

BACKGROUND PAPER FOR The California Architects Board

**Joint Sunset Review Oversight Hearing, March 11, 2024
Senate Committee on Business, Professions, and Economic Development
and Assembly Committee on Business and Professions
IDENTIFIED ISSUES, BACKGROUND AND RECOMMENDATIONS**

BRIEF OVERVIEW OF THE CALIFORNIA ARCHITECTS BOARD

History and Function of the California Architects Board (CAB or Board)

The Governor of California approved “An Act to Regulate the Practice of Architecture” in 1901, thus creating Board’s predecessor, the State Board of Architecture. The Legislature changed its name in 1929 to the California State Board of Architectural Examiners, reflecting the fact the Board administered exams, both oral and written, to prospective architects. The Board assumed oversight responsibilities for the Landscape Architects Technical Committee in 1998. The Board gained its current moniker in 2000 to reflect that, in addition to examining candidates, the Board also maintains a wide range of programs to protect consumers and broadly regulates the practice of architecture. The Board oversees more than 21,000 licensed architects.

The Architects Practice Act (Act) 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.” The Act exempts individuals from licensure requirements who prepare plans for smaller scale, wood frame construction projects such as single-family homes less than two stories. Structural, civil, and professional engineers; landscape architects; and land surveyors are also not subject to the Act, but cannot use the term “architect” unless they are so licensed.

The mission of the Board is to protect the public health, safety, and welfare through the regulation of the practice of architecture and landscape architecture in California. The following goals frame the Board’s efforts:

1. Ensure the professional qualifications of those practicing architecture by setting requirements for education, experience, and examinations;
2. Establish regulatory standards of practice for California architects and protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur;
3. Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur;

4. Increase public and professional awareness of the Board’s mission, activities, and services;
5. Improve effectiveness of relationships with related organizations in order to further the Board’s mission and goals; and
6. Enhance organizational effectiveness and improve the quality of customer service in all programs.

The ten-member Board consists of five architects and five public members. The Governor appoints the professional members and three of the public members, while the remaining two public members are appointed by the Senate Committee on Rules and the Speaker of the Assembly, respectively. Board members meet four times per year, and all meetings are subject to the Bagley-Keene Open Meetings Act. Current members attend meetings regularly. The Board reports that they had to cancel their in-person Board meeting in May 2022 due to a lack of a quorum, but rescheduled the meeting for the following month.

Name and Background	Appointment Date	Term Expiration Date	Appointing Authority	Professional or Public
Charles L. Ward, III, Board President Mr. Ward is a Principal of June Street Architect, Inc. in West Hollywood, CA... He currently serves on the National Center on Adoption and Permanency Board of Advisors, Woodbury University School of Architecture Board of Advisors, Woodbury University Architecture of Civic Engagement Advisory Board and the Emeritus Board for the Family Equality Council.	February 22, 2023	June 30, 2025	Governor	Professional
Ronald A. Jones, AIA, Board Vice President Mr. Jones has been a founding principal at Hunt Hale Jones Architects since 1993. He is a member of the American Institute of Architects, California Building Industry Association, and the National Association of Home Builders. Mr. Jones is co-founder of the Judie Davis Marrow Donor Recruitment Program and past chair of the Minority Affairs Committee for the National Institute of Health’s National Marrow Donor Program.	July 1, 2021	June 30, 2025	Governor	Professional
Malcolm "Brett" Gladstone, Board Secretary Mr. Gladstone focuses his practice on land use law and real estate transactions. He represents investors, developers, and government in land-use proceedings and CEQA compliance with respect to residential and mixed-use development throughout the Bay. Mr. Gladstone lectures on a variety of topics, including development entitlements, condominium law, and planned developments.	February 14, 2021	June 30, 2024	Governor	Public

<p>Tian Feng , FAIA, FCSI Mr. Feng is the District Architect for the San Francisco Bay Area Rapid Transit District since 2001, where he focuses his work on developing and implementing design and construction standards for transit facilities and climate resiliency for infrastructure. Prior to BART, he also practiced architectural consulting, construction expert witnessing, and teaching with employments including Jacobs Engineering and University of Southern California. Mr. Feng is a fellow of The American Institute of Architects and a fellow of the Construction Specifications Institute. He serves on NCARB's Certification Alternatives Review Team and NAAB's Architectural Accreditation Visiting Team.</p>	<p>July 21, 2021</p>	<p>June 30, 2025</p>	<p>Governor</p>	<p>Professional</p>
<p>Mitra Kanaani, FAIA Ms. Kanaani was a Professor at NewSchool of Architecture and Design for 29 years prior to her retirement in June 2021. She has been Principal at Universal Design since 1997. She is a fellow of the American Institute of Architects, secretary for the Association of Collegiate Schools of Architecture, and international evaluator at the National Architectural Accrediting Board. Kanaani is a member of the Building Technology Educators Society, International Code Council, and the American Institute of Architects.</p>	<p>July 1, 2021</p>	<p>June 30, 2024</p>	<p>Governor</p>	<p>Professional</p>
<p>Sylvia Kwan, FAIA, LEED™ AP BD+C Ms. Kwan founded Kwan Henmi Architecture and Planning Inc. in 1980 and in 2017 became a principal of DLR Group Kwan Henmi. Ms. Kwan has served as Director of AIA National Board, the California Council Board, and the San Francisco Chapter Board. She is also a member of the San Francisco Chamber of Commerce and the Bay Area Council boards. She is a member of the Western Council of Architectural Registration Boards.</p>	<p>August 16, 2013</p>	<p>June 30, 2023</p>	<p>Governor</p>	<p>Professional</p>

<p>Leonard Manoukian Mr. Manoukian lives in Southern California. He has worked for the State Compensation Insurance Fund for 32 years, and is an Assistant Chief Counsel. He served on the City of Glendale Planning Commission for nearly 13 years, serves on the board of the local American Youth Soccer Organization, and has served on the local Boy Scouts Council. Leonard is a Freemason and is a 3-time delegate to the California Democratic Party.</p>	<p>April 24, 2023</p>	<p>June 30, 2027</p>	<p>Assembly</p>	<p>Public</p>
<p>Robert C. Pearman, Jr. Mr. Pearman has been a California real estate and public agency lawyer for 30 years, focusing on public works, redevelopment, real estate, construction, affordable housing, financial institutions, and litigation law. He is currently Of Counsel to the law firm Sanders, Roberts, LLP. Mr. Pearman is also an arbitrator and a member of the American Arbitration Association’s National Roster of Neutrals (Commercial and Construction Disputes Panels), State of California Public Works Contract Arbitration Panel, and Caltrans Dispute Resolution Board.</p>	<p>August 15, 2018</p>	<p>June 30, 2026</p>	<p>Senate</p>	<p>Public</p>
<p>Nilza Serrano Ms. Serrano founded TMS Production and Post Production firm, while maintaining a steadfast commitment to public service. She serves on the Getty House Foundation Board of Directors to ensure that future generations have access while preserving the house and gardens. Ms. Serrano also serves on the Board of Directors for HOPE-PAC, a Political Action Committee.</p>	<p>September 24, 2013</p>	<p>June 30, 2024</p>	<p>Governor</p>	<p>Public</p>
<p>Faud Sweiss Mr. Sweiss has been Founder and President of Global Modular Partners since 2020. He was Executive Director of the City of Santa Ana Public Works Agency from 2018 to 2019. He was a Senior Policy Advisor to San Francisco Mayor Ed Lee from 2016 to 2018 and City Engineer & Deputy Director of Public Works for the City of San Francisco from 2009 to 2016. Mr. Sweiss was President & Founder of Access Design & Construction in 2006 and served in several roles for the City of Oakland from 1988 to 2006.</p>	<p>October 2023</p>	<p>June 30, 2027</p>	<p>Governor</p>	<p>Public</p>

