

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.*

Board Response:

The Board does believe a more efficient structure is possible and would benefit consumers and licensees. Adding a dedicated appointment to a licensed Landscape Architect would give the Landscape Architecture profession a much-needed voice on the Board that does not currently exist, while the advisory voice could be maintained through the Board's existing committee structure. This Board composition would keep a strong voice and dialogue for landscape architects intact, while increasing vote and voice and representation of the Landscape Architects on the Board itself. Distinction between the entities could be strengthened, while the large overlap of the administrative practices would more efficiently be managed.

A multidisciplinary composition will allow Board to perform its duties more efficiently. Currently, split funding in the office requires LATC and the Board to split purchases for supplies and equipment even though they are in a shared space. Workload is duplicated when generating reports and information to provide at Committee and Board meetings. Combining the programs will eliminate the duplicated work, provide a single purchasing point for staff needs which will improve office efficiencies and potentially save money for the programs.

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.*

Board Response:

If the Board is given authority to regulate only one portion of the interior design field over others, the Board believes that could create confusion for consumers and building and safety departments.

If a decision is made to regulate a portion or all of the interior design profession, the Board can take on the regulation of a new profession. The Board does have a concern about replicating the current LATC structure and would advocate for a multidisciplinary Board. The technical committee structure does not provide for operational efficiencies.

If the state chooses to expand regulation of additional design professionals, the Board suggests a review or study of the possible licensee population, to determine the staffing needs and necessary fee structure.

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?*

Board Response:

The Department of Consumer Affairs' Budget Office recently completed a fee study for the Board, which the Board reviewed at its February meeting. The Board is projected to spend down its reserve and potentially need a fee increase towards the end of the decade. Staff has been analyzing the costs to run the Board and LATC as they exist now, independently, and whether some functions can be combined to achieve some cost savings. The Board believes a savings will be realized by becoming multidisciplinary as it will be able to better associate staff to required tasks and reduce redundancies created by having two programs report the same and similar information to the same entity.

Costs increases over the last few years include:

1. Cost of printing increased around \$27,000
2. Slight increase in communication costs (CalNET, telephone services, etc.)

3. Postage increased around \$6,000
4. Facilities cost increased around \$15,000
5. IT charges increased around \$113,000 from FY 19/20 to FY 22/23.

The Board does have proposed statutory language to provide the authority to increase fees by regulation when there is a need. The last statutory fee increase was in 2009.

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.*

Board Response:

The Board does not believe this will be difficult to implement and that it will improve the initial licensure process for candidates.

The Board will achieve administrative efficiency by eliminating the need to disseminate and track licenses that are valid for less than two years. An additional benefit will be that eventually Board funding will stabilize over fiscal years, which will allow the Board and the Department's Budget Office to plan fiscal needs more accurately. Currently, the Board has peaks and valleys with funding because all licenses renew in odd years which provides a certain level of uncertainty in budget related matters.

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.

Board Response:

During 2022, the Board mailed a total of 724 expiration notices to its licensees. Of those 724, 252 were returned to the Board as undeliverable or deceased and 107 provided no response (the Board did not receive a return card or undeliverable mail).

A similar change was enacted in 2022 for the Board of Professional Engineers, Land Surveyors and Geologists. (SB 1120, Chapter 302, Statutes of 2022)

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.*

Board Response:

The license application is the final step in licensure, after all requirements have been met. The application requests minimal information and requires fingerprint clearance. The Board can only speculate as to the reason why an individual would not complete licensure at this step. The primary speculation is that the candidate no longer has an employment opportunity in California and has therefore decided to not complete this final step. Some also may have relocated to another state and pursued licensure elsewhere.

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.*

Board Response:

The Board believes that post licensure continuing education fosters knowledge and proficiency in the delivery of architectural services that safeguard the public's health, safety and welfare. This furthers other entities' ability to reach consumers with evolving education on:

- Construction technology, methods and materials,
- Building and energy code regulations,
- Evidence based design and innovation,
- Seismic preparedness and climate responsiveness,
- Public access inclusiveness and diversity.

