California Architects Board

Board Meeting

June 13, 2018

Sacramento, California

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

Board Members
Sylvia Kwan, President
Tian Feng, Vice President
Denise Campos, Secretary
Jon A. Baker
Pasqual V. Gutierrez
Ebony Lewis
Matthew McGuinness
Robert C. Pearman, Jr.
Nilza Serrano
Barry Williams

NOTICE OF BOARD MEETING

Action may be taken on any item listed on the agenda.

June 13, 2018

California Architects Board
2420 Del Paso Road, Sequoia Conference Room
Sacramento, CA 95834
(916) 574-7220

The California Architects Board will hold its quarterly meeting as noted above.

Agenda

9:00 a.m. to 5:00 p.m.
(or until completion of business)

A. Call to Order / Roll Call / Establishment of a Quorum

B. President's Procedural Remarks and Board Member Introductory Comments

C. Public Comment on Items Not on the Agenda
The Board may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

D. Closed Session (9:15 a.m.) – Pursuant to Government Code Sections 11126(a)(1), 11126(c)(3), and 11126.1, the Board Will Meet in Closed Session to:
   1. Conduct Interviews and Possible Appointment of Executive Officer (EO)
   2. Review and Possible Action on March 1, 2018 Closed Session Minutes
   3. Deliberate and Vote on Disciplinary Matters

E. Reconvene Open Session (1:45 p.m. approximate)

F. Report on Actions Taken During Closed Session Regarding EO Appointment

G. Review and Possible Action on March 1, 2018 Board Meeting Minutes

H. Interim Executive Officer's Report
   1. Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
   2. Update on Board's Budget

2420 Del Paso Road,
Suite 105
Sacramento,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

(Continued)

I. Discuss and Possible Action on Executive Committee's Recommendations to the Board Regarding 2017-2018 Strategic Plan Objective to Prepare for the Sunset Review Process in Order to Facilitate a Positive Outcome

J. Discuss and Possible Action on Proposed Legislation:
   1. Assembly Bill (AB) 767 (Quirk-Silva, 2018) Master Business License Act
   2. AB 2138 (Chiu, 2018) Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction
   3. AB 2182 (Levine, 2018) Privacy: Department of Consumer Affairs: California Data Protection Authority
   4. AB 2483 (Voepel, 2018) Indemnification of Public Officers and Employees: Antitrust Awards
   5. Senate Bill (SB) 721 (Hill, 2018) Contractors: Decks and Balconies: Inspection
   6. SB 984 (Skinner, 2018) State Boards and Commissions: Representation: Appointments
   7. SB 1137 (Vidak, 2018) Veterans: Professional Licensing Benefits
   8. SB 1298 (Skinner, 2018) The Increasing Access to Employment Act
   9. SB 1465 (Hill, 2018) Contractors: Civil Actions: Reporting
   10. SB 1480 (Hill, 2018) Professions and Vocations

K. National Council of Architectural Registration Boards (NCARB)
   1. Review of 2018 NCARB Annual Business Meeting Agenda
   2. Consider and Take Action on Candidates for 2018 NCARB and Region VI Officers and Directors
   3. Review and Possible Action on Recommended Positions on Resolutions:
      a. 2018-01 *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – Health, Safety, and Welfare (HSW) Category Realignment
      b. 2018-02 *Certification Guidelines* Amendment – Revision to the Education Evaluation Services for Architects (EESA) Requirement for the Education Alternative to Certification
      c. 2018-03 Amendment and Restatement of the *NCARB Model Rules of Conduct*
      d. 2018-04 Amendment and Restatement of the *NCARB Bylaws*

L. Review and Possible Action on 2018/19 Intra-Departmental Contract With Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development

M. Landscape Architects Technical Committee (LATC) Report
   1. Update on May 4, 2018 LATC Meeting
   2. Review and Possible Action on LATC's Recommendation Regarding Proposed Amendments to LATC's *Disciplinary Guidelines* and California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2680 (Disciplinary Guidelines)

N. Review of Future Board Meeting Dates

O. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in

this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board may webcast this meeting on its website at www.cab.ca.gov. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend the physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Mel Knox
Telephone: (916) 575-7221
Email: mel.knox@dca.ca.gov
Telecommunications Relay Service: Dial 711

Mailing Address:
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code section 5510.15.)

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Roll is called by the Board Secretary or, in his/her absence, by the Board Vice President or, in his/her absence, by a Board member designated by the Board President.

Business and Professions Code section 5524 defines a quorum for the Board:

> Six of the members of the Board constitute a quorum of the Board for the transaction of business. The concurrence of five members of the Board present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board, except that when all ten members of the Board are present at a meeting duly held, the concurrence of six members shall be necessary to constitute an act or decision of the Board.

Board Member Roster

Jon Alan Baker

Denise Campos

Tian Feng

Pasqual V. Gutierrez

Sylvia Kwan

Ebony Lewis

Matthew McGuinness

Robert C. Pearman, Jr.

Nilza Serrano

Barry Williams

PRESIDENT'S PROCEDURAL REMARKS AND BOARD MEMBER INTRODUCTORY COMMENTS

Board President Sylvia Kwan or, in her absence, the Vice President will review the scheduled Board actions and make appropriate announcements.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Board regarding items not specified on the meeting agenda at this time. However, the Board may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

Public comments will also be taken on agenda items at the time the item is heard and prior to the Board taking any action on said items. Total time allocated for public comment may be limited at the discretion of the Board President.

Jon Pride
Designs

Building Design
Landscape Planning
Site Supervision

May 31, 2018

California Architects Board
2420 Del Paso Road
Sacramento, CA 95834

Subject: LATC RECIPROCITY/LICENSURE UPDATES

Dear Board,

I first want to thank you for the opportunity in the recent past several months for allowing myself and many others to speak at several of your meetings regarding changing the rules for reciprocity and licensure through the LATC. On behalf of all of us, we sincerely appreciate the fact you recognize that the LATC needs to bring their licensure requirements into the same program as CAB. More importantly, I along with all of us who have been active in guiding the LATC to move towards positive change, applaud the LATC for their hard work to get to this point.

Although we are close, from what I've found out, we have hit another delay beyond a canceled meeting at the first of the year. I think that it can be resolved fairly quickly, but it's this hiccup that is why today you do not have the final verbiage/language in front of you to approve, which of course if done, would then go to the state regulatory body for review and approval.

Apparently, there is now concern over the future forms and its content that is delaying sending over the final draft for CAB's approving the language for the updated law/ordinance. We appreciate the LATC wanting to be thorough, but unless I missed a meeting, forms/check boxes and what an applicant fills out has no relevance to the legal language of law/ordinance being adopted. Forms get altered all the time and will be altered in the future with/without the board's approval, many of the forms are staff adopted and approved. This is just delaying the entire process unnecessarily.

Cont.

P.O. Box 56 La Cañada, CA 91012 • Tel: (626) 791-2228 • Fax: (626) 791-5208 • jon@jonpridedesigns.com

I/we whom I speak for, are requesting that the CAB board request that the LATC send you the final language/verbiage to be approved, and submitted to the state regulatory agency for processing, and if the LATC has concerns about any of the forms content/verbiage, that it can be worked out during the regulatory process, as it has no bearing/effect on the actual law itself.

I may misunderstand, but I believe that the law language is codified, and ready for your approval, if we are worrying about form language, the LATC should consider the more important picture. We are encouraging the CAB board to request the LATC to move the already approved regulatory language to you for final approval as soon as possible, so that the State can do their part.

There are too many people who would benefit from the law being changed and delaying that for another 9-12 months would be unnecessary.

Sincerely,

Jon Pride
Principal

P.O. Box 56 La Cañada, CA 91012 • Tel: (626) 791-2228 • jon@jonpridedesigns.com

CLOSED SESSION (9:15 A.M.) – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(a)(1), 11126(c)(3), AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:

1. Conduct Interviews and Possible Appointment of Executive Officer (EO)

2. Review and Possible Action on March 1, 2018 Closed Session Minutes

3. Deliberate and Vote on Disciplinary Matters

RECONVENE OPEN SESSION (1:45 P.M. APPROXIMATE)

The Board will reconvene open session following closed session.

REPORT ON ACTIONS TAKEN DURING CLOSED SESSION REGARDING EO APPOINTMENT

The Board will provide the public with an update on actions taken during Closed Session.

MINUTES

BOARD MEETING

CALIFORNIA ARCHITECTS BOARD

MARCH 1, 2018

SACRAMENTO

A. CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Board President, Sylvia Kwan, called the meeting to order at 10:19 a.m. and Board Secretary, Denise Campos, called roll.

Board Members Present
Sylvia Kwan, President
Tian Feng, Vice President (departed at 2:00 p.m.)
Denise Campos, Secretary (departed at 1:30 p.m.)
Jon Alan Baker
Pasqual Gutierrez
Ebony Lewis (arrived at 10:23 a.m.)
Matthew McGuinness
Nilza Serrano
Barry Williams

Board Member Absent
Robert C. Pearman, Jr.

Guests Present
Mark Christian, Director of Government Relations, American Institute of Architects, California Council (AIACC)
Glenn Gall, Supervisor Health Facilities Review, Office of Statewide Health Planning and Development
Nicole Le, Chief, Office of Human Resources (OHR), Department of Consumer Affairs (DCA)
Heidi Lincer, Chief, Office of Professional Examination Services (OPES), DCA
Andrea Lynch, Personnel Analyst, OHR, DCA
Karen Nelson, Assistant Deputy Director, Office of Board and Bureau Services, DCA
Jason Piccione, Chief Information Officer, DCA
Tavi Popp, Research Manager, OPES, DCA
Rose Turner, Legislative Analyst, Division of Legislative & Regulatory Review, DCA

Staff Present
Doug McCauley, Executive Officer (EO)
Vickie Mayer, Assistant Executive Officer
Alicia Hegje, Program Manager Administration/Enforcement
Marccus Reinhardt, Program Manager Examination/Licensing
Mel Knox, Administration Analyst
Kristin Walker, Enforcement Analyst
Bob Carter, Architect Consultant
Bob Chase, Architect Consultant
Tara Welch, Attorney III, DCA

DRAFT

Six members of the Board present constitute a quorum. There being eight present at the time of roll, a quorum was established.

B. PRESIDENT'S PROCEDURAL REMARKS AND BOARD MEMBER INTRODUCTORY COMMENTS

Ms. Kwan 1) announced that the meeting is not being webcast and that votes on all motions will be taken by roll-call; 2) welcomed Nicole Le and Andrea Lynch who will provide a presentation on the EO recruitment and selection process under Agenda Item F.1.; 3) welcomed Heidi Lincer, Chief of OPES, and Tavi Popp, Research Manager who will be providing information under Closed Session Agenda Item G.2; 4) welcomed Jason Piccione DCA Chief Information Officer who will provide a presentation on the Board's Business Modernization Project under Agenda Item J.2., and 5) thanked Matthew McGuinness for his service as Board President in 2017.

Ms. Kwan announced that Doug McCauley was appointed by the Governor to the position of Chief Deputy Director for the Department of Housing and Community Development. She stated that his last day at the Board is today. Mr. McCauley highlighted the noteworthy accomplishments during his time as EO and expressed gratitude for the privilege of serving the Board.

C. EXECUTIVE OFFICER'S REPORT - UPDATE ON BOARD'S ADMINISTRATION/MANAGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS

Mr. McCauley reported that the Board is well-positioned for a successful Sunset Review in 2018. He informed that staff has already begun drafting responses to anticipated questions, and that the Executive Committee will first review the draft report at its May 16, 2018 meeting. Mr. McCauley informed that the Board is monitoring the Sunset Review process for other boards to better understand the process and facilitate a positive outcome.

Mr. McCauley reported that Board staff and an NCARB representative recently provided presentations that explained the licensing requirements, role of NCARB, the Architectural Experience Program, and the Architect Registration Examination at Woodbury University, Southern California Institute of Architecture; HMC Architects, Los Angeles; and California Baptist University. Mr. McCauley also reported that he and Bob Carter attended a workshop in Loma Rica on January 30, 2018, to assist residents who wish to hire an architect and rebuild due to the Cascade Fire. He mentioned that Mr. Carter and Bob Chase recently participated in a large firm roundtable in San Diego, where they engaged firm principals about how to avoid preventable violations of the Architects Practice Act. Mr. McCauley advised the Board to reference written contract provisions in its next Sunset Review Report as an important issue. Mr. McCauley noted LATC's positive case load and case aging enforcement statistics, which also helps to well-position LATC for Sunset Review.

Nilza Serrano asked that all Board members and members of the public follow the Board on social media (Facebook, Instagram, and Twitter) in an effort to enhance the Board's social presence. Mr. McCauley recommended members' architect firms retweet the Board's tweets to a larger audience.

Jon Alan Baker recalled that approximately 25 percent of the Board's discipline cases are the result of continuing education (CE) audits, and asked when DCA might consider a different approach to CE given the redefinition of health, safety, and welfare and the realignment of education standards.

Mr. McCauley said that the upcoming new administration it may provide new ideas on CE. He informed that both the Sunset Review Report and the CE Report, which is due in January 2019, may represent an opportunity for the Board to approach the issue of future CE requirements should it wish to do so.

D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Karen Nelson thanked Mr. McCauley on behalf of the DCA for his 17 years of service.

E. REVIEW AND POSSIBLE ACTION ON DECEMBER 7, 2017 BOARD MEETING MINUTES

Ms. Kwan asked for comments concerning the Minutes of the December 7, 2017 Board meeting.

- **Nilza Serrano moved to approve the December 7, 2017 Board meeting minutes.**

  Tian Feng seconded the motion.

  Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

F. EXECUTIVE OFFICER (EO) RECRUITMENT AND SELECTION PROCESS

Mses. Le and Lynch provided the Board with details for the recruitment of its next EO. Ms. Le asked the Board to review and approve the EO recruitment announcement and duty statement contained in the meeting packet, and to appoint a two-member selection committee. She also advised that an Interim or Acting EO should be appointed. Ms. Le explained that the EO recruitment announcement would be advertised on the California Department of Human Resources (CalHR) website, and that the OHR will accept applications and provide weekly status updates to the Selection Committee. She explained in detail each of the steps involved in the initial selection process - from the review and screening of applications to the appointment of the next EO. Ms. Le informed the Board that it is responsible for conducting final EO interviews, selecting finalists, and voting to appoint the new EO.

Ms. Campos asked how long the application process will be open to which Ms. Le informed that the recruitment process is posted on the CalHR website for 30 days; the Selection Committee may choose to extend the advertisement period past 30 days, if the Board desires a larger number of applicants. Ebony Lewis asked from where candidates are recruited, to which Ms. Le explained that the job announcement is posted on the CalHR website, but the Board may also post the job announcement in any industry newsletter or on social media to attract more candidates. Ms. Kwan asked why the composition of the Selection Committee is limited to only two members, to which Ms. Le explained that a meeting of more than two members is considered a Board meeting under the Bagley-Keene Open Meetings Act. Ms. Campos asked Mr. McCauley if the description of the EO responsibilities are accurate as reflected in the recruitment announcement, to which Mr. McCauley answered in the affirmative and noted that the EO ultimately serves at the pleasure of the Board. Ms. Le advised the Board that it can choose how many pages are required for the Statement of Qualifications; she recommended a minimum of three pages.

DRAFT

- **Nilza Serrano moved to approve the process for recruitment and selection of an EO.**

  Denise Campos seconded the motion.

Mr. Feng asked when the EO Duty Statement was last updated, to which Ms. Le informed it was last updated in the year 1997; she noted that the Duty Statement format has changed, and the information has been updated. Ms. Kwan asked if the Selection Committee should be given authority to modify the Duty Statement if it deems changes are appropriate, to which Tara Welch did not advise the Board to take that approach. Mr. McCauley commented that, in his view, the updated Duty Statement captures each of the position's core functions. Mr. Feng asked if the Board can revise the Duty Statement while the EO is serving, to which Ms. Le informed that the Duty Statement is a living document and can be changed at any time, if needed. Mses. Le and Welch clarified for the motion that the Statement of Qualifications will be a three-page statement and the recruitment announcement will be posted on the CalHR website for 30 days, which the Board concurred.

Ms. Welch recommended an amended motion.

- **Nilza Serrano amended the motion to adopt the Recruitment Announcement inserting up to three pages for the Statement of Qualifications to be submitted by the candidate with a final filing date of 30 days after posting and to adopt the Duty Statement, as revised.**

  Denise Campos seconded the motion.

Mr. Feng asked if the Recruitment Announcement can be posted without a specified filing deadline, to which Ms. Le advised against that approach because the Board would receive applications continuously and beyond the time when the Board wishes to focus on a pool of candidates.

Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Mr. McCauley informed that the Board's Administrative Procedural Manual gives the President authority to appoint committees in consultation with the Vice President and EO, but the President has chosen to establish the Selection Committee via Board vote. Ms. Kwan announced that Pasqual Gutierrez and Ms. Campos volunteered to serve on the Selection Committee.

- **Jon Alan Baker moved to approve the appointment of Pasqual Gutierrez and Denise Campos to the EO Selection Committee.**

  Tian Feng seconded the motion.

  Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Ms. Welch advised the Board to consider delegating authority to the Selection Committee to extend the 30-day filing deadline if deemed appropriate.

- **Tian Feng moved to delegate authority to the EO Selection Committee to extend the recruitment posting time past 30 days, if necessary.**

  Matthew McGuinness seconded the motion.

  Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

G. CLOSED SESSION

The Board went into closed session to:

1. Consider action on the selection process and appointment of an "Acting" or "Interim" EO; and
2. Consider action on the development and administration of the CSE as it concerns reducing the mandatory retake wait period and the effects on examination content and security.

H. RECONVENE OPEN SESSION

The Board reconvened open session.

I. REVIEW AND POSSIBLE ACTION ON PROPOSED REGULATIONS TO AMEND CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 2, ARTICLE 3, SECTIONS 124 (CSE) AND 124.5 (REVIEW OF CSE)

Mr. McCauley reminded the Board that it directed staff to collaborate with the OPES to research the feasibility of reducing the CSE retake wait period, which is currently specified in CCR section 124 as 180 days. He recalled that based upon the results of its research, OPES determined and advised staff that the waiting period could be reduced to 90 days with no compromise of examination integrity. At the December 7, 2017 meeting, Board members subsequently voted in support of reducing the waiting period to 90 days and directed staff to commence the rulemaking process. Mr. McCauley reported that, while preparing the proposal to amend section 124, staff determined subsections (e) and (f) are obsolete and recommends the Board repeal these subsections. He noted that staff also identified a need to amend CCR section 124.5 as it pertains to the CSE review process and release of examination results.

- **Barry Williams moved to approve the proposed amendments to CCR sections 124 (CSE) and 124.5 (Review of CSE), and direct the EO to take all steps necessary to initiate the rulemaking process, authorize the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed language for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period, adopt the proposed regulatory changes, as modified.**

  Denise Campos seconded the motion.

  Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

DRAFT

J. EXECUTIVE COMMITTEE REPORT

Mr. Piccione updated the Board on the Business Modernization project, formerly known as BreEZe, the enterprise-wide licensing and enforcement system designed to improve consumer, candidate, and licensee services. He explained that Business Modernization is the initiative to address inefficiencies in modern business practices for the Board and other boards that were not implemented under the BreEZe platform. Mr. Piccione recounted the history of BreEZe, covering the project planning phase, which began in 2009, through the implementation of Release Phases 1 and 2, which began in 2013. He noted that BreEZe currently serves 18 DCA boards and bureaus, and approximately two million external public users. Mr. Piccione explained the distinction between the Business Modernization Plan (departmental plan) and the Business Modernization Report (plan specific to the Board) for Release Phase 3 boards and bureaus. He outlined the major highlights of the Business Modernization Plan, which is specific to the needs of the Board and include: 1) Business Activities; 2) Project Approval Lifecycle; and 3) System Implementation. Mr. Piccione stressed that the Board's progression of activities to implement the Business Modernization project will be based on the Board's overall organizational readiness and ability to support an aggressive (or less aggressive) timeframe regarding staff resources. He informed that Board staff met with SOLID Office of Change Management (OCM) staff in August 2017 to discuss the initial inventory of existing business processes. Mr. Piccione reported that the Business Process Inventory is now complete and the Board's business activities are scheduled to begin in October 2018.

Mr. Baker asked for greater detail about the Business Modernization implementation schedule, to which Mr. Piccione informed that the proposed schedule shows that business activities are scheduled from October 2018 through October 2019, the Project Approval Lifecycle from July 2019 through November 2020, and System Implementation from November 2020 through November 2022. Mr. Piccione noted that the proposed schedule employs a minimum viable product strategy, which could reduce the proposed time of implementation to November 2021. He also informed that the proposed schedule does not account for time the Board would need to seek (additional) budgetary authority to accommodate measurable impact from the new system, if needed. Ms. Kwan asked if the presented skeletal framework of the Business Modernization project is modular, to which Mr. Piccione answered in the affirmative. Ms. Kwan asked Mr. Piccione to provide the Board with regular updates to maintain the Board's interest in the Business Modernization process in the years ahead.

Mr. Piccione explained that unless the Board chooses to use a completely customized product, a third-party platform will limit the scope of configuration which will affect the Board's strategy to meet its business requirements. Mr. Gutierrez asked about the Board's information technology readiness, to which Mr. Piccione explained that online application, credit card acceptance, and geospatial data analysis will be taken to market to assess technological platforms available to meet the Board's business requirements.

Mr. Baker asked about the Board's past investments in BreEZe, to which Mr. Piccione explained that the Board's past investments were specifically for BreEZe staff support of the enterprise-wide licensing and enforcement system. He informed that BreEZe staff are prepared to implement BreEZe for the Board if the Board chooses to use it. Mr. Baker asked why the Board is considering a different approach, to which Mr. Piccione explained that lessons learned from BreEZe Release Phases 1 and 2 suggests that a different, board-specific approach for Release Phase 3 boards and bureaus should be taken. Ms. Lewis asked if BreEZe can be configured to meet the Board's business requirements, to which Mr. Piccione replied that BreEZe is highly

DRAFT

configurable but may not be sufficient to meet each of the Board's needs. Mr. Piccione informed that other platforms exist that are also viable options for the Board's consideration; they can each be assessed after the Board's business needs are fully documented.

Mr. Piccione advised the Board that the Business Activities modular will have great value for the Board's business operations in addition to the technology platform it will eventually choose. Vickie Mayer informed that staff has identified over 100 business processes that will need to be mapped by staff who are subject matter experts (SME), which is scheduled to begin in October 2018. Ms. Mayer suggested reassessing the timeline for when SMEs will begin working once the new EO is hired.

Ms. Kwan recalled that one of the common complaints from architects is the Board's inability to process payments without a physical check. She asked why online payments cannot be implemented at this time, to which Mr. Piccione informed that DCA is planning a "stop-gap" initiative to accept credit cards by the end of the calendar year for license renewal applications only. Ms. Mayer noted that there will be a cost to processing credit cards online that the Board will need to absorb. Ms. Serrano suggested passing the cost onto the consumer as a "convenience fee," which Mr. Piccione reported that was considered, and he was not able to find an example of a state agency passing those costs onto the consumer. He said it is a legal, not a technical question to consider. Mark Christian informed that the Department of Motor Vehicles (DMV) allow online registration renewals without a fee when using a credit card. Ms. Mayer again opined that the DMV is absorbing the fee.

Ms. Kwan informed the Board that the Executive Committee met on January 17, 2018, to discuss several items. Mel Knox reminded the Board of its 2017-2018 Strategic Plan objective to identify organizational relationships that should be maintained and/or established in order to enhance the Board's mission to regulate the profession and protect the public. Mr. Knox recalled the December 16, 2016, Strategic Planning session, when the Board discussed the need to share specific strategic information with targeted organizations and agreed that past communications and Strategic Plans, which outlined key organizational stakeholders, could be updated. He reported that staff updated the list of organizational stakeholders and their contributions to the Board's mission, and observed that the NCARB and the AIACC are the Board's primary external stakeholders. Mr. Knox informed that the Executive Committee reviewed the updated list of Board stakeholders to include the Asian American Architects and Engineers Association (AAAE). He advised that the document can be used as a reference for Strategic Plan objectives requiring collaboration or communication with organizations. Mr. Knox asked the Board to consider the Executive Committee's recommendation to approve the list of organizational relationships, as modified, in furtherance of this objective.

The Board discussed the list of organizational relationships presented by the Executive Committee and provided clarity about the distinction between the AAAE in Northern California and the AAAE in Southern California. The Board also identified additional organizations to include on the list.

- **Denise Campos moved to approve the Executive Committee's proposed list of organizational relationships, and to expand the list to include the Construction Management Association of America, the Design-Build Institute of America, and the California Building Standards Commission.**

  Nilza Serrano seconded the motion.

DRAFT

Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Mr. Knox reminded the Board of its 2017-2018 Strategic Plan objective to encourage collaboration with other related boards to share best practices. He recalled the Board's last Strategic Planning session when the Board discussed how collaboration with related boards can be advantageous in that it promotes collaboration to achieve mutually beneficial goals.
Mr. Knox noted that the Board currently participates in the Architects and Engineers Conference, which is a quarterly meeting of design-related associations and licensing boards. He reported that the Executive Committee determined a session with these related boards should be planned, and recommended that an initial meeting of board presidents and executive officers of the Contractors State Licensing Board (CSLB); Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG); and LATC be organized to discuss future issues and opportunities to partner.

- **Jon Alan Baker moved to approve the Executive Committee's recommendation to organize an initial meeting of board presidents and executive officers of the CSLB, BPELSG, and LATC to discuss future issues and opportunities to partner.**

  Tian Feng seconded the motion.

  Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Mr. Knox reminded the Board of its 2017-2018 Strategic Plan objective to enhance the onboarding program for new Board members to increase Board member understanding of Board functions and purpose. He reported that the Executive Committee considered and approved the following recommendations to enhance the onboarding program:

1. Send a Welcome Letter from the EO to new Board members via email, upon appointment and immediately before the telephone calls from the Board President and EO.

2. Develop a New Board Member Orientation Checklist designed to facilitate a smooth onboarding process.

3. Update the Board Member Orientation PowerPoint presentation to enhance new Board member awareness and understanding of the Board's functions and purpose.

Mr. Knox asked the Board to consider the Committee's recommendation that these orientation materials be used to increase Board member understanding of Board functions and purpose. The Board made additional recommendations:

1. Eliminate the CSE reference in the Welcome Letter.
2. Preserve language in the Welcome Letter that references seismic safety, accessibility, and energy efficiency.
3. Implement a "buddy system" to match new members with current member as part of the onboarding process.

4. Add more descriptive language to slides in the PowerPoint presentation, as well as an "Alternative Pathways to Licensure" slide.
5. Create an "Enforcement 101" orientation.

- **Denise Campos moved to approve the Executive Committee's recommendation to enhance the Board's onboarding program by 1) developing a Welcome Letter from the EO to new Board members; 2) developing a New Board Member Orientation Checklist designed to facilitate a smooth onboarding process; and 3) updating the Board Member Orientation PowerPoint presentation to enhance new Board member awareness and understanding of the Board's functions and purpose.**

  Ebony seconded the motion.

  Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Mr. Knox reminded the Board of its 2017-2018 Strategic Plan objective to assess and enhance existing committee charges, process, procedures, appointments, etc., to improve effectiveness. He reported that the Executive Committee assessed the Board's existing committee appointments, charges, and policy, and determined that each committee description effectively summarizes functions and compositions of each. Mr. Knox also reported that the Committee determined that the appointment process, which was updated on June 14, 2012, is a reasonable approach to identifying members for the various committees. He informed that the Executive Committee, with the goal to improve effectiveness at committee meetings, recommends that all new committee chairs receive material on how to conduct their meetings according to *Rosenberg's Rules of Order*, which is considered a more simplified and modern version of the rules of parliamentary procedure than its *Robert's Rules of Order* counterpart. Mr. Knox also reported that the Committee made a recommendation for chairs to review Strategic Plan objectives with staff upon adoption of the plan, and at regular intervals, as needed.

- **Nilza Serrano moved to approve the Executive Committee's 1) assessment of the Board's existing committee appointments, charges, and policy as effective; 2) recommendation to provide *Rosenberg's Rules of Order* material to all new committee chairs; and 3) recommendation for chairs to review Strategic Plan objectives with staff upon adoption of the plan, and at regular intervals, as needed.**

  Denise Campos seconded the motion.

  Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Mr. Knox reported that continuing efforts are underway to update, and create as needed, procedure manuals for performing job duties in the Administration, Enforcement, and Examination/Licensing Units at the Board. He also reported that management conducts regular staff meetings, professional development group sessions, and one-on-one meetings, with the goal of imparting programmatic updates, enhancing knowledge retention, measuring programmatic performance, and improving overall organizational effectiveness. Mr. Knox informed that the Executive Committee considered favorably these efforts to expand the cross-training program for

DRAFT

Board staff and revise its operational manuals. He asked the Board to consider the approach taken to advance the Strategic Plan objective to expand the cross-training program for Board staff and revise operational manuals to retain knowledge and increase organizational effectiveness.

Ms. Kwan expressed a desire for the Board to see the proceedure manuals at some future point.

- **Nilza Serrano moved to approve staff efforts to update and create, as needed, procedure manuals for performing job duties in the Board's Administration, Enforcement, and Examination/Licensing Units as the approach to expand the cross-training program for Board staff and revise operational manuals to retain knowledge and increase organizational effectiveness.**

  Barry Williams seconded the motion.

  Members Baker, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Members Campos and Pearman were absent at the time of vote. The motion passed 8-0.

Mr. Knox reminded the Board of its 2017-2018 Strategic Plan objective to research and work with the DCA to update communications technology to efficiently notify stakeholders of important information. He explined that historically, when the Board's newsletter, *California Architects*, is published, it is posted on the Board's website, distributed via email to self-subscribers, and is Tweeted. Mr. Knox informed that, in an effort to provide increased distribution of the newsletter, staff consulted with the DCA Office of Information Services and identified a way to compile and broadcast to all email addresses retained in the Board's computer systems using the ListServe communications technology. He reported that, for the first time on November 6, 2017, the newsletter was emailed to all licensees and active candidates, and was also promoted on Facebook and Twitter; this approach resulted in an increase from approximately 2,200 recipients of *California Architects* to more than 28,000 recipients (licensees and candidates). Mr. Knox also reported that the Executive Committee determined that the use of ListServe communications technology to distribute *California Architects* advances this objective, and recommended that the Board continue to use ListServe for future newsletter distribution and other matters of importance.

Mr. Baker commented that he assumed the Board had always communicated and provided *California Architects* to all of its licensees, to which Mr. McCauley explained that had been the case until the Board transitioned from a paper neweletter to an electronic one. Mr. McCauley shared that DCA initially resisted the Board's request to distribute *California Architects* to the tens of thousands of architects due to technological concerns, but a method to do it succesfully was eventually identified.

- **Jon Alan Baker moved to approve the Executive Committee's recommendation to continue using ListServe for future newsletter distribution and other matters of importance.**

  Tian Feng seconded the motion.

  Members Baker, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Members Campos and Pearman were absent at the time of vote. The motion passed 8-0.

DRAFT

K. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Mr. McCauley reported that the Board does not yet have permission to travel to NCARB's next Regional Summit on March 9-10, 2018 in Wichita, Kansas. He informed that the Board's request for reconsideration is currently being evaluated by the DCA. Mr. McCauley also reported that four NCARB Resolutions will be considered at the Regional Summit, and advised the Board not to take any positions on these Resolutions until they are thoroughly reviwed and potentially modified in Kansas. The Resolutions under consideration are:

- 2018-A (*NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – Health, Safety, and Welfare [HSW] Category Realignment)

- 2018-B (*Certification Guidelines* Amendment – Revision to the Education Evaluation Services for Architects [EESA] Requirement for the Education Alternative to Certification)

- 2018-C (Amendment and Restatement of the *NCARB Model Rules of Conduct*)

- 2018-D (Amendment and Restatement of the *NCARB Bylaws*)

Mr. McCauley presented the Board with brief descriptions of each of the four Resolutions to be considered at the upcoming Regional Summit. Mr. Baker expressed concern over Resolution 2018-C and anticipates healthy discussion around the issue of Rules of Conduct regarding contract terms. Ms. Lewis asked about the rules of conduct for California architects, to which Mr. Carter informed that no "duty to inform" exists in California's rules of conduct. Mr. Gutierrez shared that his firm's practice is to inform clients of recommended actions in writing if something of concern is discovered or witnessed. He opined that this issue is best placed in risk management best practices. Mr. Baker directed the Board's attention to Rule 3 of the NCARB Rules of Conduct for futher reading on the subject. Ms. Welch advised that any failure to report a problem could be viewed as aiding and abetting, and would be a serious reason why architects should take all steps necessary to remove themselves from liability and protect their client.

Mr. McCauley reported that there are no contested elections this year for NCARB and Region VI officers and directors. He announced that Mr. Baker is a candidate for Regional Director. Ms. Serrano asked Mr. Baker to convey to NCARB leadership that it should become less homogenized and more diverse. Mr. Baker explained that a lack of diverse candidates contributes to the lack of diversity at NCARB. Mr. McCauley explained that diversity at NCARB is heavily dependent on gubernatorial decisions to appoint diversity to their architect boards, as that is the source of NCARB's talent pool. The Board discussed the importance of obtaining permission to attend NCARB meetings.

L. REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO BOARD'S DISCIPLINARY GUIDELINES AND CCR, TITLE 16, DIVISION 2, ARTICLE 8, SECTION 154 (DISCIPLINARY GUIDELINES)

Alicia Hegje informed that Board and LATC staff worked collaboratively to update the Board's and LATC's *Disciplinary Guidelines*. Ms. Hegje reminded the Board that, at its December 7, 2017, meeting the Board approved the necessary revisions to the Board's *Disciplinary Guidelines* that were identified by DCA legal counsel, but also questioned why

information regarding citations was not referenced in the *Disciplinary Guidelines*, and why fines were not included as possible disciplinary penalties. Following the meeting, she reported, legal counsel researched the Board's statutory authority to assess an administrative penalty or fine through discipline. Ms. Welch stated she found two statutes within the Architects Practice Act that provide such authority:

- Business and Professions Code (BPC) section 5565(d) states that the Board may assess a fine not in excess of $5,000 for any of the causes of action specified in BPC section 5577 (Conviction of a Crime Substantially Related to the Qualifications, Duties, or Functions of an Architect), and a fine may be assessed in lieu of, or in addition to, a suspension or revocation.

- BPC section 5588(e) states that any licensee who fails to report a civil action judgment, settlement, or arbitration award of $5,000 or greater against the licensee to the Board within 30 days may be subject to a civil penalty of not less than $100 and not more than $1,000, or up to $20,000 for knowingly and intentionally failing to report as required, as an additional intermediate sanction in lieu of revoking the license.

Ms. Welch reported that, based on legal counsel's research, staff revised the Board's *Disciplinary Guidelines* to include the fine and civil penalty provisions authorized by BPC sections 5577 and 5588. In addition, she reported that a new section was added to the *Disciplinary Guidelines* under General Considerations to provide information regarding the Board's citation authority, and changes were made to the descriptions of BPC sections 5536.5, 5577, 5579, 5582.1, 5583, 5584, 5585, 5586, and 140 to more accurately reflect the nature of the violations. Ms. Welch stated that the public, Administrative Law Judges, Deputy Attorney Generals, and Board members could benefit from including a citation section in the *Disciplinary Guidelines*.

