New Licensee
Information Guide

CALIFORNIA ARCHITECTS BOARD

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Introduction

Congratulations on obtaining your California architect license! The California Architects Board (board) created this guide to assist you in understanding the Architects Practice Act (act), board regulations, and the various filing and notification requirements. However, this list is not intended to be inclusive of all requirements, so you should review the act and regulations in their entirety to ensure compliance.

Provided below is a basic overview of the topics covered in this guide:

Laws and regulations	Architects Practice Act—Business and Professions Code (BPC) sections 5500–5610.7 Board regulations—California Code of Regulations (CCR), title 16, division 2, sections 100–160
Address of record (BPC § 5558 and CCR, tit.16, §104)	The address of record is used for all board correspondence. Immediately notify the board of any changes to your address of record by submitting a Change of Address form.

License renewal process (BPC §§ 5600–5600.4)	Licenses expire at midnight on the last day of the licensee's birth month in odd-numbered years and must be renewed every two years by completing the required coursework and mailing a license renewal application with the renewal fee.
Continuing education coursework requirement (BPC § 5600.05)	Complete five hours of coursework on disability access requirements within the previous two years prior to license renewal. Maintain records of completion for two years from the date of license renewal and, if selected for an audit, provide those records to the board.
Convictions or disciplinary actions by a public agency (BPC § 5600, subd.(c))	A criminal conviction* or disciplinary action by a public agency must be disclosed to the board on the license renewal application. * A conviction of a traffic infraction does not need to be reported unless the infraction involved alcohol or a controlled substance.
Judgment, settlement, arbitration award, or administrative action of $5,000 or greater (BPC § 5588)	Any civil action judgment, settlement, arbitration award, or administrative action alleging fraud, deceit, negligence, incompetence, or recklessness by the licensee in the practice of architecture resulting in a judgment, settlement, or arbitration award of $5,000 or greater against the licensee must be reported to the board within 30 days by completing a Report of Settlement or Arbitration Award form.

Laws and Regulations

The act, with board regulations, can be found in BPC sections 5500–5610.7 and CCR, title 16, division 2, sections 100–160, respectively. Key provisions of the act and regulations to be aware of include:

BPC section 5500.1—practice of architecture defined

Subdivision (a) defines the practice of architecture 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."

Pursuant to BPC section 5500.1, subdivision (b), an architect's 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.

It is important to note that the practice of architecture is not limited to "stamping and signing" documents.

BPC section 5536.1 and CCR, title 16, section 136—stamp and signature requirement

Architects are required to stamp and sign plans, specifications, and other instruments of service as evidence of their responsibility for those documents (BPC § 5536.1, subd. (a)). BPC section 5536.1, subdivision (b) specifies that the architect's stamp must be of a design authorized by the board and contain the following:

1. The legend "state of California."

2. The term "licensed architect."

3. The architect's name (as licensed with the board).

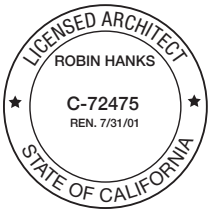
4. The architect's license number.

5. A means for noting the renewal date of the license.

The renewal date may be handwritten or typeset. The typeset version will require replacement every two years.

CCR, title 16, section 136 requires the stamp to be of a 1-inch minimum to 2-inch maximum diameter circular shape. The design of the circle may include solid lines (thin or thick) or broken lines, such as dashes or dots. Other possibilities include a rope or beaded effect or words forming the circle. Embellishments (stars, graphic designs) are also acceptable as long as the stamp is legible. The stamp shall not be of the embossing type.

Provided below are basic examples of recommended formats for a California architect's stamp (CCR, tit. 16, § 136). Stamps can be ordered from any source—stationary stores, business supply houses, rubber stamp manufacturers, and print shops.



Note: The board has not adopted any regulations that require a "wet" (original) stamp or signature or prohibit the use of an electronic stamp or signature.

BPC section 5536.22 – written contract requirement

Pursuant to BPC section 5536.22, subdivision (a), an architect must use a written contract when contracting to provide professional services to a client. That written contract must be executed by both the architect and the client, or the client's 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 must include, but is not limited to, all of the following items:

1. A description of the project for which the client is seeking services.
2. A description of the services to be provided by the architect to the client.
3. A description of any basis of compensation applicable to the contract and the method of payment agreed upon by both parties.
4. The name, address, and license number of the architect, the name and address of the client, and the project address.
5. A description of the procedure that the architect and the client will use to accommodate additional services and contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment.
6. A description of the procedure to be used by either party to terminate the contract.
7. A statement identifying the ownership and use of instruments of service prepared by the architect.
8. A statement in at least 12-point type that reads: "Architects are licensed and regulated by the California Architects Board located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834."