The Board has the following standing committees:

- The Executive Committee is composed of four members: the current President, Vice President, Secretary, and one additional Board member (typically the past President). It is responsible for:

- Coordinating and leading the Board’s organizational relationships and development;
 - Improving the effectiveness of the Board’s relationships with organizations to further its mission and goals; and
 - Enhancing the Board’s organizational effectiveness and improving the quality of customer service in all programs.
- The Professional Qualifications Committee (PQC) was composed of 11 current and former Board members and experts until January 2022 when the PQC changed composition to three Board members, one former Board member, and one public member. The PQC is charged with:
 - Establishing requirements for licensee education, experience, and examination;
 - Reviewing the practice of architecture to ensure the Architects Practice the Board’s Act accurately reflects areas of practice;
 - Analyzing and making recommendations on educational and experience requirements relative to entry-level qualifications;
 - Providing general California Supplemental Examination (CSE) oversight;
 - Working with the Board’s testing experts, examination vendors, and subject matter experts to provide valid, defensible, and efficient examinations; and
 - Addressing broad examination policy issues.
- The Regulatory and Enforcement Committee (REC) was composed of nine current and former Board members and experts until January 2022, the REC changed composition to three Board members, one former Board member, and one public member. It is charged with making recommendations on:
 - Practice standards and enforcement issues;
 - Regulatory standards of practice for architects;
 - Policies and procedures designed to prevent violations; and
 - Informing the public and licensees of the Board’s standards and enforcement programs.
- The Communications Committee was composed of eight current and former Board members and experts until January 2022 when the Committee changed its composition to three Board members, one former Board member, and one public member. It is charged with:
 - Identifying strategies to effectively communicate to key audiences Providing strategic input on enhancing the use of social media to communicate with the Board’s stakeholders;
 - Providing strategic input on enhancing outreach to the Board’s stakeholders.

According to the Board, the decision to change the composition of the PQC, REC and Communications Committee was to make meetings more manageable, particularly teleconference meetings. Additionally, requiring committee members to undergo the same training as board members presented challenges, and reducing the committee size helped ensure better compliance with training requirements.

The Board appointed Laura Zuniga as its Executive Officer (EO) in August 2018. The Board’s Assistant EO, Vickie Mayer, retired in November 2020 after holding the position for 26 years. A new Assistant EO, Jesse Laxton, was hired in July 2023.

The Board’s EO oversees a staff of nearly 30. The Board notes that it has noticed trouble recruiting and maintaining clerical level staff due to the fact that telework options are not available. Additionally, these positions are typically entry-level, where new jobs are filled every two years. The Board notes that ensuring having good manuals and procedures that are updated is an effective succession planning tool.

Fiscal and Fund Analysis

The Board is a self-supporting, special fund agency that obtains its revenues from licensing and renewal fees, which in turn support its licensing, examination, enforcement, and administration programs. The Board does not receive any general fund revenue. Revenue is primarily generated by the biennial license renewal and examination fees.

Fund Condition (list dollars in thousands)						
(Dollars in Thousands)	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24**	FY 2024-25**
Beginning Balance ¹	\$5,052	\$5,706	\$4,610	\$4,435	\$3,037	\$3,756
Revenues and Transfers	\$4,600	\$3,020	\$4,191*	\$3,075	\$5,838	\$3,915
Total Revenue	\$9,652	\$8,726	\$8,801	\$7,518	\$8,875	\$6,671
Budget Authority	\$4,061	\$3,976	\$5,010	\$5,148	\$4,966	\$5,115
Expenditures ²	\$3,869	\$4,217	\$4,366	\$4,481	\$5,119	\$5,474
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$5,783	\$4,509	\$4,435	\$3,030	\$3,378	\$1,223
Months in Reserve	16.5	12.4	9.7	7.1	8.2	4.7

¹ Actuals include prior year adjustments

² Expenditures include reimbursements and direct draws to the fund

*Includes EO transfer to GF (AB 84)

** Estimate

This table is from the BOARD’s Sunset Review Report 2023

The Board notes that in FY 2021/22, the Board’s fund was projected to be insolvent by FY 2025/26. As noted in the table above, the Board’s fund balance has decreased approximately 78% since FY 2019/20. The Board attributes this significant decrease to rising costs to attorney general fees and business modernization costs. The Board recently raised fees from \$300 to \$400 for original applications and \$300 to \$400 for licensure renewals.

During FY 19/20 through FY 22/23, the Board spent an average of approximately 21% on its enforcement program, 14% on its examination program, 16% on its licensing program, 28% on administration and 21% on DCA pro rata. Both the Board and the LATC contribute separately to DCA pro rata costs, although they share the EO and AEO along with other resources.

Expenditures by Program Component (list dollars in thousands)								
	FY 2019-20		FY 2020-21		FY 2021-22		FY 2022-23	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$532	\$177	\$597	\$244	\$557	\$297	\$605	\$261
Examination	\$327	\$167	\$367	\$234	\$342	\$155	\$372	\$170
Licensing	\$491	\$108	\$551	\$85	\$514	\$111	\$559	\$150
Administration *	\$816	\$181	\$891	\$170	\$943	\$210	\$923	\$210
DCA Pro Rata	\$0	\$748	\$0	\$771	\$0	\$895	\$0	\$908
Diversion (if applicable)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTALS	\$2,166	\$1,381	\$2,406	\$1,504	\$2,356	\$1,668	\$2,459	\$1,699

BreZee and Information Technology (IT)

The Board and LATC, along with 19 other boards and bureaus, were scheduled for the third release of BreZee; however, numerous technical delays and problems with the project forced the delay of both the first and second releases of the system, and subsequently eliminated the project for those boards and bureaus scheduled for Release 3, including the Board/LATC.