Mr. Baker commented that citation classes "A," "B," and "C" appear not to be listed according to violation severity; he also opined that the description of a class "C" violation lacks clarity. Ms. Welch stated that she could research the possibility of reorganizing the class of violations, and explained that class "C" violations are less severe violations that do not involve loss of life or serious damage to property. She informed that the inserted language is the actual regulatory language, and that a review of the regulation is needed to decipher the intent of the Board when it approved the current language. Mr. Gutierrez observed that class "A" violations pertain to behavior by unlicensed individuals, while class "B" and "C" violations concern behavior by licensees. Ms. Serrano opined that financial penalties should be greater for violations committed by unlicensed practitioners than for licensed practitioners to better deter the unlicensed practice of architecture. Ms. Hegje noted that the financial penalty for class "C" violations (licensed) begins at $250, while the penalty for class "A" violations (unlicensed) begins at $750. Ms. Serrano commented that the maximum administrative fine for all classes is $2,500, and opined that the maximum class "A" fines should always be greater than those of the other classes. Ms. Mayer suggested the Board re-examine this regulation for potential changes as part of its next Strategic Planning session. The Board agreed that this discussion should be revisited at its next Strategic Planning session.

Ms. Welch reminded the Board that the new citation section as proposed under General Considerations regarding the Board's citation authority does not need to be included in the *Disciplinary Guidelines*. She explained that citations are not formal discipline and the Board typically focuses terms of *Disciplinary Guidelines* under formal discipline. Ms. Welch

emphasized the importance of proceeding with the regulatory change to amend the Guidelines. The Board agreed to further evaluate the citation regulations at a future date.

- **Jon Alan Baker moved to approve the citation language for inclusion in the Board's *Disciplinary Guidelines* and reserve the right to modify the language at a future date.**

  Ebony Lewis seconded the motion.

Ms. Welch recommended an amended motion.

- **Jon Alan Baker amended the motion to approve the proposed regulatory changes to the Board's *Disciplinary Guidelines* and to CCR section 154 as modified, direct the EO to take all steps necessary to initiate the rulemaking process, authorize the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period, and no hearing is requested, adopt the proposed regulatory changes, as modified.**

  Ebony Lewis seconded the motion.

  Members Baker, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Members Campos and Pearman were absent at the time of vote. The motion passed 8-0.

M. REVIEW OF FUTURE BOARD MEETING DATES

Mr. McCauley informed that the Board is scheduled to next meet on June 13, 2018, in Southern California; on September 12, 2018, in the Bay Area; and on December 13-14, 2018, in Sacramento.

N. RECONVENE CLOSED SESSION

The Board reconvened closed session to:

1. Consider action on the December 7, 2017 Closed Session Minutes; and
2. Deliberate on disciplinary matters.

O. RECONVENE OPEN SESSION

The Board reconvened open session. Ms. Kwan administered the Oath of Office to Ms. Mayer, who will serve as "Interim Executive Officer," effective March 2, 2018, until the position of EO is filled.

P. ADJOURNMENT

The meeting adjourned at 2:32 p.m.

DRAFT

REVIEW AND POSSIBLE ACTION ON MARCH 1, 2018 BOARD MEETING MINUTES

The Board is asked to review and take possible action on the minutes of the March 1, 2018 Board meeting.

Attachment:
March 1, 2018 Board Meeting Minutes (Draft)

INTERIM EXECUTIVE OFFICER'S REPORT

1. Update on Board's Administration/Management, Examination, Licensing, and Enforcement Programs

2. Update on Board's Budget

UPDATE ON BOARD'S ADMINISTRATION / MANAGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS

Interim Executive Officer, Vickie Mayer, will provide the Board with an update on its administration/management, examination, licensing, and enforcement program activities.

Attachments:
1. Monthly Report (May 2018)
2. Enforcement Program Report (as of May 31, 2018)

Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MEMORANDUM

DATE: June 1, 2018

TO: Board and Landscape Architects Technical Committee (LATC) Members

FROM: Vickie Mayer, Interim Executive Officer

SUBJECT: MAY 2018 MONTHLY REPORT

The following information is provided as an overview of Board activities and projects as of May 31, 2018.

ADMINISTRATIVE/MANAGEMENT

Board The next Board meeting is scheduled for June 13, 2018, in Sacramento to accommodate candidates interviewing for the Executive Officer (EO) position. The remaining Board meetings for 2018 are scheduled for September 12, 2018, in the Bay Area; and December 13-14, 2018, in Sacramento. The December meeting will include a Strategic Planning session.

Business Modernization In late December, the Board in collaboration with the Department of Consumer Affairs (DCA) finalized a Business Modernization Plan (Plan) to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan is an academic look at the purpose, guiding principles, objectives, and activities needed to achieve the Board's goals of business modernization. The Plan has an accompanying document, the Business Modernization Report (Report), which is an artifact specific to the Board that documents the business modernization activities that will be conducted. The Report includes proposed timelines, milestone documentation, business planning artifacts, project approval documents, among other items. Together, these documents outline a specific framework, and the Board's progress within such framework.

The primary objective of the Plan is to ensure that business modernization efforts for the Board follow a structured approach based on best practices and lessons learned, with more accurately planned, managed, and implemented technology solutions. The thorough planning, business analysis, and program-specific nature of this effort will ensure success for the Board and DCA.

2420 Del Paso Road,
Suite 105
Sacramento,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

An initial meeting was held on July 11, 2017, with the Board and DCA's Office of Change Management (OCM) to discuss the Business Modernization Plan and approach. On August 17, 2017, staff met with OCM staff to discuss the initial inventory of the Board's existing administrative, enforcement, and licensing business processes. This inventory will inform the proposed timeline for the effort, currently under development. At the request of the DCA, on October 11, 2017, staff provided suggested edits to the business processes. Staff completed the Project Charter for the business activities phase of the modernization effort. The Charter specifies our role and responsibilities as key project stakeholders. It also describes the project decision-making authority for our business area, and the commitment DCA needs from the Board to conduct a successful project. Staff and management met with SOLID on November 7, 2017, to review the draft Project Charter and discuss combining the Board and LATC charters into one document. The Charter was submitted to OCM in January 2018, after approval from the Board President and LATC Chair.

Key elements of Business Modernization specific to the needs of the Board and LATC include: 1) Business Activities, 2) Project Approval Lifecycle, and 3) System Implementation. Jason Piccione, DCA Chief Information Officer, updated the Executive Committee and the Board on the Business Modernization project; he stressed that the progression of activities to implement the Business Modernization project will be based on the overall organizational readiness of both programs and ability to support an aggressive (or less aggressive) timeframe regarding staff resources. Furthermore, he reported that Business Activities are scheduled from October 2018 through October 2019, the Project Approval Lifecycle from July 2019 through November 2020, and System Implementation from November 2020 through November 2022. The proposed schedule employs a minimum viable product strategy, which could reduce the total proposed time of implementation to November 2021. The Board business process inventory has since been finalized and provided to OCM on May 21, 2018. OCM advised they would reach out to the board near the fourth quarter to begin preparation for the mapping process in October 2018.

Because this planned approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payment for renewal applications, our highest volume transaction. Staff met with OIS on May 14, 2018 along with Release 3 boards and bureaus interested in the Interim Credit Card Acceptance Portal initiative. Staff are working with DCA Budget and Legal staff to assess the projected credit card costs. If feasible, the Board/LATC will be in the first group along with Pharmacy and Accountancy, targeted for November 2018.

Communications Committee The next Communications Committee meeting has not been scheduled at this time.

Executive Committee The Executive Committee met on May 16, 2018, in Sacramento in which the members reviewed the first draft of the Board's and LATC's Sunset Review Reports and provided input for the Board's consideration.

Legislation Assembly Bill (AB) 767 (Quirk-Silva) [Master Business License Act] would create within the Governor's Office of Business and Economic Development, or its successor, a business license center to develop and administer an online master business license system to simplify the

process of engaging in business in this state. This bill is now in the Senate, Professions, and Economic Development Committee.

AB 2138 (Chiu) [Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction] would reduce barriers to professional licensure for individuals with prior criminal convictions by limiting a regulatory board's discretion to deny a new license application or to suspend or to revoke an existing license. This bill limits a board's discretion to cases where the applicant or licensee was formally convicted of a related crime or subjected to formal discipline by a licensing board, and prohibits license denial or suspension or revocation for offenses older than five years with the exception of violent felonies, as currently established in statute. This bill has been ordered to the Senate.

AB 2182 (Levine) [Privacy: Department of Consumer Affairs: Online Platforms: Personal Data Privacy] would require the DCA to establish an Internet Web portal linked to its Consumer Information Center Internet Web page that contains links to the personal data privacy policies of online platforms, including social media, as specified. This bill has been ordered to the Senate.

AB 2483 (Voepel) [Indemnification of Public Officers and Employees: Antitrust Awards] would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the DCA for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. This bill is with the Senate Judiciary Committee.

Senate Bill (SB) 721 (Hill) [Contractors: Decks and Balconies: Inspection] would require the "exterior elevated elements" of multi-family dwelling units be inspected by a licensed architect, licensed civil or structural engineer, or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. Local jurisdictions would enforce this requirement. This bill has been referred to Assembly Business & Professions Committee and Housing & Community Development Committee, currently sitting in Business & Professions Committee.

SB 984 (Skinner) [State Boards and Commissions: Representation: Appointment**s]** would require all state boards and commissions to be comprised of a specific minimum number of women based on the total number of board or commission members on that board. This bill would also require the Office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees. This bill is in Assembly, pending referral.

SB 1137 (Vidak) [Veterans: Professional Licensing Benefits] would require the Department of Veterans Affairs and the DCA, in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans. The bill has been referred to the Assembly Veterans Affairs Committee and Business & Professions Committee, currently in Veterans Affairs Committee.

SB 1298 (Skinner) [The Increasing Access to Employment Act] would prohibit the Department of Justice (DOJ) from reporting specified records within a person's state summary criminal history information to specified requesters for employment, licensing, or certifying purposes and would require DOJ to provide the subject of the information with a copy of the summary information and

at least five days to challenge its accuracy before releasing it to the requester. This bill is dead – failed deadline pursuant to Rule 61(b)(8).

SB 1465 (Hill) [Contractors: Civil Actions: Reporting] would require a licensee to report to the Contractors State License Board registrar within 90 days of the date that the licensee has knowledge of any civil action resulting in a final judgment, executed settlement agreement, or final arbitration award against the licensee that meets specified criteria, including that the amount or value of the judgment, settlement payment, or award is $1,000,000 or greater and that the action is the result of a claim for damages to a property or person allegedly caused by specified construction activities of a licensee on any part of a multifamily rental residential structure, as specified. The bill would further require, within 30 days of all or a portion of the judgment, settlement payment, or award, an insurer providing a specified type of insurance to that licensee to report listed information relating to the judgment, settlement payment, or award to the registrar. This bill is in Assembly.

SB 1480 (Hill) [Professions and Vocations] would amend section 328 of the General Provisions of the Business and Professions Code to require the DCA to prioritize through its Consumer Protection Enforcement Initiative the enforcement of complaints against licensees involving allegations of serious harm to a minor. Other provisions of this bill are specific to individual programs. The bill is in Assembly.

Newsletter The next issue of *California Architects* is scheduled to be published in June 2018. Staff have been working with the Office of Public Affairs on an article to be published in the summer *Consumer Connection* magazine. The inclusion of an article in the magazine was an objective of the 2017-2018 Strategic Plan to explore the possibility of the Board participating in consumer events as a means of communicating directly with the public. The article provides consumer information on natural disasters and mistakes to avoid during the rebuilding, as well as consumer protection tools to ensure projects stay on track.

Sunset Review The Board's and LATC's 2018 Sunset Review Reports are due for submission to the Legislature on December 1, 2018. The draft reports were presented to the Executive Committee on May 16, 2018, for input and recommendations for the Board's consideration.

Outreach On May 21, 2018, the Board was asked by The American Institute of Architects, California Council, Associate Director of Programs, to provide input on a Path to Licensure infographic that will be disseminated to its membership. Staff is reviewing the infographic and will shortly provide its feedback.

Personnel The Board is working with DCA on the recruitment to fill the Executive Officer (EO) position. Kianna Munoz was selected to fill the Office Technician (OT) position in the Examination and Licensing Unit. Her first day at the Board was May 1, 2018. Ryan Booth was promoted into the Continuing Education Staff Services Analyst position effective May 14, 2018. Enforcement Analyst, Lisa Chullino separated from state service effective May 15, 2018. Efforts are underway to fill the vacant OT positions in the Enforcement and Examination and Licensing Units and the analyst position in the Enforcement Unit.

Social Media The Board has expanded its social media presence to include three platforms, which are shown in the following table:

Platform	Current Followers	Followers 1 Year Prior	Difference
Twitter (launched in 2014)	1,179	1,074	10%
Instagram (launched September 20, 2016)	375	142	264%
Facebook (launched June 6, 2017)	53	N/A	N/A

Training The following employee(s) have been scheduled to participate in upcoming training:

7/18-19/18 Presentations Skills for Analysts (Ryan)
7/31/18 Effective Business Writing (Ryan)
8/7/18 Interviewing Techniques for Investigators and Inspectors (Katie)
8/14/18 Completed Staff Work (Ryan)
8/29/18 Interpersonal Skills for Analysts (Ryan)
9/11/18 Basic Project Management (Ryan)
9/26/18 Research, Analysis, and Problem Solving (Ryan)

Website The Board anticipates commencing the process of migration to DCA Search during summer 2018. DCA Search will replace Web License Look Up, which is currently used by consumers for license verification. The new DCA Search will modernize the license verification tool by including compatibility for smartphones and providing consumers with enhanced licensee information. Specifically, the updated tool will: 1) allow for simple or advanced (focused) searching; 2) allow for broader searches across DCA entities: 3) continuously display up-to-date license information; and 4) enable consumers to view all license related data for a licensee (i.e., display licenses from other DCA entities and enforcement actions). Board staff will coordinate with DCA's Office of Information Services (OIS) to perform user acceptance testing before the final implementation.

EXAMINATION AND LICENSING PROGRAMS

Architect Registration Examination (ARE) The pass rates for ARE divisions taken by California candidates between April 1–30, 2018, are shown in the following tables:

April 2018 ARE 5.0

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	40	30	75%	10	25%
Practice Management	104	48	46%	56	54%
Programming & Analysis	64	30	47%	34	53%
Project Development & Documentation	90	46	51%	44	49%
Project Management	77	49	64%	28	36%
Project Planning & Design	126	58	46%	68	54%

April 2018 ARE 4.0

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Building Design & Construction Systems	38	16	42%	22	58%
Building Systems	32	16	50%	16	50%
Construction Documents & Services	175	87	50%	88	50%
Programming, Planning, & Practice	230	102	44%	128	56%
Schematic Design	21	15	71%	6	29%
Site Planning & Design	151	82	54%	69	46%
Structural Systems	55	26	47%	29	53%

National pass rates for 2017 ARE 5.0 and ARE 4.0 are shown in the following tables:

2017 ARE 5.0

DIVISION	CALIFORNIA		NATIONAL	DIFFERENCE
	Total	Passed	Passed	
Construction & Evaluation	238	54%	61%	-7%
Practice Management	488	42%	50%	-8%
Programming & Analysis	296	43%	53%	-10%
Project Development & Documentation	602	47%	56%	-9%
Project Management	292	58%	59%	-1%
Project Planning & Design	774	42%	50%	-8%

2017 ARE 4.0

DIVISION	CALIFORNIA		NATIONAL	DIFFERENCE
	Total	Passed	Passed	
Building Design & Construction Systems	607	56%	62%	-6%
Building Systems	636	56%	59%	-3%
Construction Documents & Services	1,607	46%	52%	-6%
Programming, Planning, & Practice	1,507	48%	52%	-4%
Schematic Design	317	80%	81%	-1%
Site Planning & Design	1,087	59%	64%	-5%
Structural Systems	585	59%	59%	0%

California Supplemental Examination (CSE) Staff, at the direction of the Board, researched with the Office of Professional Examination Services (OPES) the feasibility of reducing the mandatory 180 day wait time after a candidate fails the CSE while maintaining examination security and defensibility. The Board was provided an update on the research at its December 7, 2017 meeting, and directed staff to proceed with a regulatory proposal to reduce the wait time from 180 to 90 days. At its March 1, 2018 meeting, the Board received a presentation from OPES detailing how

the reduction in the wait time will be implemented in March 2019, and approved proposed regulatory language to commence the rulemaking process. Staff is currently developing a regulatory proposal for submittal and notice.

The current Intra-Departmental Contract (IAC) with the OPES for examination development for fiscal year (FY) 2017/18 expires on June 30, 2018. On March 22, 2018, the current IAC was amended to include the additional workshops required to reduce the mandatory retake waiting period. Staff is coordinating with OPES in developing a new IAC for FY 2018/19 that will be presented to the Board for approval at its June 13, 2018 meeting.

The pass rates for the CSE taken by candidates between May 1–31, 2018, and prior FYs are shown in the following tables:

May 1–31, 2018 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
125	74	59%	51	41%

FY 2017/18 CSE
(as of May 31, 2018)

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
1,011	557	55%	454	45%

FY 2016/17 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
1,096	712	65%	384	35%

NCARB Integrated Path to Architectural Licensure (IPAL) Launched in 2015, IPAL is an initiative spearheaded by NCARB and designed to provide students the opportunity to complete the requirements for licensure in a more integrated and streamlined manner while earning their accredited degree. Programs from three California schools were accepted by NCARB for

participation: NewSchool of Architecture and Design, University of Southern California, and Woodbury University; currently, there are 26 programs at 21 participating schools.

The Board sponsored an amendment to update Business and Professions Code (BPC) section 5550.2, which permits the Board to grant early eligibility to take the ARE for students enrolled in an NCARB-accepted integrated degree program. Periodically, the Board invites accepted California schools to its meetings for updates on the progress of their respective program. Woodbury University provided the Board with an update on its IPAL program at the Board's September 7, 2017 meeting.

At its October 18, 2017 meeting, the Professional Qualifications Committee voted to recommend the Board send NCARB a letter requesting it collaborate with The American Institute of Architects on reviving the Emerging Professional's Companion. The Board considered the recommendation at the December 7, 2017 Board meeting, and declined to take action on it.

The Board, on May 16, 2018, awarded the 2017 Octavius Morgan Distinguished Service Award to Norman R. Millar, former Dean of the Woodbury University, School of Architecture, for his tireless work related to IPAL. Board member Nilza Serrano made the presentation on the Board's behalf.

Professional Qualifications Committee (PQC) The PQC members are currently being polled for possible meeting date in October 2018.

ENFORCEMENT PROGRAM

Architect Consultants Building Official Contact Program: Architect consultants are available on-call to Building Officials to discuss the Board's policies and interpretations of the Architects Practice Act (Act), stamp and signature requirements, and scope of architectural practice.

Education/Information Program: Architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees. In May, there were 79 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 45 of the contacts and included inquiries regarding written contract requirements, out-of-state licensees seeking to do business in California, scope of practice relative to engineering disciplines, and questions about stamp and signature requirements.

Collection Agency Contract The Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties. At its November 5, 2015 meeting, the REC reviewed and discussed this objective, and voted to recommend to the Board that it should encourage staff to continue pursuing all avenues for collecting unpaid administrative fines, and specifically, start utilizing a collection agency for unpaid accounts aged beyond 90 days, or at the discretion of the EO. The Board approved the REC's recommendation at its December 10, 2015 meeting. Following the meeting, staff identified outstanding accounts that could be referred to a collection agency and obtained quotes for full-service debt collection services, including "skip-tracing," credit reporting, and filing legal actions as appropriate. Staff is in the process of securing a contract with a collection agency through the informal solicitation method (Government Code

(Gov.) section 14838.5) to allow the Board to refer unpaid accounts aged beyond 90 days to a collection agency. The collection agency contract is planned to be presented to the Board for review and possible action at a future meeting.

Enforcement Actions

Don Lee Brandenburger (Hillsborough) The Board issued a one-count citation that included a $500 administrative fine to Brandenburger, architect license number C-4419, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Brandenburger certified false or misleading information on his 2017 License Renewal Application. Brandenburger paid the fine, satisfying the citation. The citation became final on April 27, 2018.

David P. Hanrahan (Barrington, Rhode Island) The Board issued a two-count citation that included a $1,500 administrative fine to Hanrahan, architect license number C-25782, for alleged violations of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements) and Title 16, California Code of Regulations (CCR) section 160(b)(2) (Rules of Professional Conduct). The action alleged that Hanrahan failed to provide documentation to the Board from the course provider upon an audit of his 2017 License Renewal Application and failed to respond to the Board's requests for information regarding an investigation within 30 days. Hanrahan paid the fine, satisfying the citation. The citation became final on April 27, 2018.

Enforcement Statistics	Current Month May 2018	Prior Month April 2018	FYTD 2017/18	5-FY Avg 2012/13-2016/17
Complaints				
Received/Opened (Reopened):	35 (0)	38 (0)	357 (1)	314 (3)
Closed:	56	21	325	305
Average Days to Close:	129 days	128 days	99 days	days
Pending:	147	167	144*	109
Average Age of Pending:	187 days	176 days	149 days*	151 days
Citations				
Issued:	12	9	61	40
Pending:	22	12	12*	10
Pending AG: †	2	2	3*	4
Final:	1	2	40	37
Disciplinary Actions				
Pending AG:	5	4	4*	4
Pending DA:	1	1	0*	2
Final:	0	0	3	2
Continuing Education (§5600.05)**				
Received/Opened:	13	16	97	58
Closed:	18	13	97	55
Pending:	12	17	13*	21
Settlement Reports (§5588)**				

Received/Opened:	1	2	14	30
Closed:	2	1	13	30
Pending:	12	13	11*	8

* *Calculated as a monthly average of pending cases.*
** *Also included within "Complaints" information.*
† *Also included within "Pending Citations."*

Most Common Violations The majority of complaints received are filed by consumers for allegations such as unlicensed practice, professional misconduct, negligence, and contract violations, or initiated by the Board upon the failure of a coursework audit.

During FY 2017/18 (as of May 31, 2018) 40 citations with administrative fines became final with 47 violations of the provisions of the Act and/or Board regulations. Below are the most common violations that have resulted in enforcement action during the current FY:

- BPC section 5536(a) - Practice Without License or Holding Self Out as Architect [10.6%]
- BPC section 5536.1(c) - Unauthorized Practice [4.3%]
- BPC section 5536.22(a) - Written Contract [2.1%]
- BPC section 5584 - Negligence or Willful Misconduct [2.1%]
- BPC section 5600.05(a)(1) or (b) - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements [72.4%]
- CCR section 134(a) - Use of the Term Architect [2.1%]
- CCR section 160(b)(1) or (2) - Rules of Professional Conduct (Willful Misconduct) [6.4%]

Regulatory Proposals *CCR section 152.5 (Contest of Citations, Informal Conference)* - Staff developed proposed regulatory language to amend CCR section 152.5 to allow the EO to delegate to a designee, such as the Assistant Executive Officer or the Enforcement Program Manager, the authority to hold an informal conference with a cited person and make a decision to affirm, modify, or dismiss a citation. The proposed regulatory language also contains additional revisions to CCR section 152.5, including: changing the deadline for requesting an informal conference for consistency with the deadline for requesting a formal administrative hearing; authorizing the EO or a designee to extend the 60-day period for holding the informal conference for good cause; and clarifying that the decision to affirm, modify, or dismiss a citation is made following (rather than at the conclusion of) an informal conference, and a copy of the decision will be transmitted to the cited person within 30 days after the conference. The REC reviewed and discussed staff's draft proposed regulation to amend CCR section 152.5 at its November 8, 2016 meeting, and voted to recommend to the Board that it approve the regulation and authorize staff to proceed with the regulatory change. At its December 15, 2016 meeting, the Board approved the proposed regulation to amend CCR section 152.5, authorized staff to proceed with the required regulatory change to amend CCR section 152.5, and delegated authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and make minor technical or non-substantive changes to the language, if needed. Staff is preparing the proposed regulatory package for submission to DCA for review, prior to publicly noticing with the Office of Administrative Law (OAL).

CCR section 154 (Disciplinary Guidelines) - The Board's 2013 and 2014 Strategic Plans included an objective to review and update the Board's *Disciplinary Guidelines*. The REC reviewed recommended updates to the Board's *Disciplinary Guidelines* in 2013 and 2014. Additionally, at

the request of the REC, staff consulted with a representative of AIACC to address a proposed modification to the "Obey All Laws" condition of probation. The representative concurred with the revision and indicated that there was no issue with the proposal. Staff then consulted with the REC Chair who agreed to provide the *Disciplinary Guidelines* with recommended revisions to the Board for consideration at its December 2014 meeting due to the target date established for the Strategic Plan objective. At its December 2014 meeting, the Board approved the proposed revisions to the *Disciplinary Guidelines* and authorized staff to proceed with a regulatory proposal to amend CCR section 154 in order to incorporate the revised *Disciplinary Guidelines* by reference. Staff prepared the required regulatory documents for the Board's review and approval at its June 10, 2015 meeting. The Board approved the proposed regulatory language to amend CCR section 154 at its June 10, 2015 meeting and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed.

At its August 6, 2015 meeting, the LATC reviewed recommended updates to LATC's *Disciplinary Guidelines* based on the revisions made to the Board's *Guidelines*. Following the meeting, Legal Counsel advised LATC staff that additional research may be necessary regarding Optional Conditions 9 (CSE) and 10 (Written Examination) in LATC's *Guidelines*. LATC staff subsequently discussed the matter with Legal Counsel on September 30, 2015. Board staff reviewed Legal Counsel's comments as they relate to the Board's *Disciplinary Guidelines*, and determined the Board's *Guidelines* would also need to be amended. On October 21, 2015, Board and LATC staff sent proposed edits to these conditions to Legal Counsel for review. Legal Counsel notified Board and LATC staff on November 12, 2015, that the proposed edits were acceptable, but substantive, and would require re-approval by the Board.

On November 25, 2015, Legal Counsel further advised staff to include the current version of the Board's Quarterly Report of Compliance form (1/11) as "Attachment A" in the Board's *Disciplinary Guidelines*, as this method was previously approved by OAL for the 2000 edition of the *Guidelines*. At its December 10, 2015 meeting, the Board reviewed and approved the additional recommended revisions to the Board's *Disciplinary Guidelines* and the proposed regulation to amend CCR section 154, and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for Legal Counsel's review and approval on March 15, 2016. On April 8, 2016, Legal Counsel advised staff that further substantive changes were necessary prior to submission to OAL. Staff developed recommended revisions to the *Guidelines* in response to Legal Counsel's concerns, and presented those revisions to the REC for review and consideration at its November 8, 2016, meeting. At the meeting, the REC voted to recommend to the Board that it approve the additional revisions to the *Disciplinary Guidelines* and authorize staff to proceed with the regulatory change to amend CCR section 154. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR section 154 were presented to the Board for consideration at its December 15, 2016 meeting. At the meeting, the Board approved the additional revisions to the *Disciplinary Guidelines* and the proposed regulation to amend CCR section 154, authorized staff to proceed with the required regulatory change to amend CCR section 154 in order to incorporate the revised *Guidelines* by reference, and delegated authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and make minor technical or non-substantive changes to the language, if needed.

Following the December 15, 2016 Board meeting, LATC staff updated LATC's *Disciplinary Guidelines* to include the approved revisions that are appropriate for LATC. On July 13, 2017, LATC approved the revised *Guidelines* and recommended that they be presented to the Board for approval. On September 5, 2017, Legal Counsel advised LATC staff that additional substantive changes to LATC's *Guidelines* and the proposed language to amend CCR section 2680 were necessary prior to Board approval and submission of the regulatory package. The Board approved the revisions to LATC's *Guidelines* and the proposed language to amend CCR section 2680, including the necessary changes identified by Legal Counsel, at its September 7, 2017 meeting. Following the meeting, Board staff reviewed Legal Counsel's recommendations as they relate to the Board's *Disciplinary Guidelines* and determined that they would also need to be amended. Staff prepared additional, recommended revisions to the Board's *Guidelines* and the proposed language to amend CCR section 154 in response to Legal Counsel's recommendations, and presented those revisions to the Board for review and approval at its December 7, 2017 meeting. At the meeting, the Board accepted the additional revisions to the *Guidelines*, and directed Legal Counsel and staff to conduct further research to determine if the Board has the statutory authority to impose fines through the disciplinary process and whether it should be referenced in the *Guidelines*.

Legal Counsel subsequently researched the Board's statutory authority to assess an administrative penalty or fine through discipline and found that BPC section 5565(d) authorizes the Board to assess a fine for any of the causes of action specified in BPC section 5577 (Conviction of a Crime Substantially Related to the Qualifications, Duties, or Functions of an Architect), and BPC section 5588(e) authorizes the Board to impose a civil penalty against a licensee who fails to report a civil action judgment, settlement, or arbitration award of $5,000 or greater against the licensee to the Board within 30 days. Based on Legal Counsel's research, staff revised the Board's *Disciplinary Guidelines* to: 1) include the fine and civil penalty provisions authorized by BPC sections 5565(d) and 5588(e); 2) provide information regarding the Board's citation authority in the General Considerations section; and 3) update the descriptions of BPC sections 140, 5536.5, 5577, 5579, 5582.1, 5583, 5584, 5585, and 5586, to more accurately reflect the nature of the violations. At its March 1, 2018 meeting, the Board reviewed and approved the proposed regulatory changes to the *Disciplinary Guidelines* and CCR section 154 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified. Staff is preparing the proposed regulatory package for submission to DCA, prior to publicly noticing with OAL.

<u>Regulatory and Enforcement Committee (REC)</u> The next REC meeting is planned for the summer in Sacramento. At this meeting, the Committee will continue its work on assigned objectives from the 2017–2018 Strategic Plan.

<u>Written Contract (BPC section 5536.22)</u> A proposal was previously submitted by the Board to the Senate Business, Professions and Economic Development Committee (BP&ED) for possible inclusion in an omnibus bill. The amendment to BPC section 5536.22 sought to clarify that the following elements are needed in architects' written contracts with clients for professional services: 1) a description of the project; 2) the project address; and 3) a description of the procedure to accommodate contract changes. BP&ED staff determined that the proposal was substantive

and, as such, would need to be included in another bill. At its April 28, 2016 meeting, the REC accepted staff's recommendation to also include a: 1) statement identifying the ownership and/or reuse of instruments of service prepared by the architect; and 2) notification to the client that the architect is licensed by the Board, in the amendment to BPC section 5536.22. Staff developed proposed language for BPC section 5536.22 to include these two additional elements, and presented it to the REC for consideration at its November 8, 2016 meeting. At the meeting, the REC supported adding the two additional provisions to the written contract requirement, but expressed concerns that the use of the word "complaints" in the proposed language for subsection (a)(9) could result in frivolous complaints to the Board against architects. The REC ultimately voted to recommend to the Board that it approve the proposed language to amend BPC section 5536.22 with the words "concerns about" instead of "complaints concerning" in the proposed subsection (a)(9). The Board considered the REC's recommendation at its December 15, 2016 meeting, and approved the proposed language to amend BPC section 5536.22 with the exception of proposed subsection (a)(9); the Board returned subsection (a)(9) to the REC for further study and consideration of alternative methods of disclosure. The language was submitted to the BP&ED Committee on October 27, 2017, for consideration to be included in the 2018 Omnibus Committee bill. BP&ED staff determined that the proposal would not be included in the omnibus bill because it was deemed substantive, and instead, suggested that the Board present it to the Legislature for consideration via the "New Issues" section of the Sunset Review Report.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

LATC ADMINISTRATIVE/MANAGEMENT

Business Modernization Refer to section under Board's Administrative/Management.

Committee Susan Landry was appointed by the Speaker of the Assembly to the LATC. The effective date of the appointment was April 19, 2018 and her term ends June 1, 2018.

The LATC met on May 4, 2018 in Sacramento. The next meetings are scheduled for July 20, 2018 (Southern California) and November 15-16, 2018 (Sacramento). The LATC is currently working to secure a meeting location for its meeting on July 20, 2018.

Social Media The LATC maintains a Twitter account that currently has 145 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Website In May, staff published the updated "Licensee Search" lists to the website.

The LATC is anticipated to begin the process of transitioning to the DCA's updated and modernized Web License Look Up in Summer 2018. Presently, the LATC's License Look Up feature is a PDF that is updated and re-posted on the website on a monthly basis. DCA seeks to include LATC on its modernized license search feature, which will be compatible for smart phones and provide consumers with enhanced licensee information. Specifically, this new search tool will enable the LATC to display current information on an ongoing basis as well as enable consumers

to view all license related data for a licensee (i.e., display all licenses that a person may hold from DCA's boards and bureaus as well as enforcement actions). It will also make searches easier by enabling search filters to distill search results. At the onset of conversion, LATC staff will engage with DCA's OIS to engage in user-testing before rollout of the Web License Look Up.

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) LATC's current Intra-Departmental Contract with OPES for examination development expires on June 30, 2018. Staff coordinated with OPES to develop a new IAC for FY 2018/19 which was approved by the LATC at its May 4, 2018 meeting. OPES provides the LATC with Occupational Analysis (OA) and examination development services. BPC section 139 requires that an OA be conducted every five to seven years. An OA was completed by OPES for the LATC in 2014. The Test Plan developed from the 2014 OA is being used during content development of the CSE. The CSE development is based on an ongoing analysis of current CSE performance and evaluation of examination development needs. Staff recruits subject matter experts to participate in examination development workshops to focus on item writing and examination construction.

CSE Results The pass rates for the CSE taken by candidates during FY 2017/18, and prior FYs are shown in the following tables:

FY 2017/18 (as of May 31, 2018)

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
181	97	54%	84	46%

FY 2016/17 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
153	80	52%	73	48%

FY 2015/16 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
132	94	71%	38	29%

Landscape Architect Registration Examination (LARE) The LARE was administered from April 9-21, 2018. The candidate application deadline was February 23, 2018. Examination results will be released five-six weeks following the last day of administration.

The pass rates for LARE sections taken by California candidates during the December 4-16, 2017, administration are shown below:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	70	40	57%	30	43%
Inventory and Analysis	69	43	62%	26	38%
Design	65	49	75%	16	25%
Grading, Drainage and Construction	75	50	66%	25	33%

National pass rates for LARE sections taken in 2017 are shown below:

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	**Passed**	**Total**	**Passed**	
Project and Construction Management	235	66%	1,192	72%	-6%
Inventory and Analysis	225	66%	1,108	73%	-7%
Design	223	66%	1,094	70%	-4%
Grading, Drainage and Construction Documentation	224	66%	1,136	68%	-2%

Regulatory Proposals *CCR sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)*- At its meeting on February 10, 2015, LATC directed staff to draft proposed regulatory language to specifically state that California allows reciprocity to individuals who are licensed in another jurisdiction, have 10 years of practice experience, and have passed the CSE. At the LATC meeting on November 17, 2015, the Committee approved proposed amendments to CCR section 2615(c)(1), and recommended that the Board authorize LATC to proceed with a regulatory change. At its December 10, 2015 meeting, the Board approved the regulatory changes and delegated authority to the EO to adopt the corresponding regulations to amend CCR section 2615 provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed.

