

California Code of Regulations
TITLE 21. PUBLIC WORKS
DIVISION 1. DEPARTMENT OF GENERAL SERVICES
CHAPTER 1. DIVISION OFFICE OF THE STATE ARCHITECT
SUBCHAPTER 2.5. VOLUNTARY CERTIFIED ACCESS SPECIALIST PROGRAM

Article 1. General Provisions

Section 111. Purpose of the ~~Chapter~~ Subchapter.

These regulations are adopted by the Division of the State Architect to implement and make specific the voluntary Certified Access Specialist Program commencing with ~~Section~~ 4459.5 of the Government Code.

Participation in ~~this program~~ the Program is voluntary and is designed to ensure that the individuals participating in ~~this certification program~~ the Program are knowledgeable of state and federal accessibility laws and regulations and possess the expertise to promote access to facilities for persons with disabilities.

Authority: Section 4459.5, Government Code.
Reference: Section 4459.5, Government Code.

Section 112. Authority.

The State Architect is responsible for determining the criteria for eligibility and certification of individuals participating in ~~this voluntary Certified Access Specialist Program~~ the Program pursuant to the provisions of ~~Chapter 7, Division 5, Title 1,~~ Government Code, ~~Section~~ 4459.5.

Certification shall only be granted by the voluntary Certified Access Specialist Program, which operates within the Division of the State Architect.

Authority: Section 4459.5, Government Code.
Reference: Section 4459.5, Government Code.

Section 113. CASp Scope of Work.

Services rendered by a CASp, upon authorization by a facility owner and/or authorized requesting party, may include the following:

- (a) Review of facility plans and specifications for compliance with state and federal accessibility laws, standards, codes, and regulations.
- (b) Investigate a facility for compliance with state and federal accessibility laws, standards, codes, and regulations.
- (c) Conduct accessibility research, prepare accessibility reports, and/or conduct accessibility inspections, as authorized.
- (d) Issue inspection reports and disability access inspection certificates in accordance with the requirements of Civil Code section 55.53.

Authority: Section 4459.5, Government Code.
Reference: Section 55.53, Civil Code; Section 4459.5, Government Code.

Section 114. Work Limited to Design Professionals.

Individual design professionals licensed and/or registered by the State of California as an architect, landscape architect, civil engineer, and/or structural engineer may provide professional design services permitted by their applicable license or registration. Their services may be inclusive of ~~Section 113. CASp Scope of work (a)-(c). However CASp certification requires completing the application process and obtaining a passing score on the CASp examination, and after payment of all required fees.~~ In order to obtain certification and use the CASp designation, compliance with the provisions of this subchapter is required. CASp certification is required to perform the services stipulated in section 113(d).

Authority: Section 4459.5, Government Code.

Reference: ~~Section 55.53, Civil Code; Section 4459.8(a)~~ Section 4459.5, Government Code.

Article 2. Definitions

Section 121. Definitions.

As used in this ~~Chapter~~ subchapter, the term:

~~"Access Requirement" means a provision for disability access in federal or state law, regulation, building code or government standard, applicable to the design, construction or inspection of facilities.~~

~~"Certified Access Specialist (CASp)" means any individual currently holding a certificate~~ valid certification ~~of a~~ Certified Access Specialist.

~~"Disability Access Inspection Certificate" is a certificate of inspection issued through services provided in accordance with the requirements of Civil Code section 55.53.~~

~~"Facility" means all or any portion of buildings, structures, site improvements, roads, walks, passageways, or parking lots elements, and pedestrian routes or vehicular ways located on a site.~~

~~"GED" means General Equivalency Diploma.~~

~~"Independent CASp" means a CASp who provides services as defined in section 113, but does not provide such services through employment by or under the retainer of a jurisdictional agency.~~

~~"Program" means the voluntary Certified Access Specialist Program established and administered by the Division of the State Architect.~~

Authority: Section 4459.5, Government Code.

Reference: ~~Section 55.53, Civil Code; Sections 4459.5 and 4459.7(e),~~ Government Code.

Section 131. Candidate Eligibility Application.

~~In order to apply to be a CASp, candidates must submit a completed Candidate Eligibility Application form, Form DSA-600, 1/05/08 to establish eligibility for the certification examination. To begin the certification process, and in order to establish eligibility for the Program, candidates must submit:~~

(a) A completed Form DSA 600-A: Candidate Eligibility Application (11/01/15), incorporated by reference.