As outlined in BPC section 5536.22, subdivision (b), this requirement does 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).
5. Professional services rendered by an architect to a public agency when using that public agency's written contract.

Note: The law does not preclude the architect or client from using or insisting there be a written contract for work that falls under one or more of these categories; it simply gives the client or the architect the option not to use one.

BPC sections 5582 and 5582.1 and CCR, title 16, section 151—aiding and abetting

Licensees should be aware that the following actions constitute grounds for disciplinary action against a licensee, as outlined in BPC sections 5582 and 5582.1:

- Aiding or abetting in the practice of architecture any person not authorized to practice architecture under the provisions of this chapter.

- Affixing 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.

- Permitting his or her name to be used for the purpose of assisting any person to evade the provisions of this chapter.

CCR, title 16, section 151, subdivision (a) further states that aiding and abetting takes place when a licensed architect signs any instrument of service which has been prepared by any person who is not: (1) a California licensed architect or civil or structural engineer; (2) a subordinate employee under his or 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.

CCR, title 16, section 160—"Rules of Professional Conduct"

The board adopted the "Rules of Professional Conduct" to protect the public by setting out areas of behavior for which an architect risks being disciplined. Architects are required to comply with these rules covering competency, misconduct, conflict of interest, full disclosure, and copyright infringement. CCR, title 16, section 160 states:

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.

Address of Record

A licensee's mailing address, commonly referred to as the "address of record," is public information. The board sends all correspondence to the licensee's address of record, including notifications for license renewal, coursework audits, and complaints filed against the licensee.

Licensees must file their current mailing address with the board and immediately notify the board of any changes, giving both the old and new addresses (BPC § 5558 and CCR, tit.16, § 104).

The board provides a Change of Address form available on its website to assist licensees in complying with this requirement.

Business Entity Information

BPC section 5558 requires each licensee to report to the board the name and address of the entity through which he or she provides architectural services. For reporting purposes, “architectural services” are those services defined in BPC section 5500.1, subdivision (b).

The board provides a Business Entity Report form available on its website to assist licensees in complying with this reporting requirement.

All licensees who provide architectural services whether they are sole proprietors, owners, part-owners, or employees of a business entity are required to comply with this provision. This filing provides the public and board with a means to determine if a business providing architectural services has an architect in responsible control.

Licensees must immediately notify the board of any changes to the name or address of the business entity, giving both the old and new business names or addresses (CCR, tit. 16, § 104).

License Renewal Process

California architect licenses expire at midnight on the last day of the licensee's birth month in odd-numbered years and must be renewed every two years.

To renew a license:

Complete continuing education coursework on disability access requirements within the previous two years as mandated by BPC section 5600.05 *(see additional coursework information provided in the following chapter)*.

Use the online license renewal payment portal on the board's website and pay with a debit or credit card, or complete a hard copy Architect License Renewal Application and mail to the board with the renewal fee. Envelope must be postmarked on or before the license renewal date.

Renewing your license on time is critical. Renewal notices are sent to the licensee's address of record approximately 90 days prior to the expiration date. If a licensee does not receive the renewal notice within 30 days of the license expiration date, the licensee may renew by downloading an Architect License Renewal Application from the board's website at **www.cab.ca.gov** and mail the signed original renewal application and applicable renewal fee to the board. Licensees **may not** submit a renewal application and payment more than 90 days before their current license period ends.

Please allow up to eight weeks for processing renewal applications submitted by mail. The most frequent cause of delay in the renewal process is an incomplete renewal application. Be sure that your renewal application is complete and signed.

Should a licensee choose to renew online, this payment option will decrease the time to renew a license, while providing a secure online payment option. A licensee may not renew online if they:

- Renew a license more than 90 days prior to its expiration date.
- Owe a fine.
- Request a military waiver (no fee).
- Are military inactive status (no fee).

Or if the license status is:

- Delinquent beyond two renewal cycles (two years delinquent and two renewal fees due).
- Revoked.

