

**TITLE 16. CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Public Presentments and Advertising Requirements, § 2671**

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under Contact Person in this Notice.

Comment Period

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than **Wednesday, June 2, 2021**, or must be received by the Board at the hearing, should one be scheduled.

Availability of Modifications

The Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 5630 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section 137, the Board is considering amending section 2671 of article 1 of division 26 of title 16 of the California Code of Regulations¹ (CCR).

¹ All CCR references are to title 16 unless otherwise noted.

Informative Digest:

BPC section 5630 authorizes the Board to adopt, amend, or repeal such rules and regulations as are reasonably necessary to govern the examinations of license applicants, establish criteria for approving schools of landscape architecture, establish rules or professional conduct that are not inconsistent with state or federal law, and carry out the provisions of the Landscape Architects Practice Act. BPC section 137 authorizes the Board to promulgate regulations requiring licensees to include their license numbers in any advertising, soliciting, or other presentments to the public. CCR section 2671 sets forth the requirements to be followed by licensees when making presentments and advertisements to the public.

However, landscape architect license numbers are not currently required to be provided to the public on public advertisements and presentments. This omission may result in unlicensed individuals contracting with consumers for landscape architecture services that the individual is not professionally qualified or licensed to perform. In addition, consumers are unable to check before consulting or contracting with a licensed landscape architect the license number of the landscape architect to determine if the landscape architect has been disciplined. To address these issues, the Landscape Architects Technical Committee (LATC), under the jurisdiction of the Board, included in its 2019-2021 Strategic Plan an objective to “Research the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.” At the LATC’s May 29, 2019 meeting, proposed language to amend CCR section 2671 to require licensees include their license number in all advertisements and public presentments was presented. At that meeting, the LATC recommended to the Board to approve the proposed amendments. At its June 12, 2019 meeting, the Board approved the proposal to require licensees to include their license number in all public presentments and advertisements.

In response to the directives given by both the LATC and the Board, the LATC is pursuing this regulatory proposal to expand the advertising and public presentment requirements of licensed landscape architects to also include their license number.

The Board is proposing the following changes:

Amend Section 2671 of Article 1 of Division 26 of Title 16 of the CCR – Public Presentments and Advertising Requirements

- Amend CCR section 2671, subdivision (a), to require landscape architects to include, along with their name and the words “landscape architect,” their license numbers in all forms of advertisements or presentments made to the public in connection with the rendition of landscape architectural services.

- Amend CCR section 2671, subdivision (b), to require landscape architect group practices containing or employing a landscape architect who is a partner, principal officer, or employee of the group practice which are already required by this section to include the name of the landscape architect and the words “landscape architect” in all forms of advertisements or presentments made to the public in connection with the rendition of landscape architectural services to now also include the landscape architects’ license number. The proposal would also make a minor/technical change to the existing subdivision.

Policy Statement Overview/Anticipated Benefits of Proposal

Protection of the public is the Board’s highest priority in exercising its licensing, regulatory, and disciplinary functions. The proposal would better protect the public by requiring a landscape architect licensee, or a licensee of the group practice, to include their license number in all public presentments and advertisements to ensure the public is engaging the services of qualified, licensed, landscape architects. With the license number information, consumers will be better informed of who is and who is not a licensed landscape architect. Additionally, the Board anticipates that the minor and technical revision in the rulemaking will make the public presentments and advertising requirements easier for licensees to understand.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Fiscal Impact Estimates

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: The proposed regulations do not result in additional costs to the state.

The Board acknowledges it may receive inquiries (by phone or email) from licensees regarding compliance, but the Board already maintains staffing resources to address them. As a result, no additional costs are anticipated.

The Board further acknowledges, it may receive a consumer complaint (by phone or email) related to non-compliance. However, in these circumstances the Board would likely contact the licensee (by phone or email) to remind and educate the licensee of the requirements, in lieu of formal discipline. Because the Board already maintains staffing resources for these purposes, no additional costs are anticipated.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed regulations should not impact advertising budgets enough to affect businesses. This regulation does not mandate printing of business cards, but merely requires that if business cards are printed, they must contain the licensee's license number. Such a requirement is common for other professionals, such as contractors and realtors. The proposed regulations should not cost licensees enough money to have an effect on creating or eliminating businesses.

Cost Impact on Representative Private Person or Business: While the exact costs are unknown, the Board is aware there may be minor costs a representative private person or business would incur in reasonable compliance with the proposed action to reprint their presentments and advertising materials with the landscape architect license number.

Effect on Housing Costs: None

Effect on Small Business

The Board has determined that the proposed regulation may affect small businesses as there may be a minor cost for group practices to reprint presentments and advertising materials to include the landscape architects' license number.

Results of Economic Impact Assessment/Analysis:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because printing the license number has no impact on obtaining a license prior to employment.

Benefits of Regulation:

The LATC has determined that this regulatory proposal will benefit the health, safety, and welfare of California consumers. By providing consumers with landscape architect license numbers in all public advertising and presentments, consumers will be able to

use the license number to search the Consumer Affairs Systems database through the Board's website or contact the LATC to confirm whether the advertising individual is the individual associated with the license number. The proposal would also benefit landscape architect licensees by making a minor/technical change to the existing regulation. The proposal does not affect worker safety or the state's environment.

Consideration of Alternatives

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Set forth below is the alternative that was considered and the reason this alternative was rejected:

An alternative option is to keep the status quo, but if the Board does not adopt the proposed amendments, transparency would be insufficient between California consumers and landscape architects in that a licensee's license number would not be readily available.

Another alternative option was to adopt the proposed regulations with a delayed implementation date so landscape architects could to use up their existing advertising materials before such materials are required to include their license number. This alternative was rejected because licensees can opt to employ a "no cost" solution to compliance by employing a common writing instrument to add their license number to their current stockpile of advertising materials.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2420 Del Paso Road, Suite 105, Sacramento, California 95834.

Initial Statement of Reasons and Information

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

Text of Proposal

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the California Architects Board, Landscape Architects Technical Committee at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 or by

telephoning the Contact Person listed below.

Availability and Location of the Final Statement of Reasons and Rulemaking File

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Contact Person named below (or by accessing the website listed below).

Contact Person

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Stacy Townsend
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7235
Fax No.: (916) 575-7283
E-Mail Address: stacy.townsend@dca.ca.gov

The backup contact person is:

Name: Trish Rodriguez
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7231
Fax No.: (916) 575-7283
E-Mail Address: latc@dca.ca.gov

Website Access: Materials regarding this proposal can be found at [LATC pending regulations](#).