor preclude such member from participating as a member of a subcommittee consisting of more than one member of the board in the performance of any duty.

§ 453 Training and Orientation Program for Appointed Board Members

Every newly appointed board member shall, within one year of assuming office, complete a training and orientation program offered by the department regarding, among other things, his or her functions, responsibilities, and obligations as a member of a board. The department shall adopt regulations necessary to establish this training and orientation program and its content.

§ 460 Local Governmental Entities-Powers

(a) No city or county shall prohibit a person or group of persons, authorized by one of the agencies in the Department of Consumer Affairs by a license, certificate, or other such means to engage in a particular business, from engaging in that business, occupation, or profession or any portion thereof.

(b) No city, county, or city and county shall prohibit a healing arts professional licensed with the state under Division 2 (commencing with Section 500) from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.

(1) This subdivision shall not be construed to prohibit the enforcement of a local ordinance in effect prior to January 1, 2010, related to any act or procedure that falls within the professionally recognized scope of practice of a healing arts professional licensed under Division 2 (commencing with Section 500).

(2) This subdivision shall not be construed to prevent a city, county, or city and county from adopting or enforcing any local ordinance governing zoning, business licensing, or reasonable health and safety requirements for establishments or businesses of a healing arts professional licensed under Division 2 (commencing with Section 500).

(c) Nothing in this section shall prohibit any city, county, or city and county from levying a business license tax solely for revenue purposes, nor any city or county from levying a license tax solely for the purpose of covering the cost of regulation.

Division 1.5. Denial, Suspension and Revocation of Licenses

§ 475 Grounds of Denial of License

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

§ 480 Applicant's Grounds for Denial

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license.

§ 485 Denial Procedure

Upon denial of an application for a license under this chapter or Section 496, the board shall do either of the following:

(a) File and serve a statement of issues in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Notify the applicant that the application is denied, stating (1) the reason for the denial, and (2) that the applicant has the right to a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if written request for hearing is made within 60 days after service of the notice of denial. Unless written request for hearing is made within the 60-day period, the applicant's right to a hearing is deemed waived.

Service of the notice of denial may be made in the manner authorized for service of summons in civil actions, or by registered mail addressed to the applicant at the latest address filed by the applicant in writing with the board in his or her application or otherwise. Service by mail is complete on the date of mailing.

§ 486 Denial-Notice Required

Where the board has denied an application for a license under this chapter or Section 496, it shall, in its decision, or in its notice under subdivision (b) of Section 485, inform the applicant of the following:

(a) The earliest date on which the applicant may reapply for a license which shall be one year from the effective date of the decision, or service of the notice under subdivision (b) of Section 485, unless the board prescribes an earlier date or a later date is prescribed by another statute.

(b) That all competent evidence of rehabilitation presented will be considered upon a reapplication.

Along with the decision, or the notice under subdivision (b) of Section 485, the board shall serve a copy of the criteria relating to rehabilitation formulated under Section 482.

§ 487 Hearing

If a hearing is requested by the applicant, the board shall conduct such hearing within 90 days from the date the hearing is requested unless the applicant shall request or agree in writing to a postponement or continuance of the hearing. Notwithstanding the above, the Office of Administrative Hearings may order, or on a showing of good cause, grant a request for, up to 45 additional days within which to conduct a hearing, except in cases involving alleged examination or licensing fraud, in which cases the

period may be up to 180 days. In no case shall more than two such orders be made or requests be granted.

§ 488 Requests for Hearing

Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(a) Grant the license effective upon completion of all licensing requirements by the applicant.

(b) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(c) Deny the license.

(d) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

§ 489 Denial of License for Lack of Good Character

Any agency in the department which is authorized by law to deny an application for a license upon the grounds specified in Section 480 or 496, may without a hearing deny an application upon any of those grounds, if within one year previously, and after proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that agency has denied an application from the same applicant upon the same ground.

§ 490 Conviction of Crime; Suspension, Revocation-Grounds

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in Petropoulos v. Department of Real Estate (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change to, but rather are declaratory of, existing law.

§ 490.5 Noncompliance with Child Support Order or Judgment as Grounds for Suspension

A board may suspend a license pursuant to Section 17520 of the Family Code if a licensee is not in compliance with a child support order or judgment.

§ 491 Suspension, Revocation-Procedure

Upon suspension or revocation of a license by a board on one or more of the grounds specified in Section 490, the board shall:

(a) Send a copy of the provisions of Section 11522 of the Government Code to the ex-licensee.

(b) Send a copy of the criteria relating to rehabilitation formulated under Section 482 to the ex-licensee.

§ 493 Record of Conviction Related to a Licensee's Qualifications, Functions, and Duties

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

§ 494.5 Licensee Names Included on Certified Lists; Tax Delinquencies

(a) (1) Except as provided in paragraphs (2), (3), and (4), a state governmental licensing entity shall refuse to issue, reactivate, reinstate, or renew a license and shall suspend a license if a licensee's name is included on a certified list.

