

AGENDA ITEM G.2: REVIEW AND POSSIBLE APPROVAL OF PROPOSED STATUTORY CHANGES TO THE LANDSCAPE ARCHITECT PRACTICE ACT

SUMMARY

Existing law relating to the regulation of landscape architecture is defined in the Landscape Architects Practice Act (Act) which has been defined as Business and Profession Code sections (BPC) 5615 to 5683. The Act defines the role of the Landscape Architects Technical Committee (LATC) and their relationship with the California Architects Board (Board). In 1994, the LATC was placed under the purview of the Board and duties and oversight, specifically regulation and enforcement, were transferred to the Board.

As part of the Sunset Review process, Board staff reviewed the California Architects Board Practice Act the LATC Act to identify potential clarifications and efficiencies. Staff identified language that is included in the Architects Act that would be beneficial to include in the LATC Act, language in the LATC Act that can be clarified under the Architects Act, and other clarifications. Attached for review is draft language proposing changes to the Act.

Action Requested

Review and approve proposed statutory changes.

Attachment

1. Proposed Changes to LATC Act

§ 5615 “Landscape Architect” – Practice of Landscape Architecture

As used in this chapter: “Landscape architect” means a person who holds a license to practice landscape architecture in this state under the authority of this chapter.

A person who practices landscape architecture within the meaning and intent of this article is a person who offers or performs professional services, for the purpose of landscape preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation. Landscape preservation, development and enhancement is the dominant purpose of services provided by landscape architects. Implementation of that purpose includes: (1) the preservation and aesthetic and functional enhancement of land uses and natural land features; (2) the location and construction of aesthetically pleasing and functional approaches and settings for structures and roadways; and, (3) design for trails and pedestrian walkway systems, plantings, landscape irrigation, landscape lighting, landscape grading and landscape drainage.

Landscape architects perform professional work in planning and design of land for human use and enjoyment. Based on analyses of environmental physical and social characteristics, and economic considerations, they produce overall plans and landscape project designs for integrated land use.

The practice of a landscape architect may, for the purpose of landscape preservation, development and enhancement, include: investigation, selection, and allocation of land and water resources for appropriate uses; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation review, and analysis of master plans for land use and development; production of overall site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details; specifications; cost estimates and reports for land development; collaboration in the design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed; negotiation and arrangement for execution of land area projects; field observation and inspection of land area construction, restoration, and maintenance.

This practice shall include the location, arrangement, and design of those tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities, in accordance with the accepted public standards of health, safety, and welfare.

This chapter shall not empower a landscape architect, licensed under this chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches.

§ 5616 Landscape Architecture Contract – Contents, Notice Requirements

- (a) A landscape architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the landscape architect and the client, or their representatives, prior to the landscape architect commencing work, unless the

client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

- (1) A description of the project for which the client is seeking services.
 - (2) A description of the services to be provided by the landscape architect to the client.
 - (3) A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract, and the method of payment agreed upon by both parties.
 - (4) A statement in at least 12-point type that reads:
“Landscape architects are licensed by the Landscape Architects Technical Committee located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834.”
 - (5) The name, address, and license number of the landscape architect, the name and address of the client, and project address.
 - (6) A description of the procedure that the landscape architect and client will use to accommodate additional services.
 - (7) A description of the procedure to be used by either party to terminate the contract.
 - (8) A description of the procedure that the landscape architect and the client will use to accommodate contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation, total price, and method of payment.
 - (9) A statement identifying the ownership and use of instruments of service prepared by the landscape architect.
- (b) This section does not apply to any of the following:
- (1) Professional services rendered by a landscape architect for which the client will not pay compensation.
 - (2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the landscape architect's services are of the same general kind that the landscape architect has previously rendered to, and received payment from, the same client.
 - (3) If the client states in writing after full disclosure of this section that a written contract is not required.
 - (4) Professional services rendered by a landscape architect to any of the following:
 - (A) A landscape architect licensed under this chapter.
 - (B) An architect licensed under Chapter 3 (commencing with Section 5500).
 - (C) A professional engineer licensed under Chapter 7 (commencing with Section 6700).
 - (D) A contractor licensed under Chapter 9 (commencing with Section 7000).
 - (E) A geologist or geophysicist licensed under Chapter 12.5 (commencing with Section 7800).
 - (F) A professional land surveyor licensed under Chapter 15 (commencing with Section 8700).

