

CALIFORNIA ARCHITECTS BOARD

MODIFIED TEXT

Legend:

Originally proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Modifications to the originally proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Amend Section 109 of Article 2 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 109. Requirements for Licensure and Filing of Applications.

(a) Definitions:

- (1) A “new candidate” shall mean a candidate who is submitting ~~his or her~~ their first application to the Board for eligibility evaluation for the Architect Registration Examination (ARE) or one who had previously submitted an application but had been determined by the Board to be ineligible.
- (2) An “inactive candidate” shall mean a candidate who:
 - (A) has not taken an examination as a candidate of the Board for five or more years, or
 - (B) has been determined by the Board to be eligible but who has not taken any examination since the Board's determination and five or more years have passed.
- (3) “Active in the examination process” shall mean that there has not been a period of five or more years since
 - (A) the candidate last took an examination as a candidate of the Board, or
 - (B) the candidate has been determined by the Board to be eligible.
- (4) ~~A “re-examinee” shall mean a candidate who has previously been determined by the Board to be eligible for the ARE and who is active in the examination process as a candidate of the Board.~~

(b) Examination Application Process:

- (1) ~~Effective July 1, 2008, a~~ A new or inactive candidate applying to the Board for eligibility for the ARE shall, prior to eligibility, ~~for the examination enroll in the~~

Intern Development Program (IDP) by establishing a National Council of Architectural Registration Boards (NCARB) Record with the National Council of Architectural Registration Boards (NCARB). Candidates shall pay all required fees and comply with all NCARB procedures required to establish a NCARB Record.

The requirement to establish an NCARB Council Record does not apply to a candidate who was determined by the Board to be eligible on or before June 30, 2008 and who is active in the examination process.

- (2) A new or inactive candidate applying to the Board for eligibility evaluation for the ARE shall, prior to licensure, complete the IDP of the NCARB administered experience-based program Architectural Experience Program (AXP), as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the July 2015 edition), or the Internship in Architecture Program (IAP) of Canada (currently the January 2012 edition). Both documents referred to in the preceding sentence are hereby incorporated by reference.

The IDP/IAP requirement does not apply to a candidate who (A) was determined by the Board to be eligible on or before December 31, 2004, and who is active in the examination process; or (B) has completed all of the necessary education equivalents prior to January 1, 2005, who has submitted a completed application for eligibility evaluation to the Board that is postmarked on or before December 31, 2004, and who has been determined by the Board to be eligible.

- (3) A new or inactive candidate shall submit:

(A) the non-refundable fee specified in subsection (a) or (b) of Section 144, as applicable unless waived per paragraph (6).

(B) an Application for Eligibility Evaluation, 19C-1 (rev. 3/2015), as provided by the Board and certified under penalty of perjury, which shall be accepted on a continuous basis and contain:

- (i) the applicant candidate's NCARB record number,
- (ii) the legal name of the applicant candidate and any other known names,
- (iii) the applicant candidate's address and email address,
- (iv) the applicant candidate's home and work telephone numbers, and
- (v) the applicant candidate's date of birth and social security number or individual taxpayer identification number, and accompanied by such

(C) supporting documents required herein. Such supporting documents which shall may include, if applicable:

- (i) proof of completion of the AXP, which shall include the candidate's current and valid IDP file NCARB Record transmitted by from NCARB, or current and valid verification of completion of the requirements of Canada's IAP,
- (ii) certified original transcripts sent directly to the Board by the college or university, or included as part of an NCARB Record,
- (iii) Employment Verification Form(s), 19C-12 (9-New 56/200620234), and,
- (iv) if appropriate, proper foreign education evaluations and self-employment documentation.

(4) An applicant candidate who has served as an active-duty member of the Armed Forces of the United States, was honorably discharged, and who provides a copy of their DD-214 (Certificate of Release or Discharge from Active duty), shall have the review of their application expedited pursuant to Section 115.4 of the code.

(5) A candidate shall receive expedited review of their application for a candidate qualifying pursuant to Section 115.4, subdivision (b) of the Code, if the candidate is an active-duty member of a regular component of the United States Armed Forces enrolled in the United States Department of Defense's SkillBridge program as authorized under Section 1143(e) of Title 10 of the United States Code, and who provides the following documentation with the application: written authorization documenting the candidate's current enrollment in the SkillBridge program including an official approval document or letter from their respective United States Armed Forces Service branch (Army, Navy, Air Force, Marine Corps, or Coast Guard) signed by the candidate's first field grade commanding officer that specifies the candidate's name, the approved SkillBridge opportunity, and the specified duration of participation (i.e., start and end dates).