(2) The Department of Motor Vehicles shall suspend a license if a licensee's name is included on a certified list. Any reference in this section to the issuance, reactivation, reinstatement, renewal, or denial of a license shall not apply to the Department of Motor Vehicles.

(3) The State Bar of California may recommend to refuse to issue, reactivate, reinstate, or renew a license and may recommend to suspend a license if a licensee's name is included on a certified list. The word "may" shall be substituted for the word "shall" relating to the issuance of a temporary license, refusal to issue, reactivate, reinstate, renew, or suspend a license in this section for licenses under the jurisdiction of the California Supreme Court.

(4) The Department of Alcoholic Beverage Control may refuse to issue, reactivate, reinstate, or renew a license, and may suspend a license, if a licensee's name is included on a certified list.

(b) For purposes of this section:

(1) "Certified list" means either the list provided by the State Board of Equalization or the list provided by the Franchise Tax Board of persons whose names appear on the lists of the 500 largest tax delinquencies

pursuant to Section 7063 or 19195 of the Revenue and Taxation Code, as applicable.

(2) "License" includes a certificate, registration, or any other authorization to engage in a profession or occupation issued by a state governmental licensing entity. "License" includes a driver's license issued pursuant to Chapter 1 (commencing with Section 12500) of Division 6 of the Vehicle Code. "License" excludes a vehicle registration issued pursuant to Division 3 (commencing with Section 4000) of the Vehicle Code.

(3) "Licensee" means an individual authorized by a license to drive a motor vehicle or authorized by a license, certificate, registration, or other authorization to engage in a profession or occupation issued by a state governmental licensing entity.

(4) "State governmental licensing entity" means any entity listed in Section 101, 1000, or 19420, the office of the Attorney General, the Department of Insurance, the Department of Motor Vehicles, the State Bar of California, the Department of Real Estate, and any other state agency, board, or commission that issues a license, certificate, or registration authorizing an individual to engage in a profession or occupation, including any certificate, business or occupational license, or permit or license issued by the Department of Motor Vehicles or the Department of the California Highway Patrol. "State governmental licensing entity" shall not include the Contractors' State License Board.

(c) The State Board of Equalization and the Franchise Tax Board shall each submit its respective certified list to every state governmental licensing entity. The certified lists shall include the name, social security number or taxpayer identification number, and the last known address of the persons identified on the certified lists.

(d) Notwithstanding any other law, each state governmental licensing entity shall collect the social security number or the federal taxpayer identification number from all applicants for the purposes of matching the names of the certified lists provided by the State Board of Equalization and the Franchise Tax Board to applicants and licensees.

(e) (1) Each state governmental licensing entity shall determine whether an applicant or licensee is on the most recent certified list provided by the State Board of Equalization and the Franchise Tax Board.

(2) If an applicant or licensee is on either of the certified lists, the state governmental licensing entity shall immediately provide a preliminary notice to the applicant or licensee of the entity's intent to suspend or withhold issuance or renewal of the license. The preliminary notice shall be delivered personally or by mail to the applicant's or licensee's last known mailing address on file with the state governmental licensing entity within 30 days of receipt of the certified list. Service by mail shall be completed in accordance with Section 1013 of the Code of Civil Procedure.

(A) The state governmental licensing entity shall issue a temporary license valid for a period of 90 days to any applicant whose name is on a certified list if the applicant is otherwise eligible for a license.

(B) The 90-day time period for a temporary license shall not be extended. Only one temporary license shall be issued during a regular license term and the term of the temporary license shall coincide with the first 90 days of the regular license term. A license

for the full term or the remainder of the license term may be issued or renewed only upon compliance with this section.

(C) In the event that a license is suspended or an application for a license or the renewal of a license is denied pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the state governmental licensing entity.

(f) (1) A state governmental licensing entity shall refuse to issue or shall suspend a license pursuant to this section no sooner than 90 days and no later than 120 days of the mailing of the preliminary notice described in paragraph (2) of subdivision (e), unless the state governmental licensing entity has received a release pursuant to subdivision (h). The procedures in the administrative adjudication provisions of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) shall not apply to the denial or suspension of, or refusal to renew, a license or the issuance of a temporary license pursuant to this section.

(2) Notwithstanding any other law, if a board, bureau, or commission listed in Section 101, other than the Contractors' State License Board, fails to take action in accordance with this section, the Department of Consumer Affairs shall issue a temporary license or suspend or refuse to issue, reactivate, reinstate, or renew a license, as appropriate.