(b) Payment of the application fee corresponding to the candidate's eligibility category.

(c) DSA must be in receipt of the candidate eligibility application and application fee a minimum of two business days prior to the examination registration deadline.

Authority: ~~Section 480 and 481, Business and Professions Code; and~~ Section 4459.5, Government Code.

Reference: ~~Sections 480, 481, and 493, Business and Professions Code~~ Section 4459.8, Government Code.

~~Section 132. Criminal Convictions.~~

~~(a) The State Architect or Designee may deny acceptance of an applicant into the Program because of a criminal conviction as set forth in Section 151(a)(2).~~

~~(b) The State Architect or Designee shall require the applicant or certificate holder to provide documents concerning criminal convictions as set forth in Section 151(a)(2) including, but not limited to, certified court documents, certified court orders or sentencing documents. Failure to provide these documents shall result in application denial, certificate suspension, or denial of certification renewal.~~

Authority: Sections 480 and 481, Business and Professions Code; and Section 4459.5, Government Code.

Reference: Sections 480, 481, 493, 7066, 7069, 7073 and 7153.1, Business and Professions Code.

~~Section 133. Education and Experience.~~

~~Minimum candidate education and experience eligibility for examination acceptance may be satisfied by:~~

Section 132. Candidate Eligibility Qualifications.

Eligibility for the Program is evaluated according to the minimum criteria specified in one of the following eligibility categories A-D:

EITHER:

~~(A)1~~ (a) Category A:

(1) Education: Thirty semester units of college coursework with major work in Architecture, Architectural Technology, Building Science, City and Regional Planning, Civil Engineering, Construction Management, Environmental Design, Industrial Design, Interior Architecture/Design, Landscape Architecture, Urban and Regional Design; and

~~(A)2~~ (2) Experience: Two years of employment

~~(a)~~(A) by a code enforcement agency (state, city, and/or county building department); as a plan reviewer, building inspector, or consulting entity; or

~~(b)~~(B) by a licensed architect, licensed landscape architect, interior designer, registered civil engineer and/or registered structural engineer and with responsibility for planning, design, and/or field inspection; or

~~(c)~~(C) as a licensed general contractor (Class A or B); or

~~(d)~~(D) by a licensed general contractor as a superintendent with project management oversight.

OR:

~~(B)1~~ (b) Category B:

(1) Education: High school diploma or GED; and

~~(B)2~~ (2) Experience: Four years of employment:

~~(a)~~(A) by a code enforcement agency (state, city, and/or county building department); as a plan reviewer, building inspector, or consulting entity; or

~~(b)~~(B) by a licensed architect, licensed landscape architect, interior designer, registered civil engineer and/or registered structural engineer and with responsibility for planning, design, and/or field inspection; or

~~(c)~~(C) as a licensed general contractor (Class A or B); or

~~(d)~~(D) by a licensed general contractor as a superintendent with project management oversight.

OR:

~~(C)~~ (c) Category C: Three years of employment in a specialized area of disability access rights, conducting assessments of facilities to determine adequacy related to the specific needs of the disability community.

OR:

~~(D)~~ (d) Category D: Professional license, or registration, issued by the State of California as an architect, landscape architect, civil engineer, and/or structural engineer.

Authority: Section 4459.5, Government Code.

Reference: Section 4459.5, Government Code.

Section 133. CASp Examination Registration.

A candidate may register for the CASp examination upon confirmation of eligibility by the Program. At each registration for the CASp examination a candidate must submit:

(a) A completed Form DSA 601: CASp Examination Registration (03/20/16), incorporated by reference, by the examination registration deadline.

(b) Payment of the CASp open book examination fee and/or CASp closed book examination fee, as applicable, by the examination registration deadline.

(c) If requesting a test accommodation, a completed Form DSA 602: CASp Test Accommodations Request (03/20/16), incorporated by reference, and if applicable, Form DSA 603: CASp Test Accommodations Request Questionnaire (03/20/16), incorporated by reference, and supporting documentation according to the ADA Test Accommodation(s) Guidelines for the CASp Examination (03/20/16), incorporated by reference, postmarked by the examination registration deadline.

Authority: Section 4459.5, Government Code.

Reference: Section 4459.5, Government Code.

Section 134. Candidate Examination.