Current requirements are narrowly focused on two separate topics; one of which does not update frequently (ADA). The costs to licensees would be minimal as there is an abundance of HSW courses

available for architecture since most states and AIA membership require CE as a condition of renewal. This also allows our licensees to choose HSW topics that are relevant to the areas of practice they currently work, and ensure they remain up to date on current trends.

Having licensees electronically submit proof of CE completion with their online renewals will increase efficiency during an audit and reduce expenses to the Board as those licensees will not need to be sent letters requesting documentation.

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.*

Board Response:

The Board currently requires collection of this data. Providing searchable information related to architectural businesses increases public safety by ensuring they are aware of those practices that are lawfully able to provide architectural services. Additionally, the licensee manager of a company will be clearly identified, and should a licensee change employment, the public will have a record of the business to contact should there be a need. Consumers could use the business name to locate their plans when their architect is unavailable or deceased, or to find the name of their architect when they hire or want to file a complaint against a firm.

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.*

Board Response:

The Board believes this proposed change would benefit licensure candidates by allowing them to determine when they are best positioned to begin taking the national exam.

Candidates should be allowed to test when they feel they are ready. The Architect Registration Examination (ARE) has evolved over time to overlay with what a candidate learns while gaining education and experience. In its current form, the ARE completely overlaps the required experience areas of the mandatory internship program. Candidates are allowed to begin documenting completion of this internship program once they are gainfully employed and have graduated from high school. Requiring a candidate to wait five years after gaining experience (either through university graduation, work experience, or a combination of the two) runs the risk that candidates may be tested on material they have not worked on in some time, requiring additional study and preparation time to pass those divisions. There is currently an NCARB program that intertwines experience, education, and testing into one curriculum at select universities and colleges. Many of our candidates pursue the same goal by working during breaks and in school at their own pace but are required to wait to begin testing. Removing the 5-year requirement to test reduces a barrier to licensure. Similarly, requiring the CSE be taken only after all other requirements are met unnecessarily delays licensure for our candidates who could have taken and passed that examination at any point. Overall, this should increase efficiencies in the licensure process to let the candidate proceed toward licensure at their own discretion and encourage them to complete the licensure process.

The Board was not able to identify the original intent for the current sequencing of exams in statute. The existing policy is like the national model so it may be that it was the adoption of a national policy.

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.*

Board Response:

Thank you for your consideration, proposed amendments are included.

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.*

Board Response:

While the Board is not the source of this proposal, it does understand the sponsor's intent and believes there could be some benefit to candidates who are working their way through the licensure process.

Creating an intern title protection will provide those seeking licensure the ability to identify themselves as aspiring licensees and allow jobs to more accurately recruit for the position. The Board does note that the proposal does not necessarily demonstrate a particular competency, as its use is not tied to completion of the experience requirement.

This proposal will cause some additional workload for the Board (enforcement, applications, monitoring), which will necessitate a fee to monitor and regulate the protected title, but the Board believes it can manage the additional workload.

Reducing barriers to the profession is a national focus for our profession. California has more alternative pathways for entry into the profession than most other states. The Board recently revised its exam validity policy, so that candidates' exam scores are valid for a longer period of time, giving them more opportunity to complete the testing process. The national association, which administers the licensing exam, recently made available free practice tests for all divisions of the exam. For candidates who use those practice exams, there has been at least a 10% increase in the passing rate.

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.*

Board Response:

Thank you for your consideration, suggested amendments are attached.

**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.*

Board Response:

The Board concurs with the Staff Recommendation.

LATC CURRENT SUNSET REVIEW ISSUES

The following are unresolved issues pertaining to LATC 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 LATC needs to address. LATC and other interested parties have been provided with this Background Paper and LATC will respond to the issues presented and the recommendations of staff.

