

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing has been scheduled for the proposed action

Subject Matter of Proposed Regulations: Public Presentments and Advertising Requirements

Sections Affected: 2671 of Article 1 of Division 26 of Title 16 of the California Code of Regulations¹ (CCR)

Introduction and Problem Statement

Under the jurisdiction of the California Architects Board (Board), the Landscape Architects Technical Committee (LATC) licenses landscape architects, of which there are approximately 3,740 in California. Business and Professions Code (BPC) section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry out the provisions under the Landscape Architects Practice Act (Chapter 3.5 of Division 3 of the BPC). 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.

Landscape architects are not currently required to provide their license numbers to the public on public advertisements and presentments. This omission makes it more difficult for consumers to ascertain if an individual is licensed or qualified to perform that particular work. In addition, consumers are unable to check before consulting or contracting with a licensed landscape architect the license number of landscape architects to determine if the landscape architecture has been disciplined. To address these issues, the LATC's 2019-2021 Strategic Plan contains an objective to "Research the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers." (2019-2021 LATC Strategic Plan, page 5.)

At the LATC's May 29, 2019 meeting, proposed language was presented to amend CCR section 2671 to require licensees to include their license number in all public presentments and advertisements. At that meeting, the LATC recommended to the Board to approve the proposed amendments. At its June 12, 2019 meeting, the Board approved a motion to require licensees to include their license number in all public presentments and advertisements. (June 12, 2019 Board Meeting Minutes, p. 12.) Accordingly, the proposal would resolve the problem of insufficient license information

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

provided to the public by requiring all public presentments and advertisements in connection with the rendition of landscape architectural services to include the landscape architect's license number.

Specific Purpose, Anticipated Benefit, and Rationale:

Amend CCR Section 2671 – Public Presentments and Advertising Requirements

Section 2671, subdivision (a)

Purpose: The purpose of amending CCR section 2671, subdivision (a), is 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.

Anticipated Benefit: The Board anticipates that consumers will benefit from the proposal and be better informed of who is and who is not a licensed landscape architect by requiring all public presentments and advertising to include the landscape architect's license number. Consumers will be able to use the license number to search the Consumer Affairs Systems (CAS) database through the Board's website to confirm whether the advertising individual is the individual associated with the license number. By providing consumers with a landscape architect license number on public advertising and presentments, the proposal will provide better consumer welfare and safety protection.

Rationale: The proposal is necessary to increase licensure transparency in landscape architecture by providing consumers with landscape architect license number information. BPC section 137 authorizes all boards within the Department of Consumer Affairs to require professional license numbers to appear on all forms of advertisements or presentments made to the public. That statute provides consumers with information they can use to identify licensed individuals before consulting with or contracting for professional services. Under the current regulation, landscape architects are required to provide their names and the words “landscape architecture” on all forms of advertisements or presentments made to the public, which include, but are not limited to, advertisements, cards, letterhead, and contract proposals. This proposal would implement the protections established under BPC section 137 to also require landscape architecture licensees to print their license number on all forms of advertising or presentments made to the public.

Section 2671, subdivision (b)

Purpose: This purpose of amending CCR section 2671, subdivision (b), which already requires landscape architect group practices which contain or employ two or more landscape architects to provide the name of the landscape architect who is a partner, principal officer, or employee of the group practice 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 is to require landscape architect group practices to also include the license number of the landscape architect. The proposal would also make a minor/technical change to the existing subsection.

Anticipated Benefit: The Board anticipates that consumers will benefit from the proposal and be better informed of who is and who is not a licensed landscape architect by requiring all public presentments and advertising to include the license number of a landscape architecture group practice's partner, principal, officer, or employee. Consumers will be able to use the license number to search the CAS database through the Board's website to confirm whether the advertising individual is the individual associated with the license number. By providing consumers with a landscape architect's license number on public advertising and presentments, the proposal will provide better consumer welfare and safety protection. The proposal would also make a grammatical revision to change "which" to "that" in this subsection to provide increased readability of the regulation.