- (G) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates.
- (H) A public agency when using that public agency's written contract.
- (c) As used in this section, "written contract" includes a contract that is in electronic form.

§ 5620 Board of Landscape Architects – Transfer of Duties

The duties, powers, purposes, responsibilities, and jurisdiction of the California State Board of Landscape Architects that were succeeded to and vested with the Department of Consumer Affairs in accordance with Chapter 908 of the Statutes of 1994 are hereby transferred to the California Architects Board. The Legislature finds that the purpose for the transfer of power is to promote and enhance the efficiency of state government and that assumption of the powers and duties by the California Architects Board shall not be viewed or construed as a precedent for the establishment of state regulation over a profession or vocation that was not previously regulated by a board, as defined in Section 477.

- (a) There is in the Department of Consumer Affairs a California Architects Board as defined in Article 2 (commencing with Section 5510) of Chapter 3 of Division 3. Whenever in this chapter "board" is used, it refers to the California Architects Board.
- (b) Except as provided herein, the board may delegate its authority under this chapter to the Landscape Architects Technical Committee.
- (c) After review of proposed regulations, the board may direct the ~~examining~~ committee to notice and conduct hearings to adopt, amend, or repeal regulations pursuant to Section 5630, provided that the board itself shall take final action to adopt, amend, or repeal those regulations.
- (d) The board shall not delegate its authority to discipline a landscape architect or to take action against a person who has violated this chapter.
- (e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

§ 5620.1 Protection of the Public

Protection of the public shall be the highest priority for the Landscape Architects Technical Committee in exercising its licensing, ~~regulatory, and disciplinary~~ functions.

Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

§ 5620.2 Delegation of Certain Functions

- (a) The following powers conferred by law upon the board are hereby delegated to and conferred upon the executive officer of the board, or in their absence from the office, to the acting executive officer of the board, as provided below:
 - (1) Receive and file accusations.
 - (2) Issue notices of hearings, statements to respondents, and statements of issues.
 - (3) Receive and file notices of defense.
 - (4) Determine the time and place of hearings under Section 11508 of the Government Code.
 - (5) Issue subpoenas and subpoenas duces tecum.
 - (6) Set calendar cases for hearing and perform other functions necessary to the businesslike dispatch of the board in connection with proceedings under Sections 11500 to 11528, inclusive, of the Government Code, before hearing those proceedings.
 - (7) Approve settlement agreements for the revocation or surrender of a license.
 - (8) Certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code.
- (b) In addition to the powers described in subdivision (a), the following powers are also delegated to and conferred upon the executive officer of the board, as provided below:
 - (1) Evaluate and determine qualifications and approve applicants for examination under Section 5650.
 - (2) Determine which applicants for reciprocity licenses are entitled to waiver of the written examination under Section 5651.

§ 5621 Landscape Architects Technical Committee – Members

- (a) There is hereby created within the jurisdiction of the board, a Landscape Architects Technical Committee, hereinafter referred to in this chapter as the landscape architects committee.
- (b) The landscape architects committee shall consist of five members who shall be licensed to practice landscape architecture in this state. The Governor shall appoint three of the members. The Senate Committee on Rules and the Speaker of the Assembly shall appoint one member each.
- (c) The initial members to be appointed by the Governor are as follows: one member for a term of one year; one member for a term of two years; and one member for a term of three years. The Senate Committee on Rules and the Speaker of the Assembly shall initially each appoint one member for a term of four years. Thereafter, appointments shall be made for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of the member's

successor or until one year shall have elapsed, whichever first occurs. Vacancies shall be filled for the unexpired term.