The LATC received extensive input during the public comment period expressing concern about the proposed length of post-licensure experience (at least 10 years, within the past 15 years) to be required of reciprocity candidates who do not meet California's educational requirements (specifically, a degree in landscape architecture). At its November 4, 2016 meeting, LATC reviewed and discussed the public comments, heard from several members of the audience, and directed staff to provide additional research and possible options for its next meeting in January 2017. At its January 17, 2017 meeting, the Committee directed staff to draft proposed regulatory language allowing reciprocity licensure to applicants licensed to practice landscape architecture by any US jurisdiction, Canadian province, or Puerto Rico, upon passing the CSE. Staff consulted with legal counsel to draft new, proposed regulatory language in accordance with the Committee's direction. Staff was also advised that it would be more timely to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Government Code (GC) section 11346.4, the one-year deadline to finalize the existing regulatory proposal was August 12, 2017, which did not allow sufficient time to complete the required review/approval process through the control agencies.

At its April 18, 2017 meeting, the Committee approved the new proposed regulatory language to amend CCR section 2615(c)(1) and recommended that the Board authorize LATC to proceed with the regulatory change. The LATC's recommendation was considered by the Board at its June 15, 2017, meeting. Following discussion, the Board voted to reject the proposed regulatory language. The Board directed staff to prepare a proposal that addresses both the LATC's initial and reciprocal licensure requirements, and that closely aligns with the Board's current licensure requirements. The Board requested that the LATC's proposal should be presented to the Board at its next meeting.

At the July 13, 2017 meeting, the LATC reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal. This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The Committee voted to establish an Education and Experience Subcommittee (Subcommittee) to determine the execution for these proposed pathways to licensure. Specifically, the Committee directed the Subcommittee to determine the appropriate amount of credit to grant for these new pathways, and define related versus unrelated degrees and the execution of an 'experience-only' pathway. The Subcommittee met on October 3, 2017, and issued recommendations in accordance with its charge. These

recommendations were provided to the LATC at its meeting on November 2, 2017. The LATC made minor revisions to the Subcommittee's recommendations and voted to recommend to the Board the approval of amendments to CCR section 2620. Upon the Board's review of amendments for CCR section 2620 during its meeting on December 7, 2017, the Board voted to approve the language. As initial licensing provisions and reciprocity provisions are closely tied, the LATC voted on July 13, 2017, to recommend to the Board that reciprocity requirements align with the final, amended provisions to CCR section 2620.

Further, per LATC and Board directive to align reciprocity and initial license requirements, staff evaluated CCR section 2615 to determine if updates are necessary to bring reciprocity requirements in congruence with the newly proposed initial licensure requirements. Staff determined that updates related to reciprocity are not needed as the existing language defers to CCR section 2620 to determine licensure eligibility. However, it was found that minor changes are necessary for consistency with the proposed amendments to CCR section 2620. Specifically, these changes will replace the term "Board approved degree" with "degree from an accredited program" and update a reference to CCR section 2620(a)(7). This new language was presented to the LATC for review and possible approval at their meeting on May 4, 2018. Following discussion, the Committee directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at a future Committee meeting.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR section 2615:

November 17, 2015	Proposed regulatory language approved by the LATC
December 10, 2015	Proposed regulatory language approved by the Board
August 2, 2016	Notice of Proposed Changes in the Regulations submitted to OAL
August 12, 2016	Notice of Proposed Changes in the Regulations published by OAL
September 27, 2016	Public hearing, public comments received during 45-day period
April 18, 2017	LATC voted to withdraw regulatory proposal and approved new proposed regulatory language
June 15, 2017	Board requested LATC prepare an alternate proposal that refines both initial and reciprocal licensure requirements to be more closely related to those of the Board's
July 13, 2017	LATC voted to recommend to the Board that reciprocity requirements align with initial licensure requirements once they are determined by the Education/Experience Subcommittee and approved by the LATC and the Board at subsequent meetings
October 3, 2017	The Education/Experience Subcommittee met and recommended expanded initial licensure pathways (and their respective education/ experience credit allocations) as amendments to CCR section 2620 for the LATC's consideration
November 2, 2017	LATC met to review the Education/Experience Subcommittee's recommendations and voted to recommend that the Board approve proposed amendments to CCR section 2620 to expand initial licensure pathways
December 7, 2017	Board reviewed and approved the LATC's proposed amendments to CCR section 2620

May 2018	LATC reviewed revised proposed regulatory language, to amend CCR 2615 and 2620, and directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at a future Committee meeting

CCR section 2620.5 (Requirements for an Approved Extension Certificate Program) – LATC established the original requirements for an approved extension certificate program based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB). These requirements are outlined in CCR section 2620.5. In 2009, LAAB implemented changes to their university accreditation standards. Prompted by the changes made by LAAB, LATC drafted updated requirements for an approved extension certificate program and recommended that the Board authorize LATC to proceed with a regulatory change. At the December 15–16, 2010 Board meeting, the Board approved the regulatory change and delegated authority to the EO to adopt the regulations to amend CCR section 2620.5 provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed. The regulatory proposal to amend CCR section 2620.5 was published by the OAL on June 22, 2012.

In 2012, the LATC appointed the University of California Extension Certificate Program Task Force, which was charged with developing procedures for the review of the extension certificate programs, and conducting reviews of the programs utilizing the new procedures. The Task Force held meetings on June 27, 2012, October 8, 2012, and November 2, 2012. As a result of these meetings, the Task Force recommended additional modifications to CCR section 2620.5 to further update the regulatory language with LAAB guidelines and LATC goals. At the November 14, 2012 LATC meeting, LATC approved the Task Force's recommended modifications to CCR section 2620.5, with an additional edit. At the January 24–25, 2013 LATC meeting, LATC reviewed public comments regarding the proposed changes to CCR section 2620.5 and agreed to remove a few proposed modifications to the language to address the public comments. The Board approved adoption of the modified language for CCR section 2620.5 at their March 7, 2013 meeting.

On July 17, 2013, a Decision of Disapproval of Regulatory Action was issued by OAL. The disapproval was based on OAL's determination that the regulatory package did not meet the necessity standard of the GC section 11349.1, subdivision (a)(1). GC section 11349(a) defines "necessity" as demonstrating the need for the regulatory change through evidence not limited to facts, studies, and expert opinion. Based on OAL's disapproval, staff worked with DCA Legal Counsel and the Task Force Chair to refine the proposed language and identify appropriate justification that would meet OAL's requirements.

In May 2014, the LATC Special Projects Analyst prepared draft language for CCR section 2620.5 incorporating Legal Counsel's recommendation that regulatory language be added to address the application, approval, denial, and annual review processes. On December 8, 2014, staff was advised by LAAB that the accreditation standards are scheduled to be reviewed and updated beginning with draft proposals in the spring of 2015. LAAB anticipated adopting new standards in early 2016. On December 30, 2014, staff met with the Task Force Chair to discuss proposed changes to CCR section 2620.5 and the probability that new LAAB accreditation standards will be implemented in 2016. Staff also met with Legal Counsel on January 14, 2015, to discuss

justifications to proposed changes and again on January 28, 2015, to further review edits and justifications.

Proposed regulatory language was presented to the LATC at its February 10–11, 2015 meeting. At this meeting, the Committee approved the appointment of a new working group to assist staff in substantiating recommended standards and procedures in order to obtain OAL approval. Linda Gates and Christine Anderson, former LATC members and University of California extension program reviewers, were appointed to the working group.

On June 5, 2015, LAAB confirmed that they are in the process of updating their Standards and Procedures for the Accreditation of Landscape Architecture Programs. The process included a public call for input and commentary that took place in the fall of 2014. LAAB met in the summer of 2015 to draft revisions to the Standards. In the fall of 2015, additional public input and comments were received.

On October 8, 2015, LATC received a copy of LAAB's proposed revisions which included several suggested changes to curriculum requirements. LAAB implemented its new Accreditation Standards and Procedures in March 2016, making significant changes to the curriculum requirements beginning in 2017. Staff recommended that LATC review the LAAB Accreditation Standards and Procedures at its January 2017 meeting, and determine how to proceed. Prior to the meeting, Stephanie V. Landregan, Director of the University of California Los Angeles Extension Certificate program, requested that discussion be postponed until the April 18, 2017 LATC meeting. Her request was granted, and this topic was tabled, accordingly.

At the April 18, 2017 LATC meeting, the Committee heard comments from Mses. Landregan and Anderson, president-elect of the Council of Landscape Architectural Registration Boards, that offered insight on how LATC could incorporate LAAB accreditation standards and continue to approve University of California Extension Certificate programs. In addition, the LATC was presented with several written public comments addressing the University of California Extension Certificate programs. After discussion, the Committee directed staff to form a subcommittee to recommend regulatory changes for LATC's consideration at a later meeting date.

At this time, staff is working with Legal Counsel to assess possible regulatory changes and plan to discuss this matter with the LATC during its July 20, 2018 meeting.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR section 2620.5:

November 22, 2010	Proposed regulatory language approved by LATC
December 15, 2010	Proposed regulatory language approved by Board
June 22, 2012	Notice of Proposed Changes in the Regulations published by OAL (Notice re-published to allow time to notify interested parties)
August 6, 2012	Public hearing, no public comments received
November 30, 2012	40-Day Notice of Availability of Modified Language posted on website
January 9, 2013	Written comment (one) received during 40-day period
January 24, 2013	Modified language to accommodate public comment approved by LATC
February 15, 2013	Final rulemaking file submitted to DCA's Legal Office and Division of

	Legislative and Policy Review
March 7, 2013	Final approval of modified language by Board
May 31, 2013	Final rulemaking file submitted to OAL for approval
July 17, 2013	Decision of Disapproval of Regulatory Action issued by OAL
August 20, 2013	LATC voted not to pursue a resubmission of rulemaking file to OAL
February 21, 2014	Staff worked with Task Force Chair to draft justifications for proposed changes
December 8, 2014	LAAB reported that accreditation standards are scheduled to be reviewed and updated in 2015
February 10, 2015	LATC approved the appointment of a new working group to assist staff
October 8, 2015	LATC received LAAB's suggested revisions to curriculum requirements
March 2016	LAAB implemented its new Accreditation Standards and Procedures
April 18, 2017	LATC directed the formation of a subcommittee to recommend regulatory changes for LATC's consideration
March 2018	LATC staff consulted with legal counsel regarding previously proposed amendments to CCR 2620.5

CCR sections 2624 (Expired License – Three Years After Expiration) and 2624.1 (Expired License – Five Years After Expiration) – Senate Bill (SB) 800 amended Business and Professions Code (BPC) section 5680.2 to authorize a license to be renewed within five years of its expiration. The bill also prohibits a license that is expired for more than five years from being renewed, restored, reissued, or reinstated, but would authorize the holder of the expired license to apply for a new license, as specified. SB 800 was approved by the Governor on October 7, 2017, and took effect on January 1, 2018.

With the passage of SB 800, CCR sections 2624 and 2624.1 are obsolete as they delineate application processes for re-licensure requirements that are no longer specified in statute. Accordingly, LATC staff have begun work on an Initial Statement of Reasons and Notice to repeal CCR sections 2624 and 2624.1

2017–2018 Strategic Plan Below is a summary of progress made toward the Strategic Plan objectives:

Revamp the Website (Using the Board's website as a possible template) to be More User-Friendly for Consumers - In pursuit of fulfilling this Strategic Plan objective, a developmental website has been developed using the California Department of Technology's (CDT) template for state government websites. The purpose for this template is to provide all state government websites a standardized look and feel as well as implement a consistent display of information across state agencies. Staff utilized v5 of the California State Template and the Board's website as a model. The developmental website contains the same information as the LATC's existing website; however, the information on the developmental website is displayed in a manner consistent with CDT standards as well as the Board's own layout.

The proposed developmental website was presented to the LATC at its May 4, 2018 meeting. The Committee approved the developmental website with additional revisions. Staff will work with OIS to replace the existing website with the new layout which will fulfill this objective.

Expand Credit for Education Experience - to include degrees in related areas of study, i.e., urban planning, environmental science or horticulture, etc., to ensure that equitable requirements for education are maintained. At the November 17, 2015 LATC meeting, the Committee directed staff to agendize this objective at its next meeting. At its meeting on February 10, 2016, the Committee agreed to table the objective until its upcoming Strategic Planning session in January 2017. At its January 17, 2017 meeting, the Committee considered options of granting education credit for related, as well as unrelated, degrees in landscape architecture or architecture. After discussion and receiving public comments, the Committee directed staff to conduct a public forum to receive additional input from the public by the next scheduled meeting, on April 18, 2017. Accordingly, staff scheduled two public forums to take place in northern and southern California, respectively, to enhance accessibility for public participation.

The first public forum was held on March 17, 2017, in Sacramento. Twelve participants attended the forum, which was facilitated by DCA SOLID. Participants were advised that the forum was for the sole purpose of gathering public input for consideration by the Committee. Accordingly, the feedback collected ranged from comments of support, opposition, and general feedback toward the expansion of education requirements.

The second public forum was held on April 18, 2017, in Pomona during the LATC meeting. Seventeen participants attended the forum, which was opened with a PowerPoint presentation by Program Manager Brianna Miller. Chair Patricia Trauth called on members of the public for comment. Feedback collected during the forum addresses support and opposition to the expansion of education requirements. LATC staff also collected all submitted written comments and presented them to the Committee for consideration.

At the June 15, 2017 Board meeting, the Board directed the LATC to develop a proposal to align its initial and reciprocal licensure requirements with one another, and where possible, mirror those of the Board.

At the July 13, 2017 LATC meeting, the Committee reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal Counsel. This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The Committee voted to establish an Education/Experience Subcommittee (Subcommittee) to determine the execution for these proposed pathways to licensure. Specifically, the Subcommittee was charged to define related and non-related degrees (baccalaureate and associate) and experience-only pathways and prescribe allowable credit for initial licensure.

The Subcommittee met on October 3, 2017, in Sacramento. The meeting discussion was facilitated by DCA SOLID. During the meeting, the Subcommittee discussed and determined recommended credit for each of the five initial licensure pathways under its charge and identified degrees to be defined as "related degrees."

At the November 2, 2017 LATC meeting, the Committee reviewed the Subcommittee's recommendations to amend CCR section 2620. The recommendations included prescribed education and experience credit for the following proposed pathways: Related Degrees (Accredited), Related Degrees (Unaccredited), Any Bachelor's Degree, and Experience-Only.

The LATC accepted the Subcommittee's recommended pathways as presented with a modification to degrees accepted under the proposed "Related Degrees (Unaccredited)" category to be accepted under "Any Bachelor's Degree".

The LATC voted to recommend to the Board the approval of amended language to CCR section 2620 that expands the approved pathways for initial licensure. This proposed language was presented to the Board during its December 7, 2017, meeting. The Board approved the amendments to CCR section 2620.

Since the Board meeting in December 2017, it was found that two additional minor changes are necessary for CCR section 2620 for consistency with the previously approved amendments. Specifically, these changes will replace the term "Board approved degree" with "degree from an accredited program" and update a reference to CCR section 2620(a)(7).

At the May 4, 2018 meeting, the Committee approved the proposed language to CCR 2620 with revisions to CCR 2620(a)(10) and CCR 2620(a)(11). The revisions would change the text of (b)(2) to (b)(1), which reference the definition of partial completion, of a landscape architecture degree or extension certificate program, in 2620(b)(1).

In addition, staff presented to the LATC proposed changes to the Certification of Experience form that are reflective of the proposed, new experience-based pathways to licensure. Resultant of this discussion, the Committee decided to suspend the progression of the regulatory change proposal for CCR sections 2620 and 2615 until staff conduct and present to the LATC during its meeting on July 20, 2018 additional research regarding the possibility of expanding the questions within the Certification of Experience form. Should the LATC opt to expand the questions pertaining to a candidate's experience, this may be impactful to the proposed regulatory language and require additional amendments.

Advocate for Council of Landscape Architectural Registration Boards (CLARB) to Institute an Internship/Experience-Based Program - to allow applicants' participation in the licensure process early and provide a more comprehensive experience component. For the LATC (and CLARB), an AXP-like program could balance the need for multiple pathways into the profession while maintaining protection of the public's health, safety and welfare.

At the July 13, 2017 LATC meeting, the Committee discussed advocating for the CLARB to develop a structured internship program similar to NCARB's AXP. The Committee voted to draft a letter to CLARB advising of NCARB's program and for CLARB to seek guidance from NCARB in order to create a similar structured internship program (using the AXP as a model). This letter was provided to CLARB on October 13, 2017. On December 5, 2017, the LATC received a letter of response from CLARB president, Ms. Anderson. In this letter, Ms. Anderson advised that CLARB will not be moving forward with this request in the absence of additional research. She further advised that CLARB is partaking in a year-long friction analysis, which could yield pertinent data.

LATC ENFORCEMENT PROGRAM

Disciplinary Guidelines As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of collaborating with the Board in order to review and update LATC's *Disciplinary Guidelines*. At its December 2014 meeting, the Board approved the proposed updates to their *Disciplinary Guidelines* and authorized staff to proceed with the required regulatory change in order to incorporate the revised *Disciplinary Guidelines* by reference. At its February 10, 2015 meeting, LATC approved proposed revisions to its *Disciplinary Guidelines* based on the recent Board approval for their *Guidelines*. Staff provided the revised *Disciplinary Guidelines* to the new Deputy Attorney General Liaison for review. He suggested several amendments, which staff added to the *Guidelines*. The amended *Disciplinary Guidelines* and proposed regulatory package were approved by LATC at its August 6, 2015 meeting and by the Board at their September 10, 2015 meeting.

On October 21, 2015, staff sent DCA Legal Counsel suggested edits to the Optional Conditions section in the *Disciplinary Guidelines* for review. Legal Counsel notified staff on November 12, 2015, that the edited portions were sufficient and substantive, and would require re-approval by the Board. On November 25, 2015, Legal Counsel further advised staff to include the current version of the Board's Quarterly Report of Compliance form (1/11) as "Attachment A" in the *Disciplinary Guidelines*. At its December 10, 2015, meeting, the Board approved the revised *Disciplinary Guidelines* and the proposed regulation to amend CCR § 2680, and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for Legal Counsel's review and approval on March 15, 2016. On April 8, 2016, Legal Counsel advised staff that further substantive changes were necessary prior to submission to OAL. Board staff developed recommended revisions to the *Guidelines* in response to Legal Counsel's concerns, and presented those revisions to the REC for review and consideration at its November 8, 2016 meeting. At the meeting, the REC voted to recommend to the Board that it approve the additional revisions to the *Disciplinary Guidelines* and authorize staff to proceed with the regulatory change to amend CCR section 154 in order to incorporate the revised *Guidelines* by reference. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR section 154 were approved by the Board at its December 15, 2016 meeting. Staff updated its *Guidelines* to include the approved revisions that are appropriate to the LATC. On July 13, 2017, the Committee approved the revised *Guidelines* and recommended they be presented to the Board for approval.

On September 5, 2017, Legal Counsel advised LATC staff that additional substantive changes to LATC's *Guidelines* and the proposed language to amend CCR section 2680 were necessary. These changes were communicated by Legal Counsel during the Board's September 7, 2017 meeting. The Board approved the revisions to LATC's *Guidelines*, including the necessary changes identified by Legal Counsel, as well as proposed language to amend CCR section 2680. Following the meeting, Board staff prepared additional, recommended revisions to the Board's *Guidelines* and the proposed language to amend CCR section 154 in response to Legal Counsel's concerns, and presented those revisions to the Board for review and approval at its December 7, 2017 meeting. At the meeting, the Board accepted the additional revisions to the Board's *Guidelines*, and directed Legal Counsel and staff to conduct further research to determine if the Board has the statutory authority to impose fines through the disciplinary process and whether it should be referenced in the

Guidelines. At its March 1, 2018 meeting, the Board was presented with and approved the additional edits to its *Disciplinary Guidelines* with no changes and authorized staff to proceed with a regulatory amendment. Following the Board's approval of its *Guidelines*, LATC staff incorporated the changes made to the Board's *Guidelines* that were relevant to the LATC's *Guidelines*. On May 4, 2018, the Committee reviewed and approved the revised *Guidelines* and recommended they be presented to the Board for approval. The LATC's *Disciplinary Guidelines* will be presented to the Board for review and approval at the June 13, 2018 Board meeting.

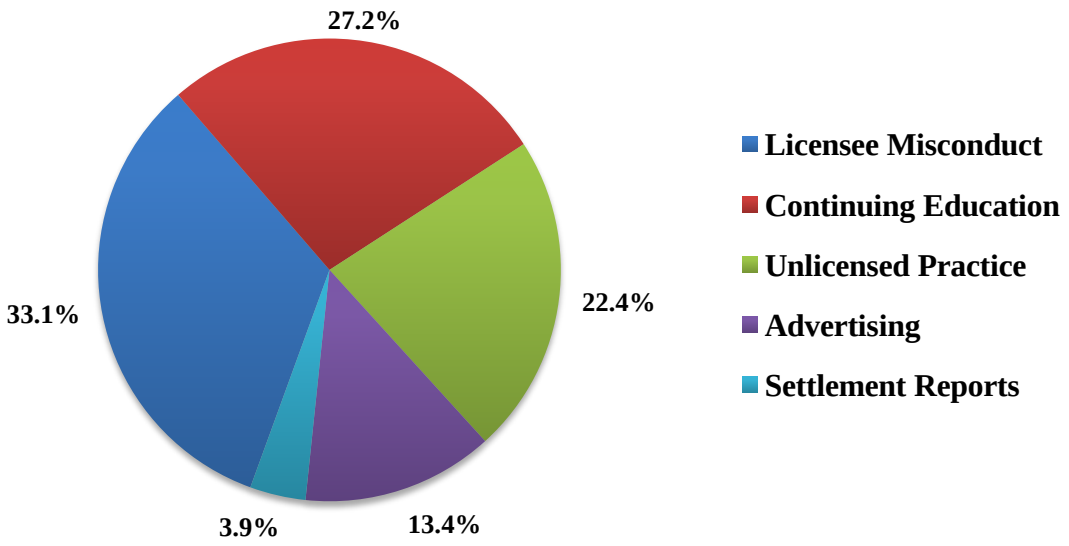
Enforcement Statistics	Current Month May 2018	Prior Month April 2018	FYTD 2017/18	5-FY Avg 2012/13-2016/17
Complaints				
Received/Opened (Reopened):	5 (0)	3 (0)	38(0)	26 (0)
Closed:	3	4	34	28
Average Days to Close:	258 days	90 days	118 days	290 days
Pending:	17	15	15*	18
Average Age (Pending):	130 days	165 days	129 days*	266 days
Citations				
Issued:	0	0	0*	3
Pending:	0	0	0*	2
Pending AG: †	0	0	0*	1
Final:	0	0	0	3
Disciplinary Actions				
Pending AG:	2	2	0*	1
Pending DA:	0	0	0*	0
Final:	0	0	0	1
Settlement Reports (§5678)**				
Received/Opened:	0	1	1	2
Closed:	1	0	3	2
Pending:	1	2	1*	2

* *Calculated as a monthly average of pending cases.*
** *Also included within "Complaints" information.*

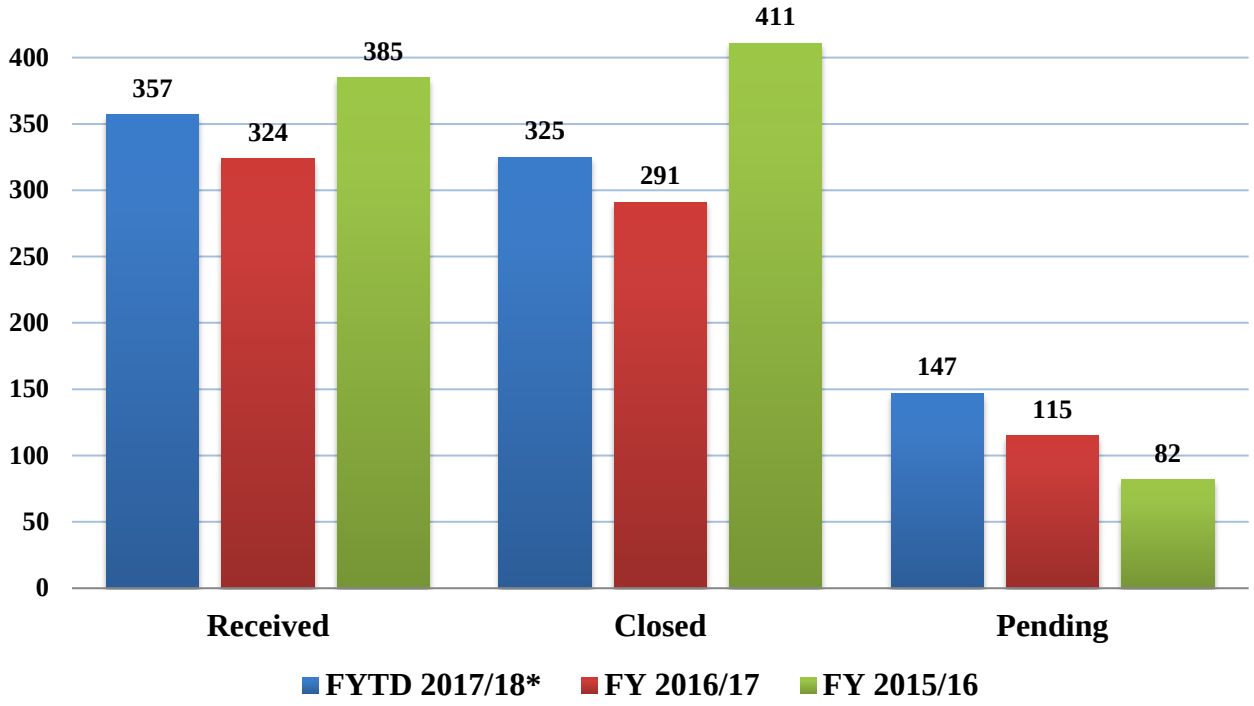
† *Also included within "Pending Citations."*

ENFORCEMENT PROGRAM REPORT

Types of Complaints Received FYTD 2017/18*

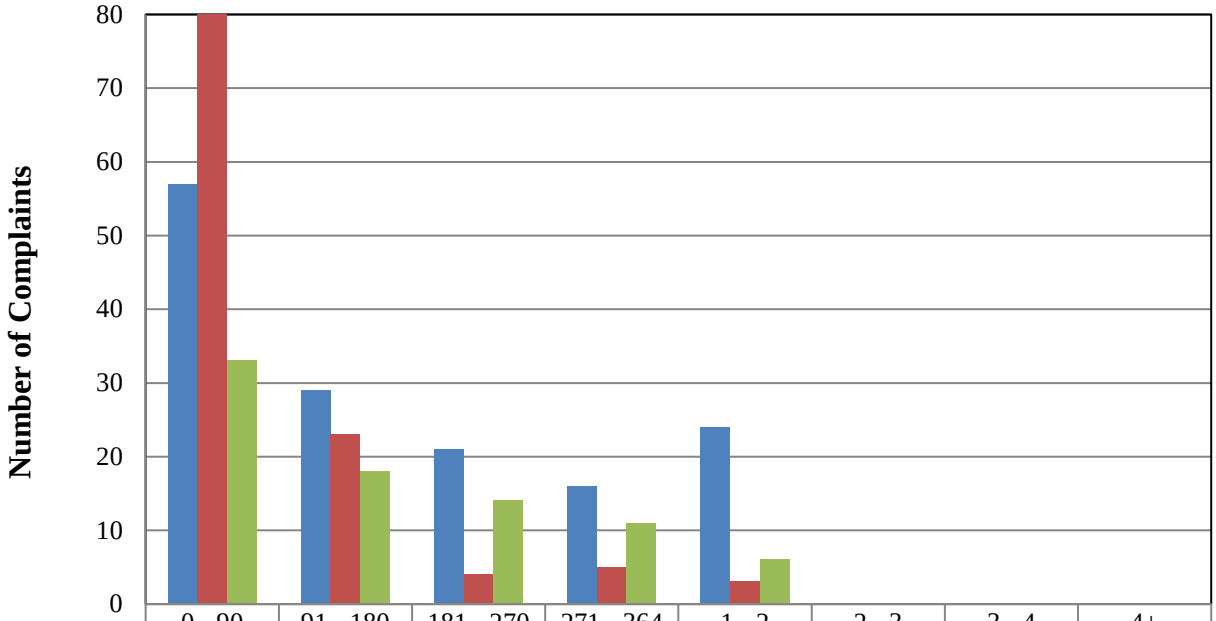


Complaints Received, Closed, and Pending by FY



* FYTD reflects data as of May 31, 2018.

Comparison of Age of Pending Complaints by FY



	0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 364 Days	1 - 2 Years	2 - 3 Years	3 - 4 Years	4+ Years
FYTD 2017/18*	57	29	21	16	24	0	0	0
FY 2016/17	80	23	4	5	3	0	0	0
FY 2015/16	33	18	14	11	6	0	0	0

* FYTD reflects data as of May 31, 2018.

Closure of Complaints by FY

Type of Closure	FYTD 2017/18*	FY 2016/17	FY 2015/16
Cease/Desist Compliance	9	67	56
Citation Issued	60	30	77
Complaint Withdrawn	8	6	6
Insufficient Evidence	14	8	20
Letter of Advisement	154	99	158
No Jurisdiction	14	13	14
No Violation	37	52	62
Referred for Disciplinary Action	5	4	4
Other (i.e., Duplicate, Mediated, etc.)	24	12	14

* FYTD reflects data as of May 31, 2018.

Disciplinary and Enforcement Actions by FY

Action	FYTD 2017/18*	FY 2016/17	FY 2015/16
Disciplinary Cases Initiated	4	2	4
Pending Disciplinary Cases	5	4	6
Final Disciplinary Orders	3	4	4
Final Citations	40	32	65
Administrative Fines Assessed	$27,500	$45,750	$79,750

* FYTD reflects data as of May 31, 2018.

Most Common Violations by FY

During FY 2017/18 (as of May 31, 2018), 40 citations with administrative fines became final with 47 violations of the provisions of the Architects Practice Act and/or Board regulations. The most common violations that resulted in enforcement action during the current and previous two fiscal years are listed below.

Business and Professions Code (BPC) Section or California Code of Regulations (CCR) Section	FYTD 2017/18*	FY 2016/17	FY 2015/16
BPC § 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect	10.6%	38.0%	24.5%
BPC § 5536.1(c) – Unauthorized Practice	4.3%	0%	4.1%
BPC § 5536.22(a) – Written Contract	2.1%	14.0%	3.1%
BPC § 5584 – Negligence or Willful Misconduct	2.1%	4.0%	5.1%
BPC § 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements**	72.4%†	16.0%	52.0%
CCR § 160(b)(2) – Rules of Professional Conduct	6.4%	6.0%	7.1%

* FYTD reflects data as of May 31, 2018.

** Assembly Bill 1746 (Chapter 240, Statutes of 2010) became effective January 1, 2011 and amended the coursework provisions of BPC section 5600.05 by requiring an audit of license renewals beginning with the 2013 renewal cycle and adding a citation and disciplinary action provision for licensees who provide false or misleading information.

† The high percentage of citations for BPC section 5600.05 violations compared to other violations is primarily due to the redirection of staffing as a result of vacancies in the Enforcement Unit.

UPDATE ON BOARD'S BUDGET

At this meeting, the Board will be updated on the Board's budget. Attached is a copy of the 1) Budget Report; 2) Analysis of Fund Condition; and 3) Budget, Expenditures, and Revenue. The Budget Report shows the prior year expenditures for fiscal year (FY) 2016/17 and expenditures (with encumbrances) and projections for current FY 2017/18. The Report also shows percentage of budget spent and expected unencumbered balance at the end of the FY. The Analysis of Fund Condition contains the Board's fund condition based on projected revenue and anticipated budget expenditure authority for FYs 2017/18 through 2020/21.

