

**State of California
Office of Administrative Law**

In re:
California Architects Board

Regulatory Action:

Title 16, California Code of Regulations

Amend sections: 2630 and 2630.2

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

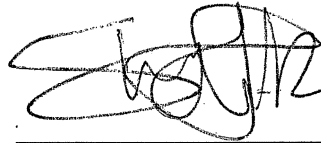
OAL Matter Number: 2022-1223-05

OAL Matter Type: Regular (S)

Regarding the practice of landscape architecture, in this regular rulemaking, the California Architects Board is amending regulations pertaining to the issuance of citations, contesting citations, and informal conferences held in response to a request from any person served with a citation.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2023.

Date: February 8, 2023



Steven J. Escobar
Senior Attorney

Original: Laura Zuniga, Executive Officer
Copy: Stacy Townsend

For: Kenneth J. Pogue
Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2022-0912-05	REGULATORY ACTION NUMBER 2022-1223-05	EMERGENCY NUMBER 5
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

FEB 08 2023

2:02 pm

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW
2022 DEC 23 PM 3:38

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Architects Board, Department of Consumer Affairs

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2022, 38-Z	PUBLICATION DATE 9/23/2022

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Issuance and Appeal of Citations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT AMEND 2630, 2630.2 REPEAL
TITLE(S) 16	

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs		

7. CONTACT PERSON Stacy Townsend	TELEPHONE NUMBER (916) 575-7235	FAX NUMBER (Optional) (916) 575-7283	E-MAIL ADDRESS (Optional) stacy.townsend@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Laura Zuniga</i>	DATE 12/19/22
TYPED NAME AND TITLE OF SIGNATORY Laura Zuniga, Executive Officer, California Architects Board	

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
FEB 08 2023
Office of Administrative Law

**DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

ISSUANCE AND APPEAL OF CITATIONS

ORDER OF ADOPTION

Changes to the original language are shown in single underline for new text and single ~~strikethrough~~ for deleted text.

Amend Sections 2630 and 2630.2 of Article 1 of Division 26 of Title 16 of the California Code of Regulations to read as follows:

§ 2630. Issuance of Citations.

(a) The Board's executive officer is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to Sections 125.9, ~~or 148~~ or 149 of the Code against landscape architects or unlicensed persons who have committed any acts or omissions which are in violation of the Landscape Architects Practice Act or any regulation adopted pursuant thereto.

(b) Each citation:

(1) shall be in writing;

(2) shall describe with particularity the nature and facts of the violation, including specific reference to the provision or provisions of law alleged to have been violated;

(3) may contain one or more of the following:

(A) an assessment of an administrative fine;

(B) an order of abatement fixing a reasonable period of time for abatement of the violation;

(4) shall be served on the cited individual, in person, or at the address of record on file with the Board, or the last known address, by certified and regular mail with return receipt requested;

(5) shall inform the cited person that, if he or she desires an informal conference to contest the finding of a violation, the informal conference shall be requested by written notice to the Board within 30 calendar days from the service of the citation;

(6) shall inform the cited person that, if he or she desires a hearing to contest the finding of a violation, the hearing shall be requested by written notice to the Board within 30 calendar days from service of the citation;

(7) shall inform the licensed person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the Board. If a citation is not contested and the fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without the payment of the renewal fee and fine;

(8) shall inform the unlicensed person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in the executive officer applying to the appropriate superior court for a judgement in the amount of the fine;

(cA) The sanction authorized under this Section shall be separate from, and in addition to, any civil or criminal remedies.

Note: Authority cited: Sections 12.5, 125.9, 148, 5526 and 5630, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§ 2630.2. ~~Appeal of Citations~~ Contest of Citations; Informal Conference.

(a) Any person served with a citation issued pursuant to Section 2630 may contest the citation by submitting a written request for an administrative hearing to the Board within 30 calendar days of service of the citation. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing as described in subsection (a), the cited person may, within 30 calendar days of service of the citation, submit a written request for an informal conference with the executive officer.

(c) The request for an administrative hearing to contest a citation is not waived if the executive officer or their designee affirms or modifies the citation at an informal conference.

(d) The executive officer or their designee shall, within ~~30 working~~ 60 calendar days from receipt of a written request for an informal conference as provided in subsection (b), hold an informal conference with the cited person. The ~~60~~30-day period may be extended by the executive officer or their designee for good cause. Following the informal conference, the executive officer or their designee may affirm, modify, or dismiss the citation, including any administrative fine assessed or order of abatement issued. An order affirming, modifying, or dismissing the original citation shall be served on the cited person within 30 calendar days from the informal conference. Said order shall state in writing the reasons for the affirmation, modification, or dismissal of the original citation. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation or payment of the fine. Service of this order shall be made as provided in Section 2630.

(e) If the informal conference results in the modification of the findings of violation(s), the amount of the fine, or the order of abatement, the citation shall be considered modified, but not withdrawn. ~~The cited person shall be entitled to an administrative hearing to contest the modified citation if he or she made a request for an administrative hearing within 30 calendar days after service of the original citation. The cited person shall not be entitled to an informal conference to contest a modified citation. If the cited person did not make a timely request for an administrative hearing after service of the original citation, the decision in the modified citation shall be considered a final order.~~

(f) Within 30 calendar days after service of an affirmed or modified citation following an informal conference, a cited person who did not initially request an administrative hearing within 30 calendar days of being served the original citation may make a request for an administrative hearing in writing to the executive officer. A cited person may not request a second informal conference to contest a citation that has been affirmed or modified following an informal conference. If the cited person does not make a timely request for an administrative hearing after service of the affirmed or modified citation following the informal conference, the decision in the affirmed or modified citation shall be considered a final order. An administrative hearing conducted after a citation is affirmed or modified after the informal conference shall be conducted as provided in paragraph (4) of subdivision (b) of Section 125.9 of the Code.

(gf) If the citation is dismissed after the informal conference, the request for an administrative hearing, if any, shall be deemed to be withdrawn.

(hg) Submittal of a written request for an administrative hearing as provided in subsection (a) or (f), an informal conference as provided in subsection (b), or both, stays the time period in which to pay the fine.

(ih) If the written request for an administrative hearing as provided in subsection (a) or (f), an informal conference as provided in subsection (b), or both, is not submitted within 30 calendar days from service of the citation, the cited person is deemed to have waived his or her right to an administrative hearing or an informal conference.

Note: Authority cited: Sections 125.9, 148 and 5630, Business and Professions Code.
Reference: Sections 125.9, and 148 and 149, Business and Professions Code.