

**CALIFORNIA ARCHITECTS BOARD  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE  
ORDER OF ADOPTION**

**California Code of Regulations, Title 16, Division 26**

Adopt Section 2608 as follows:

**2608. Complaint Information System**

~~The Board shall provide a system designed to provide individual members of the consuming public information regarding complaints and disciplinary actions against licensees and information regarding their license status as specified below, unless in the determination of the Board disclosure of such complaint information would be unduly prejudicial to licensees.~~

~~(a) Information to be Provided Regarding Complaints.~~

~~The Board shall maintain a system of information, regarding complaints received during the preceding three years which will afford to members of the public, upon written request, all of the following regarding a particular licensee:~~

- ~~(1) The number of such complaints which, after investigation including contact with the licensee, have been found by Board staff to indicate probable violations of the Board's licensing law or regulations.~~
- ~~(2) With respect to each such complaint, the following information:~~
  - ~~(A) Its date of receipt by year.~~
  - ~~(B) Its disposition, by indicating whether the matter has been~~
    - ~~1. referred to formal disciplinary action;~~
    - ~~2. found to involve a minor violation not in itself meriting disciplinary action;~~
    - ~~3. disposed of through settlement, compromise or complaint mediation; or~~
    - ~~4. disposed of through any other action, formal or informal, taken against the licensee.~~
- ~~(3) Such comparative data as may be considered by the Board to be informative to consumers.~~
- ~~(4) Such general cautionary statement, as the Board may deem appropriate, regarding the utility of complaint information to individual consumers in their selection of a licensed landscape architect.~~
- ~~(5) If a complaint which was initially determined to indicate a probable violation of law is later found by the Board's staff upon further investigation not to truly involve a violation, it shall be deleted from the complaint system.~~

~~(b) Information to be Provided Regarding Disciplinary Action.~~

~~The Board shall maintain records showing the disciplinary history of all current license holders and shall provide to members of the public, upon written request, the following information:~~

- ~~(1) Whether any current licensee has ever been disciplined and, if so, when and for what offense.~~
- ~~(2) Whether any current licensee has been named in any disciplinary action.~~

~~(c) Information to be Provided Regarding License Status.~~

~~The Board shall maintain records showing certain license information for all past and current license holders. The Board shall provide to members of the public upon written request, the following information regarding past and current licensees:~~

- ~~(1) The name of the landscape architect as it appears in the Board's records.~~
- ~~(2) The license number.~~
- ~~(3) The address and business telephone number of record.~~
- ~~(4) The date of original licensure.~~
- ~~(5) The date or dates such license expired, lapsed, or was terminated and if applicable, the reason for termination.~~

~~(d) Quantity of Information to be Provided Per Week.~~

~~To avoid undue delay in the Board's response to other requesters and in order that no one requester may overburden the Board's system, the Board may establish reasonable limits on the number of requests per week from any one requester which the Board may handle.~~

**§ 2608. Public Information System – Disclosure.**

- (a) The Board shall establish and maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed landscape architects and unlicensed persons subject to the Board's jurisdiction and Division 3, Chapter 3.5 of the Code (commencing with section 5615). Such a system shall also provide the public with information regarding the licensed status of the Board's licensees.

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

(b) Information to be Disclosed Regarding License Status.

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

- (1) The name of the licensee, as it appears in the Board's records;
- (2) The license number;
- (3) The address of record;
- (4) The license issue date;
- (5) The license expiration date; and
- (6) The license status and history.

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

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

- (1) Total number of disciplinary and enforcement actions taken by the Board;
- (2) Brief summary of disciplinary and enforcement actions taken by the Board; Citations that have been satisfactorily resolved shall be disclosed as such;
- (3) Current status of pending Accusations, Statements of Issues, and Citations filed by the Board; disclosure of pending actions shall contain a disclaimer stating that the pending administrative action(s) against the person is/are alleged and no final legal determination has yet been made; further disclaimers or cautionary statements regarding such pending actions may also be made; and
- (4) Information which is statutorily mandated to be disclosed.

(d) Information to be Disclosed Regarding Complaints.

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

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

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

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

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

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

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

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

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

(A) Disclosure is prohibited by statute or regulation;

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

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

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

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

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

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

(D) Referred to formal disciplinary action;

(E) Disposed of through any other action, formal or informal; or

(F) Other disposition;

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

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

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

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

Note: Authority Cited: Section 5630, Business and Professions Code. Reference: Sections 125.9, 129(e), 148, 5620.1, Business and Professions Code and Government Code Section 6253.