Attachments:
1. Budget Report
2. Analysis of Fund Condition
3. Budget, Expenditures, and Revenue (2010/11 - 2017/18)

CALIFORNIA ARCHITECTS BOARD - 0706
BUDGET REPORT
FY 2017-18 EXPENDITURE PROJECTION
FISCAL MONTH 10

	FY 2016-17		FY 2017-18				
OBJECT DESCRIPTION	ACTUAL EXPENDITURES (MONTH 13)	PRIOR YEAR EXPENDITURES 4/30/2017	BUDGET STONE 2017-18	CURRENT YEAR EXPENDITURES 4/30/2018	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONNEL SERVICES							
Salary & Wages (Staff)	1,232,292	990,652	**1,256,000**	944,764	75%	**1,183,251**	72,749
Statutory Exempt (EO)	111,711	92,557	**94,000**	79,680	85%	**79,680**	14,320
Temp Help Reg (Seasonals)	0	0	**0**	0	0%	**0**	0
BL 12-03 Blanket	0	0	**0**	0	0%	**0**	0
Temp Help (Exam Proctors)	0	0	**0**	0	0%	**0**	0
Board Member Per Diem	9,400	7,100	**10,000**	2,700	27%	**3,600**	6,400
Committee Members (DEC)	0	0	**0**	0	0%	**0**	0
Overtime	94	74	**0**	0	0%	**0**	0
Staff Benefits	711,189	595,455	**762,000**	475,530	62%	**595,568**	166,432
TOTALS, PERSONNEL SVC	**2,064,686**	**1,685,838**	**2,122,000**	**1,502,674**	**71%**	**1,862,099**	**259,901**
OPERATING EXPENSE AND EQUIPMENT							
General Expense	33,365	29,016	**21,440**	16,080	75%	**21,440**	0
Fingerprint Reports	0	0	**0**	0	0%	**0**	0
Minor Equipment	7,477	5,008	**29,000**	21,117	0%	**28,156**	844
Printing	9,024	6,753	**19,900**	6,016	30%	**8,021**	11,879
Communication	8,530	6,988	**9,000**	6,304	70%	**8,405**	595
Postage	20,118	15,949	**22,000**	12,762	58%	**17,016**	4,984
Insurance	24	24	**0**	0	0%	**0**	0
Travel In State	43,219	29,933	**47,160**	21,007	45%	**32,121**	15,039
Travel, Out-of-State	0	0	**0**	0	0%	**0**	0
Training	500	500	**1,000**	0	0%	**500**	500
Facilities Operations	208,522	207,408	**236,000**	176,752	75%	**235,669**	331
Utilities	0	0	**0**	0	0%	**0**	0
C & P Services - Interdept.	0	0	**100**	98	0%	**98**	2
C & P Services - External*	0	0	**0**	0	0%	**0**	0
DEPARTMENTAL SERVICES:							0
OIS Pro Rata	308,422	265,000	**381,000**	317,500	83%	**381,000**	0
Administration Pro Rata	308,799	247,500	**346,000**	288,333	83%	**346,000**	0
Interagency Services	0	0	**0**	0	0%	**0**	0
IA w/ OPES**	0	0	**0**	0	0%	**0**	0
DOI Pro Rata	7,359	6,670	**12,000**	10,000	83%	**12,000**	0
Communications Division Pro Rata	37,559	32,500	**20,000**	16,667	83%	**20,000**	0
Division of Policy and Program Review	1,962	2,500	**21,000**	17,500	83%	**21,000**	0
INTERAGENCY SERVICES:							
Consolidated Data Center	637	531	**12,000**	8,921	74%	**11,895**	105
DP Maintenance & Supply	9,852	9,562	**11,000**	5,888	54%	**7,851**	3,149
Central Admin Svc-ProRata	0	0	**0**	0	0%	**0**	0
EXAM EXPENSES:							
Exam Supplies	0	0	**0**	0	0%	**0**	0
Exam Freight	0	0	**0**	0	0%	**0**	0
Exam Site Rental	0	0	**0**	0	0%	**0**	0
Exam Contracts**	64,370	64,370	**62,000**	61,983	0%	**61,983**	17
C/P Svcs-External Expert Administrative	47,766	47,266	**45,000**	17,916	40%	**26,531**	18,469
C/P Svcs-External Expert Examiners	43,563	36,763	**85,000**	40,161	47%	**48,193**	36,807
C/P Svcs-External Subject Matter	32,452	28,053	**57,000**	25,676	0%	**30,811**	26,189
ENFORCEMENT:							
Attorney General	70,233	57,165	**78,000**	33,458	43%	**50,187**	27,813
Office Admin. Hearings	30,241	18,720	**34,400**	21,255	62%	**34,336**	64
Architect Consultant Contracts*	186,888	186,727	**190,000**	154,428	0%	**190,000**	0
Court Reporters	940	940	**0**	0	0%	**0**	0
Evidence/Witness Fees	150	100	**6,000**	0	0%	**0**	6,000
DOI - Investigations	0	0	**0**	0	0%	**0**	0
Major Equipment	0	0	**0**	0	0%	**0**	0
Special Items of Expense	10,000	10,000	**0**	0	0%	**0**	0
Other (Vehicle Operations)	500	500	**0**	0	0%	**0**	0
TOTALS, OE&E	1,492,472	1,316,446	**1,746,000**	1,279,822	73%	**1,593,214**	152,786
Special Item of Expense - Bd of Control Claims							
TOTAL EXPENSE	3,557,158	3,002,284	**3,868,000**	2,782,496	144%	**3,455,313**	412,687
Sched. Reimb. - External/Private	(705)	(235)	**0**				0
Sched. Reimb. - Fingerprints		(595)	**0**				0
Sched. Reimb. - Other			**(5,000)**			**(5,000)**	0
Sched Interdepartmental - Distributed	(26,000)		**(26,000)**			**(26,000)**	0
Unsched. Reimb. - Other	(39,368)	(30,165)	**0**				0
NET APPROPRIATION	3,491,085	2,971,289	**3,837,000**	2,782,496	73%	**3,424,313**	**412,687**

**Contracts with architect consultants normally displayed under C&P Services - External*

***Exam contracts normally displayed under Interagency w/ Office of Professional Examination Services*

SURPLUS/(DEFICIT): 10.8%

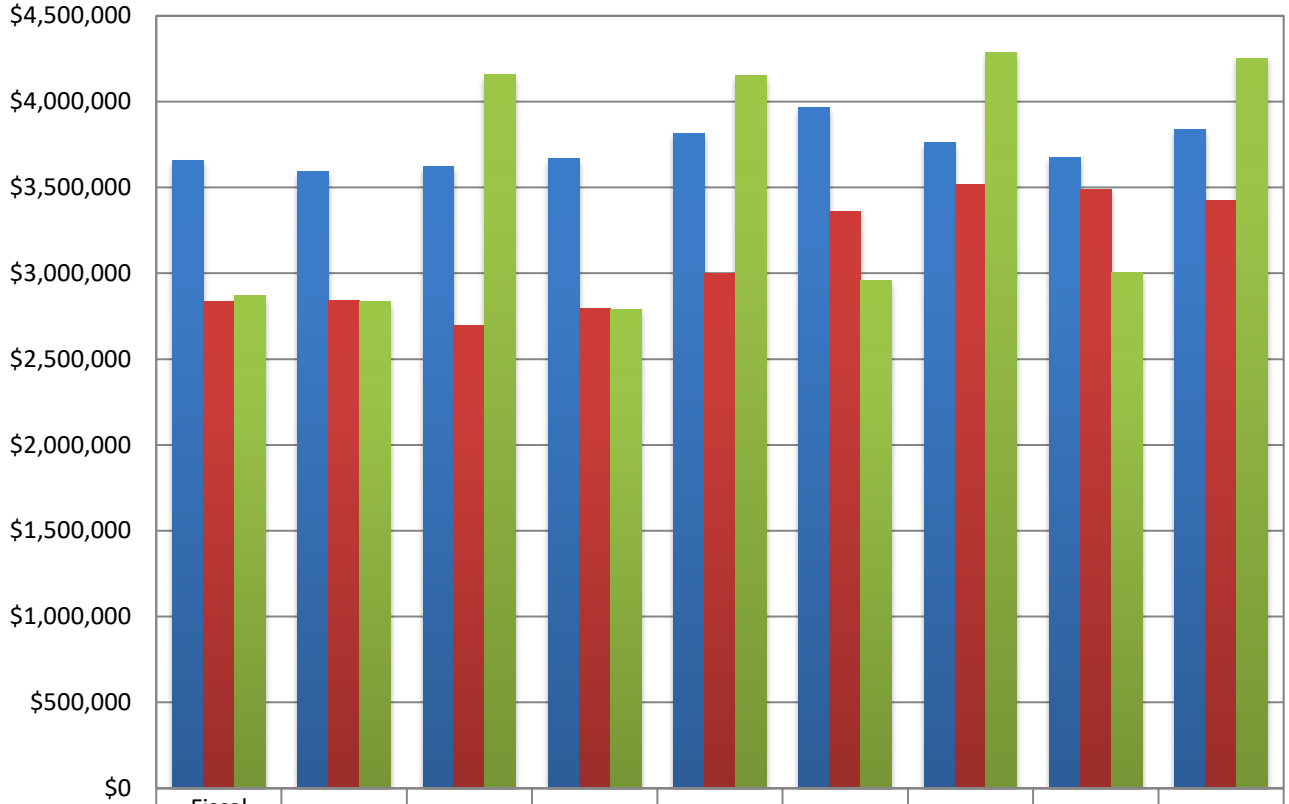
0706 - California Architects Board
Analysis of Fund Condition

Prepared 5/22/2018

2018-19 Governor's Budget

	ACTUAL 2016-17	CY 2017-18	Governor's Budget BY 2018-19	BY + 1 2019-20	BY + 2 2020-21
BEGINNING BALANCE	$ 5,651	$ 4,969	$ 5,171	$ 4,093	$ 4,209
Prior Year Adjustment	$ 7	$ -	$ -	$ -	$ -
Adjusted Beginning Balance	$ 5,658	$ 4,969	$ 5,171	$ 4,093	$ 4,209
REVENUES AND TRANSFERS					
Revenues:					
4129200 Other regulatory fees (1256)	$ 1	$ 2	$ 1	$ 2	$ 1
4129400 Other regulatory licenses and permits (1257)	$ 426	$ 468	$ 423	$ 468	$ 423
4127400 Renewal fees (1258)	$ 2,510	$ 3,696	$ 2,511	$ 3,696	$ 2,511
4121200 Delinquent fees (1259)	$ 30	$ 70	$ 30	$ 70	$ 30
4163000 Income from surplus money investments (1503)	$ 36	$ 16	$ 13	$ 13	$ 9
4171400 Escheat of unclaimed checks and warrants (1610)	$ 2	$ 1	$ 2	$ 1	$ 2
4172500 Miscellaneous revenues (1614)	$ -	$ 1	$ 1	$ 1	$ 1
Totals, Revenues	$ 3,005	$ 4,254	$ 2,981	$ 4,251	$ 2,977
Totals, Revenues and Transfers	$ 3,005	$ 4,254	$ 2,981	$ 4,251	$ 2,977
Totals, Resources	$ 8,663	$ 9,223	$ 8,152	$ 8,344	$ 7,186
EXPENDITURES					
Disbursements:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	$ 3,491	$ 3,837	$ 3,802	$ 3,878	$ 3,956
8880 Financial Information System for California (State Operations)	$ 4	$ 4	$ -	$ -	$ -
9892 Supplemental Pension Payment (State Operations)	$ -	$ -	$ 44	$ 44	$ 44
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	$ 199	$ 211	$ 213	$ 213	$ 213
Total Disbursements	$ 3,694	$ 4,052	$ 4,059	$ 4,135	$ 4,213
FUND BALANCE					
Reserve for economic uncertainties	$ 4,969	$ 5,171	$ 4,093	$ 4,209	$ 2,973
Months in Reserve	14.7	15.3	11.9	12.0	8.3

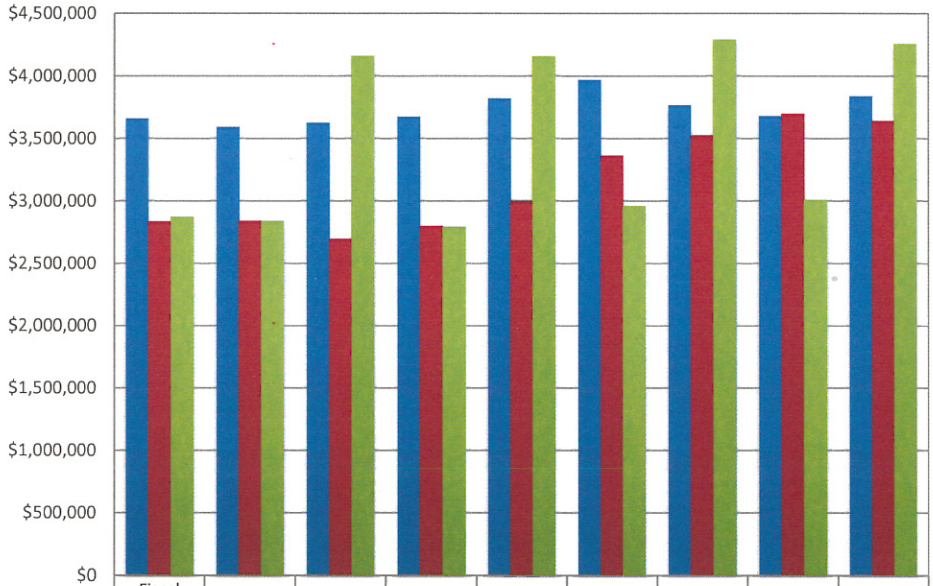
BUDGET, EXPENDITURES, AND REVENUE
(2009/10 - 2017/18)



	Fiscal Year 2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18*
Governor's Budget	3,656,000	3,591,000	3,624,000	3,671,000	3,817,000	3,968,000	3,763,000	3,677,000	3,837,000
Actual Expenditures	2,834,000	2,839,000	2,694,000	2,797,000	2,999,000	3,363,000	3,516,012	3,491,000	3,424,000
Revenue	2,870,000	2,836,000	4,156,000	2,791,000	4,153,000	2,956,000	4,288,144	3,006,000	4,254,000

*Projected

BUDGET, EXPENDITURES, AND REVENUE
(2009/10 - 2017/18)



	Fiscal Year 2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18*
Governor's Budget	3,656,000	3,591,000	3,624,000	3,671,000	3,817,000	3,968,000	3,763,000	3,677,000	3,837,000
Actual Expenditures	2,834,000	2,839,000	2,694,000	2,797,000	2,999,000	3,363,000	3,523,000	3,694,000	3,639,000
Revenue	2,870,000	2,836,000	4,156,000	2,791,000	4,153,000	2,956,000	4,288,000	3,006,000	4,254,000

*Projected

REVISED 6/12/18

DISCUSS AND POSSIBLE ACTION ON EXECUTIVE COMMITTEE'S RECOMMENDATIONS TO THE BOARD REGARDING 2017-2018 STRATEGIC PLAN OBJECTIVE TO PREPARE FOR THE SUNSET REVIEW PROCESS IN ORDER TO FACILITATE A POSITIVE OUTCOME

The Board's 2017-2018 Strategic Plan contains an objective to prepare for the Sunset Review process in order to facilitate a positive outcome. Each year, the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee hold joint Sunset Review oversight hearings to review the boards and bureaus under the Department of Consumer Affairs (DCA). The Sunset Review process provides an opportunity for the Legislature, DCA, boards, interested parties, and stakeholders to discuss the performance of the boards and make recommendations for improvements. Attached is a timeline provided by DCA depicting the overall Sunset Review Process for 2018-2019.

The Board and Landscape Architects Technical Committee (LATC) must complete the Sunset Review process once every four years, with the next Sunset Review Report due to the Legislature on December 1, 2018. The questionnaires to be responded to in the Reports will not be provided for a couple of months. In anticipation of the release of the 2018 questionnaire, staff prepared a draft of the Reports based on the prior 2017 questionnaire. In the event the 2018 template has different questions than that of the previous year, the Reports will be updated accordingly. The LATC and the Board's Executive Committee reviewed the draft Reports and provided input and suggested edits at their May 2018 meetings.

Attached for the Board's initial review are revised drafts of the Reports which include the committees' input. It should be noted that some responses to the questions may need to be verified, have limited statistical data, or have been intentionally left blank so that they may be updated at the end of the fiscal year.

The LATC and Board will have another opportunity to review the draft Reports at their July and September meetings before the final reports are due to the Legislature. At the September meeting, the Board will be asked to delegate authority to the Board President, Vice President, and Executive Officer to make any necessary changes to the Reports prior to submittal.

The Board/LATC's Sunset Review hearing will likely be held in March 2019. Approximately two weeks prior to the hearing, Legislative staff will provide a Background Paper identifying issues for fact-checking and review. The hearing will provide an opportunity to present the Reports and discuss those identified issues and recommendations from the Legislature. Staff will then prepare responses to the issues identified in the Background Paper and submit formal written responses within 30 days of the hearing.

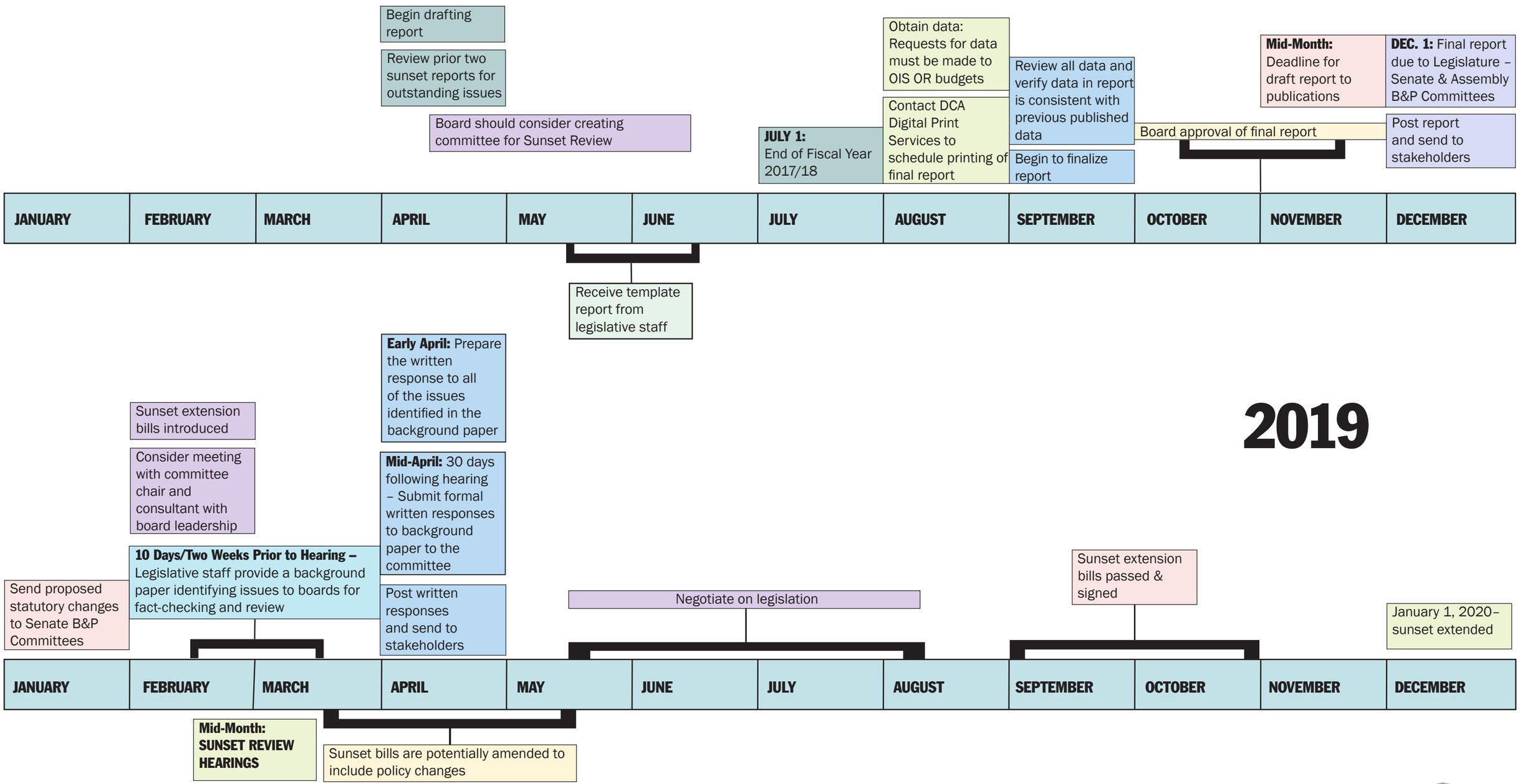
DCA recently provided training on May 24, 2018, for those boards currently undergoing Sunset Review. DCA personnel reviewed areas of the report and answered questions. Members of the Joint Sunset Review Committee were also in attendance and provided insight and clarification.

The Board is asked to review the draft Sunset Review Reports and provide input and direction to staff.

Attachments:
1. Sunset Review Process 2018-2019
2. Board Sunset Review Report (Draft)
3. LATC Sunset Review Report (Draft)

SUNSET REVIEW PROCESS

2018



2019

Revised 4/2018

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 1
Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board. Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

- The Board was created by the Legislature in 1901.
- The 10-member Board consists of 5 architects and 5 public members. Eight gubernatorial appointees, one Senate Rules Committee appointee, and one Speaker of Assembly appointee for a term of four years.
- The Board is proactive and preventive, as is evidenced by its work to improve the experience and examination components of its licensing system.
- The Board has a strong history of creative problem solving and collaboration with key constituencies, such as local building officials, educators and students, and related professions.
- The Board is committed to a strong enforcement program as a part of its mission to protect consumers and enforce the laws, codes, and standards governing the practice of architecture.

On March 23, 1901, the Governor of California approved An Act to Regulate the Practice of Architecture, thus creating the State Board of Architecture. The Governor appointed 10 architect members to the Board. Initially, the Board was comprised of two districts: Northern and Southern. The district offices acted independently to some degree and made recommendations to the full Board on matters relating to applicants for certification. Each district office elected its own officers from the officers elected to the full Board.

Initially, individuals who could demonstrate to the satisfaction of the district board in which they would be practicing that they were practicing architecture in the State of California as of March 23, 1901, and who were in good standing, could apply for certification with the Board without examination. Over 250 of these initial "A" licenses were issued. Six months after the approval of the Act, it became unlawful to practice architecture or call oneself an architect in the State of California unless certified by the Board. However, the Act made a significant exemption to this rule by allowing individuals to prepare plans, drawings, specifications, instruments of service, or other data for buildings, provided that the individual fully informed the client in writing that he or she was not an architect. This exemption made the Act a quasi-title act instead of a true practice act. At that time, the Board also began issuing “B” licenses to individuals who had passed either a written or oral examination. Almost 1,950 "B" licenses were issued between 1901 and 1929.

In 1929, the Board’s name was changed to the California State Board of Architectural Examiners. That same year, the Board began issuing licenses to individuals who passed both a written and an oral examination. The Board’s main office in Sacramento was established in 1956 and the district offices remained as branches. In 1963, the Act was revised making the actual practice of architecture by an unlicensed individual a misdemeanor. This revision made the Act a true practice act, restricting the practice of architecture to only licensed architects.

DRAFT

Through 1984, the Board also had the authority to issue a temporary certificate to practice architecture to an architect licensed in another state for a stipulated structure in California upon satisfactory evidence of his or her architectural competence and payment of the applicable fee.

From 1964 through 1985, the Board also regulated registered building designers. The registration process began in 1964 and continued until 1968. The Board continued to regulate the practice of registered building designers through 1985, although no new registrations were granted after 1968. Effective January 1, 1986, it became a misdemeanor for individuals to represent themselves as "registered building designers." Of the estimated 700 active building designers registered at the time, about 300 applied for and were granted licenses as architects. The Board now licenses only architects and has one office in Sacramento.

Since 1997, the Board has also overseen the duties, responsibilities, and jurisdiction of the Landscape Architects Technical Committee (LATC). The Board is charged with regulating landscape architects and managing all of the affairs of the former Board of Landscape Architects. The LATC is structured as a committee of the Board. The Board views this structure as very positive and has found the relationship between the two related professions to be mutually beneficial. Opportunities for collaboration between the two regulatory programs and the efficiencies associated with combining our efforts wherever possible are the main advantages. The Board is not aware of any consumer-related issues with respect to the structure, and the respective professions and their organizations appear to be pleased with the current structure.

In 1999, Assembly Bill (AB) 1678 changed the Board's name to the California Architects Board. This change was designed to reflect the fact that, in addition to examining candidates, the Board maintains a wide range of programs to protect consumers and regulate the practice of architecture.

Mission

The mission of the Board is to protect the public health, safety, and welfare through the regulation of the practice of architecture and landscape architecture in California. The Board has established the following six goal areas which provide the framework for its efforts to further its mission:

1. Ensure the professional qualifications of those practicing architecture by setting requirements for education, experience, and examinations;
2. Establish regulatory standards of practice for California architects;
3. Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur;
4. Increase public and professional awareness of the Board's mission, activities, and services;
5. Improve effectiveness of relationships with related organizations in order to further the Board's mission and goals; and
6. Enhance organizational effectiveness and improve the quality of customer service in all programs.

In fulfilling its mission, the Board has found that acting preventively and proactively is the best use of its resources. Because of the nature of the design profession, there are numerous opportunities to prevent minor problems from becoming disasters. The worst-case scenario, a building failure, is simply not tolerable. As such, the Board works to aggressively address issues well before they exacerbate into catastrophes. In the Board's enforcement program, for example, this means cooperatively working with building departments through the Board's first-of-its-kind Building Official Contact Program. The Board also invests heavily in communications (e.g., social media, newsletter, liaison activities), both to consumers and to architects. The Board works closely

with professional groups to ensure that architects understand changes in laws, codes, and standards. The Board also reaches out to schools and related professions and organizations via a proactive liaison program. To ensure the effectiveness of these endeavors, the Board works to upgrade and enhance its communications by constantly seeking feedback and analyzing the results of its communications efforts. All of these initiatives underscore the Board's firm belief that it must be both strategic and aggressive in employing the preventive measures necessary to effectively protect the public health, safety, and welfare.

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

The **Executive Committee** is charged with coordinating and leading the Board's public awareness program, organizational relationships, organizational development, and customer service efforts. It takes the lead in: 1) increasing public and professional awareness of the Board's mission, activities, and services; 2) improving the effectiveness of the Board's relationships with related organizations to further its mission and goals; and 3) enhancing the Board's organizational effectiveness and improving the quality of customer service in all of the Board's programs. The Executive Committee is composed of four members: the President, Vice President, Secretary, and one additional Board member.

The **Professional Qualifications Committee** (PQC) is charged with: 1) ensuring the professional qualifications of those practicing architecture by setting requirements for education, experience, and examination; 2) reviewing the Board's national examination to ensure that it fairly and effectively tests the knowledge, skills, and abilities of importance to architectural practice in California; 3) analyzing and making recommendations on educational and experience requirements relative to entry-level qualifications; and 4) reviewing the practice of architecture to ensure the Architects Practice Act accurately reflects areas of practice. In 2011, the Board's Examination Committee was consolidated into the PQC to promote greater efficiency. As a result, the PQC has the following additional roles and responsibilities: 1) providing general California Supplemental Examination (CSE) oversight; 2) working with the Board's testing experts, examination vendors, and subject matter experts to provide valid, defensible, and efficient examinations; and 3) addressing broad examination policy issues. The PQC is composed of 10 current and former Board members, and experts.

The **Regulatory and Enforcement Committee** (REC) is charged with making recommendations on: 1) practice standards and enforcement issues; 2) establishment of regulatory standards of practice for architects; 3) policies and procedures designed to protect consumers by preventing violations and enforcing standards when violations occur; as well as 4) informing the public and licensees of the Board's standards and enforcement programs. The REC is composed of nine current and former Board members, and experts.

The **Communications Committee** is charged with: 1) overseeing all of the Board's communications and identifying strategies to effectively communicate to key audiences; and 2) providing strategic input on enhancing the use of social media to communicate with the Board's stakeholders. The Communications Committee communicates with the public through a variety of publications. This Committee also oversees a variety of outreach programs, such as programs to communicate with students, faculty, and Deans. The Communications Committee is composed of eight current and former Board members, and experts.

DRAFT

An organizational chart of the Board's current committee structure is provided below:

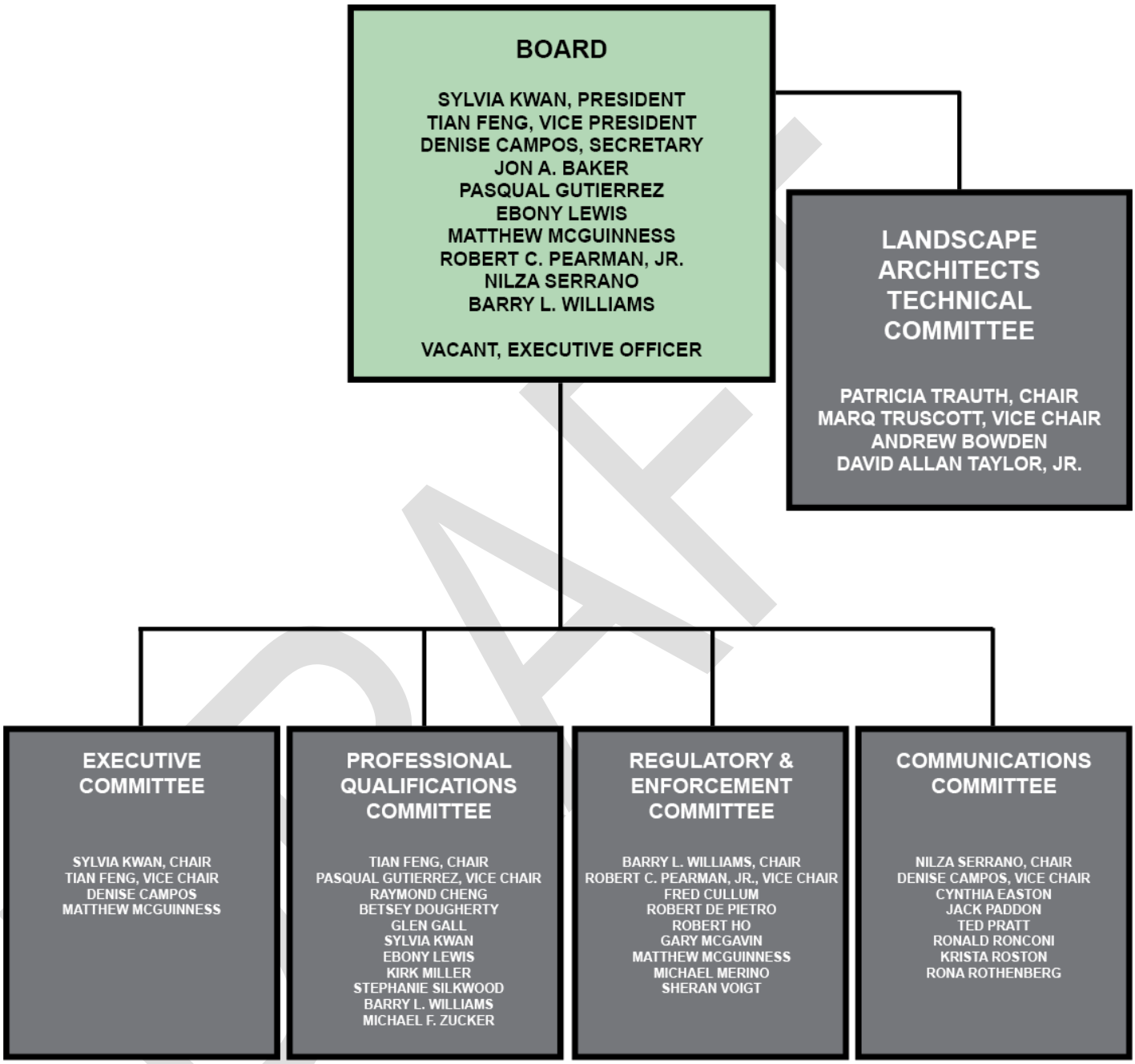


Table 1a. Attendance (July 1, 2014 – June 30, 2018) Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.

Jon Alan Baker			
Date Appointed: 11/10/2005 [Term Expired 6/30/2010] Date Re-appointed: 12/22/2010 [Term Expired 6/30/2013] Date Re-appointed: 9/24/2013 [Term Expired 6/30/2017]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Chris Christophersen			
Date Appointed: 2/26/2013 [Term Expired 6/30/2015]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meeting	9/10/2014	San Diego	Yes

Denise Campos			
Date Appointed: 6/30/2014 [Term Expired 6/30/2018]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	No (excused)
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	No (excused)

DRAFT

Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Tian Feng

Date Appointed: 2/6/2014 [Term Expired 6/30/2017]
Date Re-appointed: 2/27/18 [Term Expires 6/30/2021]

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	No (excused)/Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Pasqual Gutierrez

Date Appointed: 9/2/2006 [Term Expired 6/30/2010]
Date Re-appointed: 12/21/2010 [Term Expired 6/30/2014]
Date Re-appointed: 7/11/2014 [Term Expires 6/30/2020]

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes

DRAFT

Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Sylvia Kwan			
Date Appointed: 8/16/2013 [Term Expires 6/30/2019]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	No (excused)/Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	No (excused)
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Ebony Lewis			
Date Appointed: 12/23/2014 [Term Expires 6/30/2019]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	No (excused)
Board Meeting	3/3/2016	Burbank	Yes

DRAFT

Board Meeting	6/9/2016	San Francisco	No (excused)
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	No (excused)

Matthew McGuinness			
Date Appointed: 9/15/2012 [Term Expired 6/30/2016] Date Re-appointed: 7/19/2016 [Term Expires 6/30/2020]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Robert C. Pearman, Jr.			
Date Appointed: 2/25/2016 [Term Expires 6/30/2019]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes

DRAFT

Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Nilza Serrano			
Date Appointed: 9/24/2013 [Term Expired 6/30/2016] Date Re-appointed: 7/19/2016 [Term Expires 6/30/2020]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	No (excused)
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	No (excused)/Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Sheran Voigt			
Date Appointed: 5/30/2006 [Term Expired 6/30/2010] Date Re-appointed: 12/22/2010 [Term Expired 6/30/2014]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes

DRAFT

Barry Williams			
Date Appointed: 12/18/2014 [Term Expired: 6/30/2018]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Hraztan Zeitlian			
Date Appointed: 10/29/2008 [Term expired 6/30/2010] Date Re-appointed: 12/22/2010 [Term Expired 6/30/2014]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting	12/10-11/2014	Sacramento	Yes

DRAFT

Table 1b. Board/Committee Member Roster Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Sylvia Kwan, President	8/16/2013	N/A	6/30/2019	Governor	Architect
Tian Feng, Vice President	2/6/2014	2/27/2018	6/30/2021	Governor	Architect
Denise Campos, Secretary	6/30/2014	N/A	6/30/2018	Senate Rules	Public
Jon Alan Baker	11/10/2005	12/22/2010 9/24/2013	6/30/2010 6/30/2013 6/30/2017	Governor	Architect
Chris Christophersen	2/26/2013	N/A	6/30/2015	Speaker of Assembly	Public
Pasqual Gutierrez	9/2/2006	12/21/2010 7/11/2014	6/30/2010 6/30/2014 6/30/2020	Governor	Architect
Ebony Lewis	12/23/2014	N/A	6/30/2019	Governor	Public
Matthew McGuinness	9/15/2012	7/19/2016	6/30/2016 6/30/2020	Governor	Public
Robert C. Pearman, Jr.	2/25/2016	N/A	6/30/2019	Speaker of Assembly	Public
Nilza Serrano	9/24/2013	7/19/2016	6/30/2016 6/30/2020	Governor	Public
Sheran Voigt	5/30/2006	12/22/2010	6/30/2010 6/30/2014	Governor	Public
Barry Williams	12/18/2014	N/A	6/30/2018	Governor	Architect
Hraztan Zeitlian	10/29/2008	12/22/2010	6/30/2010 6/30/2014	Governor	Architect

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

No, in the past four years, the Board has held all meetings without any quorum issues.

3. Describe any major changes to the board since the last Sunset Review, including but not limited to:

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

Leadership

The Board is in the midst of a major leadership change in that it is currently recruiting a new Executive Officer. Doug McCauley, Executive Officer (EO) since 2001, was appointed Chief Deputy Director of the Department of Housing and Community Development in March of 2018. The Board has had strong continuity in the EO position, as Mr. McCauley's predecessor served the Board of 14 years.

DRAFT

Strategic Planning

Beginning December 2014, the Board began developing biennial Strategic Plan objectives. Previously, the Board developed its Strategic Plan objectives annually. The Board is due to update its Strategic Plan in December 2018.

Expanded Social Media Presence

The Board has expanded its social media presence to include three platforms: Twitter (launched in 2014) with 1,179 followers, Instagram (launched in 2016) with 375 followers, and Facebook (launched in 2017) with 53 followers

Collection Agency Contract

Based on the Board's 2015-2016 Strategic Plan objective to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties, staff executed a contract with a collection agency through the informal solicitation method (Government Code section 14838.5) to allow the Board to refer unpaid administrative fines and cost reimbursement accounts aged beyond 90 days to a collection agency. The collection agency provides the Board with full-service debt collection services, including "skip-tracing," credit reporting, and filing legal actions when appropriate.

Integrated Path to Architectural Licensure (IPAL)

Launched in 2015, IPAL is an initiative spearheaded by the National Council of Architectural Registration Boards (NCARB) and designed to provide aspiring architects the opportunity to complete the requirements for licensure in a more integrated and streamlined manner while earning their accredited degree. Programs from three California schools were accepted by NCARB for participation: NewSchool of Architecture and Design, University of Southern California, and Woodbury University; to-date there are 26 programs at 21 participating schools around the country with California having five programs – the most of any participating state.

Over the past few years, the Board held several of its meetings at the campuses of schools with an IPAL program; each school in exchange provided updates on its respective program. To show its immense support for IPAL, the Board sponsored legislation to allow students enrolled in an IPAL program early access to the Architect Registration Examination (ARE). In 2017, to assist IPAL schools in finding opportunities for students to gain the required training for the Architectural Experience Program. The Board's newsletter, *California Architects*, was instrumentally used to promote California IPAL schools by featuring each in an article. As a dynamic program still in its formative years of development. NCARB is collecting data on the performance of approved programs and candidate examination statistics. NCARB is collecting performance and examination data on IPAL programs; it was recently published by NCARB that several IPAL students from Florida and North Carolina graduated in May 2018 – first IPAL graduates nationwide. The Board will closely monitor future data releases for analysis and opportunities to provide NCARB with suggestions regarding enhancements or modifications.

DRAFT

California Supplemental Examination (CSE) – Updated Forms

CSE development is an ongoing process. Development of the CSE based upon the new CSE Test Plan commenced in the Summer 2016 and resulted in the launching on March 1, 2017, of the first corresponding examination administrations.

