

Department of Consumer Affairs
California Architects Board

Title 16, California Code of Regulations

SECTION 100. CHANGE WITHOUT REGULATORY EFFECT

Amend Section 2670 of Title 16 of the California Code of Regulations as follows:

§ 2670. Rules of Professional Conduct.

A violation of any rule of professional conduct in the practice of landscape architecture constitutes a ground for disciplinary action. Every person who holds a license issued by the Board shall comply with the following:

(a) Competence:

(1) A landscape architect shall undertake to perform professional services only when ~~he or she~~ they, together with those whom the landscape architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(2) In designing a project, a landscape architect shall have knowledge of all applicable building laws, codes, and regulations. A landscape architect may obtain the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations and shall not knowingly design a project in violation of such laws, codes, and regulations.

(b) Standard of Care:

~~(2) In addition to subsection (a)(1), w~~When practicing landscape architecture, a landscape architect shall act with reasonable care and competence, and shall apply technical knowledge and skill which is ordinarily applied by landscape architects of good standing, practicing in this state under similar circumstances and conditions.

~~(b) Willful Misconduct:~~ (c) Timely Response to Board:

~~(1) In designing a project, a landscape architect shall have knowledge of all applicable building laws, codes, and regulations. A landscape architect may obtain the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws, codes, and~~

~~regulations and shall not knowingly design a project in violation of such laws, codes, and regulations.~~

(21) Whenever the Board is conducting an investigation, a landscape architect or a candidate for licensure shall respond to the Board's requests for information and/or evidence within 30 days of the date mailed to or personally delivered on the landscape architect or a candidate for licensure.

~~(c) Full Disclosure:~~

~~(1) A landscape architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with projects or services for which he or she is claiming credit.~~

(2) A landscape architect shall respond in writing within 30 days to any request from the Board for information solicited in connection with a candidate's application for a license to practice landscape architecture. When providing information in connection with a candidate's application for a license to practice landscape architecture, a landscape architect shall accurately report the candidate's training or experience for the period of time that the landscape architect had direct supervision over the candidate.

~~(d) Informed Consent:~~

~~A landscape architect shall not materially alter the scope or objective of a project without first fully informing the client in writing and obtaining the consent of the client in writing.~~

~~(ed) Conflict of Interest:~~

(1) A landscape architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all such parties.

(2) If a landscape architect has any business association or financial interest which is substantial enough to influence ~~his or her~~ their judgment in connection with the performance of professional services, the landscape architect shall fully disclose in writing to ~~his or her~~ their client(s) or employer(s) the nature of the business association or financial interest. If the client(s) or employer(s) object(s) to such association or financial interest, the landscape architect shall either terminate such association or interest or offer to give up the project or employment.

(3) A landscape architect shall not solicit or accept payments, rebates, refunds, or commissions whether in the form of money or otherwise from material or

equipment suppliers in return for specifying their products to a client of the landscape architect.

(4) A landscape architect shall not engage in a business or activity other than in ~~his or her~~ their capacity as an officer, employee, appointee, or agent of a governmental agency knowing that the business or activity may later be subject, directly or indirectly to the control, inspection, review, audit, or enforcement by the landscape architect.

(5) When acting as the interpreter of construction contract documents and the judge of construction contract performance, a landscape architect shall endeavor to secure faithful performance of all parties to the construction contract and shall not show partiality to any party.

(e) Full Disclosure:

A landscape architect shall accurately represent to a prospective or existing client or employer the landscape architect's qualifications and the scope of their responsibility in connection with projects or services for which the landscape architect is claiming credit.

(f) Copyright Infringement:

A landscape architect shall not have been found by a court to have infringed upon the copyrighted works of other landscape architects or design professionals.

(g) Informed Consent:

A landscape architect shall not materially alter the scope or objective of a project without first fully informing the client and obtaining the consent of the client in writing.

Note: Authority cited: Section 5630, Business and Professions Code.

Reference: Sections 5670, 5671 and 5672, Business and Professions Code.