~~An examination will be administered to assess each candidate's knowledge of access laws, codes and regulations. The examination may cover a variety of areas including:~~

~~(a) Public Services (Title II), Public Accommodations and Services Operated by Private Entities (Title III), and Miscellaneous Provisions (Title V) of the Americans with Disabilities Act of 1990 (42 USC Chapter 126), and promulgating regulations, the Americans with Disabilities Act Accessibility Guidelines (ADAAG).~~

~~(b) Regulations for accessibility throughout all parts of the current edition of the C.C.R., Title 24, California Building Standards Code.~~

~~(c) California Laws for accessibility in the Government Code, Health and Safety Code, and Civil Code.~~

~~(d) Fair Housing Amendments Act of 1988 (42 USC Sections 3601-3620) and promulgated technical guidance in the Fair Housing Accessibility Guidelines.~~

~~(e) Architectural Barriers Act of 1968, as amended (42 USC Section 4151 et seq) and promulgating regulations, the Uniform Federal Accessibility Standards (UFAS).~~

~~(f) American National Standard for Accessible and Usable Buildings and Facilities (ANSI A117.1).~~

~~(g) California Department of Housing and Community Development (HCD) A Voluntary Model Universal Design Local Ordinance (AB 2787) (Chapter 726 of Statutes of 2002, adopted Section 17959 of the Health & Safety Code) most recent edition.~~

~~(h) HCD New Home Universal Design Checklist (Section 17959.6 of the Health and Safety Code) the most recent edition.~~

Authority: Section 4459.5, Government Code.

Reference: Section 4459.5, Government Code.

Section 134. CASp Examination.

The CASp examination is administered to assess each candidate's knowledge and application of federal and state laws, standards, codes, and regulations related to accessibility for individuals with disabilities.

(a) The reference material on which the examination is based is as follows:

(1) Titles I, II, III, IV, and V of the Americans with Disabilities Act of 1990 (42 USC Chapter 126).

(2) Accessibility guidelines and standards as developed by the United States Access Board and as promulgated by the United States Department of Justice.

(3) Regulations for accessibility throughout all parts of the currently enforced and most recently published edition of the California Code of Regulations, Title 24, Part 2, California Building Code and Part 8, California Historical Building Code.

(4) California laws for accessibility in the Government Code, Health and Safety Code, and Civil Code.

(5) Fair Housing Amendments Act of 1988 (42 USC Sections 3601–3620) and promulgated technical guidance in the Fair Housing Accessibility Guidelines.

(6) Architectural Barriers Act of 1968, as amended (42 USC Section 4151 et seq).

(7) Sections 504, 508, and 510 of the Federal Rehabilitation Act of 1973.

(b) The CASp examination is administered in two parts:

(1) CASp open book examination, in which reference materials are provided at the examination by the Program for use in the examination.

(2) CASp closed book examination, in which no reference materials are permitted in the examination.

(c) The passing standard for the examination is based on the standard of competence in the profession, in accordance with the NCCA Standards for the Accreditation of Certification Programs by the National Commission for Certifying Agencies.

(d) Successful completion of the CASp examination is established by attaining a passing score on both the CASp open book examination and the CASp closed book examination. Candidates who pass one part of the examination will be given conditional credit for the part passed and have three years from the date of the passed examination to pass the remaining examination. If the candidate does not pass both examinations within the three-year period, the candidate must take and pass both parts of the CASp examination anew.

Authority: Section 4459.5, Government Code.

Reference: Section 4459.5, Government Code.

Section 135. Certification Qualification.

~~A candidate becomes eligible for certification as a CASp after attaining a passing score on the Candidate Examination, and after payment of the certification fee. The passing standard for the examination shall be established in accordance with professional standards such as the Standards for Educational and Psychological Testing (AERA/APA/NCMA, 1999), the Principles for the Validation and Use of Personnel Selection Procedures, the Federal Uniform Guidelines on Employee Selection Procedures (1978), and recommendations described in the Standards for the Accreditation of Certification Programs (NOCA, 2006) by the National Commission for Certifying Agencies (NCCA).~~

~~Upon successful completion of the Candidate Examination, an individual, after payment of certification fee, will receive an official CASp Certificate, which evidences the successful completion of the examination and certification as a CASp under the voluntary Certified Access Specialist Program. This certification will be valid for a three year period.~~

~~Authority: Section 4459.5, Government Code.~~

~~Reference: Section 4459.5, Government Code.~~

Section 135. Issuance of Certification.

