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 **San Fernando Valley**

 **San Diego**

 **California Desert**

 **Orange County**

 **Redwood Empire**

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 **California Central Coast**

December 1, 2022

**Tian Feng, FAIA
President, California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834**

**Regarding: Request for Agenda Item M (CCR 135) not to be Advanced in the
Regulatory Process**

Dear President Feng:

The above components of the American Institute of Architects (AIA) respectively ask the California Architects Board (CAB) not to approve advancement to the regulatory process the regulation proposed under Agenda Item M. The growing awareness of CCR 135 among licensed architects has caused significant concern to be expressed about the assumptions made regarding the proposed regulation, the impact it will have on licensed architects, and the presumed benefit to the public.

Concerns raised by our Members include:

Assumed Marketing Costs of \$100

The Initial Statement of Reasons assumes “licensees needing to update existing marketing materials (i.e. business cards, letterhead, contracts, forms, etc.) may incur one-time set-up printing costs up to \$100.”

We have been told by our Members that these costs will exceed the assumed \$100. The cost to design and print new business cards and letterhead, and other marketing materials (i.e. monographs, brochures, etc.) will be significantly higher than \$100.

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Additionally, we assume the business cards of non-licensed staff of architectural firms would have to be redesigned and reprinted, which further drives up the cost-per-architect assumption.

Focus on Unlicensed Individuals

This proposed regulation was formed during discussions on how to protect consumers from unlicensed individuals. We believe exploring steps to stop the illegal advertising of architectural services by unlicensed individuals should remain the focus of the CAB in protecting consumers from services being offered illegally by unlicensed individuals. CCR 135 attempts to protect consumers from unlicensed individuals by solely placing a new requirement on licensed architects, subject to disciplinary action and fines for failure to follow the proposed advertising regulation.

CCR 135 Lacks Clarity

Licensed architects would be expected to fully comply with the proposed advertising regulation or be subject to disciplinary action and fines. Some forms of advertising clearly fall within the scope of CCR 135, such as business cards and letterhead; each of these would have to include the name of a licensed architect and a license number. However, there is a lack of clarity of how to applies to other forms of “advertisement.” For example, would all emails from an architect’s work email have to include the architect’s license number, or all social media posts about a project have to include a license number? We believe any regulation covering the advertising and marketing of architectural services, and how it will be enforced, are not fully defined and explained and therefore should not be adopted.

Could Encourage the Illegal Use of a License Number

As we have seen with general contractors, those who illegally offer and provide contractor services routinely use false contractor license numbers, either a number that is randomly generated or one that is stolen from a licensed contractor. Furthermore, by the widespread advertising of license numbers on electronic and printed material, we are concerned CCR 135 will result in the same with the illegal offering of architectural services.

To be clear, we fully support the primary purpose of the CAB, to protect consumers. However, we question if CCR 135 will accomplish its anticipated benefit to consumers as expressed in the Initial Statement of Reasons. It is for this reason we ask the CAB to not approve advancement of the regulation proposed under Agenda Item M to the regulatory process.