CSE – Wait Time Reduction

The Board in collaboration with the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) explored the feasibility of reducing the mandatory CSE retake waiting period, which is set by regulation at 180 days. Based upon its findings, OPES determined the Board could reduce the waiting period to 90 days and maintain the defensibility and integrity of the CSE. OPES provided the Board with an implementation plan at its March 1, 2018, meeting. Concurrently, staff commenced the rulemaking process to amend California Code of Regulations (CCR) section 124. The implementation plan OPES formulated outlined the necessary examination development to achieve the objective of commencing the 90-day retake policy for CSE administrations beginning March 1, 2019.

- **All legislation sponsored by the board and affecting the board since the last sunset review.**

  Assembly Bill (AB) 177 (Bonilla, Chapter 428, Statutes of 2015) extended the Sunset date for the Board and LATC until January 1, 2020.

  AB 507 (Olsen) [BreEZe] would have added Business and Professions Code (BPC) section 210.5 to require DCA to submit an annual report to the Legislature and the Department of Finance regarding the BreEZe system. The author opted to not move the bill forward, as comprehensive reporting on BreEZe will be more appropriate when it is fully implemented.

  AB 1005 (Calderon) [Orders of Abatement] would have amended BPC section 125.9 to require a citation containing an order to pay an administrative fine to contain an order of abatement, fixing a period of no fewer than 30 days for abatement of the violation before the administrative fine becomes effective. The bill did not advance.

  AB 1489 (Brough) was The American Institute of Architects, California Council's (AIACC) bill that proposed two changes to the Architects Practice Act (Act) via BPC section 5536.25: 1) a clarification that an architect is not responsible for damage caused by "construction deviating from a permitted set of plans, specifications, reports, or documents" not authorized or approved in writing by the architect; and 2) an update to the definition of "construction observation services" to clarify that those services do not include inspection, or determining or defining means and methods (the day-to-day activities a contractor employs to complete construction). The bill did not advance.

  Senate Bill (SB) 850 (Block, Chapter 747, Statutes of 2014) authorized community colleges to establish baccalaureate degree pilot programs at campuses to be determined by the Chancellor of California Community Colleges.

  SB 704 (Gaines, Chapter 495, Statutes of 2015) established an additional provision of the Government Code wherein appointed members of unelected boards or commissions would be permitted to recuse themselves from decisions on contracts in which they have a financial interest.

DRAFT

SB 1479 (Committee on Business, Professions and Economic Development, Chapter 634, Statutes of 2016) contained the Board-sponsored amendment which clarified language regarding integrated degree programs that was added to the Act. The bill updated BPC section 5550.2, which permits the Board to grant early eligibility to take the ARE for students enrolled in an NCARB-accepted integrated degree program. The amendment incorporates a general reference to the IPAL initiative to prevent any issues with the name of NCARB's program.

SB 547 (Hill, Chapter 429, Statutes of 2017) extended the sunset date of the California Council of Interior Design Certification (CCIDC) and its certification program until January 1, 2022.

SB 247 (Moorlach) repeals occupational licensing requirements. The bill failed passage in the Senate Business, Professions and Economic Development Committee and did not advance.

SB 1132 (Galgiani) [Architect-in-Training] was an AIACC proposal to create and define a special title for candidates for licensure. As introduced, it would have created the "architect-in-training" title for a person who has received Board confirmation of eligibility for the ARE and is employed under the direct supervision of an architect. The bill was vetoed by the Governor.

SB 1195 (Hill) [Board Actions: Competitive Impact] would grant the DCA Director authority to review any board decision or other action to determine whether it unreasonably restrains trade. The bill was referred to the Senate inactive file.

- **All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.**

A number of relevant regulatory changes have been enacted or proposed since the last Sunset Review. These changes are listed below.

Architect Registration Examination Credit Expiration [California Code of Regulations (CCR) section 120] – The Board amended its regulations to reflect the NCARB's amendment to the ARE Five-Year Rolling Clock provision concerning divisions that were previously exempt. This regulation became effective on July 1, 2014.

Filing of Applications (CCR section 109) - The Board amended its regulations to reduce the total required Intern Development Program (IDP) experience from 5,600 hours to 3,740 hours, reflecting the newest edition of NCARB's *IDP Guidelines*. This regulation became effective on April 1, 2015.

Filing of Applications (CCR section 109) – The Board amended its regulations to allow candidate IDP experience to be gained beyond the initial six-month reporting period (up to five years at a reduced value of 50 percent toward IDP requirements), reflecting the newest edition of NCARB's *IDP Guidelines*. This regulation became effective on October 1, 2015.

Filing of Applications (CCR section 109) – The Board amended its regulations to reflect changes in the new edition of the Canadian *Internship in Architecture Program Manual*. This regulation became effective on January 1, 2016.

Filing of Applications, Review of Applications (CCR sections 109 and 111) – The Board amended its regulations to expedite or, when applicable, assist the initial licensure process for a candidate who supplies

satisfactory evidence to the Board they have served as an active duty member of the Armed Forces of the United States and were honorably discharged. This regulation became effective on April 1, 2016.

Filing of Applications (CCR section 109) – The Board amended its regulations to reduce the total length of required IDP experience from 5,600 hours to 3,740 hours, reflecting changes in a new edition of NCARB's *IDP Guidelines*. This regulation became effective on October 1, 2016.

NCARB Record (CCR section 116) – The Board amended its regulations to reflect the NCARB Record requirement that candidates must establish and maintain an NCARB Record to access examination scheduling information, view testing history, rolling clock information, and download score reports. This regulation became effective on April 1, 2015.

Examination Transfer Credit (CCR sections 118.5 and 119.8) – The Board amended CCR section 118.5 to allow transfer credit for those who passed ARE divisions, and added CCR section 119.8 to allow candidates to transition to and obtain credit for ARE 5.0. This regulation became effective on October 1, 2016.

Contest of Citations, Informal Conference (CCR section 152.5) – The Board approved an amendment to its regulations to allow the EO to delegate to a designee, such as the Assistant EO or the Enforcement Program Manager, the authority to hold an informal conference with a cited person and decide to affirm, modify, or dismiss a citation. The regulatory amendment also contained additional revisions to CCR section 152.5, including: changing the deadline for requesting an informal conference for consistency with the deadline for requesting a formal administrative hearing; authorizing the EO or a designee to extend the 60-day period for holding the informal conference for good cause; and clarifying that the decision to affirm, modify, or dismiss a citation is made following (rather than at the conclusion of) an informal conference, and a copy of the decision will be transmitted to the cited person within 30 days after the conference. As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law (OAL) initiating a regulatory change.

Disciplinary Guidelines (CCR section 154) - The Board approved an amendment to its regulations to incorporate revised *Disciplinary Guidelines* by reference. As of the date of this report, staff has submitted a rulemaking file to the OAL initiating a regulatory change.

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

The Board, in collaboration with OPES, conducted an Occupational Analysis (OA) for the CSE in 2014. The primary purpose of the OA was to define current practice for California architects in terms of the actual job tasks that new licensees must be able to safely and competently perform at the time of licensure. The results of the OA serve as the basis for ongoing examination development. As part and parcel of the OA process, OPES conducted an ARE review and linkage study in 2015 that compared the content of the 2014 CSE Test Plan with the subject matter covered in the various divisions of ARE 4.0 and 5.0. This helps to ensure there is minimal overlap in the content of the CSE. The final step of the OA process was reclassification of the CSE item bank.

Presently, the Board, in accordance with BPC section 5600.05, is working on the preparation of a report for presentation to the Legislature by January 1, 2019. The focus and purpose of the report is to provide the Legislature with a staff analysis of the Board's continuing education (CE) requirement and a determination of whether CE for architects is effective or necessary. The report details, as stipulated in section 5600.05, will include data/information regarding the following:

- Level of licensee compliance with the requirements;
- Actions taken by the Board for noncompliance with the requirements;
- Findings of Board audits; and
- Recommendations of the Board for improving the process.

The outcome of the Legislature's review of the report will ultimately play a significant role in the future operations of the CE Program.

5. List the status of all national associations to which the board belongs.

- Does the board's membership include voting privileges?

  The Board is a member of NCARB and exercises its voting rights pursuant to NCARB's bylaws when approved to attend official meetings.

- List committees, workshops, working groups, task forces, etc., on which board participates.

  The Board members and the EO have served on NCARB's Broadly Experienced Architect Committee, Committee on Examination – ARE 5.0 Case Study Task Force, Examination Committee, Internship Committee, Licensure Task Force/Integrated Path Evaluation Committee, Model Law Task Force, and the Procedures and Documents Committee.

- How many meetings did board representative(s) attend? When and where?

  The Board was approved to participate in the NCARB Regional Summit and Annual Meeting as follows:

  <u>NCARB Regional Summit</u>
  March 12-14, 2015 (Long Beach, CA)
  March 10-12, 2016 (Savannah, GA)
  March 9-11, 2017 (New Jersey, NJ)

  <u>NCARB Annual Meeting</u>
  June 17-20, 2015 (New Orleans, LA)
  June 16-18, 2016 (Seattle, WA)
  June 22-24, 2017 (Boston, MA)
  June 28-30, 2018 (Detroit, MI)

DRAFT

The NCARB Committee and Task Force meetings were as follows:

Broadly Experienced Architect Committee
July 15-16, 2016 (Chicago, IL)

Committee on Examination - ARE 5.0 Case Study Task Force
September 26-27, 2014 (Washington, DC)

Examination Committee
May 1-2, 2015 (Washington, DC)
January 29-30, 2016 (Phoenix, AZ)

Internship Committee
July 30-August 1, 2015 (San Diego, CA)
January 29-30, 2016 (Phoenix, AZ)

Licensure Task Force/Integrated Path Evaluation Committee
August 15-16, 2014 (Portland, ME)
November 14-15, 2014 (Washington, DC)

Model Law Task Force
September 16-17, 2016 (Washington, DC)
December 9-10, 2016 (Miami, FL)
February 24-25, 2017 (Savannah, GA)
May 5-6, 2017 (Denver, CO)
November 10-11, 2017 (Washington, DC)

Procedures and Documents Committee
January 29-30, 2016 (Phoenix, AZ)
December 9-10, 2016 (Miami, FL)

- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

The national examination, the ARE, is computer-based. As such, there is no opportunity for involvement on scoring and analysis. However, Jon Baker and Michael Merino (former Board members) have both been involved in examination item writing. In addition, the Board periodically conducts an examination review wherein NCARB opens a test center in California for Board members to view the examination and test its software.

DRAFT

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 2
Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the board as published on the DCA website.

The Board's quarterly performance measure reports for the last four years are attached (cf., Section 12, Attachment XX). The Department of Consumer Affairs no longer publishes the annual performance reports.

7. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

The Board is committed to providing exemplary customer service to its stakeholders. To assist the Board in fulfilling this commitment, it utilizes customer satisfaction surveys directed to its key constituents. The responses provided are anonymous. A majority (XX) of the responses to the survey demonstrate that individuals agree or strongly agree they are satisfied with the services provided by the Board.

The Board distributes its customer satisfaction survey in the following manner:

- Visible link near top of Board's website;
- Link included in all outgoing staff emails;
- Link included in all Board subscriber list emails; and
- Emails to recently assisted licensees/consumers, requesting completion of the survey.

Constituents who respond to the surveys may also provide written comments regarding the various functions of the Board. The comments provide management an opportunity to obtain qualitative feedback from constituents and ensure exemplary customer service.

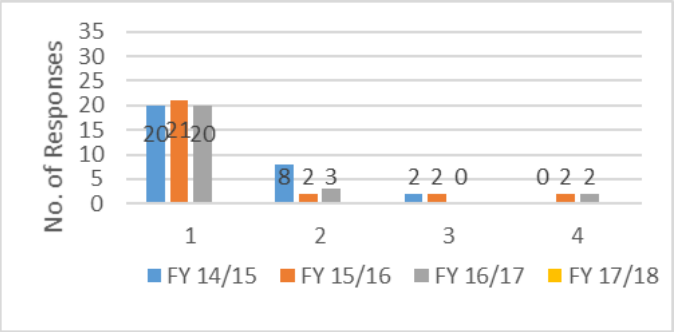
In an effort to increase the response rate, the Board recently implemented distribution of the survey to all newly licensed individuals when mailed their license certificate. The Board will continue to research additional methods to increase response rates and provide exemplary service to its stakeholders. This is an important component to the Board's mission and strategic goals.

DRAFT

California Architects Board Customer Satisfaction Survey

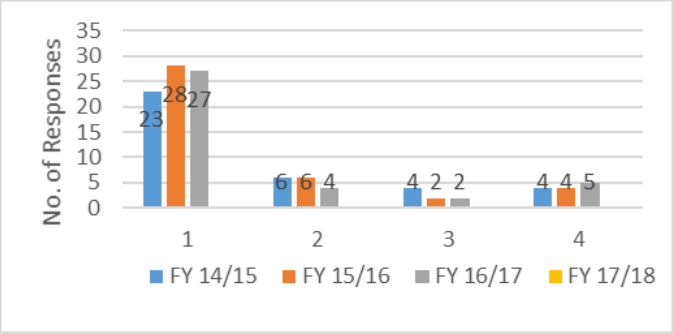
1. Board staff is courteous when contacted by phone.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	20	21	20	0
(2) Agree	8	2	3	0
(3) Disagree	2	2	0	0
(4) Strongly Disagree	0	2	2	0
Total	30	27	25	0



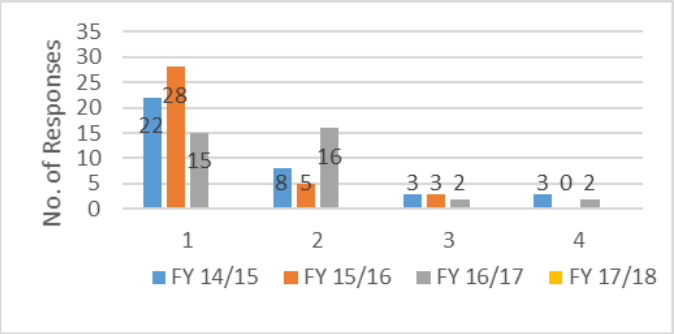
2. Board staff assistance is efficient.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	23	28	27	0
(2) Agree	6	6	4	0
(3) Disagree	4	2	2	0
(4) Strongly Disagree	4	4	5	0
Total	37	40	38	0



3. Board staff assistance is accurate.

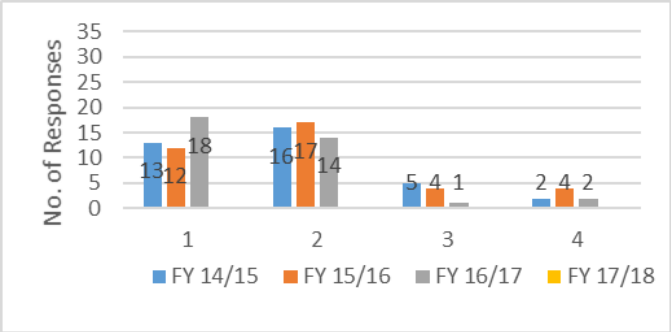
Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	22	28	15	0
(2) Agree	8	5	16	0
(3) Disagree	3	3	2	0
(4) Strongly Disagree	3	0	2	0
Total	36	36	35	0



DRAFT

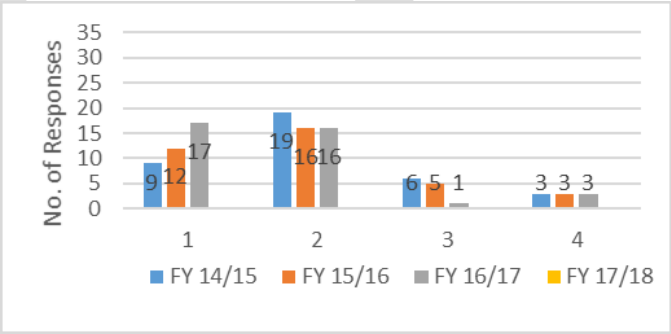
4. Board's website contains useful information.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	13	12	18	0
(2) Agree	16	17	14	0
(3) Disagree	5	4	1	0
(4) Strongly Disagree	2	4	2	0
Total	36	37	35	0



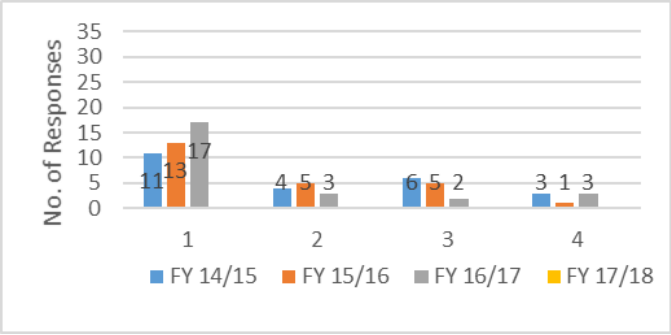
5. Board's website is organized so that information is easy to find.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	9	12	17	0
(2) Agree	19	16	16	0
(3) Disagree	6	5	1	0
(4) Strongly Disagree	3	3	3	0
Total	37	36	37	0



6. The processing of my application was timely.

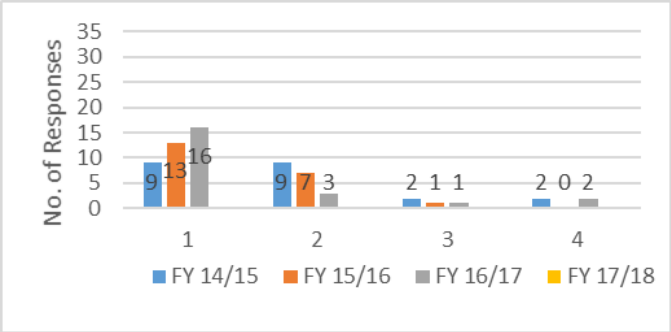
Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	11	13	17	0
(2) Agree	4	5	3	0
(3) Disagree	6	5	2	0
(4) Strongly Disagree	3	1	3	0
Total	24	24	25	0



DRAFT

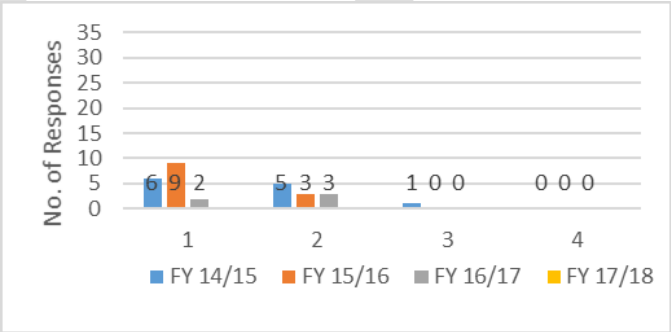
7. The processing of my application was accurate.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	9	13	16	0
(2) Agree	9	7	3	0
(3) Disagree	2	1	1	0
(4) Strongly Disagree	2	0	2	0
Total	22	21	22	0



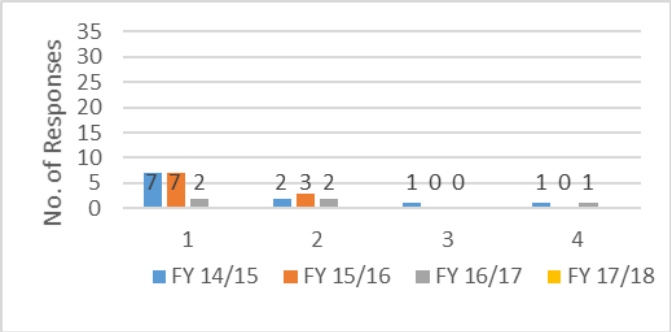
8. The processing of my renewal was timely.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	6	9	2	0
(2) Agree	5	3	3	0
(3) Disagree	1	0	0	0
(4) Strongly Disagree	0	0	0	0
Total	12	12	5	0



9. The processing of my renewal was accurate.

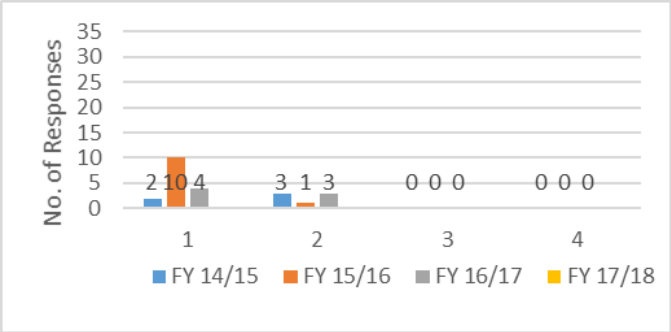
Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	7	7	2	0
(2) Agree	2	3	2	0
(3) Disagree	1	0	0	0
(4) Strongly Disagree	1	0	1	0
Total	11	10	5	0



DRAFT

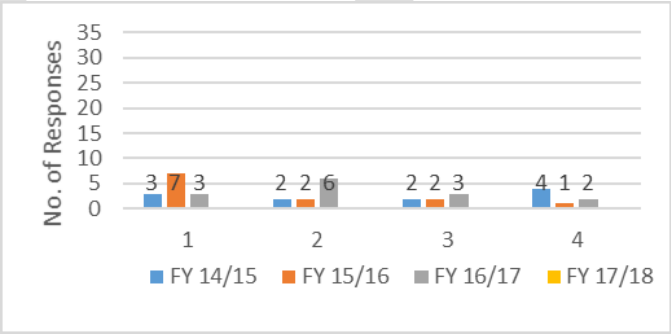
10. The processing of my name change or change of address was accurate.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	2	10	4	0
(2) Agree	3	1	3	0
(3) Disagree	0	0	0	0
(4) Strongly Disagree	0	0	0	0
Total	5	11	7	0



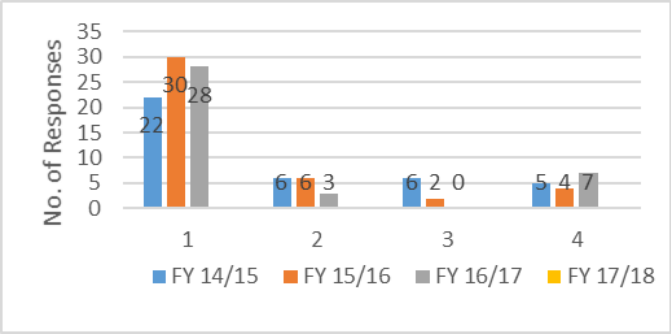
11. The complaint process was described fully and accurately.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	3	7	3	0
(2) Agree	2	2	6	0
(3) Disagree	2	2	3	0
(4) Strongly Disagree	4	1	2	0
Total	11	12	14	0



12. Overall, I was satisfied with the service I received from the Board.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	22	30	28	0
(2) Agree	6	6	3	0
(3) Disagree	6	2	0	0
(4) Strongly Disagree	5	4	7	0
Total	39	42	38	0



DRAFT

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 3
Fiscal and Staff

Fiscal Issues

8. Is the board's fund continuously appropriated? If Yes, please cite the statute outlining this continuous appropriation.

No.

9. Describe the board's current reserve level, spending, and if a statutory reserve level exists.

Per Business and Professions Code section 128.5(b), the Board's statutory fund limit is no more than 24 months in reserve. The current reserve level for fiscal year (FY) 2017/18 is $5,171,000 (15.3 months in reserve). The current spending level is $4,052,000. The Board's fund condition is shown below in Table 2, identifying fund balance and expenditure levels. In addition, due to California Supplemental Examination (CSE) savings, the Board's request for spending authority reduction in the form of a negative Budget Change Proposal (BCP) was approved in the amount of $300,000 for FY 2015/16 and ongoing.

10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

The Board does not currently project any deficits or a need to increase or decrease fees. The Board's 2015-2016 Strategic Plan contained an objective to analyze fees to determine whether they are appropriate. Budget Office staff determined that the Board's current fund condition was appropriate and did not recommend a fee change. Based on the Budget Office assessment of the Board's fund condition, the Board is maintaining fees at their current levels, and continues to monitor its fund condition with Budget Office staff until such time their determination changes. Staff also monitors the Board's expenditures and revenue very closely with the Budget Office.

DRAFT

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19*	FY 2019/20*
Beginning Balance	$5,276	$4,869	$5,651	$4,969	$5,171	$4,093
Revenues and Transfers	$2,956	$4,288	$3,005	$4,254	$2,981	$4,251
Total Revenue	$8,232	$9,157	$8,656	$9,223	$8,152	$8,344
Budget Authority	$3,901	$3,979	$4,059	$4,140	$4,059	$4,139
Expenditures	$3,363	$3,523	$3,694	$4,052	$4,059	$4,139
Loans to General Fund	$0	$0	$0	$0	$0	$0
Accrued Interest, Loans to General Fund	$0	$0	$0	$0	$0	$0
Loans Repaid From General Fund	$0	$0	$0	$0	$0	$0
Fund Balance	$4,869	$5,651	$4,969	$5,171	$4,093	$4,139
Months in Reserve	12.4	12.4	8.4	8.0	11.9	12.0
* Projected to spend full budget						

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

The Board has not issued any general fund loans in the preceding four FYs. In FY 2003/04, the Board loaned the general fund $1.8 million that was repaid with interest in FY 2006/07.

12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

During the last four years, the Board has spent approximately XX% of its budget on the enforcement program, XX% on the examination program, XX% on the licensing program, XX% on administration, and XX% on DCA pro rata.

DRAFT

Table 3. Expenditures by Program Component (list dollars in thousands)								
	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18*	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement								
Examination								
Licensing								
Administration**								
DCA Pro Rata								
Total Expenditures								
* Governor's Budget FY 2017/18								
** Administration includes costs for executive staff, board, administrative support, and fiscal services								
*** DCA Pro Rata included in OE&E for FY 2014/15 and FY 2015/16								

13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?

Since the inception of the BreEZe project, the Board has contributed a total of $328,269. The Board's estimated contribution in FY 2017-18 is $83,000.

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

The Board is a special fund agency that generates its revenue from its fees. The Board's main source of revenue is from its applicants and licensees through the collection of examination, licensing, and renewal fees. These fees support the license, examination, enforcement, and administration programs, which include processing and issuing licenses, conducting an OA and ongoing examination development, maintaining records, producing and distributing publications, mediating consumer complaints, enforcing statutes, disciplinary actions, personnel, and general operating expenses.

Fees for an original license and biennial renewal (in each odd calendar year) increased on January 1, 2011. As a result:

1) Original license fees increased from $200 to $300 (if the license is issued less than one year before the date on which it will expire, the fee increased from $100 to $150);
2) Renewal fees increased from $200 to $300 (prior to that, the fee had not been increased since 1989, when it was raised from $100 to $200); and
3) The delinquency fee increased from $50 to $100.

DRAFT

Business and Professions Code 5604 authorizes the Board to charge fees as follows:

The fees prescribed by this chapter for architect applicants or architect licenseholders shall be fixed by the Board as follows:

a) The application fee for reviewing a candidate's eligibility to take any section of the examination may not exceed one hundred dollars ($100).
b) The fee for any section of the examination administered by the board may not exceed one hundred dollars ($100).
c) The fee for an original license at an amount equal to the renewal fee in effect at the time the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect at the time the license is issued. The Board may, by appropriate regulation, provide for the waiver or refund of the fee for an original license if the license is issued less than 45 days before the date on which it will expire.
d) The fee for an application for reciprocity may not exceed one hundred dollars ($100).
e) The fee for a duplicate license may not exceed twenty-five dollars ($25).
f) The renewal fee may not exceed four hundred dollars ($400).
g) The delinquency fee may not exceed 50 percent of the renewal fee.
h) The fee for a retired license may not exceed the fee prescribed in subdivision (c).

CCR section 144 currently authorizes the following fees:

a) The application fee for reviewing a candidate's eligibility to take any or all division(s) of the ARE is one hundred dollars ($100) for applications submitted on or after July 1, 1999;
b) The application fee for reviewing a reciprocity candidate's eligibility to take the CSE is thirty-five dollars ($35);
c) The fee for the CSE is one hundred dollars ($100);
d) The fee for an original license is three hundred dollars ($300). If the license is issued less than one year before the date on which it will expire, the fee is one hundred fifty dollars ($150);
e) The biennial renewal fee commencing with the renewal period which begins on or after January 1, 2011 shall be three hundred dollars ($300);
f) The delinquency fee is one hundred dollars ($100); and
g) The fee for a duplicate certificate is fifteen dollars ($15).

DRAFT

Table 4. Fee Schedule and Revenue							(list dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2014/15 Revenue	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	% of Total Revenue
Duplicate License/Cert.	$15	$25	$705	$1,035	$615		
Certification	2	2	6	14	10		
Citation/Fine FTB Collection	Various	Various	5,113	2,936	147		
Citation/Fine*	Various	Various					
Cost Recovery							
Re-licensure	100	100	200	400	1,200		
Reciprocity	35	100	9,450	9,975	11,270		
Retired License	300	400	25,500	23,700	22,500		
Initial License	300	400	41,100	148,800	57,900		
Initial License ½	150	200	48,450	25,800	76,650		
CA Supplemental Exam	100	100	108,100	117,900	120,800		
ARE Eligibility	100	100	119,400	131,600	136,400		
Biennial Renewal	300	400	2,488,734	3,659,700	2,473,800		
Accrued Renewal	Various	Various	59,200	66,900	36,000		
Delinquent Renewal	100	200	38,050	70,500	30,000		
Misc. Service to Public	N/A	N/A	720	335	365		
Dishonored Check	25	50	475	825	275		

*Citation/Fine received and cashiered by Board.

15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	$ Requested	$ Approved	$ Requested	$ Approved

The Board has not submitted any BCPs in the past four FYs.

DRAFT

Staffing Issues

16. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The Board works expeditiously to fill vacant positions to help ensure adequate staff resources to meet the Board's objectives. The position vacancies have mainly been in the Office Technician classification, which is entry level. Other professional class positions, such as Staff Services Analyst, Associate Governmental Program Analyst, and Staff Services Manager have a lower vacancy rate. These vacancies are often attributed to other promotional opportunities, a common civil service occurrence. The Board has been successful in reclassifying positions when needed to ensure appropriate classifications are available to meet operational needs and cross trains staff. Currently, the Board has three vacancies, and they will be filled within the next 60 days.

Incorporated as an element of the Board's Business Continuity Plan, the DCA's Workforce and Succession Plan identifies mission critical positions that have a significant impact on the Board and requires specialized job skills and/or expertise. The Board updates the plan annually to develop strategies to retain the expertise and staff knowledge so that it is preserved for the future and on a continual basis.

17. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

The Board encourages training for all staff and participates heavily in courses offered at no cost through DCA's Strategic Organization, Leadership & Individual Development (SOLID) Training and Planning Solutions. These courses include enforcement-related, customer service, computer software, and other skills-training classes. Staff are also encouraged to pursue SOLID's Analyst Certification Training. This training program is free of charge and includes a series of courses to develop analytical tools, strategies, and techniques. The courses offered and completed develop staff to have the essential tools and training to effectively perform their job. It also enables them to be viable candidates for future promotional opportunities both in-house and externally. In the past four FYs, staff have taken more than 300 courses at no charge. In addition, SOLID offers an Enforcement Academy which is a series of courses aimed at developing staff's knowledge and skills related to DCA's enforcement programs as well as leadership trainings, such as the Future Leadership Development Program, which the Lead Enforcement Analyst participated in.

Specialized training is also encouraged and provided to staff as needed. These include mandatory courses, such as sexual harassment prevention, ethics, information technology, and defensive driving. In the past four FYs, the average cost spent on training is $1,227.

DRAFT

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 4
Licensing Program

18. What are the board's performance targets/expectations for its licensing program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The Board's performance target for processing applications and issuing licenses is 30 days from receipt of the application. Where the application is complete, all requirements met (including the submission of required supporting documentation and there is no criminal history), the Board has typically been able to meet this goal. When the volume of applications and staffing shortages delay processing, the Board temporarily redirects available staff from other units. Additionally, staff is cross-trained to help mitigate the effects of extended absences and vacancies. Staff and management work together in a continuous effort to improve the quality of service provided by the Board to its candidates and licensees. To this end, processes are routinely evaluated for efficiency to maximize staff performance and achieve performance expectations. When the Board migrates to a new licensing and enforcement system, it is anticipated that additional process efficiencies will be realized.

19. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

Staff processing applications typically meets its established performance targets. As noted above, management works with staff to routinely evaluate processes for efficiencies and implement them in a timely manner to maintain performance expectations and provide continuously improving customer service to stakeholders.

When evaluating performance on processing applications, it should be taken into consideration that candidates may submit applications for the Architect Registration Examination (ARE), California Supplemental Examination (CSE), and licensure at any time once determined eligible by the Board. There are no set deadlines for submission. Accordingly, a significantly greater than anticipated influx of applications can present a challenge for staff in meeting performance expectations and may cause slightly longer (7 to 10 additional days) processing times. However, as part of its due diligence, management monitors the volume of applications received and processed and makes the appropriate adjustments to workflow and staffing necessary for achieving performance targets.

DRAFT

Another matter for consideration relative to application processing is the required documentation that must be submitted in support of an application. Candidates requesting consideration of their education must have certified transcripts sent directly from their school or available from their National Council of Architectural Registration Boards' (NCARB) Record; and Employment Verification Forms submitted by their employers. The Board sends an ineligibility notification when an application is incomplete, advising candidates of documents that must be submitted for eligibility. It is the candidate's responsibility to ensure that the necessary documents are provided.

There can also be a great variation in the amount of time a candidate is issued a license after he or she has passed the CSE. CSE results are provided to candidates immediately upon completion of an examination at the test center. However, a candidate may choose to wait before applying for the actual license. A license is typically issued within 30 days after receipt of the completed application and fee.

20. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

Table 6. Licensee Population

		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Architect	Active*	20,504	20,914	21,025	
	Delinquent	2,817	2,559	2,099	
	Retired	1,312	1,387	1,457	
	Out-of-State*	3,805	3,813	3,853	
	Out-of-Country*	184	189	189	

* Data does not include pending incomplete renewal applications, which range from 450 to 500 per FY and may result in an "Active" license record when application is completed correctly.

DRAFT

Table 7a. Licensing Data by Type											
						Pending Applications			Cycle Times		
Application Type		Received	Approved	Closed	Issued	Total (Close of FY)	Outside Board control*	Within	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2015/16	ARE	1,316	1,284	DNA	N/A	DNA	DNA	DNA	See note below[2]		
	CSE	1,179	1,179	DNA	N/A	DNA	DNA	DNA	”		
	License	668	662	DNA	662	DNA	DNA	DNA	”		
	Renewal[1]	12,199	12,199	DNA	12,199	DNA	DNA	DNA	”		
FY 2016/17	ARE	1,364	1,310	DNA	N/A	DNA	DNA	DNA	”		
	CSE	1,208	1,208	DNA	N/A	DNA	DNA	DNA	”		
	License	704	698	DNA	698	DNA	DNA	DNA	”		
	Renewal[1]	8,246	8,246	DNA	8,246	DNA	DNA	DNA	”		
FY 2017/18	ARE			DNA	N/A	DNA	DNA	DNA	”		
	CSE			DNA	N/A	DNA	DNA	DNA	”		
	License			DNA		DNA	DNA	DNA	”		
	Renewal[1]			DNA		DNA	DNA	DNA	”		
* Optional. List if tracked by the board.											
DNA = Data Not Available N/A = Not Applicable											

[1] Data does not include pending incomplete renewal applications which range from 450 to 500 per FY.

