

TITLE 16 California Architects Board
DEPARTMENT OF CONSUMER AFFAIRS

INITIAL STATEMENT OF REASONS

Hearing Date: The California Architects Board has not scheduled a hearing on the proposed changes.

Subject Matter of Proposed Regulations: Delegation of Certain Functions

Section(s) Affected: Section 103 Article 1 of Division 2 of Title 16 of the California Code of Regulations (CCR)

Background and Statement of the Problem:

The California Architects Board (The Board) was created in 1901 by the California State Legislature. The Board licenses, regulates, and investigates complaints against architects in California, totaling approximately 21,000 licensees. It is the Board's duty to enforce and administer the Architects Practice Act, (Business & Professions Code (BPC) Chapter 3 (commencing with section 5500) of Division 3 (Act)). The Board is authorized to establish necessary rules and regulations for the enforcement of the Act and the laws subject to its jurisdiction (BPC section 5526). BPC section 5510.15 mandates that the protection of the public shall be the highest priority of the Board in its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with the other interests sought to be promoted, the protection of the public shall be paramount.

BPC section 5526 authorizes the Board, in accordance with the Administrative Procedure Act (APA) (Government Code (Gov. Code) section 11400 et seq.), to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry out the provisions under the Act. BPC 5561.5 requires that proceedings for suspension or revocation of licenses 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.

The Board's delegation of certain functions regulation, 16 CCR 103, delegates enforcement related authority to the executive officer. Specifically, the ability 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. This allows the Board's enforcement actions to continuously function as long as the Board has an executive officer in place to execute them.

There are no provisions clarifying the transfer of delegated authority should the Board be without an executive officer. This proposal clarifies that in the absence of the executive officer, the delegated authority will extend to the assistant executive officer. Additionally, the language clarifies that the delegated authority will be conferred to an interim or acting executive officer when the Board selects one. Having these provisions in place will ensure the Board does not experience unnecessary delays in processing enforcement related items should the Board not have an executive officer available to address them in a timely manner. This will allow the Board to continue to function as normal and avoid incurring delays due to a vacant position or an extended absence.

Anticipated benefits from this regulatory action:

This proposal will clarify that in the absence of the executive officer, the delegated enforcement authority will extend to the assistant executive officer, and the authority will be conferred to an interim or acting executive officer when the Board selects one. This regulatory proposal will benefit the health and welfare of Californians by ensuring there is no delay in administering enforcement actions.

Specific purpose of, and rationale for, each adoption, amendment, or repeal:

1. Amend 16 CCR section 103

Purpose: Amends 16 CCR 103 by adding “, or in the executive officer’s absence, to the assistant executive officer. Once the Board selects an interim or acting executive officer, all powers delegated to the executive officer will vest to the interim or acting executive officer.”

Anticipated Benefit/Rationale: This language clarifies the delegation of authority to the assistant executive officer, and then to an interim or acting executive officer when the Board selects one. By clarifying this delegated authority, the Board’s enforcement responsibilities can continue uninterrupted should the Board be without an executive officer. This will allow the Board to continue to function as normal and avoid incurring delays due to a vacant position or an extended absence.

Underlying Data

1. August 21, 2025 Board Meeting Agenda, Relevant Materials, and Minutes
2. November 6, 2025 Board Meeting Agenda, Relevant Materials, and Minutes

Business Impact:

The Board has made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses including

the inability of California businesses to compete with businesses in other states. The proposed regulations clarify administrative actions of the Board.

The regulations do not result in additional workload or costs to businesses and therefore are not anticipated to result in any negative impacts.

Economic Impact Assessment:

The Board has determined that this regulatory proposal will have the following effects:

It will not create or eliminate jobs within the State of California because it delegates existing authority granted to the Executive Officer to the Assistant Executive Officer, as specified.

It will not create new business or eliminate existing businesses within the State of California because it delegates existing authority granted to the Executive Officer to the Assistant Executive Officer, as specified.

It will not affect the expansion of businesses currently doing business within the State of California because it delegates existing authority granted to the Executive Officer to the Assistant Executive Officer, as specified.

This regulatory proposal will benefit the health and welfare of Californians by ensuring there is no delay in administering enforcement actions.

This regulatory proposal does not affect worker safety because it does not involve worker safety.

This regulatory proposal does not affect the state's environment because it does not involve the environment.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

The Board has made an initial determination that no reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.