DCA developed a Business Modernization Plan based on the new Project Approval Lifecycle developed by the California Department of Technology (CDT). The purpose of this initiative is to address business and technology needs for programs that continue to rely on legacy technology solutions. Business Modernization identifies a methodical step-by-step approach that boards and bureaus within DCA use to assist their programs moving forward. The goal is to embrace the unique nature of each of DCA's programs while offering some process standardization. The Plan outlined four stages with rollout scheduled for the fall of 2023.

In May 2023, the first phase of the new system, Connect, was released for LATC, and on June 1, 2023 for the Board. In the first phase the Eligibility Application, California Supplemental Exam Application, and Initial License Application were made available for candidates to complete and submit online.

The Business Modernization Project Cohort 2 launched in February 2023. As of June 30, 2023, the Board has spent \$862,769 on the Business Modernization Project; estimated yearly costs will be \$398,000 for FY 2024/25 and \$254,000 each year thereafter. The Board contributed \$411,269 to the BreZee IT project, to which it did not transition, before converting to the Business Modernization Project with other small DCA boards and bureaus.

Licensing

As of June 30 2023, the Board's licensing population was just over 21,000 active California architects. The Board evaluates a candidate's architectural education, experience, and examination results to assess their knowledge, skills, and ability to perform the services required of a competent California architect.

According to Board's website, California's examination and licensure requirements are more flexible than most other jurisdictions. A potential licensee must:

- Provide verification of five years of education equivalence and three years of architectural work experience. At least one year of work experience must be under the direct supervision of an architect licensed in a US jurisdiction, or two years' experience under the direct supervision of an architect registered in a Canadian province.
- Successfully complete the Architect Registration Examination (ARE), Architectural Experience Program (AXP), and the California Supplemental Examination (CSE).

The Board collaborated with DCA's Office of Professional Examination Services (OPES) to explore the feasibility of reducing the mandatory retake period from 180 days to 90 days. The new retake policy began in March 2019.

Candidates may submit applications for the ARE, CSE, and licensure at any time; there are no set deadlines for submission. Candidates requesting Board consideration of their education must have certified transcripts sent directly from their school or obtained from the National Council of Architectural Registration Boards (NCARB) Record.

The ARE is a practice-based examination developed and administered by the NCARB, which concentrates testing those services that most affect the public's health, safety, and welfare. The examination attempts to determine the candidate's qualifications not only to perform measurable tasks, but also to exercise the skills and judgment of a generalist working with numerous specialists.

The ARE is comprised of the following six divisions:

- Construction & Evaluation (CE)
- Practice Management (PCM)
- Programming & Analysis (PA)
- Project Development & Documentation (PDD)
- Project Management (PJM)
- Project Planning & Design (PPD)

Examination Data		
California Examination (include multiple language) if any:		
	License Type	Architect
	Exam Title	California Supplemental Examination
FY 2018/19	Number of Candidates	1,327
	Overall Pass %	60%
	Overall Fail %	40%
FY 2019/20	Number of Candidates	914
	Overall Pass %	67%
	Overall Fail %	33%
FY 2020/21	Number of Candidates	845
	Overall Pass %	74%
	Overall Fail %	26%
	Number of Candidates	859

FY 2021/22	Overall Pass %	71%
	Overall Fail %	29%
FY 2022/23	Number of Candidates	959
	Overall Pass %	74%
	Overall Fail %	26%
Date of Last OA		2020
Name of OA Developer		Office of Professional Examination Services (OPES)
Target OA Date		TBD

National Examination (include multiple language) if any:

License Type		Architect					
Exam Title		CE	PCM	PA	PDD	PJM	PDD
FY 2018/19	Number of Candidates	685	1,497	1,245	1,357	1,015	1,693
	Overall Pass %	64%	45%	45%	43%	57%	35%
	Overall Fail %	36%	55%	55%	57%	43%	65%
FY 2019/20	Number of Candidates	628	1,180	836	924	886	1,140
	Overall Pass %	61%	45%	43%	45%	54%	36%
	Overall Fail %	39%	55%	57%	55%	46%	64%
FY 2020/21	Number of Candidates	1,000	1,531	1,165	1,044	1,199	1,327
	Overall Pass %	56%	49%	45%	50%	59%	43%
	Overall Fail %	44%	51%	55%	50%	41%	57%
FY 2021/22	Number of Candidates	1,050	1,377	1,142	1,196	1,097	1,328
	Overall Pass %	53%	54%	46%	44%	65%	43%
	Overall Fail %	47%	46%	54%	56%	35%	57%
FY 2022/23	Number of Candidates	797	1,118	925	992	839	1,108
	Overall Pass %	63%	50%	57%	53%	66%	47%
	Overall Fail %	37%	50%	43%	47%	34%	53%
Date of Last OA		2020					
Name of OA Developer		Alpine Testing Solutions					
Target OA Date		TBD					

Licensee Population

		FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Architect	Active ³	21,550	21,934	22,013	22,070	21,775
	Out of State	*DNA	DNA	DNA	DNA	4,210
	Out of Country	DNA	DNA	DNA	DNA	204
	Delinquent/Expired	DNA	DNA	DNA	DNA	2,407
	Retired Status <i>if applicable</i>	DNA	DNA	DNA	DNA	2,202
	Inactive	0	0	0	0	0

	Other ⁴	DNA	DNA	DNA	DNA	13,431
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*DNA used in the above table means “Data Not Available.” When DCA transitioned to a new reporting tool for its legacy Consumer Affairs System (CAS), the older reports for fiscal years prior to FY 2022/23 were not migrated into the new system and are permanently unavailable.

Continuing Education (CE) and Continuing Education Provider (CEP) Requirements

Current law (BPC § 5600.05) requires California architects to complete five hours of CE on disability access requirements as a condition of license renewal. The coursework must include information and practical guidance on the Americans with Disabilities Act of 1990 and related state and federal laws. In addition, a licensee must complete five hours of CE regarding zero net carbon design for all renewals occurring on or after January 1, 2023. The Board adopted regulations to establish qualifications for courses and CEPs effective December 28, 2023. The only criteria for CEP eligibility is that the content must be presented by trainers or educators with “knowledge and expertise” in these requirements.

The Board requires architects to certify on their license renewal form, under penalty of perjury, that they have completed the required CE within the previous two years. Architects must maintain CE verification for two years from the date of license renewal, and upon audit, provide the requested information to the Board. The Board reports that they conduct a random audit of 3% of renewals each month, during which they contact the licensee request documentation of their completion of CE, if they have not already submitted it. If the licensee does not have documentation of the full requirement, they receive a citation.

Fiscal Year	Audits Conducted	Failed
2018/2019	308	13%
2019/2020	302	13%
2020/2021	301	0%*
2021/2022	297	12%
2022/2023	314	30%**

*CE extensions were allowed during COVID, so there were no failed audits.