A candidate may request certification as a CASp upon confirmation by the Program that the candidate has passed both parts of the CASp examination.

(a) A request for certification by the candidate is demonstrated by meeting both of the following requirements:

(1) Submission of a signed and completed Form DSA 650: Disclosure of Social Security Number and/or Federal Taxpayer Identification Number (07/01/15), incorporated by reference, to the Program.

(2) Payment of the certification fee.

(b) Upon confirmation by the Program of having met the requirements, the CASp will be issued certification valid for a three-year period beginning on the date stipulated in the letter of certification confirmation by the State Architect.

(c) A CASp with valid certification will be added to the list of certified access specialists published by the State Architect pursuant to section 171.

~~Authority: Section 4459.5, Government Code.~~

~~Reference: Section 31, Business and Professions Code; Sections 4459.5, 4459.7, and 4459.8, Government Code.~~

Section 136. Certification Renewal.

~~A CASp becomes eligible for renewal of certification upon payment of a recertification fee, together with verification of having completed, during each three year period of certification, a minimum of 15 Continuing Education Units (CEU's), of classes in Federal and State regulatory updates, and Universal Design. Classes should address changes to the laws and regulations identified in Section 134. Each CEU is equivalent to one hour of instructional time. When a certificate holder meets all the requirements for recertification, the certificate holder will be certified for an additional three year period.~~

~~Authority: Sections 4459.5, Government Code.~~

~~Reference: Section 4459.8(a) Government Code.~~

Section 136. Continuing Education.

15 continuing education units (CEUs) are required to be completed by each CASp during each three-year certification period.

(a) CEUs are issued accordingly:

(1) A minimum of five CEUs must address regulatory updates to the accessibility provisions of the California Building Code. Credit may be obtained by the following:

(A) Coursework addressing regulatory updates to the accessibility provisions of the California Building Code. One CEU equals one hour of instructional time.

(B) Active participation in the CASp Discussion Group offered by the State Architect, addressing the accessibility provisions of the California Building Code. One CEU equals one hour of participation and only one CEU is granted per session.

(C) Participation as a subject matter expert on CASp examination development for the Division of the State Architect. One CEU is granted per session/day.

(2) The balance of CEU credit may be obtained by one or both of the following:

(A) Coursework that increases knowledge and understanding of federal accessibility regulations, standards, and guidelines. Attendance may be either in person or online. One CEU equals one hour of instructional time.

(B) Equivalent activity credit in accordance with the following guidelines, including, but not limited to:

1. Participation in formal discussion groups with CASps sponsored by the Certified Access Specialist Institute (CASI) addressing the accessibility provisions of the California Building Code. One CEU is granted per session.

2. Instructing a course with technical content on the accessibility provisions of state and federal regulations, standards, and guidelines. A maximum of five CEUs will be granted. CEUs cannot exceed the credits given for the course.

3. Published authorship and research projects in accessibility-related content. A one-time credit of five CEUs will be credited, unless a published update has occurred in a subsequent certification period.

4. Volunteer involvement with groups that promote disability awareness. A credit of one CEU per hour of involvement will be granted, up to a maximum of five CEUs per certification renewal period. Volunteer involvement in a subsequent certification renewal period must be with a different disability awareness group in order to receive CEU credit.

(b) Continuing education must be completed prior to application for certification renewal.

(c) The Program may audit the records of a CASp to verify the completion of the continuing education requirements of section 136(a). A CASp shall maintain records of completion of continuing education for three years from the date of certification renewal and shall make those records available to the Program upon request.

Authority: Section 4459.5, Government Code.

Reference: Section 4459.5, Government Code.

Section 137. Certification Renewal.

Certification renewal must be completed and confirmed by the Program by the last day of the certification period in order to avoid certification expiration.

(a) A request for certification renewal is demonstrated by the CASp by meeting all of the following conditions:

(1) Submission of a completed Form DSA 600-R: CASp Certification Renewal Application (07/01/15), incorporated by reference.

(2) Demonstrated completion of a minimum of 15 CEUs in accordance with Section 136.

(3) If applicable, submission of a record of the status of all disability access inspection certificates issued in the name of the CASp during the certification period, which includes the number of the certificate and the name and address of the facility inspected, and including the status of disability access inspection certificates issued during any previous certification periods that were indicated as unissued on the prior record.

(4) Payment of the certification renewal fees.

(b) The CASp will receive confirmation of successful certification renewal by the Program. Certification is valid for a three-year period established from the day after the expiration date of the previous certification period.