[2] A candidate application is typically processed within 30 days from the date of receipt, provided it is complete and required supporting documentation is submitted in accordance with the Board's regulations (i.e., certified transcripts sent by the educational institution).

DRAFT

Table 7b. Total Licensing Data			
	FY 2015/16	FY 2016/17	FY 2017/2018
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	3,163	3,276	
Initial License/Initial Exam Applications Approved	3,125	3,216	
Initial License/Initial Exam Applications Closed	DNA	DNA	DNA
License Issued	662	698	
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	DNA	DNA	DNA
Pending Applications (outside of board control)*	DNA	DNA	DNA
Pending Applications (within the board control)*	DNA	DNA	DNA
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (all - Complete/Incomplete)	See note 2 above for Table 7a		
Average Days to Application Approval (incomplete applications)*			
Average Days to Application Approval (complete applications)*			
License Renewal Data:			
License Renewed	12,199	8,246	
Note: The values in Table 7b are the aggregates of values contained in Table 7a * Optional. List if tracked by the board.			

21. How does the board verify information provided by the applicant?

The Board uses several measures to verify information provided by candidates on an application. For example, transcripts are required to substantiate any postsecondary education listed on the application for which a candidate wishes to receive credit. The transcripts must be certified and submitted directly from the respective school to the Board or available within the candidate's NCARB Record for credit to be granted.

Work experience must be submitted on the Board-approved Employment Verification Form (EVF) and signed by the licensed professional who supervised the candidate's work to receive credit. Board staff verify with the appropriate jurisdiction or regulatory agency that the supervising professional's licensing information provided on the EVF is true and correct.

Individuals who are licensed in another jurisdiction and applying for reciprocity must request that their state board provide a license certification to substantiate licensure, license status (e.g., current, delinquent, suspended, etc.), and information on disciplinary action. Additionally, the board certifying the information must provide the examination history detailing what form of the ARE (or equivalent) was taken and when each division was passed. Reciprocal licensure candidates may substitute the EVF with an NCARB Certificate, which provides information on education (if any), examination, and experience. The NCARB Certificate demonstrates that an individual has met the highest professional standards, which makes it easier for licensees to obtain reciprocal registration in other US jurisdictions.

DRAFT

a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

The Board's applications include the following questions about the candidate's criminal/disciplinary history:

- Have you ever had registration denied, suspended, or revoked, or otherwise been disciplined by a public agency in any state or country?

- Have you ever been convicted of, or pled guilty or nolo contendere to any criminal or civil offense (including every citation, infraction, misdemeanor, and/or felony, including traffic violations) in the US, its territories, or a foreign country?

- Exclusive of juvenile court adjudications and criminal charges dismissed under California Penal Code section 1000.3 or equivalent non-California laws, or convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e), or section 11360(b), have you had a conviction that was set aside or later expunged from the records of the court?

- Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a plea or jury verdict?

The applications of those candidates responding "yes" to any of the questions are referred to the Board's Enforcement Unit for review and possible disciplinary action. The Enforcement Unit staff obtains a certified copy of the conviction or disciplinary action, a written explanation of the underlying circumstances of the offense or action, and evidence of rehabilitation from the candidate, and determines, based on the Board's regulations and relevant statutes, whether the offense or action is related to the practice of architecture or to the candidate's ability to practice architecture in the interest of the public health, safety, and welfare.

NCARB also maintains a disciplinary database that can be used by member boards to disclose and share information regarding disciplinary actions taken against licensees and unlicensed individuals within their jurisdiction. Prior to the issuance of each license, the Enforcement Unit staff searches the database and verifies if any disciplinary action has been taken against the candidate in another state, but was not disclosed to the Board on the candidate's applications.

b. Does the board fingerprint all applicants?

The Board is not statutorily authorized to fingerprint candidates (applicants) for an architect license.

In 2011 and 2012, the Board considered the necessity of a fingerprinting requirement as part of its Strategic Plan objectives, and determined that based on the anticipated low number of arrest and prosecution reports expected, there would be little increased benefit to the public health, safety, and welfare. It was noted that current law already requires architects working on school projects where children are present to have a background check conducted by submitting their fingerprints. Additionally, there would be increased costs to licensees and candidates.

DRAFT

The Board's current Strategic Plan includes an objective assigned to the Regulatory and Enforcement Committee (REC) to determine the necessity and implementation alternatives of a licensure fingerprint requirement as a means of protecting consumers. At this time, the Board is 1 of 6 programs within the Department of Consumer Affairs' (DCA) 39 boards and bureaus without the statutory authority to use fingerprinting for criminal background checks. Staff is researching how other DCA boards and bureaus implemented their fingerprint requirements for applicants and licensees, as well as examining the current fingerprint requirements for other architectural licensing boards throughout the country. The REC plans to review and discuss this objective at its next meeting, and develop a recommendation for the Board's consideration at a future meeting in 2018.

c. Have all current licensees been fingerprinted? If not, explain.

No, the Board is not statutorily authorized to fingerprint licensees. See response to 21b for additional information.

d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

Yes, as noted above, NCARB maintains a database available to its membership that contains disciplinary actions reported by participating Member Boards, and the Board's Enforcement Unit utilizes this resource. The Board checks the database prior to issuing a license and when a licensee discloses on his or her license renewal application that he or she had been convicted of a crime or disciplined by another public agency within the preceding renewal period.

e. Does the board require primary source documentation?

Yes, the Board requires candidates to submit (or have submitted on their behalf) original and/or certified documentation (such as university transcripts) to provide verification of authenticity. The Board also accepts NARB Council Records which require primary source documentation.

22. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The Board's regulations require all candidates for licensure to meet the same prerequisites for a license. Candidates must document eight years of training and educational experience in architectural work or the equivalent as specified in California Code of Regulations section 117 (earned through education, work experience, or a combination of each), and successfully complete both the national examination (ARE or an equivalent) and the CSE.

23. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

The Board considers military education, training, and experience the same as that from any other source, provided it is related to the practice of architecture. Education, training, and experience must fall within the

parameters established in California Code of Regulations section 117 to receive credit towards the eight-year experience licensure requirement.

a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

Yes, the Board tracks the military status of all candidates (applicants), including branch of service and military documentation received, and provides resources for candidates on its website, so candidates may receive credit for their training and educational experience.

b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

The Board does not specifically identify the origin of any education, training, or experience. Accordingly, the number of candidates who may have submitted such education, training, or experience is unknown.

c. What regulatory changes has the board made to bring it into conformance with BPC § 35?

No changes are necessary, as the Board is already permitted by its regulations to grant credit for military education, training, or experience that is related to the practice of architecture.

d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

One. Accordingly, there has been minimal impact to the revenue received by the Board.

e. How many applications has the board expedited pursuant to BPC § 115.5?

One candidate who was seeking reciprocal licensure and is married to, or in a domestic partnership or other legal union with, an active duty member of the US Armed Forces who is assigned to a duty station in California has requested expedited processing.

24. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

N/A

DRAFT

Examinations

Table 8. Examination Data – Tables modified to include examination result data for the CSE and ARE (by division).

Table 8. Examination Data California Supplemental Examination (CSE)		
License Type		Architect
FY 2014/15	# of 1st Time Candidates	540
	Pass	349 (65%)
FY 2015/16	# of 1st Time Candidates	705
	Pass	510 (72%)
FY 2016/17	# of 1st Time Candidates	810
	Pass	548 (68%)
FY 2017/18	# of 1st time Candidates	
	Pass	
Date of Last OA		2014
Name of OA Developer		Office of Professional Examination Services (OPES)
Target OA Date		TBD

DRAFT

Table 8. Examination Data Architect Registration Examination (ARE) 4.0 (National Examination)								
License Type		Architect						
Exam Title: ARE Divisions*		BD	BS	CDS	PPP	SD	SPD	SS
FY 2014/15	# of 1st Time Candidates[1]							
	Pass %							
FY 2015/16	# of 1st Time Candidates[1]							
	Pass %							
FY 2016/17	# of 1st Time Candidates[1]							
	Pass %							
FY 2017/18	# of 1st Time Candidates[1]							
	Pass %							
Date of Last OA		2012 NCARB Practice Analysis of Architecture						
Name of OA Developer		PSI Services, LLC						
Target OA Date		TBD						

[1] Data includes all California candidates. NCARB does not report data separately for first-time candidates.

[2] Abbreviations used in the above table for ARE 4.0 (prior administered national examination) divisions are explained as follows:

BD Building Design & Construction Systems
BS Building Systems
CDS Construction Documents & Services
PPP Programming, Planning, & Practice
SD Schematic Design
SPD Site Planning & Design
SS Structural Systems

DRAFT

NCARB's ARE 5.0 was launched on November 1, 2016. The following table provides statistics for the latest version of the ARE:

Table 8. Examination Data Architect Registration Examination (ARE) 5.0 (National Examination)							
	License Type	Architect					
Exam Title: ARE Divisions*		CE	PCM	PA	PDD	PJM	PPD
FY 2016/17	# of 1st Time Candidates[1]						
	Pass %						
FY 2017/18	# of 1st Time Candidates[1]						
	Pass %						
	Date of Last OA	2012 NCARB Practice Analysis of Architecture					
	Name of OA Developer	PSI Services, LLC					
	Target OA Date	TBD					

[1] Data includes all California candidates. NCARB does not report data separately for first time candidates

[2] Abbreviations used in the above table for ARE 5.0 (currently administered national examination) divisions are explained as follows:

CE Construction & Evaluation
PCM Practice Management
PA Programming & Analysis
PDD Project Development & Documentation
PJM Project Management
PPD Project Planning & Design

25. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

Each candidate for licensure is required to complete both the national examination (ARE) and CSE in order to receive licensure. The two examinations test candidates for their knowledge, skills, and ability to provide the services required of an architect who possesses entry-level competence. Both examinations are only offered in English.

Architect Registration Examination (ARE)

The ARE (currently in version 5.0) is a practice-based examination developed by NCARB. The content of the ARE is based on an analysis of architectural practice. The most recent "Practice Analysis" was conducted by NCARB in 2012. The ARE concentrates on those services that most affect the public health, safety, and welfare. The ARE has been developed with specific concern for its fidelity to the practice of architecture; that is, its content relates to the actual tasks an architect encounters in practice. No single examination can test for competency in all aspects of architecture, which is why the ARE is not the only requirement to become a licensed architect. Education and experience are also crucial licensure requirements. The examination attempts to determine the candidate's qualifications not only to perform measurable tasks, but also to exercise the skills and judgment of a generalist working with numerous specialists. In short, the objective is to reflect the practice of architecture as an integrated whole.

DRAFT

ARE 5.0 is comprised of six divisions and is more integrative than the previous version. Each division may contain multiple-choice, check-all-that-apply, quantitative fill-in-the-blank item types, "hot spot," "drag-and-place" item types, and case studies. These item types allow for testing at higher levels of cognition through analytical, synthetic, and evaluative exercises, which are more similar to what an architect does as part of regular practice. All divisions of the ARE are administered and graded by computer. The following is a list of the divisions:

ARE 5.0
- Construction & Evaluation
- Practice Management
- Programming & Analysis
- Project Development & Documentation
- Project Management
- Project Planning & Design

"Hot spot" and "drag-and-place" item types are scored through a computer-based analysis of a candidate's solution. This analysis evaluates each solution against an ideal solution to the graphic with a built in tolerance for item placement. Based on a candidate's performance, a solution is reported as acceptable or unacceptable.

Candidates must pass each division of the ARE independently and receive credit for divisions passed but must retake those divisions not passed. Also, credit for divisions passed is valid for five years (unless an extension is granted by NCARB), during which time all remaining divisions of the ARE must be passed. Otherwise, credit is lost in the order the divisions were taken and the affected division(s) must be retaken. This validity process is known as the "Five-year Rolling Clock" rule, which was implemented on January 1, 2006. Candidates receive an email from NCARB when their results are ready for viewing and downloading through its *My Examination* service, which was implemented in September 2013.

California Supplemental Examination (CSE)

The setting for architectural practice in California is distinct from that of other states. California's large physical size, massive and diverse population, varied landscape and climate, high seismicity, distinctive legal framework, and expansive economy create an unusually demanding environment for architectural practice. The varying interplay of these conditions for specific projects gives rise to even more complicated settings. Additionally, these complexities are further exacerbated by the pressure to accommodate change with increased speed, requiring architects to stretch the limits of their capacity to practice safely. Due to these unique needs and regulatory requirements, California administers the CSE to ensure that candidates have the necessary architectural knowledge and skills to respond to the conditions found in California.

The Board administers the CSE to candidates who have successfully completed all divisions of the ARE, as well as to eligible licensees from other jurisdictions and countries, all of whom must pass the CSE prior to receiving licensure. The CSE tests for those aspects of practice unique to California, including: seismic design, accessibility, energy conservation, environmental concerns, and legal issues, as well as those aspects of practice that are not adequately tested for in the ARE.

Prior to February 2011, the CSE was administered in an oral format. Since then, it has been computer-based. The current CSE is based on the 2014 Occupational Analysis (OA) and Test Plan and consists of two

DRAFT

separately timed sections (a project scenario section, which – includes a hypothetical project(s), and a general section). The CSE is administered by computer at 39 nationwide locations, including 17 testing centers within California, and currently lasts 3.5 hours.

The most recent OA was completed in November 2014. The OA was immediately followed by a review of the ARE psychometric process and linkage study that correlated the knowledge, skills, and abilities tested for in the CSE Test Plan with those present in the *2012 NCARB Practice Analysis of Architecture* to ensure there is no overlap between the content in the ARE and CSE.

The Board, in collaboration with OPES, explored the feasibility of reducing the mandatory CSE retake waiting period, which is set by regulation at 180 days. Based upon its findings, OPES determined the Board could reduce the waiting period to 90 days and maintain the defensibility and integrity of the CSE. OPES provided the Board with an implementation plan at its March 1, 2018, meeting. Concurrently, staff commenced the rulemaking process to amend California Code of Regulations (CCR) section 124. The implementation plan OPES formulated outlined the necessary examination development to achieve the objective of commencing the 90-day retake policy for CSE administrations beginning March 1, 2019.

26. What are pass rates for first time vs. retakes in the past 4 fiscal years *(Refer to Table 8: Examination Data)*? Are pass rates collected for examinations offered in a language other than English?

Statistics collected by NCARB relative to pass rates for the ARE do not distinguish between first-time and retake candidates. However, the Board does collect CSE pass rate statistics for a comparison between first-time and retake candidates. Proportionately across the board, reexam candidates have lower pass rates and once they have failed their pass rates drop precipitously. Both the ARE and CSE are only offered in English.

The following table provides a comparison for CSE candidates:

Fiscal Year	First-Time Candidates	Retake Candidates
2014/2015	65%	50%
2015/2016	72%	55%
2016/2017	68%	58%
2017/2018	%	%

27. Is the board using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

Yes, the Board utilizes computer-based testing (CBT) for its licensing examinations. The ARE and CSE, which are required for licensure, are both administered through CBT. The ARE has been administered via CBT since February 1997 and is currently in its fifth generation (ARE 5.0). The CSE, which had been delivered in an oral format since 1929, was transitioned to CBT in February 2011 after the conclusion of a CSE Format Study conducted in 2010. The study determined the CBT format to be more efficient for exam delivery and greater defensibility.

DRAFT

The six-division ARE is administered during normal business hours year-round (Monday through Saturday) at testing centers throughout the US. Additionally, the ARE is administered in Abu Dhabi (United Arab Emirates), Canada, Guam, Hong Kong, London (United Kingdom), and Puerto Rico. Eligible California candidates may take the ARE at any of these testing centers.

Candidates schedule ARE divisions through the NCARB *My Examination* online service. The *My Examination* service allows candidates to view all pertinent information relative to their examination history and schedule examinations at their convenience. Prometric is the test administrator for the ARE. Candidates schedule their exam appointments through *My Examination* and sit for an administration at a Prometric test center. Each of the six ARE divisions is scheduled and administered separately. Depending on the length of the specific division, it is possible to take more than one division on the same day.

The CSE is also administered year-round (Monday through Saturday). Psychological Services, Incorporated (PSI) is the test administration vendor for DCA. There are 39 PSI locations throughout the US (including 17 in California) where a candidate may take the CSE during normal business hours. A candidate may call the PSI scheduling department or use the online scheduler to make an appointment. Candidates receive their CSE results immediately upon completion of their administration.

28. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

School approvals

29. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

The Board is not statutorily authorized to accredit schools of architecture. The Bureau for Private Postsecondary Education does not play any role in the process of accrediting schools of architecture or architectural degree programs for the purposes of the Board.

The National Architectural Accrediting Board (NAAB) is the only entity nationally recognized to accredit professional and post-professional architecture programs with degrees in architecture within the US. NAAB accredits the architecture programs within the schools, not the schools themselves. The Canadian Architectural Certification Board (CACB) is the Canadian equivalent of NAAB and accredits the architecture programs in Canada.

30. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

The Board is not statutorily authorized to accredit schools of architecture or the professional and post-professional architecture programs offered by them. NAAB reviews architecture programs every three to eight years.

DRAFT

31. What are the board's legal requirements regarding approval of international schools?

The Board is not authorized to accredit schools of architecture. The legally authorized accrediting entity (if one exists) within each country would be responsible for such approval/accreditation of architectural schools or the professional and post-professional programs available at those schools. NAAB provides advice and consultation to organizations in other countries that are developing accreditation standards and procedures.

Continuing Education/Competency Requirements

32. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

Business and Professions Code section 5600.05 requires California architects to complete five hours of continuing education (CE) coursework on disability access requirements as a condition of license renewal. The coursework must include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101–336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework must be presented by trainers or educators with knowledge and expertise in these requirements. There have been no changes to the CE requirements since the last review.

a. How does the board verify CE or other competency requirements?

The Board requires architects to certify, under penalty of perjury (on their license renewal form), that they have completed the required CE coursework hours on disability access requirements within the previous two years. Architects are required to maintain their coursework documentation for two years from the date of renewal, and upon audit, provide the requested information to the Board.

b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

Yes. Licensees have 30 days from the date of the audit notice to provide the Board with coursework documentation. A second audit notice (requiring a response within 15 days) is sent to architects who do not respond to the initial request. Architects who do not respond to the second request are referred to the Board's Enforcement Unit.

Licensees are referred to the Board's Enforcement Unit for not:

- Responding to the Board's requests for information and documentation;
- Completing the required CE within two years prior to license renewal; or
- Providing truthful information on documentation.

c. What are consequences for failing a CE audit?

Architects failing to successfully complete a CE audit are referred to the Board's Enforcement Unit and are then subject to an administrative citation, which may include a fine, or disciplinary action by the Board.

DRAFT

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

The Board, in accordance with Business and Professions Code section 5600.05 (effective January 1, 2013), audits at least three percent of the license renewals received each year to verify compliance with the CE requirement. The number of audits conducted for the past four fiscal years and the corresponding failure rate is presented in the following table:

Fiscal Year	Audits Conducted	Licensees Failing Audit
2014/2015	277	50 (18%)
2015/2016	372	61 (16%)
2016/2017	342	52 (15%)
2017/2018		(%)

e. What is the board's course approval policy?

The Board does not have statutory authority to approve courses.

f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

The Board does not have statutory authority to approve courses or course providers.

g. How many applications for CE providers and CE courses were received? How many were approved?

N/A

h. Does the board audit CE providers? If so, describe the board's policy and process.

No, the Board does not have statutory authority to approve or audit courses providers.

i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

The Board's current focus is on completing the required assessment of its existing continuing education requirement pursuant to AB 1746 (Emmerson, Chapter 240, Statutes of 2010). This measure requires the Board to report to the Legislature on "the level of licensee compliance with the requirements, any actions taken by the Board for noncompliance with the requirements, the findings of Board audits, and any recommendations of the Board for improving the process." Accordingly, expanding the program beyond its current scope has not been considered.

DRAFT

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 5
Enforcement Program

33. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The Board's performance measures for the Enforcement Unit are defined by DCA's Consumer Protection Enforcement Initiative (CPEI) and focus on timely response to consumers and the pursuit of prompt disciplinary or enforcement action against those found to be in violation of the Architects Practice Act (Act).

For all complaints received, the Board has a goal of assigning complaints to staff for investigation within seven days. Currently, the Enforcement Unit averages one day to assign complaints for investigation. Concerning the time necessary to investigate a complaint, the Board's CPEI standards stipulate that complaints are to be closed within an average of 270 days of receipt. For FYs 2014/15, 2015/16, 2016/17, and 2017/18, the Board averaged 169 days, 116 days, 110 days, and 79 days, respectively. The Board is exceeding expectations in this area.

34. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board received an average of 333 complaints per year since FY 2014/15, which is a 21% increase since the previous reporting period. This increase is primarily due to the Board's mandatory audits of coursework for license renewal applications, as required by Business and Professions Code (BPC) section 5600.05. Since FY 2014/15, the Board initiated an average of 61 cases per year against licensees who failed the coursework audits; these cases are tracked as Board-initiated "complaints."

Enforcement staff closed 58% of investigations within 90 days and 93% within one year. The average number of days from receipt of a complaint to the closure of investigation was 122 days for all cases, which is a 23% reduction since the last reporting period. During the previous reporting period, the average number of days to complete an investigation was 158 days, and 53% of investigations were closed within 90 days.

Since the last reporting period, the average number of advertising complaints received by the Board decreased 31% to 82 per year. The average number of settlement cases received decreased 14% to 30 per year. The Board received an average of 114 complaints per year against licensees (excluding complaints initiated by the

DRAFT

Board due to failed coursework audits), which is a 54% increase since 2014. The Board also received an average of 49 unlicensed activity complaints per year, which is consistent with the previous reporting period.

Since the Board's last report in 2014, the number of citations issued has increased. This is primarily due to the fact that in FY 2014/15, the Board began issuing citations to licensees after audits of their license renewal applications revealed that they: 1) certified false or misleading information regarding their compliance with the coursework requirement when filing their renewal applications with the Board; 2) failed to maintain records of completion of the required coursework for two years from the date of renewal; or 3) failed to provide the Board with records of completion of the required coursework upon request. For this reporting period, citations average 43 per year. Of the citations issued, all included a fine assessment, averaging $1,315 per citation, and the Board collected approximately 70% of the assessed fines. The Board has also continued to focus on promptly responding to consumer complaints and developed an internal monthly report on case aging to improve the tracking of each case through the intake and investigation processes.

Table 9a. Enforcement Statistics

	FY 2015/16	FY 2016/17	FY 2017/18
COMPLAINT			
Intake			
Received	384	322	
Closed*	0	0	
Referred to INV	384	322	
Average Time to Close	1	1	
Pending (close of FY)*	0	0	
Source of Complaint			
Public	80	97	
Licensee/Professional Groups	58	47	
Governmental Agencies	192	151	
Other	55	29	
Conviction/Arrest			
CONV Received**	1	2	
CONV Closed**	1	2	
Average Time to Close	1	1	
CONV Pending (close of FY)*	0	0	
License Applications Denied	0	1	
SOIs Filed	1	0	
SOIs Withdrawn	0	0	
SOIs Dismissed	0	0	
SOIs Declined	0	0	
Average Days SOI	438	N/A	
ACCUSATION			
Accusations Filed	4	2	
Accusations Withdrawn	0	0	
Accusations Dismissed	0	0	
Accusations Declined	0	0	
Average Days Accusations	834	252	

DRAFT

Pending (close of FY)	1	1	

* All complaints received by the Board are referred for investigation.
** Only includes substantially-related convictions which warrant disciplinary action.

Table 9a. Enforcement Statistics (continued)

	FY 2015/16	FY 2016/17	FY 2017/18
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	3	3	
Stipulations	1	1	
Average Days to Complete	924	1,155	
AG Cases Initiated	4	2	
AG Cases Pending (close of FY)	6	4	
Disciplinary Outcomes			
Revocation	1	1	
Voluntary Surrender	0	0	
Suspension	0	0	
Probation with Suspension	1	2	
Probation	1	0	
Probationary License Issued	0	0	
Other	1	1	
PROBATION			
New Probationers	1	0	
Probations Successfully Completed	2	2	
Probationers (close of FY)	7	5	
Petitions to Revoke Probation	1	0	
Probations Revoked	0	0	
Probations Modified	0	0	
Probations Extended	1	0	
Probationers Subject to Drug Testing	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A
Petition for Reinstatement Granted	0	0	
DIVERSION			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

DRAFT

Table 9b. Enforcement Statistics (continued)			
	FY 2015/16	FY 2016/17	FY 2017/18
INVESTIGATION			
All Investigations			
First Assigned	385	324	
Closed	411	291	
Average days to close	116	110	
Pending (close of FY)	82	115	
Desk Investigations			
Closed	400	281	
Average days to close	114	103	
Pending (close of FY)	75	114	
Non-Sworn Investigation			
Closed	0	0	
Average days to close	0	0	
Pending (close of FY)	0	0	
Sworn Investigation			
Closed	11	10	
Average days to close	158	324	
Pending (close of FY)	7	1	
COMPLIANCE ACTION			
ISO & TRO Issued	0	0	
PC 23 Orders Requested	0	0	
Other Suspension Orders	0	0	
Public Letter of Reprimand	0	1	
Cease & Desist/Warning	214	166	
Referred for Diversion	N/A	N/A	N/A
Compel Examination	N/A	N/A	N/A
CITATION AND FINE			
Citations Issued	65	32	
Average Days to Complete	270	416	
Amount of Fines Assessed	$79,750	$45,750	
Reduced, Withdrawn, Dismissed	$1,250	$3,000	
Amount Collected	$60,536	$27,567	
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	

DRAFT

Table 10. Enforcement Aging						
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
0-1 Year	1 (100%)	0 (0%)	0 (0%)			
1-2 Years	0 (0%)	3 (75%)	1 (25%)			
2-3 Years	0 (0%)	0 (0%)	1 (25%)			
3-4 Years	0 (0%)	0 (0%)	1 (25%)			
Over 4 Years	0 (0%)	1 (25%)	1 (25%)			
Total Attorney General Cases Closed*	1	4	4			
Investigations (Average %)						
Closed Within:						
90 Days	157 (46.6%)	254 (61.8%)	178 (61.2%)			
91-180 Days	59 (17.5%)	72 (17.5%)	58 (19.9%)			
181 Days-1 Year	84 (24.9%)	57 (13.9%)	39 (13.4%)			
1-2 Years	30 (8.9%)	24 (5.9%)	14 (4.8%)			
2-3 Years	5 (1.5%)	3 (0.7%)	2 (0.7%)			
Over 3 Years	2 (0.6%)	1 (0.2%)	0 (0%)			
Total Cases Closed	337	411	291			

* Includes Accusations, Statements of Issues, and Petitions to Revoke Probation.

35. What do overall statistics show as to increases or decreases in disciplinary action since last review.

The Board filed six accusations, one petition to revoke probation, and one statement of issues during the current reporting period (FY 2014/15 through FY 2017/18), which is a 20% decrease from the previous review period. Eleven cases resulted in disciplinary action, which is consistent with the previous reporting period. The severity of the sanctions imposed on licensees has been consistent with the previous reporting period. During this reporting period, the Board revoked four licenses and ordered probation for six licensees (three with actual suspensions).

In evaluating a Board's enforcement program, it is important to reflect on the nature of the profession being regulated. Architects often collaborate with other parties (engineers, landscape architects, attorneys, contractors, and other architects) who provide additional quality control, and their plans must be approved by local building departments. Thus, there are parties who can identify problems earlier in the process so that cases that come to the Board typically do not deal with major property damage or bodily injury.

36. How are cases prioritized? What is the board's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The Board's case prioritization policy is consistent with DCA's guidelines and appropriate for the profession being regulated. As complaints are received, staff immediately reviews the complaint to determine the appropriate course of action based on the Board's prioritization guidelines. Complaints given the highest or

DRAFT

"urgent" priority include imminent life and safety issues, severe financial harm to clients, egregious pattern of complaints, and project abandonment. Complaints given a "high" priority level include those that involve aiding and abetting, negligence, and unlicensed practice. The more common complaints are contract violations, unlicensed advertising violations, routine settlement reports, and coursework violations.

37. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

Mandatory reporting requirements are specified in BPC sections 5588 (Report of Settlement or Arbitration Award), 5588.1 (Requirement that Insurer Report Certain Judgment, Settlement, or Arbitration Awards), and 5590 (Malpractice Judgment in Civil or Criminal Case; Clerk's Report).

BPC sections 5588 and 5588.1 require that within 30 days, every licensee and insurer providing professional liability insurance to a California architect send a report to the Board on any civil action judgment, settlement, arbitration award, or administrative action of $5,000, or greater of any action alleging the license holder's fraud, deceit, negligence, incompetency, or recklessness in practice. The Board received 138 settlement reports the previous reporting period and 106 reports in the current period.

BPC section 5590 requires that within 10 days after a judgment by a court of this state that a licensee has committed a crime or is liable for any death, personal or property injury, or loss caused by the license's fraud, deceit, negligence, incompetency, or recklessness in practice, the court which rendered the judgment shall report that fact to the Board. However, if the judge who tried the matter finds that it does not relate to the defendant's professional competence or integrity, the judge may, by order, dispense with the requirement that the report be sent.

Historically, the Board has tried to work with the courts to gain cooperation and compliance with BPC section 5590. However, during the past decade the Board has not received a report of a judgment from a court. The Board has collaborated with its Deputy Attorney General (DAG) liaison to seek assistance to obtain compliance from the courts. The DAG disseminated a letter to clerks of the courts reminding them of BPC section 5590. The Board has also requested that the California Administrative Office of the Courts assist in attaining compliance from court clerks.

In addition, BPC section 5600(c) mandates that licensees report on their renewal forms whether they have been convicted of a crime or disciplined by another public agency during the preceding renewal period.

a. What is the dollar threshold for settlement reports received by the board?

As noted above, the dollar threshold for settlement reports received by the Board is $5,000.

b. What is the average dollar amount of settlements reported to the board?

The average dollar amount of settlements reported to the Board during the current reporting period is $372,698.

DRAFT

38. Describe settlements the board and Office of the Attorney General on behalf of the board, enter into with licensees.

The Board considers agreeing into stipulated settlements with licensees where appropriate to promote cost-effective consumer protection and to expedite disciplinary decisions. In order to enter into a settlement with the Board, the licensee is generally required to admit to the violations set forth in the accusation, have his or her license placed on probation, submit quarterly probation reports, complete professional education courses directly relevant to the violation(s), and reimburse the Board for its investigative and prosecution costs.

Each proposed stipulated settlement is negotiated by the DAG assigned to the case (in consultation with the Executive Officer), the respondent (licensee or applicant), and the respondent's legal counsel, if represented, and must be accompanied by a memorandum from the DAG addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

a. What is the number of cases, pre-accusation, that the board settled for the past four years compared to the number that resulted in a hearing?

The Board has not settled any disciplinary cases in the past four years prior to the filing of an accusation.

b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

In the past four years, three disciplinary cases resulted in settlements with the Board and five cases resulted in a hearing.

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

In the past four years, 30% of disciplinary cases were settled, 20% resulted in default decisions, and 50% resulted in a hearing.

39. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The Board's statute of limitations is defined by BPC section 5561. All accusations charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the Board within 5 years after the Board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action, whichever occurs first, but not more than 10 years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of BPC section 5579 (Fraud in Obtaining a License), the accusation may be filed within three years after the discovery by the Board of the alleged facts constituting the fraud or misrepresentation prohibited by BPC section 5579.

DRAFT

Since FY 2014/15, the Board has not lost any cases due to the expiration of its statute of limitations. However, the Board received 14 cases in which the alleged violation(s) occurred beyond the statute of limitations, and as a result, could not be investigated by the Board. These cases primarily involved settlement reports where the architectural services were provided more than 10 years prior to the receipt of the report.

40. Describe the board's efforts to address unlicensed activity and the underground economy.

In most cases, consumers, licensees, or other government agencies provide evidence of unlicensed activity to be investigated. The Board addresses unlicensed activity and advertising by immediately and thoroughly investigating complaints, including reviewing online advertisements for violations, issuing citations with administrative fines for violations, and advising consumers of how to recover their money through small claims court. The Board also refers egregious cases to the Division of Investigation for sworn investigation, if appropriate.

The Board also works collaboratively with local planning and building departments to educate them on the Architects Practice Act (Act) requirements and prevent unlicensed activity. These efforts include disseminating letters and bulletins to planning and building departments advising them of the Act's requirement pertaining to unlicensed individuals submitting plans for non-exempt projects. Through the Board's Building Official Contact Program, architect consultants are also available on-call to building officials to discuss provisions of the Act, including unlicensed practice and potential aiding and abetting by licensees.

In an effort to address unlicensed practice and educate consumers, the Board promotes its *Consumer's Guide to Hiring an Architect.* The *Guide* was designed with the intention to help consumers understand the sometimes complex and technical nature of architectural services. It provides information on: what types of projects require a licensed architect; how to find and select an architect; written contract requirements and recommendations; how to manage the budgeting and construction of a project; and what to do if a problem occurs with the project. The *Guide* is distributed to various building and planning departments throughout the state. The Board also distributes *Consumer Tips for Design Projects*. This information contains a number of basic steps that consumers can take to help keep their projects on track.

The Board also works to protect consumers in post-disaster settings, where they are most vulnerable. A Homeowner Rebuilding Bulletin was produced to educate homeowners on their rights after a disaster. The Board collaborates with the Contractors State License Board to provide consumer education material at disaster recovery centers. Through social media and press releases, the Board promotes the availability of its toll-free number and its Architect Consultants as a resource to assist homeowners as they begin the rebuilding process.

In addition, the Board provides presentations at schools to educate students about the title act and exempt area of practice, thereby helping to prevent future violations.

DRAFT

Cite and Fine

41. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the $5,000 statutory limit?

The citation program provides the Board with an expeditious method of addressing violations involving unlicensed activity, repeated advertising violations, and the less serious practice or technical violations that have not resulted in substantial financial or physical harm. CCR section 152, the regulation that authorizes the Board to issue administrative citations and fines, was last amended in 2006 to: 1) increase the maximum administrative fine the Board could assess to $5,000; 2) modify the fine ranges for Class A, B, and C violations; and 3) modify the Class A violation to pertain to unlicensed individuals in violation of the Act. The Board also plans to assess CCR section 152 to determine the appropriateness of the classifications of violations and the corresponding fine amounts through a future Strategic Plan objective.

For this reporting period, citations averaged 43 per year compared with 22 citations per year during the previous reporting period. This increase is primarily due to the fact that in FY 2014/15, the Board began issuing citations to licensees for violations of the coursework provisions found in BPC section 5600.05 as a result of the Board's audit.

42. How is cite and fine used? What types of violations are the basis for citation and fine?

As noted above, the Board's citation program provides an expeditious method of addressing violations that have not resulted in substantial financial or physical harm. All professional practice complaints and some unlicensed complaints recommended for citation are reviewed by a Board architect consultant. Administrative fines range from $250 to $5,000 per violation, depending on prior violations; the gravity of the violation; the harm, if any, to the complainant, client or public; and other mitigating evidence.