- (d) No person shall serve as a member of the landscape architects committee for more than two consecutive terms.
- (e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

§ 5622 Landscape Architects Technical Committee – Duties and Functions

- (a) The landscape architects committee may assist the board in the examination of candidates for a landscape architect's license ~~and, after investigation, evaluate and make recommendations regarding potential violations of this chapter.~~
- (b) The landscape architects committee may investigate, assist, and make recommendations to the board regarding the regulation of landscape architects in this state if so directed by the board.
- (c) The landscape architects committee may perform duties and functions that have been delegated to it by the board pursuant to Section 5620.
- (d) The landscape architects committee may send a representative to all meetings of the full board to report on the committee's activities.
- (e) This section shall remain in effect only until January 1, 2025 and as of that date is repealed.

§ 5624 Compensation for Members of the Landscape Architects Committee

Each member of the landscape architects committee shall receive per diem and expenses, as provided in Section 103.

§ 5626 Records Kept by Executive Officer

The executive officer of the board shall keep an accurate record of all proceedings of the landscape architects committee.

§ 5629 Violation of Provisions of Chapter

The board shall prosecute all persons guilty of violating the provisions of this chapter. Except as provided in Section 159.5, the board may employ such inspectors, special agents, investigators, and clerical assistance as it may deem necessary to carry out the provisions of this chapter. It may fix the compensation to be paid for those services and incur any additional expense as may be deemed necessary.

§ 5630 Board May Adopt, Amend, or Repeal Rules and Regulations

The board may, in accordance with the provisions of the Administrative Procedure Act, adopt, amend, or repeal such rules and regulations as are reasonably necessary to:

- (a) Govern the examinations of applicants for licenses to practice landscape architecture.
- (b) Establish criteria for approving schools of landscape architecture.
- (c) Establish rules or professional conduct that are not inconsistent with state or federal law. Every person who holds a license issued by the board shall be governed and controlled by these rules.
- (d) Carry out the provisions of this chapter.

§ 5640 Unlicensed Person Engaging in Practice – Sanctions

It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment, for a person to do any of the following without possessing a valid, unrevoked license as provided in this chapter:

- (a) Engage in the practice of landscape architecture.
- (b) Use the title or term “landscape architect,” “landscape architecture,” “landscape architectural,” or any other titles, words, or abbreviations that would imply or indicate that he or she is a landscape architect as defined in Section 5615.
- (c) Use the stamp of a licensed landscape architect, as provided in Section 5659.
- (d) Advertise or put out a sign, card, or other device that might indicate to the public that he or she is a licensed landscape architect or qualified to engage in the practice of landscape architecture.

§ 5640.1 Signature and Stamp on Plans and Documents; Unauthorized Practice; Misdemeanor

- (a) All persons preparing or being in responsible control of plans, specifications, and instruments of service for others shall sign those plans, specifications, and instruments of service and all contracts therefor, and if licensed under this chapter shall affix a stamp, which complies with subdivision (b), to those plans, specifications, and instruments of service, as evidence of the person’s responsibility for those documents. Failure of any person to comply with this subdivision is a misdemeanor punishable as provided in Section 5640. This section shall not apply to employees of persons licensed under this chapter while acting within the course of their employment.
- (b) For the purposes of this chapter, any stamp used by any architect licensed under this chapter shall be of a design authorized by the board which shall at a minimum bear the licensee’s name, his or her license number, the legend “licensed architect” and the legend “State of California,” and which shall provide a means of indicating the renewal date of the license.
- (c) The preparation of plans, specifications, or instruments of service for any building, except the buildings described in Section 5641, by any person who is not licensed to practice architecture in this state, is a misdemeanor punishable as provided in Section 5640.
- (d) The board may adopt regulations necessary for the implementation of this section.

§ 5640.2 Statement of Licensure

Each county or city which requires the issuance of any permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of the permit a signed statement that the person who prepared or was in responsible control of the plans and specifications for the construction, alteration, improvement, or repair of the building or structure is licensed under this chapter to prepare the plans and

specifications, or is otherwise licensed in this state to prepare the plans and specifications.

The signature and stamp, as provided for in Section 5640.1, on the plans and specifications by the person who prepared or was in responsible control of the plans and specifications shall constitute compliance with this section.