(g) Notices shall be developed by each state governmental licensing entity. For an applicant or licensee on the State Board of Equalization's certified list, the notice shall include the address and telephone number of the State Board of Equalization, and shall emphasize the necessity of obtaining a release from the State Board of Equalization as a condition for the issuance, renewal, or continued valid status of a license or licenses. For an applicant or licensee on the Franchise Tax Board's certified list, the notice shall include the address and telephone number of the Franchise Tax Board, and shall emphasize the necessity of obtaining a release from the Franchise Tax Board as a condition for the issuance, renewal, or continued valid status of a license or licenses.

(1) The notice shall inform the applicant that the state governmental licensing entity shall issue a temporary license, as provided in subparagraph (A) of paragraph (2) of subdivision (e), for 90 calendar days if the applicant is otherwise eligible and that upon expiration of that time period, the license will be denied unless the state governmental licensing entity has received a release from the State Board of Equalization or the Franchise Tax Board, whichever is applicable.

(2) The notice shall inform the licensee that any license suspended under this section will remain suspended until the state governmental licensing entity receives a release along with applications and fees, if applicable, to reinstate the license.

(3) The notice shall also inform the applicant or licensee that if an application is denied or a license is suspended pursuant to this section, any moneys paid by the applicant or licensee shall not be refunded by the state governmental licensing entity. The state governmental licensing entity shall also develop a form that the applicant or licensee shall use to request a release by the State Board of Equalization or the Franchise Tax Board. A copy of this form shall be included with every notice sent pursuant to this subdivision.

(h) If the applicant or licensee wishes to challenge the submission of his or her name on a certified list, the applicant or licensee shall make a timely written request for release to the State Board of Equalization or the Franchise Tax Board, whichever is applicable. The State Board of Equalization or the Franchise Tax Board shall immediately send a release to the appropriate state governmental licensing entity and the applicant or licensee, if any of the following conditions are met:

(1) The applicant or licensee has complied with the tax obligation, either by payment of the unpaid taxes or entry into an installment payment agreement, as described in Section 6832 or 19008 of the Revenue and Taxation Code, to satisfy the unpaid taxes.

(2) The applicant or licensee has submitted a request for release not later than 45 days after the applicant's or licensee's receipt of a preliminary notice described in paragraph (2) of subdivision (e), but the State Board of Equalization or the Franchise Tax Board, whichever is applicable, will be unable to complete the release review and send notice of its findings to the applicant or licensee and state governmental licensing entity within 45 days after the State Board of Equalization's or the Franchise Tax Board's receipt of the applicant's or licensee's request for release. Whenever a release is granted under this paragraph, and, notwithstanding that release, the applicable license or licenses have been suspended erroneously, the state governmental licensing entity shall reinstate the applicable licenses with retroactive effect back to the date of the erroneous suspension and that suspension shall not be reflected on any license record.

(3) The applicant or licensee is unable to pay the outstanding tax obligation due to a current financial hardship. "Financial hardship" means financial hardship as determined by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, where the applicant or licensee is unable to pay any part of the outstanding liability and the applicant or licensee is unable to qualify for an installment payment arrangement as provided for by Section 6832 or Section 19008 of the Revenue and Taxation Code. In order to establish the existence of a financial hardship, the applicant or licensee shall submit any information, including information related to reasonable business and personal expenses, requested by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, for purposes of making that determination.

(i) An applicant or licensee is required to act with diligence in responding to notices from the state governmental licensing entity and the State Board of Equalization or the Franchise Tax Board with the recognition that the temporary license will lapse or the license suspension will go into effect after 90 days and that the State Board of Equalization or the Franchise Tax Board must have time to act within that period. An applicant's or licensee's delay in acting, without good cause, which directly results in the inability of the State Board of Equalization or the Franchise Tax Board, whichever is applicable, to complete a review of the applicant's or licensee's request for release shall not constitute the diligence required under this section which would justify the issuance of a release. An applicant or licensee shall have the burden of establishing that he or she diligently responded to notices from the state governmental licensing entity or the State Board of Equalization or the Franchise Tax Board and that any delay was not without good cause.

(j) The State Board of Equalization or the Franchise Tax Board shall create release forms for use pursuant to this section. When the applicant or licensee has complied with the tax obligation by payment of the unpaid taxes, or entry into an installment payment agreement, or establishing the existence of a current financial hardship as defined in paragraph (3) of subdivision (h), the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall mail a release form to the applicant or licensee and provide a release to the appropriate state governmental licensing entity. Any state governmental licensing entity that has received a release from the State Board of Equalization and the Franchise Tax Board pursuant to this subdivision shall process the release within five business days of its receipt. If the State Board of Equalization or the Franchise Tax Board determines subsequent to the issuance of a release that the licensee has not complied with their installment payment agreement, the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall notify the state governmental licensing entity and the licensee in a format prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee is not in compliance and the release shall be rescinded. The State Board of Equalization and the Franchise Tax Board may, when it is economically feasible for the state governmental licensing entity to develop an automated process for complying with this subdivision, notify the state governmental licensing entity in a manner prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee has not complied with the installment payment agreement. Upon receipt of this notice, the state governmental licensing entity shall immediately notify the licensee on a form prescribed by the state governmental licensing entity that the licensee's license will be suspended on a specific date, and this date shall be no longer than 30 days from the date the form is mailed. The licensee shall be further notified that the license will remain suspended until a new release is issued in accordance with this subdivision.