The Board has used the citation program most frequently to cite individuals who have violated the following:

BPC Sections:

- 5536 (a) and (b) - Practice Without License or Holding Self Out as Architect
- 5536.1 - Signature and Stamp on Plans and Documents; Unauthorized Practice
- 5536.22 - Written Contract
- 5558 - Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services: Filing Requirements
- 5584 - Negligence or Willful Misconduct
- 5600.05 - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

CCR Sections:

- 104 - Filing of Addresses
- 134 - Use of the Term Architect

DRAFT

- 160 - Rules of Professional Conduct

Licensees who fail to pay the assessed fines have a "hold" placed on their license record that prevents renewal of the license until the fine is paid.

43. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

In the last four fiscal years, there have been 43 informal conferences, 3 stipulated settlements, and 7 administrative hearings as a result of citation appeals.

44. What are the 5 most common violations for which citations are issued?

BPC Sections:

- 5536 (a) and (b) - Practice Without License or Holding Self Out as Architect
- 5536.1 - Signature and Stamp on Plans and Documents; Unauthorized Practice
- 5536.22 - Written Contract
- 5584 - Negligence or Willful Misconduct
- 5600.05 - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

45. What is average fine pre- and post-appeal?

The average pre-appeal fine is $1,811 and the average post-appeal fine is $1,200.

46. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

The Board uses the Franchise Tax Board (FTB) Intercept Program to collect unpaid administrative fines from unlicensed individuals and recover dishonored checks. The majority of the Board's outstanding, unpaid fines are against unlicensed individuals, and the Intercept Program provides an additional tool to seek those penalties. Thus far, the success in collecting via this program has not been significant, as the potential sources of recovery are limited to Lottery proceeds, state tax refunds, and unclaimed property.

Cost Recovery and Restitution

47. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

The Board seeks cost recovery in all disciplinary cases (i.e., accusations, statements of issues, and petitions to revoke probation). Cost recovery is generally a required term in stipulated settlements. In cases where the respondent is placed on probation, cost recovery is often paid within 30 days of the effective date of a decision or pursuant to established payment schedules. However, for those cases calling for revocation, costs are often difficult to collect as respondents have fewer financial resources due to the loss of their licenses and no incentive to pay.

There have been no changes in the Board's pursuit of cost recovery since the last review period.

DRAFT

48. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The amount of cost recovery ordered is dependent upon the amount of time spent on the investigation, including the classification of the investigator, and the charges imposed by the Office of the Attorney General up to the date of the hearing.

The Board has had four cases resulting in revocations, six cases resulting in probation, and one case resulting in a public reproval during the reporting period as follows:

Revocations:	2	default decisions, Board did not order cost recovery
	2	$11,490 ordered through proposed decisions (must be paid prior to reinstatement of the license)
Probationers:	6	$41,735 (all are collectable and payments are being made)
Public Reproval:	1	$1,500 (has been paid in full)

49. Are there cases for which the board does not seek cost recovery? Why?

No.

50. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

The Board is utilizing FTB to collect cost recovery.

51. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

The Board has no authority to order restitution outside of a stipulated agreement or an administrative law judge's proposed decision. Since the last review, one petition to revoke probation was filed after a licensee failed to make scheduled restitution payments to clients, thereby violating the terms and conditions of probation. The licensee entered into a stipulated settlement with the Board, which extended the probationary period one year and required the licensee to pay the remaining $3,083 in restitution to clients.

Additionally, through the Board's complaint handling process, the Board may recommend that a licensee refund a client's monies or make an adjustment to satisfactorily resolve a complaint involving services provided and fees paid. The Board has no jurisdiction over fee disputes.

DRAFT

Table 11. Cost Recovery				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures				
Potential Cases for Recovery*	1	4	3	
Cases Recovery Ordered	1	2	3	
Amount of Cost Recovery Ordered	$3,113	$27,758	$13,244	
Amount Collected	$3,490	$11,143	$11,958	
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

Table 12. Restitution				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered	$0	$3,083	$0	
Amount Collected	$1,927	$771	$2,313	

DRAFT

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 6
Public Information Policies

52. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board continually updates its website to reflect upcoming Board and committee meetings and activities, changes in laws or regulations, licensing information, forms, publications, and other relevant information of interest to consumers, candidates, and licensees. Meeting notices are posted to the website at least 10 days prior to a meeting, and the related meeting packet 7 days prior. Board and committee meeting minutes are posted on the website once officially approved and remain for 100 years, in accordance with the Board's retention schedule. Draft minutes are posted on the website in the subsequent meeting packet for Board or committee approval. Other meeting related documents, such as meeting packets, remain on the website for 50 years, also in accordance with the Board's retention schedule. The website also provides links to important collateral organizations, California schools offering architecture programs, and other government organizations. The Board continually seeks input from users for items that may be included on the website and makes a specific effort to ensure that our website meets the needs of our constituents. Other tools used by the Board to communicate its messages include the eSubscriber list for e-news broadcasts, the Board's newsletter, and social media (Facebook, Instagram, and Twitter).

53. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

The Board webcasts its meetings when DCA resources are available. Board meetings are held at a variety of locations throughout the state in order to increase public participation. In addition, the Board has actively engaged with the DCAs' Office of Public Affairs to facilitate the webcasting of its meetings and includes notification of webcast availability on its meeting notices. Despite the Board's active effort to facilitate webcast at its meetings, varying technical capabilities of the meeting sites (schools of architecture, public venues, and architecture firms) as well as availability of Department personnel to perform the video streaming affect the ability to webcast. Lastly, webcast meetings are uploaded onto the DCA YouTube account and are currently available for an indefinite period of time.

DRAFT

54. Does the board establish an annual meeting calendar, and post it on the board's web site?

Yes. The Board establishes a meeting calendar at its December meeting and posts it on the website afterwards. Meetings of committees are also posted to the calendar when the dates are determined by the respective committee chair.

55. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

The Board's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. Accusations and disciplinary actions are posted on the Board's website and publicized in its newsletter according to the Board's records retention schedule.

56. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

California Code of Regulations (CCR) section 137 requires the Board to maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed architects and unlicensed persons subject to the Board's jurisdiction.

Information subject to the public information system is disclosed to the public upon request by telephone, in person, or in writing (including fax or email). The information is made available by the Board in writing or by telephone within 10 days of the request.

The following information is disclosed regarding license status of past and current licensees:

1. Name of the licensee, as it appears on the Board's records;
2. License number;
3. Address of record;
4. License issue date;
5. License expiration date; and
6. License status and history.

The Board also discloses the total number of enforcement and disciplinary actions, as well as brief summaries. It provides the current status of pending complaints (that comply with the criteria for disclosure pursuant to CCR section 137), accusations, statements of issues, and citations filed by the Board.

57. What methods are used by the board to provide consumer outreach and education?

The Board provides outreach and education to consumers through a variety of means to ensure effective dissemination of information.

DRAFT

The Board has specific publications targeting consumers. The Board's *Consumer's Guide to Hiring an Architect* is designed to help consumers understand the sometimes complex and technical nature of architectural services. It provides information on:

1. types of projects that require a licensed architect;
2. how to find and select an architect;
3. written contract requirements and recommendations;
4. how to manage the budgeting and construction of a project; and
5. what to do if a problem occurs with the project.

The Board's *Consumer Tips for Design Projects* is a concise document that summarizes the basic steps that consumers can take to help keep their projects on track. A key means of distributing both publications is making them available in city and county building departments. This enables consumers who are researching permit requirements for their projects to have timely information on architects and managing a project.

California Architects, a newsletter published by the Board is also a valuable source of information. The Board has augmented its efforts by establishing a Facebook and Instagram account in addition to its Twitter account to share information on key California architecture-related issues. The Board's website continues to be a primary focus of our efforts, providing the public, licensees, and candidates with a wide range of information. The website provides access to enforcement actions, a license verification tool, past newsletters, as well as a comprehensive list of downloadable applications, forms, and publications. The Board also added links to the consumer information webpages for the Board for Professional Engineers, Land Surveyors, and Geologists; the Contractors State License Board; and the Landscape Architects Technical Committee in order to educate consumers about related professions within the design and construction industry.

In an effort to better reach consumers, the Board sent an email to each member of the California State Assembly and Senate which included: 1) basic information about the Board; 2) the availability of consumer publications (i.e., *Consumer's Guide to Hiring an Architect*, *Consumer Tips for Design Projects*, etc.); and 3) a suggestion for the legislators to forward the information to their respective building and planning departments. The Board also created an article for the Department of Consumer Affairs' *Consumer Connection* magazine with information regarding the services architects provide and a link to the Board's website.

Perhaps the most valuable tool for consumers is the ability to contact the Board's architect consultants to provide advice on their projects and resolve issues. The architect consultants have decades of practice experience and are Architects Practice Act and project management experts. Consumers who use this service find the information invaluable and crucial to avoiding problems with their projects.

The Board expanded the consumer resources on its Disaster Preparedness webpage to strengthen protection after disasters. The Board also works to protect consumers in post-disaster settings, where they are most vulnerable, by distributing its *Homeowner Rebuilding Bulletin*, which educates consumers on their rights after a disaster, and by providing consumer education materials to local building departments and disaster recovery centers. Through social media and press releases, the Board promotes the availability of its toll-free number and its architect consultants as additional resources to assist homeowners as they begin the rebuilding process.

DRAFT

As part of the Board's 2017–2018 Strategic Plan, the Regulatory and Enforcement Committee (REC) is currently developing new ways to educate consumers on the standard of care so they understand what to expect from an architect when choosing to hire one. The REC is also considering alternate methods for architects to disclose to consumers they are licensed and regulated by the Board in order to increase awareness and strengthen consumer protection. The REC's recommendations are expected to be presented to the Board for review and possible action in late 2018.

The Board will continue to evaluate these consumer education methodologies and work to identify other effective means to provide information.

DRAFT

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 7
Online Practice Issues

58. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

Technology has been integrated into the architectural profession and continues to provide efficiencies in practice by allowing architects to prepare their instruments of service electronically (and outsource their production to online drafting services, as necessary), coordinate with other design professionals, and communicate and share design ideas with clients.

The Board believes the Architects Practice Act provides sufficient regulatory control over the use of technology and online practice by architects, as Business and Professions Code (BPC) section 5536.1 requires the architect's stamp and signature on instruments of service as evidence of the architect's responsibility for those documents. Another important consumer protection tool in this area is the written contract requirement (BPC section 5536.22), which requires an architect to execute a written contract when providing professional services to a client, with limited exceptions. At this point, technology and online practice have not resulted in an increase in complaints against architects, but the Board will continue to monitor these issues closely.

However, the prevalence of unlicensed individuals who misrepresent themselves as architects and/or offer architectural services to California consumers via the Internet remains a challenge for the Board's Enforcement Program. During the current reporting period, unlicensed advertising or activity complaints accounted for approximately 40% of all complaints received by the Board. The Board issues citations with administrative fines to unlicensed individuals who advertise or put out devices (such as Internet advertisements) that might indicate to the public that they are architects or qualified to engage in the practice of architecture, in violation of BPC section 5536(a). Egregious cases are referred to the Department of Consumer Affairs' Division of Investigation for possible criminal action.

The majority of these unlicensed advertising or activity complaints involve consumers with their first residential or tenant improvement projects and who may not be familiar with license requirements or the design and construction process. These consumers often rely on "referral" websites that offer to match them with "prescreened" professionals in their area who have passed the websites' background checks and can provide quotes for requested services. While these websites provide valuable information to consumers, such as ratings and reviews from past clients, they do not guarantee the accuracy, quality, or reliability of the information contained in the professionals' advertisements, and some allow unlicensed individuals to identify themselves as architects and/or offer architectural services to the public without verifying licensure.

DRAFT

The Board is interested in partnering with such referral websites to verify licensure for these professionals who advertise to California consumers and to remove illegal advertisements by unlicensed individuals. The Board will also continue to focus on consumer outreach and education regarding the licensure requirements when selecting an architect on the Internet.

DRAFT

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 8
Workforce Development and Job Creation

59. What actions has the board taken in terms of workforce development?

The Board periodically reviews the licensure process and amends its regulations, as appropriate, to implement efficiencies it determines will reduce the overall length of time to obtain licensure. Additionally, the Board maintains a career website (architect.ca.gov) which contains easy to understand information about licensing requirements, history of the profession, career possibilities, and other related issues. Staff provides presentations regarding licensure at schools of architecture with National Architectural Accrediting Board (NAAB) accredited programs and local components of The American Institute of Architects. The Board strives to remove impediments to licensure, such as reducing the mandatory waiting period between retakes of the California Supplemental Examination (CSE). The National Architectural Registration Boards (NCARB) has also taken measures to remove impediments, such as formulating the Integrated Path to Architectural Licensure (IPAL) program, which the Board has adopted, where NAAB-accredited programs integrate professional architectural education with practical experience and examination. The intent of IPAL is to accelerate and streamline the licensure process, the length of which is often considered an impediment. In a show of its support for the concept, the Board sponsored legislation that grants early access to the Architect Registration Examination (ARE) for IPAL-enrolled students. More information regarding IPAL can be found in Section 10.

Since October 2014, the Board has worked to serve as a resource and catalyst for creating stronger pipelines and guiding veterans into architectural career opportunities. A product of this effort is the Board's "You Can Be One" career poster, which is disseminated to the California Department of Veterans Affairs' (CalVet) Local Interagency Network Coordinators (LINC). LINCs bridge the gap between CalVet and the federal, state, county, and non-governmental agencies that provide services to our state's nearly two million veterans. The "You Can Be One" career poster communicates the key message that veterans' military experience, training, and leadership (enhanced by their ability to organize, lead, analyze and formulate solutions to complex situations), are all characteristics well-suited for a career in architecture.

60. Describe any assessment the board has conducted on the impact of licensing delays.

No formal studies have been conducted. However, Board management has been very proactive in directing the workload of staff to avoid or reduce delays in processing applications and mitigating any impact to the workforce. In addition, converting the CSE to a computer-based testing format greatly expedites licensure, as does releasing scores on-site.

DRAFT

61. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Board maintains a career website (architect.ca.gov) that contains easy to understand information about licensing requirements, history of the profession, career possibilities, and other related issues. With the creation of IPAL programs, students are provided the tools to complete the licensure process as part of their degree program. Additionally, at the commencement of the school year, the Board, through the chairs and deans of the architectural colleges, sends a letter introducing itself and explaining its role to students. A similar related letter is disseminated at the end of the school year. This effort is supplemented each year with presentations by Board staff in conjunction with NCARB leadership explaining licensing requirements, the role of NCARB, the Architectural Experience Program (AXP), and the ARE at the campuses. Also, the Board shares information about opportunities in the architectural profession and the licensure process with community college students. The "You Can Be One" career poster for community colleges communicates the message that California has the most flexible licensure requirements for architects in the nation. It also informs that a college/university degree in architecture is not required for licensure; candidates are eligible to begin testing for the ARE after accomplishing five years of architectural training experience. The Board believes that these efforts pay dividends by helping students become licensed more efficiently, which will save candidates time and money.

62. Describe any barriers to licensure and/or employment the board believes exist.

The Board, in collaboration with NCARB, routinely assesses the licensure process to proactively address potential barriers to licensure in a manner consistent with the mandate to protect the public health, safety, and welfare.

The current components of licensure (education/equivalents, experience, and examination) are separate and governed by specific standards and requirements that can affect a candidate's progress. On the national examination, for example, candidates can take the six divisions at any time and in any order. This flexibility can be greatly beneficial to candidates, but can also be a contributing factor to delays due to the lack of specific milestones with deadlines. The IPAL model may have sufficient structure to encourage greater efficiency for candidates. NCARB is collecting performance and examination data on IPAL programs; it was recently published by NCARB that several IPAL students from Florida and North Carolina graduated in May 2018 – first IPAL graduates nationwide. The Board will closely monitor future data releases for analysis and opportunities to provide NCARB with suggestions regarding enhancements or modifications.

63. Provide any workforce development data collected by the board, such as:

(a) Workforce shortages

No data is available. However, it should be noted there is anecdotal information to suggest that when the economy is strong, firms experience difficulty hiring new architects.

(b) Successful training programs.

No data is available.

DRAFT

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 9
Current Issues

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

N/A

65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

CPEI was launched in an effort to overhaul the enforcement processes of DCA healing arts boards and bureaus. However, the Board strives to achieve the performance measures outlined in CPEI, such as the goal to complete all investigations within an average of 270 days. In addition, the Board continues to report to DCA on a quarterly basis the success in meeting the applicable enforcement goals of CPEI. The Board is exceeding expectations by closing complaints within an average of 124 days.

66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

The Board is not using the BreEZe platform. The Board was originally in the BreEZe Release 3 and has not submitted any change requests.

b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

The Board and LATC, along with 19 other boards and bureaus was scheduled for the third release of BreEZe. However, numerous technical delays and problems with the project forced the delay of both the first and second releases of the system, and subsequently eliminated the project for those boards and bureaus scheduled for Release 3, including the Board/LATC.

The Department of Consumer Affairs (DCA) developed a Business Modernization Plan, based on the new Project Approval Lifecycle developed by the California Department of Technology (CDT). The purpose

DRAFT

of this initiative is to address business and technology needs for programs that continue to rely on legacy technology solutions. The Plan identifies a methodical step-by-step approach that boards and bureaus within DCA will use to assist in moving their programs forward. The goal is to embrace the unique nature of each of DCA's programs while offering some process standardization. The Plan outlines four stages of the project approval process: Stage 1 - document business justification, Stage 2 - alternatives and cost benefit analysis, Stage 3 - solution development framework, and Stage 4 - project approval. The final step of the process will be system implementation.

An initial meeting was held on July 11, 2017, with the Board/LATC and DCA's Organizational Change Management (OCM) to discuss the Business Modernization Plan and approach. On August 17, 2017, the Board/LATC met with OCM to discuss the Project Charter and initial inventory of the Board's existing administrative, enforcement, and licensing business processes. The Charter outlines the roles and responsibilities of key project stakeholders, describes the project decision-making authority, and the commitment needed in order to conduct a successful project. The Charter was finalized in January 2018.

The Board/LATC's Business Modernization Report accompanies the Business Modernization Plan and documents the business modernization activities that will be conducted specific to the Board/LATC. The Plan and Report were presented to the Board at their March 1, 2018 meeting along with a presentation by a DCA representative explaining the process planned for Release 3 boards. The Report presented to the Board included a proposed timeline, with a "go-live" release of a minimum viable product by November 2021 with release of configuration and phased implementation enhancements by November 2022. However, the Board's potential need for a Budget Change Proposal could extend this timeline.

The Board/LATC's business processes inventory was finalized and provided to OCM in May 2018. The next step included mapping all of the business processes in consultation of the Board/LATC's subject matter experts.

Currently the Board/LATC utilizes two legacy systems (Applicant Tracking System [ATS] and Consumer Affairs System [CAS]) and the LATC uses a workaround system for candidates. Because this planned approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction and an enhanced license verification feature on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to view all license-related data including licenses that an architect/landscape architect may hold from other DCA's boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

DRAFT

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 10
Board Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

CAB ISSUE #1: TRAVEL RESTRICTIONS. Should the Committees encourage travel to professional conferences or meetings that directly affect licensure of California licensees?

Committee Staff's Recommendation: The Committees should encourage the Board to pursue opportunities at which its Members and Officers can interact directly with their national peers, and provide a strong voice for California's unique perspective and needs. The Board should inform the Committees of whether it continues to face travel restrictions that prohibit it from attending meetings where its representation could significantly impact California's ability to ensure that national examinations or standards reflect California's needs and protect California licensees, candidates for licensure, and consumers.

2014 Board Response:

The Board/LATC concurs with the Committees' recommendation. Participation in national affairs is critical for the Board and LATC. The national examinations save the Board and LATC literally millions of dollars by not having to replicate the national examinations. In addition, the Board relies on the Intern Development Program to ensure that candidates receive experience in crucial areas of practice.

The Board and LATC have had recent success on travel, with approvals to attend three key out-of-state national sessions. In addition, three recent sessions have been in California, where the Board was also able to participate. These approved trips for the Board were funded by our national nonprofit - the National Council of Architectural Registration Boards (NCARB), so no State funds were spent. The Board has not received approval to travel with State funds since 2010. LATC was approved to travel to the Annual Business Meeting of the Council of Landscape Architectural Registration Boards (CLARB) in 2009 and 2014 with State funds, but CLARB does not offer "funded trips." LATC was denied the opportunity to attend a CLARB session that was held in California. Sending a Board member to the Annual Meeting costs a fraction of the Board's budget - approximately .0005.

DRAFT

The Board just participated in the NCARB Regional Summit on March 13-14 in Long Beach. At that meeting, the main proposal discussed would restrict existing reciprocity standards and prevent nearly 2,000 California architects from practicing in other states. California was the only state advocating to preserve the existing pathway. Through our efforts, we built a coalition to oppose the measure when it is up for a vote in June at the Annual Business Meeting. There is much more to be done to defeat the measure, but much of the effort takes place on-site at the meeting. In order to succeed, the Board must be in attendance with a strong delegation. This is because there are approximately 250 people in attendance from the 54-member jurisdictions, as well as NCARB executive staff and leadership from the American Institute of Architects, National Architectural Accrediting Board, Association of Collegiate Schools of Architecture and American Institute of Architects - Students. Persuading a group of that size requires a delegation of at least four, but a larger group has greater odds for success and also helps with succession planning so that new Board/LATC members can learn first-hand about the national associations and develop the relationships needed to protect California's interests.

The Board is in the process of submitting an out-of-state trip request to Department of Consumer Affairs (DCA) to add two members in addition to the two that were previously approved. This will provide the Board a strong delegation to work to defeat the resolution.

The professions, via the American Institute of Architects - California Council and California Council of the American Society of Landscape Architects, understand the importance of participation and regularly and consistently support the Board's engagement in NCARB and CLARB. The Board appreciates that DCA and Administration have been approving some of the trips, and the Board encourages ongoing and increased support for the criticality of national issues.

(Note: This was Issue #1 for LATC in the Sunset Background Paper.)

<u>2018 Board Update Response:</u>

The Board's and LATC's travel requests for out-of-state meetings have been consistently approved including the two additional members' approval sought since the last reporting period. The Board has participated in all the NCARB Annual Meetings since the last report except for the 2017 Regional Meeting which took place in Kansas, a State banned from travel pursuant to Assembly Bill 1887 (Low, Chapter 687, Statutes of 2016). This bill prohibits State-funded or state sponsored travel to states that, after June 26, 2015, have enacted a law of a discriminatory nature.

The work conducted at these meetings is critically important and can have a profound impact on issues such as reciprocity. The Board's and LATC's participation can directly influence the policies and procedures that are discussed and decided upon. For example, by California's participation at an NCARB Annual Meeting, the Board was able to successfully advocate against a resolution that would have precluded California architects who do not hold an accredited degree from attaining the "NCARB Certificate" and, accordingly, gaining reciprocity in key states that require the certificate. Through the Board's advocacy, we were able to preserve this important pathway. Similarly, the presence of LATC representatives at the CLARB Annual Meetings ensures that California is sufficiently informed on CLARB activity and able to participate in major discussions and decisions that occur during the meetings. Additionally, during their annual meetings CLARB hosts many discussions to help inform participants of various trends related to the licensing, regulatory, and disciplinary functions of CLARB member boards. The Board and LATC look forward to maintaining a strong presence at the national level.

DRAFT

CAB ISSUE #2: PRO RATA. What services does the Board receive for its share of pro rata?

Committee Staff's Recommendation: The Board should advise the Committees about the basis upon which pro rata is calculated, and the methodology for determining what services to utilize from DCA. In addition, the Board should discuss whether it could achieve cost savings by providing some of these services in-house.

2014 Board Response:

The Board/LATC's share of the department's pro rata is calculated based on authorized position counts, licensing and enforcement record counts, prior year workload, and interagency agreements. The Board/LATC currently utilizes most of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise in certain administrative services to be effective. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

Senate Bill 1243 (Lieu, Chapter 395, Statutes of 2014) requires DCA to conduct a study and submit a report to the Legislature on its pro rata calculation of administrative expenses by July 1, 2015. The study will assess whether the pro rata system is the most productive, efficient, and cost-effective methodology and whether some of the services should be outsourced or charged on an as-needed basis. The study will also include consideration of whether the boards should be permitted to elect not to receive (and be charged for) certain administrative services. As part of the study, the Board/LATC has participated in a survey of its use of DCA's services. Based on the outcome of the study and the DCA's report to the Legislature, the Board/LATC will reassess its continued use of the DCA's pro rata services.

(Note: This was Issue #4 for LATC in the Sunset Background Paper.)

2018 Board Update Response:

The Board's 2014 response is still applicable. The Board/LATC's share of the department's distributed costs (pro rata) is calculated based on authorized position counts, licensing and enforcement record counts, volume of calls, complaints and correspondence, prior year workload, interagency agreements, and other distributions. The Board/LATC currently utilizes most, if not all, of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise (and potentially additional resources) to provide such administrative services in an effective manner. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

At an annual meeting, DCA provides an overview of the department's distributed costs. The purpose of this meeting is to explain how the costs of DCA's services are funded. In addition, Senate Bill 1243 (Lieu, Chapter 395, Statutes of 2014) required the department to provide a one-time study of its process for distributing administrative costs among its 29 boards, bureaus, committees, commission and program (boards). The distribution of costs for these divisions is budgeted to all boards utilizing the various distribution methodologies described above. The study and resultant report provided to all boards provides robust data as to pro rata. For the size of the Board and LATC, the continued use of the DCA's pro-rata and centralized services is more practical

DRAFT

and cost efficient. The Board is appreciative of the transparency and DCA's efforts to explain the basis for costs for services.

CAB ISSUE #3: BREEZE IMPLEMENTATION. The Board was supposed to be part of BreEZe's Release Three, which has now been delayed until at least 2016.

Committee Staff's Recommendation: The Board should inform the Committees of any difficulties it foresees as a result of having to remain on its legacy system, and whether any additional stop-gap technological measures are needed until BreEZe is implemented. The Board should inform the Committees of how costs related to BreEZe will impact its fund condition.

2014 Board Response:

Substantial difficulties are foreseeable as a result of having to remain on the legacy systems, due to numerous significant changes to the national Architect Registration Examination (ARE) and potential changes to other national programs. Board/LATC staff is conducting an assessment of the impact due to delayed implementation of BreEZe for Release 3 boards and bureaus and coordinating efforts with DCA to develop stop-gap measures that could involve significant modifications to the legacy systems.

The Board believes, however, that due to the changes to the ARE, the corresponding changes to the "business model analysis" that was prepared in preparation for BreEZe approximately five years ago, are so significant that the current delay and repositioning of BreEZe may actually be a strategic advantage. Had BreEZe actually rolled out with the ARE consisting of seven divisions, as it does now, it would be completely dysfunctional, as the ARE previously had nine divisions. To add further complexities, there are intricate new rules that place restrictions on candidates' eligibility, which would have further exacerbated the problems.

The Board/LATC routinely monitors its fund condition and works very closely with DCA's Budget Office. The Budget Office has provided the Board/LATC's fund condition projected to fiscal year (FY) 2016/17, which includes anticipated BreEZe costs. The Board/LATC and the Budget Office do not foresee an issue with the Board/LATC's fund condition based on the current projections for BreEZe costs. The Board's fund condition will have an 11-month reserve in FY 2016/17, the year the BreEZe program is planned to be implemented for the Board.

(Note: This was Issue #3 for LATC in the Sunset Background Paper.)

2018 Board Update Response:

The Board/LATC are working in collaboration with DCA on its Business Modernization Plan to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan is a structured approach to identifying business needs and overlaying those requirements on available licensing platforms and complimentary technology. This approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction and an enhanced license verification feature on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to

view all license-related data including licenses that an architect/ landscape architect may hold from other DCA's boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

Since the inception of the BreEZe project, the Board has contributed a total of $328,269 through FY 2016-17. The Board's estimated contribution in FY 2017-18 is $83,000. A budget change proposal may be required if the costs for the new platform are not absorbable. The Board has not yet determined whether it will utilize the BreEZe system or an alternative platform.

CAB ISSUE #4: LICENSURE AND LICENSEE POPULATION. Should the Board continue to explore ways to streamline the licensure process? Should the Board examine whether there is a shortage of licensed architects and capacity for architecture programs to train students?

Committee Staff's Recommendation: The Board should continue to explore streamlined paths to licensure as a way to simplify the licensure process. The Board should continue monitoring the efforts of, and working closely with, NCARB, to ensure that any proposed changes to the licensure process do not affect competency or create reciprocity issues, and that California's needs are represented at the national level. The Board should monitor workforce capacity to determine if the demand for licensed architects is, and will continue to be, met.

2014 Board Response:

The Board concurs with the Committees' recommendations. There is an ongoing objective from the Board's 2014 Strategic Plan to collaborate with California's National Architectural Accrediting Board (NAAB) accredited programs to establish and promote an Additional Path to Architectural Licensure (APAL). NCARB has taken a leadership role at the national level with the APAL; the Board is working with California schools and has hosted two summits (February 26, 2014 and March 12, 2015) to further those efforts.

NCARB has released its Request for Proposal (RFP), responses to which are due June 1, 2015. After a review of the RFPs, NCARB will provide an endorsement of those programs that conform to the programmatic requirements. The Board will continue its monitoring of NCARB and the national trends with respect to efforts for developing a streamlined licensure process.

Board staff will also coordinate with the Employment Development Department on conducting an analysis of the demand for architects and whether it will continue to be met in the long-term.

2018 Board Update Response:

Since its response to this issue in the 2014 Sunset Review Report, the Board has continued its close collaboration with the NCARB to streamline the licensure process and routinely assessed its requirements to see where it may realize efficiencies. After reviewing the RFP from interested schools across the nation, NCARB, as part of the inaugural cohort comprised of 14 schools, selected three California schools: NewSchool of Architecture and Design, University of Southern California, and Woodbury University.

To maintain a strong connection with the three universities, the Board holds some of its meetings on campuses with an Integrated Path to Architectural Licensure (IPAL) program (formerly known as APAL). This affords each institution the opportunity to provide updates on its program, explain any challenges, and identify areas

where collaboration with the Board can assist the program. As part of its strong support of IPAL, the Board sponsored an amendment to its Sunset Review bill (Assembly Bill 177 [Bonilla, Chapter 428, Statutes of 2015]) to allow students enrolled in an IPAL program early access to the national examination. In 2017, in an effort to assist IPAL schools in finding viable opportunities for students to gain the architectural training experience required for the national structured internship program (NCARB's Architectural Experience Program, or AXP), the Board sent letters to local architectural firms requesting their consideration of hiring an IPAL student. The Board's newsletter, *California Architects*, has also been a tremendous vehicle for showcasing California IPAL programs via a feature story on each one. Driven by the efficiencies being realized with IPAL, and the national examination in particular, the Board is amending its regulations to reduce the mandatory waiting period for candidates who must retake the California Supplemental Examination from 180 to 90 days.

IPAL is a dynamic program still in its early years of development. As such, the Board will continue to closely monitor it for opportunities to support the programs. As NCARB continues to provide leadership for IPAL programs, the Board will also monitor metrics to assess the performance of the programs and possible improvements.

IPAL programs are expected to have a positive impact on the pipeline into the profession. With respect to workforce needs, data from the Employment Development Department indicates that the demand for architects (excluding landscape and naval architects) is expected to grow slower than average growth rate for all occupations. Jobs for architects are expected to increase by 9.7 percent, or 1,500 jobs between 2014 and 2024. This appears to be a sustainable demand, as the Board licenses over 500 new architects per year. (The US Department of Labor - Bureau of Labor Statistics [BLS] job outlook for architects for 2016 to 2026 is 4%, which is considered by BLS to be less than average). The numerous recent efficiencies in the licensure process (such as reducing the number of divisions on the ARE) may also help promote licensure to meet future needs.

With respect to national licensing data, as of 2016 (the most recent available), the number of architects in the U.S. held steady at nearly 110,000 across all NCARB member board jurisdictions. There are two trends worth noting that reveal a continued demand for architectural licenses: 1) practitioners are seeking to expand their work into other states, as more than 126,000 reciprocal licenses are held by architects (an increase of 3% from 2015); and 2) the pool of emerging professionals is stable, with more than 41,000 in the process (reporting experience or taking the ARE). In the past decade (2007–2016) the pool of licensure candidates across the nation increased by more than 17,000 and the number licensed architects increased by nearly 7,000.

The Board will continue to support the IPAL programs and new efficiencies in the licensure process. Current workforce trends are encouraging. NCARB is collecting performance and examination data on IPAL programs; it was recently published that several IPAL students from Florida and North Carolina graduated in May 2018 – first IPAL graduates nationwide. The Board will closely monitor future data releases for analysis and opportunities to provide NCARB with suggestions regarding enhancements or modifications.

DRAFT

<u>CAB ISSUE #5:</u> CONTINUING EDUCATION (CE). The Board notes that it has examined its CE requirement due to recent legislation and changes to the NCARB Model Law, and continues to monitor its CE requirement to ensure reciprocity issues do not exist.

<u>Committee Staff's Recommendation</u>: The Board should inform the Committees of why its failure rate for CEs is so high, and how it can reduce that rate. The Board should continue to monitor the trend regarding CEs at the national level.

<u>2014 Board Response:</u>

<u>The Board concurs with the Committees' recommendation.</u> Continuing education (CE) on disability access requirements is a relatively new (since July 1, 2009) requirement; audits were only required as of January 1, 2013. The statistics provided in the Board's Sunset Review Report represent the first year audits were conducted, and the first time licensees certified on their renewal application the CE requirement was fulfilled.

Prior to the commencement of audits, licensees submitted all relevant coursework provider documentation to the Board for review and acceptance before a license could be renewed (more than 20,000 records). The Board's audit failure rate is in fact comparable to other DCA entities that audit, which have averaged 13%.

The Board believes that two factors may help reduce the noncompliance rate. First, the deterrent effect of citations should improve audit results. The first group of citations was served in early 2015. Once those citations are adjudicated, practitioners will know that the Board takes strong actions against violations. In addition, the Board is coordinating with professional organizations for increased communication to licensees. Common noncompliance violations include: coursework taken after license renewal/audit notification; coursework taken more than two years prior to license renewal; deficient coursework (number of hours); failure to respond to audit in a timely manner; and, incorrect coursework taken and/or submitted. The Board will use this data in its communications efforts to assist architects in complying with this requirement.

The Board will continue monitoring, through NCARB, the national trends relative to CE initiatives and changes to the NCARB Model Laws.

<u>2018 Board Update Response:</u>

The Board's audit compliance rate is 83%, which is consistent with other boards surveyed that provided data. The audit program is still relatively new, as it has been in place for only two complete renewal cycles. The Board believes that citations may improve compliance over time and act as a deterrence. To facilitate compliance, the Board's license renewal form and website contain prominent information about the CE requirement and the statement of compliance is signed under penalty of perjury. Articles in *California Architects* (the Board's newsletter) have underscored the importance of compliance, and cab.ca.gov contains robust information about the requirement. Professional associations, such as The American Institute of Architects, also regularly promote course offerings and compliance information. These communication efforts with licensees' help deter non-compliance of the CE requirement.

The Board is currently completing an assessment of the program, which is required pursuant to Assembly Bill 1746 (Emmerson, Chapter 240, Statutes of 2010), which will analyze the level of licensee compliance with the requirements, any actions taken for noncompliance with the requirements, the findings of audits, and any

DRAFT

recommendations for improving the process. This report to the Legislature will form the basis for future improvements to the program.