(5) Applicant Candidates who meet the requirements of Section 115.5 of the code shall have the review of their application expedited and applicable fee waived if they submit the following satisfactory evidence with their application:

(A) Certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(B) A copy of the military orders establishing their spouse's or partner's duty station in California and,

(C) Written verification from the applicant candidate's issuing agency/licensing jurisdiction that the applicant candidate's license in another state, district or territory of the United States is current in that jurisdiction. The verification shall include all of the following: (1) the full legal name of the applicant candidate and any other name(s) the applicant candidate has used or has been known by, (2) the license type and number issued to the applicant candidate by the original

licensing agency/entity, (3) the name and location of the licensing agency/entity, and, (4) the issuance and expiration date of the license.

(67) An applicant candidate who was admitted to the United States as a refugee pursuant to Section 1157 of Title 8 of the United States Code, or was granted asylum by the Secretary of Homeland Security or the United States Attorney General pursuant to Section 1158 of Title 8 of the United States Code, or has a special immigrant visa and was granted a status pursuant to Section 1244 of Public Law 110-181, Public Law 109-163, or Section 602(b) of Title VI of Division F of Public Law 111-8, relating to Iraqi and Afghan translators/interpreters or those who worked for or on behalf of the United States government, and provides evidence of that status shall have the review of their application expedited pursuant to Section 135.4 of the code. ~~The Board may assist such an applicant with the initial licensure process.~~ For the purposes of this paragraph, "evidence" shall include the following:

(A) Form I-94, arrival/departure record, with an admission class code such as "re" (refugee) or "ay" (asylee) or other information designating the person as a refugee or asylee.

(B) Special Immigrant Visa that includes the "si" or "sq".

(C) Permanent resident card (Form I-551), commonly known as a "green card", with a category designation indicating that the person was admitted as a refugee or asylee.

(D) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Board that the candidate qualifies for expedited licensure per Business and Professions Code section 135.4.

Applications for Eligibility Evaluation shall be accepted on a continuous basis throughout the year. For a candidate applying for eligibility for the ARE, the eligibility review fee specified in Section 144(a) shall be required.

(478) A new or inactive candidate receiving notification that ~~he or she is~~ they are ineligible for examination ~~eligibility as defined~~ for failure to meet the requirements in Section 116 shall submit supporting documentation as identified in subsection (b)(3) to meet eligibility requirements. ~~based on insufficient education and/or employment verification as evaluated by the Board and/or failure to enroll in IDP by establishing an NCARB Council Record shall submit such additional education and/or employment verification and/or verification of enrollment in IDP.~~

(589) Upon the Board's determination of a candidate's eligibility for the ARE based upon the Board's education requirements and evidence of the candidate's enrollment in IDP requirements set forth in Section 116, the Board shall transmit the candidate's eligibility information to NCARB or its authorized representative

~~for entry into the candidate to test through NCARB's database. For a candidate whose application is submitted on or after July 1, 1999 and who has been determined to be eligible, such e~~Eligibility shall be retained while the candidate is active in the examination process.

~~(6910)~~ As a candidate acquires additional work experience, it is the candidate's responsibility to ensure that the employer(s) complete Employment Verification Forms covering the work experience gained with that employer and that the forms are submitted to the Board.

~~(74011)~~ A new or inactive candidate who is a licensed architect in a qualifying foreign country, as defined in Section 117(c)(2), shall prior to licensure:

(A) ~~complete IDP, or IAP, the requirements as referenced in subdivision (b)(2) or follow the requirements set forth in Section 121;~~ or

(B) submit to the Board:

- ~~(i)~~ 1-~~proof of licensure in the qualifying foreign country,~~
- ~~(ii)~~ 2-~~an Employment Verification Form on his or her~~ their own behalf documenting five years of practice of architecture as a licensed architect in the qualifying foreign country,
- ~~(iii)~~ 3-~~an Employment Verification Form documenting at least one year of experience under the direct supervision of an architect(s) licensed in a United States jurisdiction granted at 100% credit or at least two years of experience under the direct supervision of an architect(s) registered in a Canadian province granted at 50% credit, and~~
- ~~(iv)~~ 4-~~documentation of five years of education equivalents as defined in Section 117. Both documents referred to in subdivision (b)(7)(A) are hereby incorporated by reference.~~

~~(84112)~~Effective January 1, 2005, a A new or inactive candidate who is a licensed architect in a non-qualifying foreign country and one who is a licensed architect in a qualifying foreign country but who does not submit all of the items prescribed in subdivision (b)(7) shall apply as a new candidate and meet the requirements prescribed in subdivisions (b)(1) and b(2) of this section, or follow the requirements set forth in Section 121.