**The increase in audit failures for FY 22/23 relates to the new CE requirement for Zero Net Carbon Design that became operative on January 1, 2023.

Enforcement

The Board reports in its Sunset Review Report 2023, that it receives an average of 308 complaints per year since FY 2018/19, which is a decrease from 345 since the previous sunset review period. Typically, the Board initiates an average of 69 cases per year against licensees who failed the coursework audits; these cases are tracked as board-initiated “complaints.” The Board’s mandatory audits of coursework for license renewal applications, as required by BPC § 5600.05, were not completed during FYs 2018/19 and 2019/20.

The Board reports that enforcement staff closed 49% of investigations within 90 days and 87% within one year. The average number of days from receipt of a complaint to the closure of investigation was 113 days for all cases, which is a 10% reduction since the last reporting period. During the previous reporting period, the average number of days to complete an investigation was 123 days, and 58% of investigations were closed within 90 days.

Since the Board’s last sunset review, the average number of advertising complaints received by the Board increased 11% to 86 per year. The average number of settlement cases received decreased 28%

to 21 per year. The Board received an average of 72 complaints per year against licensees (excluding complaints initiated by the Board due to failed coursework audits), which remained consistent since 2018. The Board also received an average of 81 unlicensed activity complaints per year, which is an 11% increase since the previous reporting period.

The Board filed 15 accusations, during the current reporting period (FY 2018/19 through FY 2022/23) and 16 cases resulted in disciplinary action, which is an increase from the previous reporting period when seven accusations were filed, and 11 cases resulted in disciplinary action. The severity of the sanctions imposed on licensees has been consistent with the previous reporting period. During this reporting period, seven licenses were revoked, and probation was ordered for two licenses. Five of the seven licenses were suspended from 30 to 90 days prior to the start of probation.

The Board seeks cost recovery in all disciplinary cases (i.e., accusations, statements of issues, and petitions to revoke probation). Cost recovery is generally a required term in stipulated settlements. In cases where the respondent is placed on probation, cost recovery is often paid within 30 days of the effective date of a decision or pursuant to established payment schedules. However, revocation case costs are often difficult to collect as respondents have fewer financial resources due to the loss of their licenses and no incentive to pay.

Since March 2019, the Board collected 15% of fines (closed cases) through a collection agency. During the prior three-year contract the Board sent approximately \$135,356 in fines to be collected, and the agency collected approximately \$20,631.

Cost Recovery (list dollars in thousands)					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Total Enforcement Expenditures	6,580	5,328	54,375	41,055	31,699
Potential Cases for Recovery *	1	1	4	5	4
Cases Recovery Ordered	1	1	3	3	2
Amount of Cost Recovery Ordered	6,580	5,328	35,590	34,785	27,636
Amount Collected	4,800	4,800	1,448	3,340	15,848
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.					

Underground Economy

The Board reports that consumers, licensees, and other government agencies are vigilant in reporting unlicensed activity. The Board recently implemented a process to proactively search for unlicensed activity online to be investigated, as resources allow, as part of the Board’s 2022-2024 strategic plan objective. The Board addresses unlicensed activity and advertising by immediately and thoroughly investigating complaints, including reviewing online advertisements for violations, issuing letters of advisement, issuing citations with administrative fines for violations, and advising consumers of how to recover their money through small claims court. The Board also refers egregious cases to DCA’s Division of Investigation for sworn investigation, if appropriate.

In an effort to address unlicensed practice and educate consumers, the Board promotes its Consumer’s Guide to Hiring an Architect (Guide). The Guide was designed to help consumers understand the nature of architectural services by providing information on the types of projects requiring a licensed architect; how to find and select an architect; written contract requirements and recommendations; how

to manage the project budgeting and construction; and what to do if a problem occurs. The Guide is available online and is distributed in hard copy to building and planning departments throughout the state. The Board also publishes Consumer Tips for Design Projects, which contains basic steps consumers can take to keep their projects on track.

Many unlicensed advertising or activity complaints are from consumers involved with their first residential or tenant improvement projects. These consumers often rely on “referral” websites that offer to match them with “prescreened” professionals in their area who have passed certain websites’ background checks and provide quotes for requested services. While these websites provide valuable information to consumers, such as ratings and reviews from past clients, they do not guarantee the accuracy, quality, or reliability of the information contained in the professionals’ advertisements, and some allow unlicensed individuals to identify themselves as architects and/or offer architectural services to the public without verifying licensure. The Board reports it is interested in researching the feasibility of partnering with such referral websites to verify licensure and remove illegal advertisements by unlicensed individuals.

The Board has been vital in assisting consumers during California’s recent spate of natural disasters. The Board published a Homeowner Rebuilding Bulletin to educate homeowners on their rights, and collaborates with the Contractors State License Board to provide consumer education material at disaster recovery centers. Assistance is also available through social media and press releases, through which the Board promotes the availability of its toll-free number and Architect Consultants to assist homeowners as they begin the rebuilding process.

Public Information Policies

The Board continually updates the internet to reflect upcoming Board and committee meetings, changes in laws or regulations, licensing information, forms, publications, and other relevant information of interest to consumers, candidates, and licensees. Meeting notices are posted to the website at least 10 days prior to a meeting, and meeting materials are also made available on the website. Board and committee meeting minutes are posted on the website once officially approved and remain for three years in accordance with the Board’s retention schedule. Draft minutes are posted on the website in the subsequent meeting packet for Board or committee approval. The website also provides links to important collateral organizations, California schools offering architecture programs, and other government organizations. The Board solicits input from users for items that may be included on the website. Other tools used by the Board to communicate its messages include the eSubscriber list for e-news broadcasts, the Board’s newsletter, and social media (Instagram, Twitter, Facebook and LinkedIn).

The Board webcasts its meetings. The Board plans to continue webcasting future board and committee meetings, and the meeting information is posted on the Board’s website. Webcast meetings are posted on DCA’s YouTube account and are available for three years. Since the pandemic, most meetings have been teleconferenced, which has resulted in more participation from the public and licensees, as well as budget savings.

Online Practices

The practice of architecture online is most prevalent in the offering stage of practice. Offering architectural services, or advertising architectural services, is widespread in California and growing as

consumers use the internet to find architectural services. Advertising architectural services takes place on numerous online platforms including popular social media platforms.

In the performance stage of practicing architecture there is a hybrid environment for using online tools to practice architecture. Architects and unlicensed people may use software tools to create architectural plans and other instruments of service, which can be shared with clients and other relevant parties. Further, some building jurisdictions allow electronic submission, stamping and signing of architectural plans. It is also possible for architects and unlicensed people to use technology to perform construction observation services, although this practice may not be prevalent. Therefore, it is possible to practice completely online if the project conditions allow for it but based on Board staff observation there is more of a prevalence of a hybrid environment with a mixed use of online tools for practicing architecture.