Authority: Section 4459.5, Government Code.

Reference: Section 4459.8, Government Code.

Section 138. Certification Expiration.

If the requirements of Section 137 have not been satisfied, CASp certification is no longer valid.

(a) A certification that has expired may be renewed within one year of expiration, provided the holder of the expired certification has met the certification renewal requirements of Section 137, has paid the delinquency fee, and has received confirmation of certification renewal by the Program. If so renewed, the three-year renewal period is established from the day after the original expiration date of the previous certification period.

(b) A certification which is not renewed within one year after its expiration may not be renewed. The holder of the expired certification may obtain a new certification by meeting the requirements as set forth in article 3, commencing with section 133.

(c) The holder of an expired certification is required to return all unused disability access inspection certificates to the Program, along with a record of the status of all disability access inspection certificates issued in the name of the CASp during the certification period, indicating the number of the certificate and the name and address of the facility inspected, and including the status of disability access inspection certificates issued during any previous certification periods that were indicated as unissued on the prior record. The Program will provide reimbursement for any disability access inspection certificates returned in saleable condition at the same rate as the initial purchase price. Delivery costs will not be reimbursed.

Authority: Section 4459.5, Government Code.

Reference: Section 4459.8, Government Code.

Article 4. Fees

~~Section 141. Fees.~~

~~In order to participate in the voluntary Certified Access Specialist Program, the following fees will be required:~~

~~(a) Initial certification. The total in fees for initial certification is \$1,600.00~~

- ~~1. \$500.00 Application Fee, for processing Candidate Application; non-refundable. This fee will cover the administrative cost of application processing and eligibility evaluation. It is required of all new candidates, and is due at the time the application is submitted.~~
- ~~2. \$800.00 Candidate Examination Fee, to take the Certification Examination; non-refundable. This fee will cover the cost of examination process administration. Fee is due at registration.~~
- ~~3. \$300.00 Certification Fee, for program administration over the initial three-year term of certification; non-refundable. Fee is due when candidate is notified of having passed the examination.~~

~~(b) Certification renewal. The total in fees for certification renewal is \$500.00.~~

- ~~1. \$200.00 Verification of CEU's prior to Certification Renewal. This fee is non-refundable and will cover administration costs for reassessment of qualifications related to renewal of certification, prior to expiration of the current term of certification. Fee is due with the application for certification renewal prior to expiration of current certification.~~
- ~~2. \$300.00 Certification Renewal Fee, for program administration over an additional three-year term of certification; non-refundable. Fee is due upon notification of approval of renewal.~~

Authority: ~~Section 4459.8(b) (c), Government Code.~~
Reference: ~~Section 4459.8(b) (c), Government Code.~~

Section 141. Fees.

Fees are required for Program participation and are non-refundable.

(a) Initial certification. The fees for initial certification are as follows:

(1) Application Fee. Fee is due at the time the application is submitted. Fee is determined by eligibility category:

(A) \$500.00 Application Fee for eligibility category A, B, and C.

(B) \$100.00 Application Fee for eligibility category D.

(2) \$400.00 CASp Open Book Examination Fee. Fee is due at registration for the examination and is charged each time the candidate registers for the examination.

(3) \$400.00 CASp Closed Book Examination Fee. Fee is due at registration for the examination and is charged each time the candidate registers for the examination.

(4) \$300.00 Certification Fee. Fee is due with a request for certification in accordance with section 135.

(b) Certification renewal. The fees for certification renewal are due with a request for certification renewal in accordance with section 137.

(1) \$200.00 Application Evaluation Fee.

(2) \$300.00 Certification Fee.

(c) Delinquency in certification renewal. A \$150.00 delinquency fee will be charged to the holder of an expired certification with a request for certification renewal made in accordance with section 137 within one year of certification expiration.

Authority: Section 4459.5, Government Code.
Reference: Section 4459.8, Government Code.