A licensee who has submitted a complete license renewal application prior to the expiration of the license may continue to engage in legal practice of the profession until receipt of the renewed license if the delay was not the fault of the licensee (BPC § 121). Please note that the safe harbor provision of BPC section 121 will not apply if the renewal application is untimely or incomplete.

Continuing Education Coursework Requirement

Pursuant to BPC section 5600.05, architects must comply with the following as a condition of license renewal:

- Complete five hours of coursework on state and federal disability access requirements within the previous two years. The coursework must be presented by trainers or educators with knowledge and experience in the disability access requirements.
- Certify to the board on the renewal application that he or she has completed the required coursework.
- Maintain records documenting completion of the required coursework for two years from the date of license renewal.
- Provide, upon request, records to the board for auditing. Records must include the following:

  1. Course title.
  2. Subjects covered.
  3. Name of provider.
  4. Name of educator or trainer.
  5. Date of completion.

6. Number of hours completed.
7. Statement about the trainer's or educator's knowledge and experience background.

Licensees are encouraged to complete these requirements timely in order to avoid a delay in the processing of their license renewal.

The coursework on disability access requirements must include information and practical guidance concerning the requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101–336; 42 United States Code § 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws.

The board does not have the authority to approve course providers or courses. Coursework on disability access requirements is available from a variety of sources. Below are some of the sources to assist architects in finding courses. However, the board does not endorse any specific course or provider. Other providers are available, including online providers. When selecting a course, be sure to choose one that offers content that meets the requirements described above. Verify that the material is presented by trainers or educators with knowledge and expertise in disability access requirements.

The American Institute of Architects, California
(916) 448-9082
www.aiacalifornia.org

California Building Officials
(916) 457-1103
www.calbo.org

Division of the State Architect Academy
(916) 445-8100
www.dsaacademy.dgs.ca.gov

You can also check with your local building department.

The board conducts audits of completed coursework. Licensees who are selected for an audit will be required to submit coursework documentation confirming that they have fulfilled the requirement. Licensees must keep their coursework documentation for at least two years from the date of their license renewal (BPC § 5600.05, subd. (b)).

Important: Licensees who submit false or misleading information will be subject to an administrative citation, which may include an administrative fine or disciplinary action (BPC § 5600.05). Further, a failure to respond to the board's request for documentation may subject the licensee to disciplinary action.

Notification of a Judgment, Settlement, Arbitration Award, or Administrative Action of $5,000 or Greater

Licensees must 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 $5,000 or greater (BPC § 5588, subd. (a)).

The board provides a Report of Settlement or Arbitration Award form on its website to assist licensees in complying with this requirement.

It is important to note that the licensee is responsible for notifying the board of the reportable event, and the failure of a licensee to report the event in the time and manner required by BPC section 5588, subdivision (a) constitutes a ground for disciplinary action. (BPC § 5588, subd. (d)).

Disclosure of a Criminal Conviction or Disciplinary Action by a Public Agency

Each license renewal application includes the following question:

> *In the preceding renewal period, have you been disciplined by a public agency or have you been convicted of a crime in any state, the U.S.A. and its territories, federal jurisdiction, military court, or other country, which involved a plea or verdict of guilty or a conviction following a plea of nolo contendere?*

If you are convicted* of a crime or disciplined by a public agency, you must disclose the action to the board by answering "Yes" to the question above on your license renewal application. You will then be contacted by the board's Enforcement Unit and you may be asked to submit additional information and/or documentation relating to the disclosed action.

* "Convicted" includes a plea or verdict of guilty or a conviction following a plea of nolo contendere and any conviction that has been set aside or deferred pursuant to Penal Code (PC) section 1203.4, including infractions, misdemeanors, and felonies (BPC § 7.5). You do not need to report a conviction of a traffic infraction with a fine of less than $1,000 unless the infraction involved alcohol or a controlled substance. You must, however, disclose any convictions in which you entered a plea or no contest and any convictions that were subsequently set aside or deferred pursuant to PC sections 1000 or 1203.4.

Questions?

If you have any questions about the act, board regulations, or the content of this guide, please contact:

California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 574-7220
www.cab.ca.gov
cab@dca.ca.gov

Additionally, through the Architect Consultants' Education and Information Program, the board's architect consultants are available to discuss technical and/or practice-related issues with you. For further information, contact the board's Enforcement Unit at (916) 575-7209.

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