There are issues with unlicensed designers advertising architectural services or calling themselves architects. The Board has enforcement mechanisms in place to open cases for potential violations of unlicensed advertising on the internet. The Board also provides outreach to building department jurisdictions to inform them of the laws limiting unlicensed practice to prevent unlawful unlicensed activity. Educating building officials also prevents unlicensed practice of architecture.

The Board reports that it does not currently regulate online practice differently, but primarily enforces against unlicensed online advertising by opening cases, which can result in a citation being issued. The Board also reports that it issues letters of advisement to educate unlicensed individuals about the laws regarding offering architectural services online.

Currently the Board does not believe there is a need to treat online practice any differently than regular practice, except for the advertising of architectural services online. In the performance stage of practice there does not seem to be a difference in the standard of care. Architects are held to the same standard of care whether they practice architecture online or in person. In addition, building departments review the work of architects to ensure they comply with building codes and regulations, and the final product of an architect's work will be used by a licensed contractor who can consult with the architect of record for questions about the architect's instrument of service. The Board has started to receive complaints against architects and unlicensed individuals working remotely and is monitoring and analyzing these cases to determine if additional laws or regulations should be considered.

To address online advertising issues, the Board proposed a regulation, 16 CCR § 135, to require architects to put their license numbers on advertisements including online advertisements. One of the intents of the regulation was to promote the awareness of an architect's license number to consumers so they could more easily distinguish between a licensed architect's advertisements and unlicensed advertisements. However, the proposed 16 CCR § 135 was not approved by the Board after strong advocacy by an industry association that believed the regulation would place an undue burden on architects. The Board is further working on the issue using its 2023-2026 strategic goal objective to monitor social media and proactively enforce against unlawful advertising.

Additional Information about the Board

For more detailed information about the responsibly, operations, and functions of the Board or to review the 2023 Sunset Review Report, please refer to the website at www.cab.ca.gov.

PRIOR SUNSET REVIEW: CHANGES AND IMPROVEMENTS

CAB was last reviewed by the Legislature through sunset review in 2018-2019. During the previous sunset review, 7 issues were raised. In January 2024, CAB submitted its required sunset report to the Senate Committee on Business, Professions, and Economic Development and Assembly Committee on Business and Professions (Committees). In this report, CAB described actions it has taken since its prior review to address the recommendations made. The following are some of the more important programmatic and operational changes, enhancements and other important policy decisions or regulatory changes made. For those which were not addressed and which may still be of concern to the Committees, they are addressed and more fully discussed under “Current Sunset Review Issues”.

- **Updated the Architects Practice Act.** Since the last sunset review, the Board’s experts in the Enforcement Program identified several potential improvements to the law to enhance consumer protection. As such, the Board updated provisions of the Act to reflect current terminology to help facilitate streamlined administration.
- **Fingerprinting authority.** Beginning January 1, 2022, the Board started requiring that all applicants submit fingerprints prior to the issuance of an initial license.
- **EO has authorization to hold an informal conference.** The Board authorized its EO to hold an informal conference with a person who received a citation.
- **Established minimum criteria for CE.** The Board promulgated regulations to further define the CE requirement on disability access, as required by SB 608 (Chapter 376, Statutes of 2019). Additionally, the Board is currently in the process of promulgating regulations to implement an additional CE requirement created by AB 1010 (Berman, Chapter 176, Statutes of 2021).
- **Written Contract Requirement.** The Board updated the “written contract requirement” provisions of law by requiring the following in architects’ written contracts for professional services:
 1. a description of the project for which the client is seeking services;
 2. the project address;
 3. a description of the procedure that the architect and the client will use to accommodate 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;
 4. a statement identifying the ownership and use of instruments of service prepared by the architect; and
 5. a statement notifying the client that architects are licensed and regulated by the Board.

It should be noted that public agencies were excluded from this requirement.

CURRENT SUNSET REVIEW ISSUES

The following are unresolved issues pertaining to the CAB or areas of concern that should be considered, along with background information for each issue. There are also recommendations Committee staff have made regarding particular issues or problem areas the CAB needs to address. The CAB and other interested parties have been provided with this Background Paper and the CAB will respond to the issues presented and the recommendations of staff.

CAB ADMINISTRATIVE ISSUES

ISSUE #1: (BOARD COMPOSITION). CAB has an even number of members. Should the Board add a LATC member to bring its total to 11 in order to better ensure representation of that profession and eliminate any potential actions from being delayed due to a tie vote?

Background: The majority of DCA boards are comprised of an odd number of members. In contrast, CAB has 10 board members, represented equally by professional architects and public members. Although the Board reports a tie has never been a problem, sunset review may present an opportunity to mirror the composition of similar DCA boards, while providing representation to the LATC, which the Board has overseen since 1997. The LATC is organized as a committee within the organization of CAB and a representative of each body provides updates at one another's meetings of key issues and work collaboratively to ensure they understand priorities of the other. CAB appoints a liaison who attends LATC meetings on behalf of the Board, and an LATC member attends Board meetings to ensure the Committee's concerns are raised. The LATC member does not have voting power and ultimately, CAB maintains the final authority to discipline landscape architects and issue examinations.

Staff Recommendation: *The Board should advise the Committees as to the potential benefits of a multidisciplinary composition and the impacts of additional membership to its work at the board-level.*

ISSUE #2: (ROLE OF OTHER PROFESSIONS AND CAB SUSTAINABILITY). CAB regulates two types of design professionals, while other design professionals operate in the state unlicensed, or with certain additional authorities through a voluntary certification program.

Background: Licensure of design professionals has long been an issue before the Legislature, with various historic bills put forward attempting to establish either a stand-alone quasi-advisory body like the LATC under the umbrella of CAB or to establish an entirely separate board within the DCA. BPC §§ 5537 and 5538 provide exemptions for certain persons to do non-structural and non-seismic work where a licensed/registered architect or engineer is not required to stamp and or sign drawings that may be needed for a building permit issued by a local jurisdiction. These are individuals who are not a licensed/registered design professional and could include, for example, licensed contractors or subcontractors, developers, interior designers, and members of the public who possess the skills necessary to prepare drawings that require the skills of a licensed contractor to implement them.

There is a lengthy and at times tumultuous history regarding regulation of the interior design profession in California. SB 153 (Craven, Chapter 396, Statutes of 1990) established an Interior Designer Practice Act. Eventually, the bill was amended to instead ensure that only certified interior designers (CIDs) who voluntarily become certified and obtain a stamp from a private nonprofit organization could call themselves a CID. The stamp certifies that the interior designer has provided

the interior design organization with evidence of meeting certain qualifications, including examination passage, education, and experience requirements.