ISSUE #1: (LICENSING DATA.) What is the status of LATC’s licensing population, in terms of numbers, growth trends if any, and additional data sets that could be helpful in evaluating the regulated individuals in this industry?

Background: The LATC 2023 Sunset Review Report did not include license population data for the entire reporting period. Proper evaluation of the industry cannot be conducted without reviewing trends and forecasting, such as fund projections, may not be as reliable without this data.

It would be helpful for the Committees to understand how the LATC understands the status of its license population. Additionally, it would be helpful for the Committees to understand how the LATC predicts future revenue and fund health, especially considering the LATC recently increased license fees to address a fund imbalance. Knowing the size of the licensee population will assist the Committees in evaluating LATC policy concerns and whether the LATC is operating an efficient and effective regulatory program.

Staff Recommendation: *The LATC should provide relevant data sets to the Committees. The LATC should also provide information regarding the barriers to obtaining licensing data and when the LATC anticipates those barriers to be addressed.*

Committee Response:

When DCA transitioned to a new reporting tool for its legacy Consumer Affairs System, the older reports for fiscal years prior to FY 22/23 were not migrated into the new system and are permanently

unavailable. We will look further into what historical data we can provide to the Committee.

ISSUE #2: (RENEWAL TIMEFRAME.) Should a licensee whose license is expired for five years be required to meet the same application requirements of a new applicant?

Background: BPC § 5680.2 provides that a license that is not renewed within five years of its expiration date may not be renewed, and that the holder of the expired license may apply for and obtain a new license if no fact justifies revocation or suspension of a valid license, the person pays the required fees and takes and passes the current California Supplemental Examination.

The Board would like to clarify that a person whose license has been expired for more than five years must comply with the requirements for issuance of a new license.

Staff Recommendation: *The LATC should submit proposed changes to the Committees. The LATC should also discuss any new requirements above existing law that would need to be met and explain the consumer protection benefit that would be realized by this proposal.*

Committee Response:

LATC will provide suggested language to the Committee. The Committee believes this change will improve consumer protection by ensuring that someone with an expired license that seeks a new license has met current licensing requirements, such as passage of the exam.

ISSUE #3: (PLAN APPROVAL.) LATC reports that local building officials are still not accepting licensed landscape architect plans for approval. This has long been an issue facing the profession, despite landscape architects being licensed individuals.

Background: On September 7, 2010, a legal opinion was issued to the LATC from their DCA legal counsel at the time regarding whether a local government agency had the authority to refuse to accept plans and specifications prepared and stamped by a landscape architect that is within the scope of practice of a landscape architect. The legal opinion determined that the landscape architect may not be lawfully prohibited from preparing plans and specifications that fall within the scope of practice of a landscape architect pursuant to BPC § 460.

Since the legal opinion was issued, the LATC has continued to receive inquiries as to whether local jurisdictions can refuse to accept plans, specifications, and other instruments of service prepared, and stamped, by a licensed landscape architect within the scope of practice of their profession. It would be helpful for the Committees to understand whether data exists about the rationale for denials. For example, is it simply about the individual who stamps plans or are there other factors and reasons for this trend? It would be helpful for the Committees to understand how frequently this occurs and whether licensee surveys have been undertaken in order to gain awareness about the frequency of these denials. It would be helpful for the Committees to understand whether statutory barriers exist, for example provisions in the building code, or whether specific local ordinances specify that licensed landscape architect plans cannot be accepted. It would be helpful for the Committees to understand what outreach LATC staff does to local governments on behalf of licensees to ensure officials are appropriately accepting qualified plans.

Staff Recommendation: *The LATC should advise the Committees on the size and scope of the problem of licensee plans not being approved and the reason for denial. The LATC should advise the Committees of efforts it has undertaken to resolve issues. The LATC should provide recommendations for any necessary statutory changes.*

Committee Response:

LATC has been active in notifying jurisdictions that landscape architects may not be prohibited from preparing plans that fall within the scope of landscape architectural practices. This situation continues to be monitored by the Committee and staff.