Rationale: The proposal is necessary to increase licensure transparency in landscape architecture. BPC section 137 authorizes all boards within the Department of Consumer Affairs to require professional license numbers to appear on all forms of advertisements or presentments made to the public. That statute provides consumers with information they can use to identify licensed individuals before consulting with or contracting for professional services. Under the current regulation, landscape architects are required to provide their names and the words "landscape architecture" on all forms of advertisements or presentments made to the public, which include, but are not limited to, advertisements, cards, letterhead, and contract proposals. For purposes of a group practice that contains or employs two or more landscape architects, the public advertisements and presentments of the group practice must include the name of the landscape architect who is a partner, principal, officer, or employee of the group practice. This proposal would implement the protections established under BPC section 137 by also requiring landscape architecture group practices to print the license number of the landscape architect who is a named partner, principal, officer, or employee of the group practice on all forms of advertising or presentments made to the public.

Underlying Data

1. Landscape Architects Technical Committee (LATC) Strategic Plan 2019-21
2. May 29, 2019 LATC Meeting Agenda; Relevant Meeting Materials; and Meeting Minutes
3. June 12, 2019 California Architects Board Meeting Agenda; Relevant Meeting Materials; and Meeting Minutes

Business Impact

The Board has made a 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. Those businesses impacted by this regulation would be limited to landscape architectural businesses with licensed landscape architects. The narrow scope of who this regulation impacts also minimizes the impact on business and competition.

Cost Impact on Representative Private Person or Business

The regulations require licensees to include their license number on all forms of advertising and public presentments. However, some licensees already provide their license number on their marketing materials and would not incur costs. Licensees needing to update their marketing materials also have significant latitude to comply with the regulations, so the estimated economic impact per licensee would range from “no costs” to \$270 (one-time) as follows:

No Costs:

1. Licensees are already providing their license number on printed materials.
2. Licensees with a current stockpile of advertising materials (business cards, flyers, lawn signs, etc.) could opt for a “no cost” solution by adding their license number to their existing materials with a common writing instrument, which would not result in additional costs to these individuals.

With Costs: Licensees opting to professionally update their advertising materials would incur one-time set-up and printing costs of up to approximately \$270 as follows:

Advertising Materials Costs	
500 Business Cards	\$10
20 Lawn Signs	\$60
2 Vehicle Magnetic Signs	\$100
200 Flyers	\$100
Total Costs:	\$270

The Board notes, ongoing printed marketing costs would be incurred regardless of the proposed regulations, so any economic impact would be one-time. In the event all 3,740 licensees opt to incur these costs, the total economic impact would be approximately \$1 million (one-time).

The Board further notes, licensees will likely comply with the regulations with a combination of “no costs” and “some costs” solutions. As a result, the actual economic impact is unknown at this time, but likely to range from \$0 to \$1 million.

Economic Impact Assessment

Creation or Elimination of Jobs Within the State of California

The Board has determined that this regulatory proposal will not create new jobs or eliminate existing jobs within the State of California because the proposed regulations will not be a burden to jobs nor have any impact in creating jobs. This regulatory proposal only requires landscape architects to include their license number on advertisements and public presentments and thereby notify consumers that they are licensed. Since there are only approximately 3,740 licensed landscape architects in the State of California, this public presentments and advertising requirement will only impact a fraction of the job community in California.

Creation of New or Elimination of Existing Businesses Within the State of California

The Board has determined that this regulatory proposal will not create new businesses or eliminate existing businesses within the State of California because the proposed regulations will not be a burden to businesses nor have any impact in creating businesses. This regulatory proposal only requires a minor edit for landscape architects to include their license number on public presentments and advertisements. Since there are only 3,740 licensed landscape architects in the State of California, this public presentments and advertising requirement will only impact a fraction of the business community in California.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

This regulatory proposal will not affect the expansion of businesses currently doing business within the State of California because the proposed regulations should not impact advertising budgets enough to affect the expansion of business. 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.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

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 was to adopt the proposed regulations with a delayed implementation date so landscape architects could 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 California Architects Board, Landscape Architects Technical Committee, 2420 Del Paso Road, Suite 105, Sacramento, California 95834.