After SB 153 passed, the California Council for Interior Design Certification (CCIDC) was established in 1992 to issue certifications under the law. A voluntary certification is still not required for a person to practice interior design, and individuals may do so with or without a certification. Today, in order to call oneself a CID or a “certified interior designer with commercial designation” (CIDCD), an individual must be CCIDC certified. CCIDC issues a stamp to qualified applicants that includes a number that uniquely identifies and bears the name of the designer and designates them either as a CID or a CIDCD. (In 2017, the CCIDC voted to create a new commercial designation for CIDs who wish to use that particular designation when submitting plans for approval or providing services. The goal of the commercial designation was likely to make it easier on plan reviewers to acknowledge the certification of the CID and approve certain plans without the requirement to obtain additional sign-offs from an architect or engineer as long as the project specifications meet the current exemptions to any licensure or practice requirements for architects or engineers. SB 816 (Roth, Chapter 723, Statutes of 2023) designated the CIDCD in statute.

CID and CIDCD are defined in BPC § 5800 as a person who prepares and submits non-structural or non-seismic plans to local building departments that are of sufficient complexity so as to require the skills of a licensed contractor to implement them, and who engages in programming, planning, designing, and documenting the construction and installation of nonstructural or non-seismic elements, finishes and furnishings within the interior spaces of a building, and has demonstrated by means of education, experience and examination, the competency to protect and enhance the health, safety, and welfare of the public.

In establishing a regulatory program for CIDs, the goal was to help alleviate confusion amongst local building authorities in circumstances where building permits were required, and provide assurance in knowing that the layperson designer is competent to provide interior design services in accordance with the state building codes for the work they are allowed to perform. There are questions as to whether voluntary certification does enough to ensure that interior designers’ plans are approved by planning departments at the local level throughout California. Acceptance of plans with a CID stamp by local building departments remains inconsistent across the state. Existing law only provides local building departments the option to recognize the CID stamp at their own discretion. In many jurisdictions across the state (including major metropolitan cities like Los Angeles and San Francisco), CIDs may not be able to independently get approval from local officials for plans they prepare. A project that may receive CID stamp approval in one locality could be required to be completed under the supervision of, and stamped by, an architect in another.

Historic legislative efforts to create state regulation of interior designers in California have not been successful. SB 1312 (Yee of 2008) would have initially expanded CAB membership to include interior designers to create a multidisciplinary board tasked with registering and regulating interior designers, including a requirement that CAB establish a seal for both professions. The measure was amended to establish a technical committee, similar to the existing LATC that would register interior designers and require these individuals to utilize a board-designated seal or stamp on their plans but ultimately failed passage in the California State Senate. AB 2482 (Ma of 2012) proposed a standalone California Registered Interior Designers Board to license designers under a practice act within the Business and Professions Code but that bill was never heard in a policy committee of the Legislature.

In the past two years, four states, North Carolina, Illinois, Wisconsin, and Iowa, adopted or expanded registration for interior designers and established regulatory bodies. Both North Carolina and Wisconsin set up joint regulatory bodies; North Carolina's board is a joint body with architects while Wisconsin's entity contains interior design, architects, landscape architects and engineers under the same board. Illinois and Iowa have independent boards; the Registered Interior Designer Board and the State Interior Design Examining Board, respectively. Thirty jurisdictions nationally regulate interior design (28 states, DC and Puerto Rico). Recently, Illinois, Iowa, Wisconsin, and North Carolina have enacted reforms to allow a path to licensure specifically for commercial interior designers.

Commercial interior designers in particular have weighed in during Legislative proceedings to highlight challenges these design professionals continue to face in having even a CCIDC-issued stamp as sufficient for local building and planning agencies to approve their plans. The International Interior Design Association (IIDA), California believes that it is necessary for the state to license and regulate commercial interior designers. The organization notes that there are approximately 3,230 California-based NCIDQ certificate holders, including active and inactive status. The NCIDQ Certification is created and administered by the Council for Interior Design Qualification, a nationally recognized indicator of proficiency in interior design principles and a designer's commitment to the profession.

According to IIDA, most commercial interior designers work as part of a team within large, interdisciplinary design firms or they are sole practitioners. IIDA states that many in the commercial interior design profession are women and is concerned about equity and intellectual property issues that arise when commercial interior designers are required to have plans stamped by an architect in order to be accepted by local planning officials.

It would be helpful for the Committees to understand how state licensure or other regulation of commercial interior designers would lead to these design professionals' plans being more widely accepted by building officials. It would be helpful for the Committees to understand whether other barriers exist, such as building code statutory requirements for plan submission by certain licensed individuals like architects and structural engineers. It would be helpful for the Committees to understand the feasibility of establishing licensure for one type of interior design professional and the potential impacts to the industry and profession, as well as enhanced safety to the public and consumers this effort would yield. It would be helpful for the Committees to understand the cost implications that state regulation of interior designers or commercial interior designers or both would have on the designers and notably, given the current dire fiscal situation the state is facing, the costs involved in creating state licensure. It would be helpful for the Committees to understand the impacts of establishing another stand-alone entity within the CAB structure, as well as to understand the impacts of CAB evolving to become more of a multidisciplinary program in regulating design professionals as one efficient board.

Staff Recommendation: *CAB should inform the Committees of the potential impacts that state regulation of additional design professionals may bring. The Committees may wish to determine whether expanded authority for CAB over additional design professionals in the state will expand access to safe design services and benefit consumers and the public.*

CAB BUDGET ISSUES

ISSUE #3: (FUND CONDITION) CAB is facing an imbalance and will need additional revenue to support its continued effectiveness.

Background: The fund condition table provided in the CAB's 2023 Sunset Review Report demonstrate a significant decline in board-reserves between FYs 2019/20 through 2024/25. In FY 2019/20, the CAB reports a 16.5 month reserve level or close to \$5.5 million. In FY 2024/25, board reserves are projected to significantly decline to 2.6 months, or close to \$1.2 million dollars. CAB cites increased attorney general fees and business modernization costs as necessitating additional revenue. Specifically, a fee increase for architect initial licenses and renewals could assist CAB in maintaining a healthy fund condition. It would be helpful for the Committees to understand what cost pressures within the Board's control lead to challenges and what factors the Board cannot control that lead to expenditure increases. It would be helpful for the Committees to understand efficiencies that may benefit CAB and whether CAB absorbs unintended costs related to its management of the separate LATC, given that CAB is ultimately the regulator of landscape architects. While a separate fund for LATC expenditures exists, other programs with multiple regulated entities have similarly evaluated whether the Board ultimately subsidizes efforts of a body like LATC.