There are situations in jurisdictions when landscape architects are not allowed to lead projects even when the landscape architectural scope is over 50% of the total project. In this situation the project lead is usually a building architect or engineer. For landscape architects in a multi-disciplinary firm, this does not pose as much of a challenge but for those in a landscape architect only firm, this means they need to incur an additional cost to get an architect or engineer to sign drawings and assume liability.

The Committee was recently advised that Placer County will not accept or review plans that are not prepared by an architect or engineer.

ISSUE #4: (TECHNICAL CHANGES MAY IMPROVE EFFECTIVENESS OF THE ACT AND LATC OPERATIONS.) There are amendments to the Act that are technical in nature but may improve LATC operations and the enforcement of the Act.

Background: There may be a number of non-substantive or technical statutory changes or updates, which may improve LATC operations. For example, the LATC noted in its 2023 Sunset Review Report, that in order to maximize use of the Board’s online system for license application and renewal, it would be beneficial to require those individuals who have an email address to maintain the email address they have on file with the Board. The LATC also noted several places where language could be updated to reflect gender-neutral references. In addition, because of numerous statutory changes and implementation delays, code sections can become confusing, contain provisions that are no longer applicable, make references to outdated report requirements, and cross-reference code sections that are no longer relevant. The LATC’s sunset review is an appropriate time to review, recommend, and make necessary statutory changes.

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

Committee Response:

Thank you for your consideration, proposed changes are included.

**CONTINUED REGULATION OF THE PROFESSION BY THE
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

ISSUE #5: (CONTINUED REGULATION BY LATC.) Should the LATC continue as a standalone entity with separate staff and a separate fund or should CAB, which manages LATC functions, operationalize all of its existing regulatory work without the additional layer of a technical committee?

Background: As a result of a legislative reorganization, LATC was established on January 1, 1998, to replace the former Board of Landscape Architects and was placed under the purview of the CAB. While its purpose is to act in an advisory capacity to CAB on examination and other matters pertaining to the regulation of the practice of landscape architecture in California, LATC does incur programmatic costs. While LATC and CAB share an Executive Officer and Assistant Executive Officer, LATC has five separate staff and CAB operations likely supplement LATC operations. There are costs related to any

government agency functions, including a statutorily-designated committee with statutorily-mandated responsibilities. LATC has historically faced cost pressures and recently raised fees on licensees due to ongoing rising expenditures and program costs. Now, CAB is also facing shortfalls and will need to increase revenue to continue effective operations. It would be helpful for the Committees to understand whether CAB's composition should more appropriately reflect the multidisciplinary regulatory role it plays and, rather than continuing LATC as its own entity, landscape architect representation should be added to CAB in lieu of a committee. Strong consideration should be given to evaluate consolidation efforts and discussions about whether LATC's organizational structure makes sense, including fiscal sense, moving forward.

Staff Recommendation: *LATC and CAB should provide additional information related to program-wide considerations and whether efficiencies will be realized through formal regulation by one entity. LATC and CAB should inform the committees about existing overlap in operations today and how a multidisciplinary board structure, maintaining licensure for landscape architects through the Act, could improve effectiveness.*

Committee Response:

LATC believes that a merged board could provide efficiencies as well as give landscape architects a direct voice in the oversight of their profession, rather than an advisory role. There are approximately 22 states with a blended board so there are models we can look to for guidance. The LATC and CAB leadership have met to discuss the concept and are continuing discussions on the details of a possible combined structure. Over the years, LATC has made changes to its operations to align more closely with the Board's, so a structural change should not be difficult to implement.

The Board will be able to realize efficiencies by merging the administrative, licensing, and enforcement units of LATC and CAB. Staff will continue to operate as they have, but duplicated duties such as purchasing, reporting, budgets, and cashiering will no longer be split among multiple staff, and enforcement and licensing workload will be integrated under CAB's existing management. Additionally, executive management will no longer be required to separately account for and divide time into another program they oversee, which will allow them and all staff to work more efficiently.