It is the responsibility of the agency that issues the permit to determine that the person who signed and stamped the plans and specifications or who submitted the signed statement required by this section is licensed under this chapter or is otherwise licensed in this state to prepare the plans and specifications.

This section shall not apply to the issuance of permits where the preparation of plans and specifications for the construction, alteration, improvement, or repair of a building or structure is exempt from this chapter, except that the person preparing the plans and specifications for others shall sign the plans and specifications as provided by Section 5640.1.

§ 5640.25 Liability; Damages Caused by Subsequent, Unauthorized, or Unapproved Changes or Uses of Plans, Specifications, Reports or Documents; Construction Observation Services

- (a) A licensed landscape architect who signs and stamps plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to or uses of those plans, specifications, reports, or documents, where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved in writing by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the written authorization or approval was not unreasonably withheld by the landscape architect and the landscape architectural service rendered by the landscape architect who signed and stamped the plans, specifications, reports, or documents was not also a proximate cause of the damage.
- (b) The signing and stamping of plans, specifications, reports, or documents which relate to the design of fixed works shall not impose a legal duty or responsibility upon the person signing the plans, specifications, reports, or documents to observe the construction of the fixed works which are the subject of the plans, specifications, reports, or documents. However, this section shall not preclude a landscape architect and a client from entering into a contractual agreement which includes a mutually acceptable arrangement for the provision of construction observation services. This subdivision shall not modify the liability of a landscape architect who undertakes, contractually or otherwise, the provision of construction observation services for rendering those services.
- (c) "Construction observation services" means periodic observation of completed work to determine general compliance with the plans, specifications, reports, or

other contract documents. However, "construction observation services" does not mean the superintendence of construction processes, site conditions, operations, equipment, or personnel, or the maintenance of a safe place to work or any safety in, on, or about the site.

For purposes of this subdivision, "periodic observation" means visits by a landscape architect, or their agent, to the site of a work of improvement.

§ 5536.4 Instruments of Service—Consent

(a) No person may use a landscape architect's instruments of service, as those professional services are described in Section 5615, without the consent of the landscape architect in a written contract, written agreement, or written license specifically authorizing that use.

(b) A landscape architect shall not unreasonably withhold consent to use their instruments of service from a person for whom the landscape architect provided the services. A landscape architect may reasonably withhold consent to use the instruments of service for cause, including, but not limited to, lack of full payment for services provided or failure to fulfill the conditions of a written contract.

§ 5641 Chapter Exceptions, Exemptions

This chapter shall not be deemed to prohibit any person from preparing drawings for the conceptual design and placement of tangible objects and landscape features or plans, drawings, and specifications for the selection, placement, or use of plants for a single family dwelling. Construction documents, details, or specifications for the tangible objects or landscape features, and alteration of site requiring grading and drainage plans shall be prepared by a licensed professional as required by law.

§ 5641.1 Chapter Exceptions, Exemptions – Personal Property

This chapter shall not be deemed to prohibit any person from preparing any plans, drawings, or specifications for any property owned by that person.

§ 5641.2 Chapter Exceptions, Exemptions – Nurserypersons

Every person who holds a valid license issued by the State of California, under the provisions of Chapter 1 (commencing with Section 6721) of the Food and Agricultural Code, authorizing engagement in the business of selling nursery stock in this state, may engage in the preparation of planting plans or drawings as an adjunct to merchandising nursery stock and related products, but may not use the title of landscape architect. That activity is exempt from licensure under the provisions of this chapter.

§ 5641.3 Chapter Exceptions, Exemptions – Architects, Professional Engineers, and Land Surveyors

An architect, professional engineer or land surveyor licensed or registered under the statutes of this state, insofar as the licensed or registered professional practices the profession for which he or she is licensed or registered, is exempt from the provisions of this chapter, except that an architect, professional engineer, or land surveyor may not

use the title “landscape architect” unless he or she holds a license as required under this chapter.

§ 5641.4 Chapter Exceptions, Exemptions – Landscape Contractors

A landscape contractor licensed under the statutes of this state, insofar as he or she works within the classification for which the license is issued, may design systems and facilities for work to be performed and supervised by that landscape contractor and is exempt from the provisions of this chapter, except that a landscape contractor may not use the title “landscape architect” unless he or she holds a license as required under this chapter.