Staff Recommendation: *The CAB should advise the Committees on the current reserve level and what fiscal challenges the CAB sees in the future. What administrative costs have increased the most over the last few FYs? Is the CAB anticipating any future cost increases for operations? Has CAB analyzed costs savings that could be achieved were it to function as a multidisciplinary program with various representatives from different professions on the Board, rather than a standing board with a separate entity within its organization?*

CAB LICENSING ISSUES

ISSUE #4: (LICENSE ISSUANCE DATE). Should licensure renewal be tied to a licensee's birthdate or the licensee's initial licensure date?

Background: BPC § 5600(a) specifies that all licenses issued or renewed under the Act expire at 12 midnight on the last day of the birth month of the license-holder in each odd-numbered year following the issuance or renewal of the license. As a result, the term of that license is tied to the licensee's birth month. This means an individual can receive an initial license that is valid for less than the full two-year term. The CAB reports that it has had candidates for licensure postpone licensure because they do not want to pay for a license that will expire in a short amount of time. To remedy this situation and make the initial licensure and renewal process and costs more efficient for both licensees and the CAB, the CAB would like to amend BCP § 5600 to provide that the initial license shall expire at the last day of the month in which the license was issued during the second year of a two-year term.

Staff Recommendation: *The Board should advise the Committees if this change achieves any administrative efficiency or if it will be difficult to implement.*

ISSUE #5: (LICENSE EXPIRATION NOTIFICATION). Should the CAB still be required to send a notice via certified mail?

Background: Existing law provides that a license, which has expired, may be renewed at any time within five years after its expiration. After five years, a license is not renewable, and the individual must reapply for an entirely new license and meet the current requirements for licensure, unless specifically exempt, and pay all of the fees. Existing law requires the CAB to send written notice by registered mail to expired license holders 90 days in advance of the expiration of the fifth year that a renewal fee has not been paid. The Board would like to amend BPC §5600.1 to provide notification via email or regular mail, rather than requiring notification by certified mail. As noted by the CAB, a significant number of the notices currently sent are returned as undeliverable.

Staff Recommendation: *The CAB should inform the Committees about the number of five-year expiration notices that it current sends annually. CAB should advise the Committees as to the experience other regulatory programs with a similar effort and the impact to licensees. The Committees may wish to consider updating the Act in order to assist CAB in achieving cost savings related to sending email vs. registered email.*

ISSUE #6: (ABANDONED APPLICATIONS.) How long does CAB have to maintain an application as active if it is clear the applicant is no longer working toward licensure?

Background: Currently, when the CAB receives an application for licensure, it reviews that application for completeness and notifies an applicant if the application is deficient. The CAB reports its goal is to conduct an initial review and provide a response within 30 days of receiving an application in its Licensing Unit. Licenses are issued within the 30-day performance goal after confirming that all requirements were met, and no issues arose during the criminal history background check. When an applicant does not provide additional or all of the required materials, the application remains active. As noted by the CAB in its 2023 Sunset Review Report, the CAB has over 1,000 applications that are more than a year old that are incomplete. As such, the CAB is requesting to amend existing law to provide that an incomplete application shall be deemed to be abandoned if the applicant does not submit the missing information within one year of being notified of the deficient application.

The CAB reports that LATC has the following authority as specified in regulations (16, CCR § 2611):

An applicant whose license application is incomplete, or for which additional information is requested, shall be deemed to have abandoned their application if they have not submitted all required documents, data, information, and license fees, and complied with applicable criminal history record check requirements, pursuant to Section 144 of the Code by the date that is one year after the date of their notification that their application is incomplete or requesting additional information.

Staff Recommendation: *The CAB should advise the Committees about any trends related to abandoned applications and if there are particular aspects of applications that may be difficult for applicants to comply with. The Committees may wish to amend the Act to ensure CAB can appropriately dispense with its business within a timeframe that provides balance to and does not unnecessarily disenfranchise applicants.*

ISSUE #7: (CE) Ensuring completion of CE remains a challenge for virtually every program within DCA. Some programs have implemented more innovative systems to ensure that documentation related to CE completion is provided at the time of renewal, allowing for more effective confirmation that CE was actually done as an applicant certifies it was. Should CAB be authorized to obtain helpful documentation from licensees? CAB also believes additional CE is warranted and would like licensees to complete more coursework.

Background: Per BPC § 5600.05, a licensee is required to complete 10 hours of CE coursework every renewal cycle. Five hours must include information on disability access requirements, and five hours on the topic of zero net carbon design. Both topics must be presented by trainers or educators with knowledge and expertise in these design requirements. The coursework for zero net carbon design is required for all renewals occurring after January 1, 2023.

Current law permits the CAB to audit the records of a licensee to verify the completion of the coursework requirements. Licensees are required to maintain coursework completion records for two years from the date of license renewal and make those records available to the CAB for auditing upon request. A licensee who provides false or misleading information as it relates to CE requirements is subject to an administrative citation, which may include an administrative fine or to disciplinary action by the board.

Further, the CAB is required to audit at least 3 percent of the license renewals received each year to verify the completion of the continuing education requirements of this section. The CAB reports that it conducts a random audit of license renewals to determine compliance with the CE requirement. Since the CAB's last sunset review, it has provided an online option for licensees to submit their CE documentation when they renew. To streamline the audit process, and potentially improve compliance, the Board would like to require all licensees to submit their CE documentation upon renewal.

In addition, the CAB would like to request that current licensees take an additional five hours of CE every renewal cycle. As noted by the CAB, it believes that CE fosters knowledge and proficiency in the delivery of architectural services that safeguard the public's health, safety and welfare.

Staff Recommendation: *The CAB should expand on its request for licensees to complete additional CE, including what issue areas or topics should be covered, the costs that licensees would incur stemming from this requirement, the availability of appropriate programs and coursework, and other factors related to this update. CAB should provide information about other DCA programs that have benefitted from a system to allow for primary source documentation to be uploaded to confirm CE completion, or whose licensees are required to show proof of CE completion rather than just self-certifying that CE was completed.*

ISSUE #9: (BUSINESS ENTITY REPORT FORM.) Should the Board require additional disclosures?

Background: The Board is charged with protecting the public health, safety, and welfare through examination, licensure, and regulation. A key component of that charge is providing the public with information about architects thereby allowing consumers to make informed decisions when selecting a firm or licensee, as well as enforcing the Act to prevent unlicensed individuals from harming consumers.

The California Legislature enacted Assembly Bill 1144 (Chapter 313, Statutes of 2001) to provide more information to consumers and assist the Board with the investigation of those who choose to

unlawfully practice architecture (BPC § 5558). For reporting purposes, the term "architectural services" are those services as defined in BPC § 5500.1.