Article 5 — Enforcement

~~Section 151. Grounds for Certification Suspension, or Denial of Certification Renewal.~~

~~(a) The State Architect or Designee may suspend certification or deny certification renewal when any of the following conditions exist:~~

~~1. The requirements of this subchapter have not been satisfied.~~

~~2. The certificate holder or recertification candidate has been convicted of a crime considered to be substantially related to the qualifications, functions or duties of a person holding a certificate to perform the functions~~

~~authorized by the certificate in a manner consistent with the public health, safety, or welfare. Such crimes shall include but not be limited to the following:~~

~~(a) A conviction of child abuse.~~

~~(b) A conviction as a sex offender.~~

~~(c) The conviction of any crime involving narcotics, dangerous drugs, or dangerous devices, as defined in Section 4022 of the Business and Professions Code.~~

~~(d) A conviction for assault and/or battery or lewd conduct.~~

~~3. The State Architect has received a factual complaint, or other relevant information regarding the work of a certified access specialist. The State Architect, upon consideration of any factual complaints regarding the work of a certified access specialist or of other relevant information, may suspend certification or deny renewal of certification. The State Architect will be evaluating the work of the Certified Access Specialist based upon compliance with the existing codes, regulations and statutes.~~

~~(b) The notice of suspension of a certificate or denial of a certification renewal shall be in writing and shall specify the grounds for the suspension or denial of the certification.~~

Authority: ~~Section 4459.8, Government Code.~~

Reference: ~~Sections 4459.5 – 4459.8, Government Code.~~

~~Section 152. Criteria for Rehabilitation.~~

~~When considering initial certification, suspension of certification, or denial of certification renewal on the grounds of Article 5, Section 151(a) of an applicant or certificate holder convicted of a crime, the State Architect or Designee in evaluating the rehabilitation of such person and his/her eligibility for examination or certification may consider the following criteria:~~

~~(a) Nature and severity of the act(s) or offense(s).~~

~~(b) The time that has elapsed since commission of the act(s) of offense(s).~~

~~(c) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.~~

Authority: ~~Sections 481, Business and Professions Code, and Section 4459.8, Government Code.~~

Reference: ~~Sections 480 and 481, Business and Professions Code and Sections 4459.5 – 4459.8, Government Code.~~

~~Section 153. Filing an Appeal.~~

~~(a) The State Architect or his/her designee has the discretion to immediately order that a certification be temporarily invalidated or to seek additional information, pending a final determination by the State Architect or his/her designee pursuant to Section 151(a). The decision to temporarily invalidate a certification will be made on a case by case basis, as necessary to ensure public health, safety and welfare.~~

~~(b) State Architect or his/her designee shall provide the CASp with written notice that their certification has been temporarily invalidated as of a specific date or is subject to suspension or denial pursuant to Section 151(a), pending a final determination. The written notice shall include the reasons for the action being taken or investigated, as applicable, and provide a summary of the facts and allegations. Service of the written notice of the proposed action shall be confirmed by certified mail.~~

~~(c) Written notice of the final determination by the State Architect or his/her designee shall be confirmed by certified mail within 60 days from the initial written notification. The time to render his/her determination may be extended an additional 30 days, as necessary to consider any additional supporting documentation provided to the State Architect, voluntary Certified Access Specialist Program, relevant to the issue being investigated.~~

- ~~(d) An appeal of an action by the State Architect or his/her designee to suspend certification or to deny renewal of a certification must be filed in writing with the Division of the State Architect, voluntary Certified Access Specialist Program within 60 days of the date posted on the certified service of the written notice of the final determination from the State Architect. Unless a hearing is specifically requested as provided in subsection (f) below, the appeal will be based on an analysis of the materials available.~~
- ~~(e) Within 60 days from the date of receipt of the appeal, the State Architect or his/her designee shall render his/her determination on the appeal. The time to render the determination may be extended an additional 30 days, as necessary to conclude any research or investigation required, at the discretion of the State Architect or his/her designee.~~
- ~~(f) Should an individual submit a written request for a hearing, the State Architect may designate an appropriate hearing officer to conduct the hearing. Written notice of the date and time of the hearing and the reasons for the action being taken or investigated, as applicable, shall be provided to the applicant or CASp. The hearing shall be limited in scope to the actions stated in the written notice. The applicant may bring a representative of his/her choice.~~
- ~~(g) The applicant or CASp shall be notified in writing of the determination made by State Architect or his/her designee regarding the appeal. Service of the written notice of the decision shall be confirmed by certified mail.~~
- ~~(h) Any appeal of a decision rendered by the State Architect or his/her designee regarding certification may be appealed to the Superior Court.~~

Authority: ~~Section 4459.8, Government Code.~~
Reference: ~~Sections 4459.5 – 4459.8, Government Code.~~

Article 5. Professional Standards

Section 151. Professional Standards.