§ 5641.5 Chapter Exceptions, Exemptions – Golf Course Architects

- (a) Nothing contained in this chapter shall be deemed to prohibit a person from engaging in the practice of, or offering to practice as, a golf course architect.
- (b) As used in this section, “golf course architect” means a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision, where the dominant purpose of such service is the design of a golf course, in accordance with accepted professional standards of public health and safety.

§ 5641.6 Chapter Exceptions, Exemptions – Irrigation Consultants

- (a) Nothing contained in this chapter shall be deemed to prohibit a person from engaging in the practice of, or offering to practice as, an irrigation consultant.
- (b) As used in this section, “irrigation consultant” means a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision, where the dominant purpose of such service is the design of landscape irrigation, in accordance with accepted professional standards of public health and safety.

§ 5642 Partnership, Corporation – Unlicensed Person

This chapter shall not be deemed to prevent a landscape architect from forming a partnership, firm, or corporation with, or employing, persons who are not landscape architects if the signature, date, and license number of the landscape architect appears on all instruments of service. In no case shall the other members of the partnership, firm, or corporation be designated or described as landscape architects.

The name of the licensed landscape architect shall appear wherever the firm name is used in the professional practice of the partnership, firm, or corporation, and the landscape architect shall reside in California when the partnership, firm, or corporation maintains a California office or mailing address. The name of the licensee shall appear on all partnership, firm, or corporation stationery, brochures, business cards and any instruments of service used or provided in the professional practice of the partnership, firm, or corporation.

No partnership, firm, or corporation shall engage in the practice of landscape architecture unless the work is under the immediate and responsible direction of a licensee of the board.

Failure of any person to comply with this section constitutes a ground for disciplinary action.

§ 5644 Chapter Applicability to Other Code Provisions

Any person who holds a valid state license or other authority that authorizes the person to engage in a business or occupation, insofar as the person engages in a professional, occupational, or business activity within the scope of that license or other authority, shall not be required to be licensed under this chapter.

§ 5650 Examinations – Qualifications, Application, Fee

Subject to the rules and regulations governing examinations, any person, over the age of 18 years, who has had six years of training and educational experience in actual practice of landscape architectural work shall be entitled to an examination for a license to practice landscape architecture. A degree from a school of landscape architecture approved by the board shall be deemed equivalent to four years of training and educational experience in the actual practice of landscape architecture. Before taking the examination, a person shall file an application therefor with the ~~executive officer~~landscape architects technical committee and pay the application fee fixed by this chapter.

§ 5651 Examination of Applicants

- (a) The board shall by means of examination, ascertain the professional qualifications of all applicants for licenses to practice landscape architecture in this state and shall issue a license to every person whom it finds to be qualified on payment of the initial license fee prescribed by this chapter.
- (b) The examination shall consist of a written examination. The written examination may be waived by the board if the applicant meets both of the following requirements:
 - (1) Is currently licensed by a United States jurisdiction, Canadian province, or Puerto Rico, has passed a written examination equivalent to that which is required in California at the time of application and has submitted proof of job experience equivalent to that required of California applicants at the time of application.
 - (2) Has passed the California supplemental examination if, at the time of application, it is required of all California applicants.

§ 5651.1 Guidelines for Delegation of Authority to Grade Examinations

- (a) Notwithstanding Section 111, the board may adopt guidelines for the delegation of its authority to grade the examinations of applicants for licensure to any vendor under contract to the board for provision of a landscape architect's license examination. The guidelines shall be within the board's legal authority to establish the standards for licensure in this state, and shall include, but not be limited to:

- (1) Goals for the appropriate content, development, grading, and administration of an examination, against which the vendor's rules and procedures can be judged.
 - (2) Procedures through which the board can reasonably assure itself that the vendor adequately meets the goals established by the board.
- (b) The board shall not delegate its authority to grade the examination of candidates for licensure in this state to any vendor or any party not in compliance with Section 111 or with the guidelines established in subdivision (a).