Under current law, every person holding a license to practice architecture in California must report to the Board, the name and address of the entity through which they provide architectural services. 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 BPC§ 5558, which provides the public and the Board with a means to determine if a business providing architectural services does in fact have an architect in responsible control. The Act requires licensees to immediately notify the Board of any name and/or address changes. Additionally, licensees are required to file an updated Business Entity form with the new information within 30 days of any change.

Staff Recommendation: *The Board should advise the Committees about the benefit of adding this new requirement.*

ISSUE #10: (TESTING ELIGIBILITY.) The Board established specific eligibility requirements for its required exams in regulations which require a candidate to have five years of experience before they can complete one test, and eight years of experience and completion of the first exam before they can take the second test. What is the impact of updating sequencing requirements on candidates and CAB?

Background: In order for a candidate to become licensed, there are two exams that are required by the Board, the first of which is the Architect Registration Examination (ARE), which was developed by the NCARB. The ARE is the national computerized architectural licensing examination that consists of multiple divisions. The ARE examines candidates' knowledge, skills, and ability to provide the various services required in the design and construction of buildings. A candidate cannot complete the ARE until they have five years of experience. Upon passing the ARE, a candidate becomes eligible to take the other required exam for licensure, the California Supplemental Examination (CSE). The CSE ensures that candidates demonstrate minimum standards of competency and necessary architectural knowledge and skills to respond to the unique requirements and conditions in California.

The CSE is a computer-delivered, multiple-choice examination. Candidates are required to demonstrate entry-level competence in the areas outlined in the CSE Test Plan. The Board's regulations allow one test attempt per application. Candidates must submit a new application and payment to the Board in order to retake the CSE. As of December 1, 2018, candidates may reschedule an examination 90 or more days after an unsuccessful attempt.

Staff Recommendation: *The CAB should provide the original intent for the sequencing of the exams in statute and provide more information as to how any potential changes will benefit the candidate and create efficiencies.*

ISSUE #11: (STATE OF EMERGENCY WAIVER) Should CAB be provided authority to waive certain regulatory requirements related to the definition of "active" in order for a person to be eligible to take a licensure exam?

Background: During the pandemic, due to the shutdown of testing centers, the Board identified a provision in its regulations that impacted some candidates for licensure. Specifically, the Board's regulations require that for a candidate to be considered active, they must have taken an exam within

the preceding five years. Some candidates who were close to the five-year limit between exams were impacted by their inability to test due to test center closures and thus maintain their active status. Due to the Pandemic, candidates who were nearing their five year mark were impacted by the closure of testing centers. Per CCR 109 (a) (3) "Active in the examination process" shall mean that there has not been a period of five or more years since the candidate last took an examination as a candidate of the Board, or the candidate has been determined by the Board to be eligible. The Board requests authority to waive this requirement, for a limited duration, during a future declared emergency.

Staff Recommendation: *The CAB should provide any additional technical updates or amendments to the Committees.*

ISSUE #12: (TITLE PROTECTION) Should there be title protection for unlicensed individuals in the pipeline to becoming licensed architects?

Background: There have been discussions in the past about whether the Act should be amended to include a designation for “architects-in-training”. BPC § 5500 defines an architect as, “a person who is licensed to practice architecture in this state under the authority of this chapter.” In addition, the Board's regulations prohibit use of the terms, “architect”, “architecture”, “architectural”, or any abbreviation or other variation in a person’s title unless they are licensed as an architect (16 CCR § 134).

The American Institute of Architects, California (AIA-CA) sponsored legislation (SB 1132, Galgiani, 2015) that would have allowed individuals who were enrolled in the National Council of Architectural Registration Board’s Architectural Experience Program to use the title, “Architect-in-Training”, while also prohibiting those who use the title to independently offer or provide architectural services to the public. The bill was intended to encourage those on the path to becoming licensed to follow through with obtaining full licensure. The measure would have authorized CAB to disclose, upon request, whether an individual is authorized to use the title and would have qualified misuse of the title as unprofessional conduct, subject to CAB disciplinary action. SB 1132 was vetoed by the Governor who noted “In May 2015, this very same Board discouraged the use of any title that implied a person was an architect, stating ‘architects are those who have met all the requirements to become licensed. Everyone else is not an architect.’ I agree with this assessment.”

The AIA CA Academy for Emerging Professionals believes that it remains prudent to update to the Act’s terminology of “candidate”. AIA CA provided information to the Committees about this topic, nothing “that in a time when the title ‘Architect’ had already been co-opted (software architect, systems architect, data architect, infrastructure architect, etc.) it is all the more imperative to create a para-professional title for inclusion in the Architects Practice Act to distinguish and protect the practice, and the origins of the title itself.” The organization states that other professions such as engineers, land surveyors, and geologists have “In Training” titles available to those who are on the path to licensure and that as of 2016, 28 other states had laws or regulations that give a title option to architects on the path to becoming licensed.

It would be helpful for the Committees to understand the impacts of this proposal on the public, licensees, and CAB, particularly given the enforcement work CAB would have to undertake for unlicensed activity related to use of the term. It would be helpful for the Committees to understand how a similar designation works for the Board for Professional Engineers, Land Surveyors, and Geologists and the added value title protection has provided the public.

Staff Recommendation: *The Board should describe any benefits and/or drawbacks to creating Architect-In-Training title protection in California. The Board should advise the Committees of efforts to reduce barriers to entry to the profession.*

OTHER ISSUES

ISSUE #13: (TECHNICAL CHANGES MAY IMPROVE EFFECTIVENESS OF THE ACT AND CAB OPERATIONS.) There are amendments to the Act that are technical in nature but may improve CAB operations and the enforcement of the Act.

Background: There may be a number of technical statutory changes or updates, which may improve the CAB operations. For example, the CAB would like to require that licensees who have an email address of file with the CAB maintain that email address to maximize the online licensing and renewal system and provide more timely updates to its licensing population, Additionally, the CAB requests to revise code sections to include gender neutral language.

Staff Recommendation: *The Committees may wish to amend the Act to include technical clarifications.*

CONTINUED REGULATION BY THE CALIFORNIA ARCHITECTS BOARD

ISSUE #14: (CONTINUED REGULATION BY CAB.) Should the licensing and regulation of architects be continued and be regulated by the current CAB composition?

Background: Clients and the public are best protected by strong regulatory boards with oversight of licensed professionals. CAB has proven to be a competent steward of the architect profession and has worked to respond to issues in a timely, appropriate manner. However, the efficiency of CAB regulating various professions as a stand-alone regulatory program, combined with a technical committee that provides recommendations as to the licensure of a separate profession, needs to be evaluated. Maintaining status quo could lead to future fund issues and may generally not prove feasible. Strong consideration should be given to evaluate consolidation efforts and discussions about whether CAB's organizational structure and composition should more appropriately reflect the multidisciplinary regulatory role it plays.

Staff Recommendation: *The CAB should be continued, and reviewed again on a future date to be determined.*