The conduct of a CASp shall be in accordance with the following professional standards:

- (a) A CASp shall maintain good standing throughout the period of certification. Only a CASp who has maintained good standing and holds valid certification can use the designation of "certified access specialist" and "CASp," and perform work requiring CASp certification. An act that affects good standing as set forth in section 161 must be reported immediately by the CASp to the Program. A change in contact information must be submitted by the CASp to the Program within 10 business days of such change.
- (b) Authorization to perform services shall be by written agreement bearing signature of both contracting parties. The agreement shall state the scope of work, the certification number of the CASp, the expiration date of certification, and shall indicate if the services provided include an inspection report and issuance of a disability access inspection certificate in accordance with Civil Code section 55.53.
- (c) A CASp providing services through employment by or under the retainer of an authority having jurisdiction is not required to comply with section 151(b).
- (d) The signature of the CASp on an inspection report or inspection record shall signify that the CASp has been on the subject site as part of the scope of services and can confirm the information stipulated in the inspection report or inspection record. Where a CASp signature is required, it shall be accompanied by the CASp certification number.

Authority: Section 4459.5, Government Code.
Reference: Section 55.53, Civil Code; Section 4459.5, Government Code.

Article 6. Enforcement

Section 161. Grounds for Action.

The Program may deny eligibility for the Program, deny issuance or renewal of certification, or take disciplinary action for any of the following acts, including but not limited to:

(a) Failure to satisfy the requirements of this subchapter.

(b) Making a false statement or omitting to state a material fact required to be revealed in the candidate eligibility application or certification renewal application.

(c) Conviction of a crime considered to be substantially related to the qualifications, functions, or duties of a CASp. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Such crimes shall include, but not be limited to, the following:

(1) A conviction of child abuse.

(2) A conviction as a sex offender.

(3) The conviction of any crime involving narcotics, dangerous drugs, or dangerous devices, as defined in section 4022 of the Business and Professions Code.

(4) A conviction for assault and/or battery or lewd conduct.

(d) The suspension, revocation, or denial of a professional license by a state licensing board or other governmental agency, or by another state or territory of the United States. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(e) The appearance of a certification holder on a certified list of persons (obligators) who have not complied with a judgment or court order to provide child support payments, pursuant to Family Code section 17520, and who fails to come into compliance within 150 days of issuance of a written notice of intent to suspend or withhold issuance or renewal of certification. Temporary certification will be offered for a period of 150 days, which, upon expiration, the temporary certification will be invalidated unless the Program has received a release from the local child support agency that submitted the name on the certified list.

(f) The appearance of a certification holder on a certified list of persons who have outstanding tax obligations due to the Franchise Tax Board or the State Board of Equalization, pursuant to Business and Professions Code section 494.5, and who fails to come into compliance within 90 days of issuance of a written notice of intent to suspend or withhold issuance or renewal of certification. Temporary certification will be offered for a period of 90 days, which, upon expiration, the temporary certification will be invalidated unless the Program has received a release from the Franchise Tax Board or the State Board of Equalization that submitted the name on the certified list.

(g) Acts involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(h) Failure to immediately report to the Program information that affects good standing, and/or failure to provide documentation requested by the Program, including, but not limited to, certified court documents, certified court orders, sentencing documents, or documentation from a licensing board that led to a determination of suspension, revocation, or denial of a professional license.

Authority: Section 4459.5, Government Code.

Reference: Sections 31 and 494.5, Business and Professions Code; Section 17520, Family Code; Section 4459.5, Government Code.

Section 162. Suspension of Certification or Denial of Certification Renewal.

The Program may suspend certification or deny certification renewal based on an act that affects good standing, as set forth in section 161.

(a) The Program has the discretion to immediately order that a certification be temporarily invalidated as necessary to ensure public health, safety, and welfare.

(b) The Program will issue a written notice to the CASp that as of a specific date his/her certification has been temporarily invalidated, will be suspended, or certification renewal will be denied, pending an investigation and decision. The written notice shall include the reasons for the action being taken or investigated, as applicable, and provide a summary of the facts and allegations. The CASp may submit additional supporting information to the Program relevant to the issue being investigated. Service of the written notice shall be by registered/certified mail addressed to the individual at the latest address filed by the individual with the Program. Service by mail is complete on the date of mailing.