§ 5652 License – Issuance

If the applicant's examination is satisfactory, and upon the payment of the license fee fixed by this chapter, the ~~executive officer~~board shall issue a license to the applicant showing that the person named therein is entitled to practice landscape architecture in this state, in accordance with the provisions of this chapter.

§ 5653 License – Denial, Refusal

The board may deny or refuse to issue a license to an applicant upon proof of the commission by the applicant of any act or omission which would constitute grounds for disciplinary action under this chapter if committed by a licensee.

§ 5654 Record – License Holders

The board shall keep a record of the names and addresses of all license holders and such additional personal data as the board may require. A proper index and record of each license issued shall be kept by the board.

§ 5655 License – Term

Licenses to practice landscape architecture shall remain in full force until revoked or suspended for cause, or until they expire, as provided in this chapter.

§ 5656 License – Duplicate

A duplicate license to practice landscape architecture in place of one which has been lost, destroyed, or mutilated shall be issued upon proper application, subject to the rules and regulations of the board. A duplicate license fee fixed by this chapter shall be charged for the issuance of the duplicate license.

§ 5657 Filing of Mailing Address – Requirement

Each licensee shall file his or her current mailing address with the board at its office in Sacramento, California, and shall notify the board of any and all changes of mailing address, providing both his or her old and new address within 30 days after a change. A penalty as provided in this chapter shall be paid by a licensee who fails to notify the board within 30 days after a change of address.

§ 5659 Inclusion of License Number – Requirement

Each person licensed under this chapter shall sign, date, and seal or stamp using a seal or stamp described in this section, all plans, specifications, and other instruments of service therefor, prepared for others as evidence of the person's responsibility for those documents. Failure to comply with this section constitutes a ground for disciplinary

action. Each person licensed under this chapter shall use a seal or stamp of the design authorized by the board, bearing the person's name, license number, the legend "licensed landscape architect," the legend "State of California" and a means of providing a signature, the renewal date of the license, and date of signing and sealing or stamping.

~~§ 5660—Investigations—Suspension, Revocation~~

~~The board may upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any landscape architect, and may suspend for a period not exceeding one year, or revoke, the license of any landscape architect who is guilty of any one or more of the acts or omissions constituting grounds for disciplinary action under the chapter.~~

~~§ 5661—Accusations—Time Limitation for Filing Action~~

~~All accusations against a licensee shall be filed within three years after the board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action or within six years after the act or omission alleged as the ground for disciplinary action, whichever occurs first. However, with respect to an accusation alleging a violation of Section 5667, the accusation may be filed within three years after the discovery by the board of the alleged facts constituting the fraud or misrepresentation prohibited by Section 5667. If any accusation is not filed within the time provided in this section, no action against a license shall be commenced under this article.~~

~~§ 5662—Suspension, Revocation—Proceedings~~

~~All proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code. The board shall have all of the powers granted therein.~~

~~§ 5665—Suspended, Revoked License—Renewal~~

~~A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the license, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.~~

~~A revoked license is subject to expiration as provided in this chapter, but it may not be renewed. If it is reinstated after its expiration, the holder of the license, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.~~

~~§ 5666—Practice in Violation of Chapter Provisions~~

~~The fact that the holder of a license is practicing in violation of the provisions of this chapter constitutes a ground for disciplinary action.~~

~~§ 5667—Fraud, Misrepresentation—Obtaining License~~

~~The fact that the holder of a license has obtained the license by fraud or misrepresentation, or that the person named in the license has obtained it by fraud or misrepresentation constitutes a ground for disciplinary action.~~

~~§ 5668 Impersonating Landscape Architect – Practice Under Assumed Name~~

~~The fact that the holder of a license is impersonating a landscape architect or former landscape architect of the same or similar name, or is practicing under an assumed, fictitious or corporate name, constitutes a ground for disciplinary action.~~

~~§ 5669 Aiding, Abetting – Unlicensed Practice~~

~~The fact that the holder of a license has aided or abetted in the practice of landscape architecture, any person not authorized to practice landscape architecture under the provisions of this chapter, constitutes a ground for disciplinary action.~~

