

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

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
Abandonment of Application, § 2611  
Retention of Candidate Files, § 2611.5  
Application for Licensure Following Examination, § 2616**

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

**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 their 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 **5:00 p.m. on Tuesday, July 20, 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 section 12274 of the Government Code, the Board is considering amending article 1 of division 26 of title 16 of the California Code of Regulations (CCR).<sup>1</sup> This regulatory proposal will interpret and make specific the language in BPC sections 5650, 5651, and 5652 concerning submitting an application to take the examination for a license to practice landscape architecture, examinations,

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<sup>1</sup> All CCR references are to title 16 unless otherwise noted.

and the issuance of a certificate.

**Informative Digest:**

BPC section 5630 authorizes the Board to adopt, amend, or repeal such rules and regulations as are reasonably necessary to carry out the provisions of the Landscape Architects Practice Act. The Board here seeks to define the criteria of determining the abandonment of an application submitted to the Landscape Architects Technical Committee (LATC), to clarify the criteria for an application for initial licensure following examination, and to provide transparent criteria for the retention of candidate files that have been deemed abandoned or inactive.

CCR section 2611 provides that an incomplete application for initial licensure shall be considered abandoned by the applicant if all required documents, data and information are not submitted within one year of being notified the application was incomplete. CCR section 2611 also provides that an incomplete application for the California Supplemental Examination (CSE) shall be considered abandoned if the applicant does not take the CSE within three years of being notified of their eligibility.

CCR section 2616 provides the criteria for applying for initial licensure following examination in that a candidate must apply for initial licensure within five years of being mailed examination results. This section also provides the requirements for a candidate if they fail to apply for initial licensure within five years, in that, if no circumstance or condition exists justifying the denial of a license, the candidate pays all required fees for first time licensure, and the candidate takes and passes all required examination unless subject to a waiver of the examination, then a license will be issued.

In response to the directives given by the Board, the LATC is pursuing this regulatory proposal to define the abandonment of an application and provide transparency in retention and purging of candidate files.

The Board is proposing the following changes:

**Amend Title 16 CCR Section 2611 – Abandonment of Application**

CCR section 2611 is being amended to define the abandonment of an application and to provide additional clarifying language. This section is also being amended to provide for the abandonment of an eligibility application for the Landscape Architects Registration Examination (LARE) due to this type of application being inadvertently excluded from the current language of the section.

## **Adopt Title 16 CCR Section 2611.5 – Retention of Candidate Files**

This proposal would adopt CCR section 2611.5 to provide LATC with authority for the retention and purging of candidate files. This section would include language defining “candidate file,” “examination,” and “inactive.” It would also provide for the procedure of retaining and purging candidate files.

## **Amend Title 16 CCR Section 2616 – Application for Licensure Following Examination**

CCR section 2616 is being amended to provide for the abandonment of a candidate’s application for initial licensure. This proposal would also include additional clarifying language.

## **Policy Statement Overview/Anticipated Benefits of Proposal**

The Board seeks to: add language defining abandonment of an application and providing for the abandonment of a LARE eligibility application by revising its provisions for abandonment of applications; adopt language providing authority for the retention and purging of candidate files; and add language providing for the abandonment of an application for initial licensure following examination. The Board anticipates that examination and license applicants will benefit from the clarifying language and the requirements that determine when their applications are considered abandoned and how their candidate files are retained and purged. Additionally, the Board anticipates that the various minor and technical revisions in the rulemaking will make the abandonment of application, and application for initial licensure following examination regulations, easier for candidates to understand and provide a clear guide for candidates to determine when their applications are deemed to be abandoned.

## **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: None

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 it only affects applicants who have been deemed to have abandoned their application and the retention of their candidate files.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

### **Effect on Small Business**

The Board has determined that the proposed regulation would not have a significant adverse impact on small businesses because it only affects applicants who have been deemed to have abandoned their application and the retention of their candidate files.

### **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 it only affects applicants who have been deemed to have abandoned their application and the retention of their candidate files.

#### Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health, safety, and welfare of California residents by clarifying the abandonment of an application and adopting guidelines for the retention and purging of candidate files. This proposal will also provide for the abandonment of an application for initial licensure when considering the requirements for reapplication for an initial license following the abandonment of an application for initial licensure. Reducing candidate confusion will enable candidates to either focus more energetically on obtaining licensure or realize they should cease their pursuit of licensure and investigate other career options. The public will also benefit from greater transparency of LATC processes of handling candidate files, abandoned applications and re-licensure.

## **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:

The Board considered keeping the status quo; however, this alternative was rejected because the revisions made to the abandonment of application and application for initial licensure following examination will clarify to the applicants when their applications are deemed to be abandoned. Also, the adopted language regarding retention and purging of candidate files will clarify to candidates when, and how, their files shall be purged.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## **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  
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Website Access: Materials regarding this proposal can be found on LATC's website under [Proposed Regulation](http://www.latc.ca.gov/general_information/publications/) (www.latc.ca.gov/general\_information/publications/).