(k) The State Board of Equalization and the Franchise Tax Board may enter into interagency agreements with the state governmental licensing entities necessary to implement this section.

(l) Notwithstanding any other law, a state governmental licensing entity, with the approval of the appropriate department director or governing body, may impose a fee on a licensee whose license has been suspended pursuant to this section. The fee shall not exceed the amount necessary for the state governmental licensing entity to cover its costs in carrying out the provisions of this section. Fees imposed pursuant to this section shall be deposited in the fund in which other fees imposed by the state governmental licensing entity are deposited and shall be available to that entity upon appropriation in the annual Budget Act.

(m) The process described in subdivision (h) shall constitute the sole administrative remedy for contesting the issuance of a temporary license or the denial or suspension of a license under this section.

(n) Any state governmental licensing entity receiving an inquiry as to the licensed status of an applicant or licensee who has had a license denied or suspended under this section or who has been granted a temporary license under this section shall respond that the license was denied or suspended or the temporary license was issued only because the licensee appeared on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the

Revenue and Taxation Code. Information collected pursuant to this section by any state agency, board, or department shall be subject to the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). Any state governmental licensing entity that discloses on its Internet Web site or other publication that the licensee has had a license denied or suspended under this section or has been granted a temporary license under this section shall prominently disclose, in bold and adjacent to the information regarding the status of the license, that the only reason the license was denied, suspended, or temporarily issued is because the licensee failed to pay taxes.

(o) Any rules and regulations issued pursuant to this section by any state agency, board, or department may be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare. The regulations shall become effective immediately upon filing with the Secretary of State.

(p) The State Board of Equalization, the Franchise Tax Board, and state governmental licensing entities, as appropriate, shall adopt regulations as necessary to implement this section.

(q) (1) Neither the state governmental licensing entity, nor any officer, employee, or agent, or former officer, employee, or agent of a state governmental licensing entity, may disclose or use any information obtained from the State Board of Equalization or the Franchise Tax Board, pursuant to this section, except to inform the public of the denial, refusal to renew, or suspension of a license or the issuance of a temporary license pursuant to this section. The release or other use of information received by a state governmental licensing entity pursuant to this section, except as authorized by this section, is punishable as a misdemeanor. This subdivision may not be interpreted to prevent the State Bar of California from filing a request with the Supreme Court of California to suspend a member of the bar pursuant to this section.

(2) A suspension of, or refusal to renew, a license or issuance of a temporary license pursuant to this section does not constitute denial or discipline of a licensee for purposes of any reporting requirements to the National Practitioner Data Bank and shall not be reported to the National Practitioner Data Bank or the Healthcare Integrity and Protection Data Bank.

(3) Upon release from the certified list, the suspension or revocation of the applicant's or licensee's license shall be purged from the state governmental licensing entity's Internet Web site or other publication within three business days. This paragraph shall not apply to the State Bar of California.

(r) If any provision of this section or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(s) All rights to review afforded by this section to an applicant shall also be afforded to a licensee.

(t) Unless otherwise provided in this section, the policies, practices, and procedures of a state governmental licensing entity with respect to license suspensions under this section shall be the same as those applicable with respect to suspensions pursuant to Section 17520 of the Family Code.

(u) No provision of this section shall be interpreted to allow a court to review and prevent the collection of taxes prior to the payment of those taxes in violation of the California Constitution.

(v) This section shall apply to any licensee whose name appears on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code on or after July 1, 2012.

§ 495 Public Reproval-Grounds-Procedure

Notwithstanding any other provision of law, any entity authorized to issue a license or certificate pursuant to this code may publicly reprove a licentiate or certificate holder thereof, for any act that would constitute grounds to suspend or revoke a license or certificate. Any proceedings for public reproval, public reproval and suspension, or public reproval and revocation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, or, in the case of a licensee or certificate holder under the jurisdiction of the State Department of Health Services, in accordance with Section 100171 of the Health and Safety Code.

§ 496 Violation of §123; Grounds

A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to subversion of licensing examinations.

§ 498 License Secured by Fraud, Deceit, or Knowing Misrepresentation; Grounds

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.

§ 499 False Statement in Support of Another Person's Application; Grounds

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee, in support of another person's application for license, knowingly made a false statement of a material fact or knowingly omitted to state a material fact to the board regarding the application.