~~§ 5670 Fraud, Deceit in Practice~~

~~The fact that, in the practice of landscape architecture, the holder of a license has been guilty of fraud or deceit constitutes a ground for disciplinary action.~~

~~§ 5671 Negligence, Willful Misconduct in Practice~~

~~The fact that, in the practice of landscape architecture, the holder of a license has been guilty of negligence or willful misconduct constitutes a ground for disciplinary action.~~

~~§ 5672 Gross Incompetence in Practice~~

~~The fact that the holder of a license has been guilty of gross incompetence constitutes a ground for disciplinary action.~~

~~§ 5673 False Use of Signature~~

~~The fact that the holder of a license has affixed his or her signature, or his or her stamp, or has permitted the use of his or her name to or on plans, drawings, specifications or other instruments of service which have not been prepared by him or her or under his or her immediate and responsible direction, or has permitted his or her name or his or her signature or his or her stamp to be used for the purpose of assisting any person, not a landscape architect, to evade the provisions of this chapter, constitutes a ground for disciplinary action.~~

~~§ 5675 Felony Conviction – Sanctions~~

~~The conviction of a felony in connection with the practice of landscape architecture constitutes a ground for disciplinary action. The record of a conviction shall be conclusive evidence thereof.~~

~~§ 5675.5 Public Agency – Disciplinary Action~~

~~The fact that the holder of a license has had disciplinary action taken by any public agency for any act substantially related to the qualifications, functions, or duties as a landscape architect constitutes a ground for disciplinary action.~~

§ 5676 ~~Plea of Nolo Contendere – Criminal Conviction – Sanctions~~

~~A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.~~

§ 5678 Report of Settlement or Arbitration Award – Licensee

(a) A licensee shall report to the board in writing within 30 days of the date the licensee has knowledge of any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee in any action alleging fraud, deceit, negligence, incompetence, or recklessness by the licensee in the practice of landscape architecture if the amount or value of the judgment, settlement, or arbitration award is five thousand dollars (\$5,000) or greater.

(b) The report required by subdivision (a) shall be signed by the licensee and shall set forth the facts that constitute the reportable event. If the reportable event involves the action of an administrative agency or court, the report shall set forth all of the following:

- (1) The title of the matter.
- (2) The court or agency name.
- (3) The docket number.
- (4) The claim or file number.
- (5) The date on which the reportable event occurred.

(c) A licensee shall promptly respond to oral or written inquiries from the board concerning the reportable events, including inquiries made by the board in conjunction with license renewal.

(d) Failure of a licensee to comply with this section shall be grounds for disciplinary action.

(e) A licensee who fails to comply with this section may be subject to a civil penalty of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) as an intermediate sanction imposed by the board in lieu of revoking the licensee's license. A licensee who knowingly and intentionally fails to comply with this section may be subject to a civil penalty of up to twenty thousand dollars (\$20,000) as an additional intermediate sanction imposed by the board in lieu of revoking the licensee's license.

§ 5678.1 Report of Settlement or Arbitration Award – Insurer

(a) Within 30 days of payment of all or any portion of a civil action judgment, settlement, or arbitration award described in Section 5678 against a licensee of the board in which the amount or value of the judgment, settlement, or arbitration award is five thousand dollars (\$5,000) or greater, any insurer providing professional liability

insurance to that licensee or landscape architectural entity shall report to the board all of the following:

- (1) The name of the licensee.
- (2) The claim or file number.
- (3) The amount or value of the judgment, settlement, or arbitration award.
- (4) The amount paid by the insurer.
- (5) The identity of the payee.

(b) Within 30 days of payment of all or any portion of any civil action judgment, settlement, or arbitration award described in Section 5678 against a licensee of the board in which the amount or value of the judgment, settlement, or arbitration award is five thousand dollars (\$5,000) or greater, any state or local governmental agency that self insures that licensee shall report to the board all of the following:

- (1) The name of the licensee.
- (2) The claim or file number.
- (3) The amount or value of the judgment, settlement, or arbitration award.
- (4) The amount paid.
- (5) The identity of the payee.