~~(c) Effective July 1, 1999, a re-examinee applying for eligibility for the ARE shall submit a Test Application Form, 19C-11 (3/2006), and accompanied by the eligibility review fee specified in Section 144(a). Upon determination that the candidate is eligible, the Board shall transmit the candidate's eligibility information to NCARB or its authorized representative for entry into NCARB's database. For a candidate whose application is submitted on or after July 1, 1999 and who has been determined to be eligible, such eligibility shall be retained while the candidate is active in the examination~~

~~process. Test Application Forms shall be accepted on a continuous basis throughout the year.~~

~~(d) A candidate who had a valid eligibility on file with the Board on or before June 30, 2008 may schedule with NCARB or its authorized representative to take one or more division(s) of the ARE without first enrolling in IDP.~~

~~(e) A candidate who did not have a valid eligibility on file with the Board on or before June 30, 2008 may only schedule with NCARB or its authorized representative to take one more division(s) of the ARE after first enrolling in IDP by establishing an NCARB Council Record.~~

~~(f) The Board shall retain the file of a candidate who is active in the examination process as a candidate of the Board. The Board may purge the candidate file of an inactive candidate. An inactive candidate who wishes to reapply to the Board shall be required to apply in accordance with this section by submitting the required documents to allow the Board to determine the candidate's current eligibility. For a candidate applying for the ARE, the eligibility review fee specified in Section 144(a) shall be required follow the requirements set forth in subsection (b)(3).~~

~~(d) The Board shall retain for a ~~tw~~seven-year period, transcripts, Employment Verification Forms, and other supporting documents received from individuals who have not submitted an Application for Eligibility Evaluation. Thereafter, the Board may purge these documents.~~

~~(e) Candidates who are licensed as an architect in another United States jurisdiction shall submit an Application for Eligibility Evaluation as set forth in subsection (b)(3) and follow the requirements set forth in Section 121.~~

~~(f) Candidates must complete the California Supplemental Examination (CSE) prior to licensure and follow the requirements as set forth in Section 124.~~

~~(g) Upon completion of the CSE, each person desiring licensure as an architect shall furnish a full set of fingerprints as prescribed by Section 5552.1 of the code and file a completed Application for Licensure with the Board which shall contain the following:~~

~~(1) Fee specified in Section 144 for an original license unless waived per subsection (b), paragraph (6):~~

~~(2) Candidates who had applications expedited pursuant to subsection (b) paragraphs (4), (5), and (7) shall have the Application for Licensure expedited.~~

~~(3) Social Security Number or Individual Tax Identification Number;~~

~~(4) First, middle, last name and suffix (if applicable) as they want it printed on their license. Only the applicant candidate's legal name or initials are permitted and nicknames are not permitted;~~

(45) Contact information including applicant candidate's address of record, daytime and evening telephone numbers, and email address (if any);

~~(56) A disciplinary question requiring the applicant disclose whether they have had a registration denied, suspended, revoked, or if the applicant has otherwise been disciplined by a public agency in any state or country. If yes, the applicant may attach a statement of explanation.~~
A disclosure regarding whether the candidate has, within the preceding seven years from the date of the application, had a license, permit, registration, or certification ("license") that was formally disciplined by a licensing board in or outside of California.

(A) For the purposes of this paragraph, "disciplined" shall mean suspended, revoked, placed on probation, public reproof, reprimand or any other form of restriction placed upon any other license, registration, certification or permit that the candidate held or currently holds. A candidate shall not be required to disclose any discipline that was based upon a conviction that has been dismissed pursuant to 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a comparable dismissal or expungement.

(B) If the candidate answers in the affirmative to the disclosure question in this paragraph, the candidate shall provide all of the following as part of the application:

- (i) the type of disciplinary action taken (e.g., revocation, suspension, probation),
- (ii) the effective date of the disciplinary action,
- (iii) the license type,
- (iv) the license number,
- (v) the name and location of the licensing board,
- (vi) an explanation of the violations found by the licensing board; and,
- (vii) any statement or documents showing the candidate's rehabilitation efforts or any mitigating information that the candidate would like the Board to consider; and,

(67) A statement signed under penalty of perjury of the laws of the State of California that the information provided on the application or any accompanying attachments provided with the application is true and correct.

Note: Authority cited: Sections 115.4, 5526 and 5552.5, Business and Professions Code. Reference: Sections 30, 115.4, 115.5, 115.6, 135.4, 144, 144.5, 480, 5550, 5550.5, 5551, 5552, 5552.1, and 5552.5, Business and Professions Code.