

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

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
Issuance of Citations, §2630  
Appeal of Citations, §2630.2**

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

**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, November 8, 2022**, 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>

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

## **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 (Act). The Board here seeks to clarify the Board's existing ability to issue citations containing an order of correction to cease unlawful advertising under BPC section 149, to clarify that the 30-day deadlines are counted as calendar days, and to amend the appeal of citations process.

CCR section 2630 provides that the Board's executive officer is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to BPC sections 125.9 or 148 against landscape architects or unlicensed persons who have committed any acts or omissions which are in violation of the Act or any regulation adopted thereto. CCR section 2630 also provides the requirements of issuing a citation.

CCR section 2630.2 provides that any person served with a citation issued pursuant to section 2630 may contest the citation by submitting a written request for a hearing to the Board within 30 calendar days of service of the citation. This section also provides that the cited person may also, within 30 days of service of the citation, submit a written request for an informal conference with the executive officer. Additionally, CCR section 2630.2 provides the process for holding an informal conference and/or a formal administrative hearing and the potential outcomes.

In response to the directives given by the Board, the LATC is pursuing this regulatory proposal to clarify the issuance of citations and the process in which a respondent may appeal a citation that has been issued.

The Board is proposing the following changes:

### **Amend Title 16 CCR Section 2630 – Issuance of Citations**

CCR section 2630 is being amended to clarify the Board's existing ability to issue orders of corrections to cease unlawful advertising under BPC section 149 and clarify that the 30-day deadlines are counted as calendar days.

### **Amend Title 16 CCR Section 2630.2 – Appeal of Citations**

CCR section 2630.2 is being amended to change the regulation title and include language allowing a respondent to request a formal administrative hearing within 30 days of the affirmation or modification of a citation following an informal conference, as well as allowing the executive officer to appoint a designee to hold the informal conference in the event of a conflict of interest or other conflict. CCR section 2630.2 is also being amended to extend from 30 working days to 60 calendar days how long the executive officer or their designee has to hold an informal conference from the time the written request for it has been received. Additionally, language was added to clarify that

another informal conference cannot be requested for a citation that has been affirmed or modified following an informal conference. The proposal would also make minor and technical revisions.

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

The Board seeks to: add language clarifying the Board's existing ability to issue orders of corrections to cease unlawful advertising under Business and Professions Code section 149; add language clarifying that the 30-day deadlines are counted as calendar days; change the regulation title of CCR section 2630.2; allowing a respondent to request a formal administrative hearing within 30 days of the affirmation or modification of a citation following an informal conference; allowing the executive officer to appoint a designee to hold the informal conference in the event of a conflict of interest or other conflict; extending from 30 working days to 60 calendar days how long the executive officer or their designee have to hold an informal conference; clarifying that another informal conference cannot be requested for a citation that has been affirmed or modified following an informal conference; and make minor and technical revisions. The Board anticipates that persons receiving a citation will benefit from the clarifying language about citations and their ability to appeal the citation. Additionally, the Board anticipates that the various minor and technical revisions in the rulemaking will make the issuance of citations and appeal of citations regulations easier for respondents to understand and provide a clear guide for respondents on how to appeal a citation.

### **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. This proposal provides a more accurate overview of the Board's process related to the issuance of a citation and fine, which will provide greater clarity to licensees, consumers, the Board, the Office of Attorney General, and the Office of Administrative Hearings by outlining relevant and transparent standards directly related to violations outlined in current law.

This proposal does not change the fines amounts for violations and is not anticipated to increase the number of citations and fines issued. As a result, no additional workload costs or revenues are anticipated.

The regulations do not result in costs or savings in federal funding to the state.

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 individuals who have violated the Landscape Architects Practice Act and have been issued a citation.

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 individuals who have violated the Landscape Architects Practice Act and respondents who have been issued a citation.

**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 individuals who have violated the Landscape Architects Practice Act and respondents who have been issued a citation.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health, safety, and welfare of California residents by clarifying how the Board issues citations and the ways by which a person receiving a citation can appeal a citation. The public will also benefit from greater transparency of LATC processes for the issuing and appealing of citations. This regulatory proposal will not affect worker safety or the state's environment because it does not address issues involved in worker safety and does not involve environmental issues.

**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 issuance of citations and appeal of citations will clarify for persons receiving a citation the process for issuing and appealing citations.

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

Telephone No.: (916) 575-7231

Fax No.: (916) 575-7283

E-Mail Address: latc@dca.ca.gov

Website Access: Materials regarding this proposal can be found on LATC's website under [Proposed Regulation](http://www.latc.ca.gov/news/laws/proposed_regulation.shtml) (www.latc.ca.gov/news/laws/proposed\_regulation.shtml)