§ 5678.2 Application of Reporting Requirements

The requirements of Sections 5678 and 5678.1 shall apply if a party to the civil action, settlement, arbitration award, or administrative action is or was (a) a sole proprietorship, partnership, firm, corporation, or state or local governmental agency in which a licensee is or was an owner, partner, member, officer, or employee and (b) a licensee in responsible control of that portion of the project that was the subject of the civil judgment, settlement, arbitration award, or administrative action.

§ 5678.3 Report to Board Not a Violation of Confidentiality

Notwithstanding any other provision of law, a licensee shall not be considered to have violated a confidential settlement agreement or other confidential agreement by providing a report to the board as required by this article.

§ 5678.4 Adoption of Reporting Requirement Regulations

The board may adopt regulations to further define the reporting requirements of Sections 5678 and 5678.1.

§ 5680 Renewal of License – Forms

- (a) Licenses issued under this chapter shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board in a manner to best distribute renewal procedures throughout each year.
- (b) To renew an unexpired license, the license holder shall, on or before the expiration date of the license, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.
- (c) The renewal form shall include a statement specifying whether the licensee was convicted of a crime or disciplined by another public agency during the preceding renewal period and that the licensee's representations on the renewal form are true, correct, and contain no material omissions of fact, to the best knowledge and belief of the licensee.

§ 5680.05 Report to Board by Clerk of Court of Judgment of Conviction of Crime by License Holder

Within 10 days after a judgment by a court of this state that a license holder has committed a crime or is liable for any death, personal or property injury or loss caused by the license holder's fraud, deceit, negligence, incompetency, or recklessness in practice, the clerk of the court which rendered the judgment shall report this to the board.

§ 5680.1 Expired License – Renewal

Except as otherwise provided in this chapter, a license that has expired may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If the license is renewed more than 30 days after its expiration, the license holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 5680 that next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

§ 5680.2 License Renewal – Five Years After Expiration

A license that is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the expired license may apply for and obtain a new license if:

- (a) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension.
- (b) The holder of the expired license pays the fees required of new applicants.
- (c) The holder of the expired license takes and passes the current California Supplemental Examination.

§ 5681 Schedule of Fees

The fees prescribed by this chapter for landscape architect applicants and landscape architect licensees shall be fixed by the board as follows:

- (a) The application fee for reviewing an applicant's eligibility to take any section of the examination shall be one hundred dollars (\$100).
- (b) The fee for any section of the examination administered by the board shall not exceed the actual cost to the board for purchasing and administering each exam. The fee for the California Supplemental Examination shall be three hundred fifty dollars (\$350). The board may adopt regulations to set the fee at a higher amount, up to a maximum of four hundred dollars (\$400).
- (c) The fee for an original license shall be seven hundred dollars (\$700) and the board may adopt regulations to set the fee at a higher amount, up to a maximum of eight hundred dollars (\$800), except that, if the license is issued less than one year before the date on which it will expire, then the fee shall equal 50 percent of the fee fixed by the board for an original license. The board may, by appropriate

regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

- (d) The fee for a duplicate license shall be three hundred dollars (\$300).
- (e) The renewal fee shall be seven hundred dollars (\$700). The board may adopt regulations to set the fee at a higher amount, up to a maximum of eight hundred dollars (\$800).
- (f) The penalty for failure to notify the board of a change of address within 30 days from an actual change in address may not exceed fifty dollars (\$50).
- (g) The delinquency fee shall be 50 percent of the renewal fee for the license in effect on the date of the renewal of the license, but not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).
- (h) The fee for filing an application for approval of a school pursuant to Section 5650 may not exceed six hundred dollars (\$600) charged and collected on an biennial basis.

§ 5682 Depositing Fee – Creation of Fund

Within 10 days after the beginning of every month, all fees collected by the department for the month preceding, under the provisions of this chapter, shall be paid into the State Treasury to the credit of the California Architects Board – Landscape Architects Fund, which is hereby created.

§ 5683 Fund Appropriation

The money paid into the California Architects Board – Landscape Architects Fund shall be used for expenditure in the manner prescribed by law to defray the expenses of the board and in carrying out and enforcing the provisions of this chapter.