(c) A decision of suspension of certification or denial of certification renewal shall be confirmed in writing within 60 days from the written notice. The time to render the decision may be extended an additional 30 days, as necessary to consider any additional supporting documentation provided to the Program, relevant to the issue being investigated.

(1) Service of the decision shall be by registered/certified mail addressed to the individual at the latest address filed by the individual with the Program in his or her application. Service by mail is complete on the date of mailing.

(2) The individual with suspended certification shall not use the CASp designation, the title "certified access specialist," or perform work requiring CASp certification beyond the effective date of suspension.

(3) The individual will be removed from the list of certified access specialists published by the State Architect.

(4) The individual is required to return all unused disability access inspection certificates to the Program along with a record of the status of all disability access inspection certificates issued in the name of the CASp during the certification period, indicating the number of the certificate and the name and address of the facility inspected, and including the status of disability access inspection certificates issued during any previous certification periods that were indicated as unissued on the prior record. The Program will provide reimbursement for any disability access inspection certificates returned in saleable condition at the same rate as the initial purchase price. Delivery costs will not be reimbursed.

(d) The individual may make a request for reinstatement as set forth in section 165.

Authority: Section 4459.5, Government Code.

Reference: Sections 31 and 494.5, Business and Professions Code; Section 4459.8, Government Code.

Section 163. Filing an Appeal.

An individual may appeal a denial of candidate eligibility, the suspension of certification, or a denial of certification renewal.

(a) A candidate that has had a candidate eligibility application denied may request reconsideration on form DSA 600-A and may provide additional information to support the request without payment of an additional application fee.

(b) A decision of suspension or denial of certification renewal may be appealed. There shall be no stay of a decision to suspend certification pending an appeal.

(1) The appeal must be filed in writing to the Program within 30 calendar days of the date posted on the registered/certified service by mail of the decision of suspension or denial of certification renewal.

(2) Proceedings shall be conducted in accordance with chapter 5 (commencing with section 11500) of part 1 division 3 of title 2 of the Government Code.

(3) The appellant shall be notified in writing of the final determination by the State Architect regarding the appeal. Service of the final determination shall be by registered/certified mail.

(4) A final determination rendered by the State Architect may be appealed to the Superior Court.

Authority: Section 4459.5, Government Code.

Reference: Section 4459.8, Government Code.

Section 164. Criteria for Rehabilitation.

When considering eligibility for the Program, or reinstatement of certification of an individual who was disciplined as a result of an act as set forth in section 161, the State Architect or designee may consider the following criteria:

(a) Nature and severity of the act(s) or offense(s).

(b) The time that has elapsed since commission of the act(s) or offense(s).

(c) If applicable, evidence of expungement proceedings pursuant to sections 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(d) Demonstration of meeting the conditions for reinstatement as determined upon the conclusion of the investigation of a violation that results in suspension of certification or denial of certification renewal.

Authority: Section 4459.5, Government Code.

Reference: Section 4459.5, Government Code.

Section 165. Reinstatement.

An individual may seek reinstatement according to the following:

(a) A request for reinstatement must be in writing to the State Architect and may be granted upon proof of compliance of all provisions of the decision as to reinstatement or, in the absence of that decision or any provisions therein as to reinstatement, at the sound discretion of the State Architect or his/her designee.

(b) If certification is reinstated prior to certification expiration, no extension of the certification period will be granted, and the certification will expire on the last day of the certification period.

(c) The provisions of section 138(a) are not applicable to a suspended certification that has expired. If reinstatement of eligibility for the Program is granted after certification expiration, the individual may obtain a new certification by meeting the requirements as set forth in article 3, commencing with section 133, except as provided in section 165(d).

(d) If after certification expiration an appellant has had certification reinstated through the appeal process as set forth in section 163(b), the individual is subject to the requirements of section 137 and the three-year certification period is established from the day after the original expiration date of the previous certification period.

Authority: Section 4459.5, Government Code.

Reference: Section 4459.5, Government Code.

Article 7. Miscellaneous Provisions

Section 171. Public Information Disclosure.

The State Architect is required to publish and make available to the public a list of certified access specialists who hold valid certification. The information required to be disclosed for all CASps is the CASp name, CASp phone number, CASp certification number, and expiration date of certification. Additionally, a CASp who provides inspections as an independent CASp shall disclose the counties in the state where he/she provides inspections on the Update My List of Certified Access Specialists Information form provided by the Program.

Authority: Section 4459.5, Government Code.
Reference: Section 4459.7, Government Code.