NCARB Member Boards at the 2018 Annual Business Meeting voted to pass a CE-related resolution that aligns the health, safety, and welfare (HSW) categories listed in the *Legislative Guidelines and Model Law / Model Regulations* with those of the core NCARB programs (the ARE and AXP). This action revises and broadens the breath of topics considered acceptable for HSW CE.

CAB ISSUE #6: INFORMATION SHARING. The Board reports that it is unable to share relevant disciplinary information of its licensees with a national database due to information-sharing restrictions.

Committee Staff's Recommendation: The Board should inform the Committees of the specific types of information it would like to disclose to NCARB, and provide the Committees with the specific code sections that prevent the Board from disclosing that information. The Board should also weigh the benefits of sharing disciplinary information to assist other regulatory entities against the individual privacy rights, and potential threats to those rights.

2014 Board Response:

The Board concurs with the Committees' recommendation.

The Board currently utilizes the NCARB Disciplinary Database by disclosing actions, such as Accusations and Statements of Issues, taken against licensees. Other NCARB Member Boards can view this information by securely accessing the database; additionally, prior to the Board issuing a license, the database is utilized to confirm whether disciplinary action has been taken against an individual in another state. A 2.0 version of the NCARB Disciplinary Database was recently launched and the Board continues to find that this is a useful tool.

Identifying information that is captured in the database includes: 1) an individual's full name; 2) State license number; and 3) the NCARB Record Number and/or Certificate Number (if an individual possesses either of these). Other identifying information that can be captured in the database is date of birth (DOB) and last four digits of Social Security Number (SSN). However, the Board cannot share DOB and SSN due to the Information Practices Act of 1977 (Civil Code section 1798 et seq.).

The Board will continue to weigh the benefits of sharing disciplinary information against the privacy rights of individuals.

2018 Board Update Response:

The Board's 2014 response remains applicable. The Board has been able to effectively utilize NCARB's Disciplinary Database to monitor action of other states. There have been no additional requests for data, and there is no need for additional action from the Board at this time.

DRAFT

<u>CAB ISSUE #7:</u> COLLECTION OF FINES. The Board notes that it is seeking ways to increase collection of fines, particularly in cases of unlicensed practice when it does not have the leverage of a license to incentivize payment.

<u>Committee Staff's Recommendation</u>: The Board should continue to explore ways to improve its enforcement efforts and collect fines. The Board should examine other agencies that are authorized to release SSNs to collection agencies, and whether there are any privacy or security issues that may arise if such information was transmitted. The Board should work with other licensing boards, such as the Contractors State Licensing Board, the Bureau of Real Estate, and the Board of Professional Engineers, Land Surveyors, and Geologists, to determine the feasibility of sharing disciplinary information for purposes of leveraging other professional licenses as a way to achieve compliance; how such a system would operate; and what changes would be necessary.

<u>2014 Board Response:</u>

<u>The Board/LATC concurs with the Committees' recommendations.</u>

The Board currently has an ongoing objective from its 2014 Strategic Plan to "pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties" and is committed to continuous improvements with regard to all enforcement efforts.

The Board's fine collection success has averaged about 62% over the last three fiscal years, while other construction/design boards have averaged 37%.

Should the Board pursue authority to release SSNs to collection agencies, it would fully investigate whether there are any privacy or security issues that may arise. The Board has noted that the Respiratory Care Board is authorized to release SSNs to collection agencies via Business and Professions Code section 3778 (Chapter 586, Statutes of 2003); the Board is currently not aware of other agencies with similar authority.

As part of its Strategic Plan objective, the Board/LATC will research the feasibility of working with other licensing boards in sharing disciplinary information for purposes of leveraging other professional licenses. Other strategies the Board/LATC has utilized with regard to fine collection: Franchise Tax Board Intercept Program; payment plans; revised enforcement letters; etc. In addition, the Board is working with DCA to explore the possibility of establishing a collections unit in DCA to assist boards in collecting citation penalties.

(Note: This was Issue #5 for LATC in the Sunset Background Paper.)

<u>2018 Board Update Response:</u>

The Board continues to focus on the collection of citation penalties, and its current Strategic Plan includes an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. The Board's ongoing efforts to pursue payment of citation penalties resulted in a 70% collection rate over the past three fiscal years, while other design and construction boards have averaged 56%. Research has also indicated that collection agencies can take action without SSNs. Accordingly, the Board is currently in the process of contracting with a collection agency for full-service debt collection services, including skip-tracing,

DRAFT

credit reporting, and filing legal actions, as appropriate. In addition, collaboration with other boards may be feasible when the Board is on a new platform system.

CAB ISSUE #8: CONTINUED REGULATION BY THE BOARD. Should the licensing and regulation of architects be continued and be regulated by the current Board membership?

Committee Staff's Recommendation: Recommend that the licensing and regulation of architects continue to be regulated by the current Board members of the California Architects Board in order to protect the interests of the public and be reviewed once again in four years.

The Board/LATC concurs with the Committees' recommendation.

(Note: This was Issue #6 for LATC in the Sunset Background Paper and the Board/LATC concur with that recommendation.)

DRAFT

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 11
New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

The Board has addressed all issues from the prior review.

DRAFT

NEW ISSUES

Integrated Path to Architectural Licensing (IPAL)

IPAL continues to be a critical initiative at the national and state levels with the goal of strengthening the licensing system. The licensing model used for decades consists of an eight-year linear process, with five years of education (or equivalents), a three-year experience component, and national and state examinations. Although the time between initial application and licensure has been on a downward trend, many licensure candidates find that it may take up to 12.5 years to receive a license. The Board and other architectural collateral organizations understand the process is heavily candidate-driven – the pace of completion largely determined by the individual candidate.

IPAL is an innovative licensing model similar to those used in some other countries, that logically configures the three components of licensure (education, experience, and examination). In August 2015, National Council of Architectural Registration Boards (NCARB) accepted proposals from over a dozen architecture schools to implement IPAL within the respective academic programs accredited by the National Architectural Accrediting Board (NAAB). The specific approach for how to integrate the three licensure components used by each program accepted by the NCARB to achieve the goal of licensure at or near graduation varied from one to another. Nonetheless, the overarching goal of achieving licensure within a more tenable timeframe remained the common driver. Each program is required to ensure that its students are afforded the opportunity to gain work experience and take each division of the Architect Registration Examination (ARE) prior to graduation.

Since August 2015, NCARB has accepted a total of 26 programs from 21 colleges to participate. Three California schools were among the initial cohort: NewSchool of Architecture and Design (San Diego, two Master of Architecture [M.Arch.] programs); University of Southern California (Los Angeles, Bachelor of Architecture [B.Arch.] program); and Woodbury University (Burbank, one each B.Arch. and M.Arch. program). In the early developmental stages of IPAL NCARB would periodically solicit Requests for Proposals (RPF) from interested schools. However, through evolution of the process RPFs are now accepted year-round.

To maintain a strong connection to the three universities, the Board holds some of its meetings on campuses with an IPAL program. This affords each institution the opportunity to provide updates on its program, explain any challenges, and identify areas where collaboration with the Board can assist the program. As part of its strong support of IPAL, the Board sponsored an amendment to its Sunset Review bill (Assembly Bill [AB] 177 [Bonilla, Chapter 428, Statutes of 2015]) to allow students enrolled in an IPAL program early access to the national examination (ARE). In 2017, in an effort to assist IPAL schools in finding viable opportunities for students to gain the architectural training experience required for the national structured internship program (NCARB's Architectural Experience Program, or AXP), the Board sent letters to local architecture firms requesting their consideration of hiring an IPAL student. The Board's newsletter, *California Architects*, has also been a tremendous vehicle for showcasing California IPAL programs via a feature story on each one. Driven by the efficiencies being realized with IPAL, and the national examination in particular, the Board is amending its regulations to reduce the mandatory waiting period for candidates who must retake the California Supplemental Examination from 180 to 90 days.

IPAL is a dynamic program still in its early years of development and is expected to have a positive impact on the pipeline into the profession. As such, the Board will continue to closely monitor IPAL for opportunities to support the participating schools. As NCARB continues to provide leadership for IPAL programs, the Board will

also monitor metrics and assess the performance of the programs for possible process improvements and revisions to the Architects Practice Act. The Board remains highly enthusiastic about the outlook for IPAL. It is vitally important for the Board and profession to work together and ensure, to the extent possible, the path to licensure is efficient and effective so California's best and brightest are able to navigate the process and become an architect in a reasonable timeframe.

Written Contract

The Board's "written contact requirement" is one of its most important consumer protection tools. AB 969 (Davis, Chapter 117, Statutes of 1995) added Business and Professions Code (BPC) section 5536.22 to the Architects Practice Act (Act). The provision requires architects to use a written contract when contracting to provide professional services to a client, with specified exceptions. The architect's written contract must: 1) describe the services to be provided by the architect to the client; 2) describe the basis of compensation and method of payment; 3) identify by name and address the client and the architect, including the architect's license number; 4) describe the procedure to accommodate additional services; and 5) describe the procedure to be used by both parties to terminate the contract.

Memorializing the basic terms of a business relationship can prove invaluable. Both parties to the relationship need to understand the cost, schedule, compensation, etc. When there is no contract, there is an enhanced opportunity for one party to take advantage of the other. The Board believes that the contract requirement benefits both the consumer and the architect.

Since this provision has been in effect for some time, the Board has investigated many consumer complaints that centered around the existence of a contract or meaning of specific terms. As such, the Board's experts in the Enforcement Program (Architect Consultants) have identified several potential improvements to the current law. Many of the disputes that have resulted in complaints stemmed from misunderstandings concerning the project description and/or failure to manage changes in the project description during the design process. The description of the project has direct bearing on the: 1) design services required; 2) compensation related to those services; and 3) project budget and schedule. Without a defined project description, it is often unclear whether the project is on track in meeting the expectations and project requirements established by the client and the architect.

Under the Rules of Professional Conduct, Title 16, California Code of Regulations, section 160(f)(1), architects are prohibited from materially altering the scope or objective of a project without first fully informing the client and obtaining the client's consent in writing. However, architects are not currently required to define the project description in their written contracts with clients. Therefore, it can be difficult for the client or architect to determine when the project description has been materially altered if it has not first been defined and agreed upon in the written contract.

The Board has also received complaints and questions from consumers related to disputes regarding the ownership and use of an architect's instruments of service. AB 630 (Chapter 453, Statutes of 2013) became effective January 1, 2014, and added BPC section 5536.4 to the Architects Practice Act, which prohibits the use of an architect's instruments of service without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use. However, architects are not currently required to include a provision addressing the ownership and use of their instruments of service in their written contracts with clients. Therefore, clients are often unaware of each party's rights with respect to the architect's instruments of service.

DRAFT

The Board is proposing to amend BPC section 5536.22 in order to clarify that the following elements are needed in architects' written contracts with clients for professional services: 1) a description of the project for which the client is seeking services; 2) the project address; 3) a description of the procedure that the architect and the client will use to accommodate contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment; and 4) a statement identifying the ownership and use of instruments of service prepared by the architect.

The Board expects this proposal to benefit consumers and architects by reducing the number of disputes related to disagreements regarding the project description, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service. In addition, by ensuring that both the architect and the client understand these issues, there may be cost savings for the Board due to fewer complaints.

The Board respectfully requests that this proposal be included as part of the legislation addressing its sunset date. See proposed language below:

Amend section 5536.22 of the Business and Professions Code to read:

(a) An architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. That written contract shall be executed by the architect and the client, or his or her representative, prior to the architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following items:

(1) A description of the project for which the client is seeking services.

(~~1~~2) A description of the services to be provided by the architect to the client.

(~~2~~3) A description of any basis of compensation applicable to the contract and the method of payment agreed upon by both parties.

(~~3~~4) The name, address, and license number of the architect, and the name and address of the client and project address.

(~~4~~5) A description of the procedure that the architect and the client will use to accommodate additional services.

(6) A description of the procedure that the architect and the client will use to accommodate contract changes including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment.

(~~5~~7) A description of the procedure to be used by either party to terminate the contract.

(8) A statement identifying the ownership and use of instruments of service prepared by the architect.

(b) This section shall not apply to any of the following:

(1) Professional services rendered by an architect for which the client will not pay compensation.

DRAFT

(2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the architect's services are of the same general kind which the architect has previously rendered to and received payment from the same client.

(3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.

(4) Professional services rendered by an architect to a professional engineer registered to practice engineering under Chapter 7 (commencing with Section 6700), or to a land surveyor licensed under Chapter 15 (commencing with Section 8700).

DRAFT

CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 12
Attachments

Please provide the following attachments:

A. Board's administrative manual.

See Attachment A - Board Member Administrative Procedure Manual

B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).

See Attachment B - Committee Organizational Chart

C. Major studies, if any (cf., Section 1, Question 4).

See Attachment C - XXX

D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).

See Attachment D - Year-End Organization Charts - FYs 14/15 – 17/18

E. Quarterly Performance Measure Reports (cf., Section 2, Question 6).

See Attachment E - Quarterly Performance Measure Reports

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 1
Background and Description of the LATC and Regulated Profession

Provide a short explanation of the history and function of the board. Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

- The Board of Landscape Architects (BLA) was created by the California Legislature in 1953.
- The Landscape Architects Technical Committee (LATC) was established under the California Architects Board in 1997 to replace BLA.
- The five-member Committee consists of three gubernatorial appointees, one Senate Rules Committee appointee, and one Assembly Speaker appointee. Members appointed for a term of four years.
- Fifty U.S. states, three Canadian Provinces, and Puerto Rico regulate the practice of landscape architecture.
- Of the 54 jurisdictions, 47 have practice acts and 7 have title acts only. California has both a practice and title act.
- There are more than 16,400 licensed landscape architects in the United States.
- More than 21 percent of the nation's landscape architects are licensed in California.
- The LATC is a strong proponent of strategic planning and collaborates with professional, consumer, and government agencies to develop effective and efficient solutions to challenges.
- The LATC is proactive and preventative by providing information and education to consumers, candidates, clients, licensees, rather than expend more resources later.
- The LATC is committed to a strong enforcement program as a part of its mission to protect consumers and enforce the laws, codes, and standards governing the practice of landscape architecture.

Landscape architects offer an essential array of talent and expertise to develop and implement solutions for the built and natural environment. Based on environmental, physical, social, and economic considerations, landscape architects produce overall guidelines, reports, master plans, conceptual plans, construction contract documents, and construction oversight for landscape projects that create a balance between the needs and wants of people and the limitations of the environment. The decisions and performance of landscape architects affect the health, safety, and welfare of the client, as well as the public and environment. Therefore, it is essential that landscape architects meet minimum standards of competency.

California began regulating the practice of landscape architecture in 1953 with the formation of the BLA. In 1994, the statute authorizing the existence of the BLA expired. The Department of Consumer Affairs (DCA) recommended the Board as the appropriate oversight agency due to the similarities between the two professions and the Boards' regulatory programs. DCA began discussions with the Board and other interested parties on

possible organizational structures for regulating landscape architecture in California. In April 1997, the groups reached consensus and the Board unanimously supported legislation to establish the LATC under its jurisdiction. Legislation establishing the LATC was passed by the Legislature and signed into law effective January 1, 1998.

The LATC is responsible for the examination, licensure, and enforcement programs concerning landscape architects. The LATC currently licenses more than 3,600 of the over 16,400 licensed landscape architects in the United States. California has both a practice act, which precludes unlicensed individuals from practicing landscape architecture, and a title act, which restricts the use of the title "landscape architect" to those who have been licensed by the LATC.

Mission

The LATC regulates the practice of landscape architecture through the enforcement of the Landscape Architects Practice Act to protect consumers, and the public health, safety, and welfare while safeguarding the environment.

In fulfilling its mission, the LATC has found that acting preventively and proactively is the best use of its resources. Because of the nature of the design profession, there are numerous opportunities to prevent minor problems from becoming disasters. As such, the LATC works to aggressively address issues well before they exacerbate into catastrophes. The LATC works closely with professional groups to ensure that landscape architects understand changes in laws, codes, and standards. The LATC also invests in communicating with schools, and related professions and organizations. To ensure the effectiveness of these endeavors, the LATC works to upgrade and enhance its communications by seeking feedback and analyzing the results of its communications efforts. All of these initiatives underscore the LATC's firm belief that it must be both strategic and aggressive in employing the preventive measures necessary to effectively protect the public health, safety, and welfare.

1. Describe the make-up and functions of each of the LATC's committees (cf., Section 12, Attachment B).

To assist in the performance of its duties, the LATC establishes subcommittees and task forces, as needed, which are assigned specific issues to address.

The **Education/Experience Subcommittee** (Subcommittee) was charged with reviewing informational tools and data relevant to California's current landscape architecture licensure requirements and various licensure pathways in other states. Thereafter, the Subcommittee was charged with issuing a recommendation to the LATC for expanded pathways to licensure and amendment of California Code of Regulations (CCR) section 2620 to define and prescribe allowable credit for the following new pathways: 1) acceptance of degrees related to landscape architecture, 2) acceptance of non-related degrees, and 3) an experience-only pathway to licensure. On November 2, 2017, the LATC reviewed the Subcommittee's recommendations and accepted them with the exception of the Subcommittee's proposal to allocate credit toward designated non-accredited related degrees and any associates degree. On December 7, 2017, the California Architects Board approved the proposed amendments to CCR section 2620. As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law (OAL) initiating a regulatory change to amend CCR section 2620.

An organizational chart of the LATC's committee structure is provided below:

DRAFT

Table 1a. Attendance (July 1, 2014 – June 30, 2018) Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.

Andrew Bowden			
Date Appointed: 1/17/2008 [Term Expired 6/10/2010] Date Re-appointed: 5/24/2012 [Term Expired 6/1/2015] Date Re-appointed: 6/1/2015 [Term Expires: 6/1/2019]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes
LATC Meeting	7/20/2018		

Nicki Johnson			
Date Appointed: 5/24/2012 [Term Expired 6/1/2014]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes

DRAFT

Stephanie Landregan			
Date Appointed: 5/11/2006 [Term Expired 6/1/2010] Date Re-appointed: 12/10/2010 [Term Expired 6/1/2014]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes

Susan Landry			
Date Appointed: 4/19/2018 [Term Expired 6/1/2018]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
LATC Meeting	5/4/2018	Sacramento	Yes
LATC Meeting	7/20/2018		

Katherine Spitz			
Date Appointed: 5/24/2012 [Term Expired: 6/1/2016] Resigned: 5/14/2015			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	No
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	No

David Allan Taylor, Jr.			
Date Appointed: 6/25/2008 [Term Expired 6/1/2010] Date Re-appointed: 6/1/2010 [Term Expired 6/1/2014] Date Re-appointed: 6/4/2014 [Term Expired 6/1/2018]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10-11/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento &Various Locations	Yes
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	No
LATC Meeting	11/4/2016	Sacramento	Yes

DRAFT

LATC Meeting	1/17-18/2017	Sacramento	No
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	No
LATC Meeting	7/20/2018		

Patricia Trauth			
Date Appointed: 6/1/2015 [Term Expired 6/1/2018]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes
LATC Meeting	7/20/2018		

Marq Truscott			
Date Appointed: 9/1/2015 [Term Expired 6/1/2016] Date Re-appointed: 6/9/2016 [Term Expires 6/1/2020]			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes
LATC Meeting	7/20/2018		

DRAFT

Table 1b. Board/Committee Member Roster Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
PATRICIA TRAUTH, Chair	6/1/2015	N/A	6/1/2018	Governor	Landscape Architect
MARQ TRUSCOTT, Vice Chair	9/1/2015	6/9/2016	6/1/2016 6/1/2020	Governor	Landscape Architect
ANDREW BOWDEN	1/17/2008	5/24/2012 6/1/2015	6/10/2010 6/1/2015 6/1/2019	Governor	Landscape Architect
NICKI JOHNSON	5/24/2012	N/A	6/1/2014	Governor	Landscape Architect
DAVID ALLAN TAYLOR, JR..	6/25/2008	6/1/2010 6/4/2014	6/1/2010 6/1/2014 6/1/2018	Senate Rules Committee	Landscape Architect
SUSAN LANDRY	4/19/2018	N/A	6/1/2018	Speaker of the Assembly	Landscape Architect

2. In the past four years, was the LATC unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

No, in the past four years, the LATC has held all meetings without any quorum issues.

3. Describe any major changes to the LATC since the last Sunset Review, including, but not limited to:

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

California Supplemental Examination (CSE)

The CSE tests for areas of practice unique to California. In January 2013, the LATC contracted with DCA's Office of Professional Examination Services (OPES) to conduct an occupational analysis (OA) of the landscape architect profession. The purpose of the OA was to define practice for landscape architects in terms of actual job tasks that new licensees must be able to perform safely and competently.

In May 2013, OPES initiated the OA process and finalized the OA report in June 2014. As part and parcel of the OA process, OPES conducted a Landscape Architect Registration Examination (LARE) review and linkage study in November 2014 that compared the content of the 2014 CSE Test Plan with the subject matter covered in the various sections of the LARE. The findings of the linkage study were then used to define the content of the CSE and form the basis for determining "minimum acceptable competence" as it relates to safe practice at the time of initial licensure.

The LATC has since contracted with OPES to prepare a new CSE form every year; using the examination plan contained in the 2014 OA as the basis. As a result, LATC developed and administered new CSE forms in 2015, 2016, 2017, and 2018.

Proposal to Expand Initial Pathways to Licensure

The LATC appointed the Education/Experience Subcommittee (Subcommittee) to issue a recommendation to the LATC that expands pathways to licensure and enables amendments of California Code of Regulations (CCR) section 2620 to define and prescribes allowable credit for the following new pathways: 1) acceptance of degrees related to landscape architecture, 2) acceptance of non-related degrees, and 3) an experience-only pathway to licensure. On November 2, 2017, the LATC reviewed the Subcommittee's recommendations and accepted them a minor change with the exception of the Subcommittee's proposal to allocate credit toward designated non-accredited related degrees and any associates degree. On December 7, 2017, the California Architects Board approved the proposed amendments to CCR section 2620. The regulatory proposal is pending Office of Administrative Law (OAL) approval.

Collection Agency Contract

Based on the Board's 2015-2016 Strategic Plan objective to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties, staff executed a contract with a collection agency through the informal solicitation method (Government Code section 14838.5) to allow the Board and LATC to refer unpaid administrative fines and cost reimbursement accounts aged beyond 90 days to a collection agency. The collection agency provides full-service debt collection services, including "skip-tracing," credit reporting, and filing legal actions when appropriate.

Strategic Planning

The LATC utilizes DCA SOLID Planning Solutions staff to facilitate the development of its biennial Strategic Plans. As preparation for each new Strategic Plan, SOLID conducts an environmental scan for the LATC, which is used as a reference tool for the establishment of new Strategic Plan objectives. Presently, the LATC is in the midst of its 2017-2018 Strategic Plan. Beginning Fall 2018, LATC will engage with SOLID to commence the development of its 2019-2020 Strategic Plan.

Leadership and Personnel

The LATC experienced a leadership change when former Program Manager, Trish Rodriguez, left the LATC in November 2016. In March 2017, Brianna Miller was hired as Program Manager. LATC has also experienced transitional changes as staff promoted to outside agencies. Presently, the LATC is fully staffed.

- **All legislation sponsored by the LATC and affecting the LATC since the last sunset review.**

Senate Bill (SB) 800 (Committee on Business, Professions and Economic Development, Chapter 573, Statutes of 2017) authorizes a license to be renewed within five years of its expiration and prohibits a license that is expired for more than five years from being renewed, restored, reissued, or reinstated. Rather, the holder of the expired license would apply for a new license.

DRAFT

Assembly Bill (AB) 177 (Bonilla, Chapter 428, Statutes of 2015) extends the effective date of the Landscape Architects Technical Committee from January 1, 2016 to January 1, 2020.

- **All regulation changes approved by the LATC since the last sunset review. Include the status of each regulatory change approved by the LATC.**

A number of relevant regulatory changes have been enacted or proposed since the last Sunset Review. These changes are listed below.

Education and Training Credits (CCR section 2620) - Effective January 2017, CCR section 2620 was amended to add new subsection 2620(a)(13) to allow candidates to gain up to one year of training/ practice credit for teaching in an approved or non-approved landscape architecture degree program or an associate landscape architecture degree program, under the supervision of a licensed landscape architect.

Fees (CCR section 2649) – Effective July 2017, CCR section 2649 was amended to extend the temporary renewal fee reduction to continue at $220 between July 1, 2017 and June 30, 2019.

Reciprocity (CCR section 2615) – In September 2016, the LATC initiated a regulatory proposal that would amend CCR section 2615(c)(1) by adding a provision requiring candidates applying for California licensure based on licensure in another jurisdiction to submit verifiable documentation to the LATC that they possess both education and experience equivalent to that required of California applicants or, if they do not meet the education requirement, that they hold a current license in good standing in another jurisdiction where they have been actively engaged in the profession for at least 10 of the last 15 years. In response to this regulatory proposal, staff received 296 public comments, many of which were not supportive of the proposal. Thereafter, the LATC determined that reciprocity requirements should mirror the initial licensure requirements. As the regulatory package was not consistent with initial licensure requirements, at the advice provided by DCA legal counsel, the LATC elected to not pursue this regulatory change to CCR section 2615.

Application for Examination (CCR section 2610) – Effective April 2015, CCR section 2610 was amended to increase the amount of time that candidates have to apply for the LARE, and change the registration deadline to be consistent with LATC's current application processing timeframe. This proposal also has the potential to expedite the pathway to licensure for prospective licensees.

Reciprocity, Education, and Training Credits (CCR sections 2615 and 2620) - The LATC is pursuing a regulatory change to amend CCR sections 2615 and 2620 to mirror its expanded licensure pathways and reciprocity requirements with those already used by the Board. Specifically, proposed amendments to section 2620(a) will expand pathways for licensure to provide credit for a candidate with an accredited civil engineering degree, any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway. As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law initiating a regulatory change.

Expired License (CCR sections 2624 and 2624.1) – The LATC is pursuing a regulatory change to repeal CCR sections 2624 and 2624.1 as they no longer are supported by statute due to amendments

DRAFT

made to Business and Professions Code sections 5680.1 (Expired License – Renewal) and 5680.2 (License Renewal – Three Years After Expiration) effective January 1, 2018. These amendments allow an expired license holder to renew his/her license within five years of its expiration; and, an expired license holder, whose license is not renewed within five years after its expiration, to pay the fees required of new applicants and pass the CSE. As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law initiating a regulatory change.

Disciplinary Guidelines (CCR section 2680) - The LATC is pursuing a regulatory change to amend CCR section 2680 to incorporate the revised *Disciplinary Guidelines* by reference. As of the date of this report, staff has submitted a rulemaking file to the OAL initiating a regulatory change.

4. Describe any major studies conducted by the LATC (cf. Section 12, Attachment C).

In 2017, the LATC began reviewing existing education and training requirements for licensure to ensure that there are no barriers to the landscape architect profession for qualified individuals. Staff collected initial research via two public forums, held on March 17, 2017 and April 18, 2017 in northern and southern California, to obtain stakeholder feedback about the expansion of existing licensure requirements. This feedback contributed to the LATC's pursuit of regulatory changes to create more opportunities for licensure.

In October 2017, the LATC held an Education/Experience Subcommittee (Subcommittee) meeting to evaluate and issue a recommendation to the LATC regarding increased pathways to licensure. To prepare for this meeting, staff conducted extensive research in order to provide the Subcommittee with data to guide their recommendation. This data included examination content areas for the CSE and the LARE, as well as the accreditation requirements for degrees in landscape architecture, architecture, and civil engineering. In addition, staff collected data on other states' licensing requirements. This included a reporting on which states allow for degrees in fields related to landscape architecture, baccalaureate degree requirements, associate degree requirements, and experience-only.

On November 2, 2017, the LATC considered the Subcommittee's recommendations and proposed amendments to CCR section 2620. The LATC made a recommendation for the Board's approval to expand the pathways to licensure that include related degrees (accredited architecture and civil engineering degrees), non-related baccalaureate degrees, an experience-only pathway, and experience supervised by a landscape contractor. As of the date of this report, staff has submitted a rulemaking file to OAL initiating a regulatory change to update CCR 2620, accordingly. The regulatory proposal is pending Office of Administrative Law (OAL) approval.

5. List the status of all national associations to which the LATC belongs.

- Does the LATC's membership include voting privileges?

  The LATC is a member of CLARB and exercises its voting rights pursuant to CLARB's bylaws when approved to attend official meetings.

- List committees, workshops, working groups, task forces, etc., on which the LATC participates.

  None.

- How many meetings did LATC representative(s) attend? When and where?

DRAFT

The LATC was approved to participate in the CLARB Annual Meetings as follows:

CLARB Annual Meeting
September 17-19, 2015 (New Orleans, LA)
September 22-24, 2016 (Philadelphia, PA)
September 14-16, 2017 (Boise, ID)
September 27-29, 2018 (Toronto, ON)

- If the LATC is using a national exam, how is the LATC involved in its development, scoring, analysis, and administration?

  The national exam, the LARE, is computer-based. As such, there is no opportunity for involvement on scoring and analysis. CLARB contacts licensees directly to select technical experts for a four-year term on their Exam Writing Committee. Currently, there are three California participants on CLARB's Exam Writing Committee.

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 2
Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the LATC as published on the DCA website.

The LATC's quarterly performance measure reports for the last four years are attached. (cf., Section 12, Attachment XX). The Department of Consumer Affairs no longer publishes the annual performance reports.

7. Provide results for each question in the LATC's customer satisfaction survey broken down by fiscal year (FY). Discuss the results of the customer satisfaction surveys.

The LATC is committed to providing exemplary customer service to its stakeholders. To assist the LATC in fulfilling this commitment, it utilizes customer satisfaction surveys directed to its key constituents. The LATC performs customer satisfaction surveys of consumers including those who have filed complaints against landscape architects/unlicensed individuals and of individuals seeking or renewing a license to practice landscape architecture in California. A majority (69 percent) of the responses to the survey demonstrate that individuals are satisfied or very satisfied with the services provided by the LATC (non-applicable responses excluded).

The LATC distributes its customer satisfaction survey in the following manner:

- Visible link near top of LATC's website;
- Link included in all outgoing staff emails;
- Link included in all LATC subscriber list emails; and
- Emails to recently assisted licensees/consumers, requesting completion of the survey.

Constituents who respond to the surveys may also provide written comments regarding the various functions of the LATC. The comments provide management an opportunity to obtain qualitative feedback from constituents and ensure exemplary customer service.

In an effort to increase the response rate, the LATC recently implemented distribution of the survey to all newly licensed individuals when mailed their license certificate. The LATC will continue to research additional methods to increase response rates and provide exemplary service to its stakeholders. This is an important component to the LATC's mission and strategic goals.

DRAFT

	FY 2017–2018	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?						
2.	When you visited our website, how would you rate the ease of locating information?						
3.	When you visited our website, how would you rate the usefulness of the provided information?						
4.	If you submitted an application, how would you rate the timeliness of processing your application?						
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?						
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?						
7.	Were you satisfied with the overall service provided by the LATC?						
	Total:						

DRAFT

	FY 2016–2017	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	3	2	0	0	1	1
2.	When you visited our website, how would you rate the ease of locating information?	0	2	2	3	0	0
3.	When you visited our website, how would you rate the usefulness of the provided information?	0	2	2	2	0	1
4.	If you submitted an application, how would you rate the timeliness of processing your application?	0	0	0	0	0	7
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	0	0	0	0	0	7
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	0	0	0	0	7
7.	Were you satisfied with the overall service provided by the LATC?	2	1	1	2	0	1
	Total:	**5**	**7**	**5**	**7**	**1**	**24**

DRAFT

	FY 2015–2016	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	6	2	1	1	2	2
2.	When you visited our website, how would you rate the ease of locating information?	5	4	4	1	0	0
3.	When you visited our website, how would you rate the usefulness of the provided information?	4	5	1	2	1	0
4.	If you submitted an application, how would you rate the timeliness of processing your application?	3	0	2	2	1	6
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	2	0	1	1	2	8
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	1	0	1	0	2	10
7.	Were you satisfied with the overall service provided by the LATC?	4	3	2	1	3	1
	Total:	**25**	**14**	**12**	**8**	**11**	**27**

DRAFT

	FY 2014–2015	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	5	1	2	0	4	2
2.	When you visited our website, how would you rate the ease of locating information?	1	4	3	3	1	1
3.	When you visited our website, how would you rate the usefulness of the provided information?	2	3	4	3	1	1
4.	If you submitted an application, how would you rate the timeliness of processing your application?	1	0	3	0	2	7
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	0	0	1	0	3	8
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	0	1	0	3	8
7.	Were you satisfied with the overall service provided by the LATC?	3	4	2	0	4	1
	Total:	12	12	16	6	18	28

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 3
Fiscal and Staff

Fiscal Issues

8. Is the board's fund continuously appropriated? If Yes, please cite the statute outlining this continuous appropriation.

No.

9. Describe the LATC's current reserve level, spending, and if a statutory reserve level exists.

Per Business and Professions Code section 128.5(b), the LATC's statutory fund limit is no more than 24 months in reserve. The current reserve level for fiscal year (FY) 2017/18 is $1,557,000 (17.1 months in reserve). The current spending level is $1,062,000. The LATC's fund condition is shown below in Table 2, identifying fund balance and expenditure levels. In addition, due to Landscape Architect Registration Examination and California Supplemental Examination savings, the LATC's request for spending authority reduction in the form of a negative Budget Change Proposal (BCP) was approved in the amount of $200,000 for FY 2015/16 and ongoing.

10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the LATC.

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. LATC is committed to continue monitoring its fund condition to determine if the fee reduction should continue or whether a permanent fee reduction should be implemented.

DRAFT

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19*	FY 2019/20*
Beginning Balance	$2,524	$2,521	$2,299	$2,102	$1,557	$976
Revenues and Transfers	$787	$540	$519	$517	$512	$814
Total **Revenue**	$3,311	$3,061	$2,818	$2,619	$2,069	$1,790
Budget Authority	$1,190	$1,019	$972	$1,009	$1,034	$1,055
Expenditures	$773	$751	$716	$1,009	$1,034	$1,055
Loans to General Fund	$0	$0	$0	$0	$0	$0
Accrued Interest, Loans to General Fund	$0	$0	$0	$0	$0	$0
Loans Repaid From General Fund	$0	$0	$0	$0	$0	$0
Fund Balance	$2,538	$2,310	$2,102	$1,557	$976	$683
Months **in Reserve**	40.6	38.7	23.8	17.1	10.6	7.3
* Projected to spend full budget						

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the LATC? Has interest been paid? What is the remaining balance?

The LATC has not issued any general fund loans in the preceding four FYs. In FY 2003/04, the LATC loaned the general fund $1.2 million that was repaid with interest in FY 2005/06.

12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the LATC in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

During the last four years, the LATC has spent approximately XX% of its budget on the enforcement program, XX% on the examination program, XX% on the licensing program, XX% on administration, and XX% on DCA pro rata.

DRAFT

	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18*	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement								
Examination								
Licensing								
Administration**								
DCA Pro Rata								
Total Expenditures								

* Governor's Budget FY 2017/18

** Administration includes costs for executive staff, board, administrative support, and fiscal services

*** DCA Pro Rata included in OE&E for FY 2014/15 and FY 2015/16

13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?

Since the inception of the BreEZe project, the LATC has contributed a total of $44,221. The LATC's estimated contribution in FY 2017-18 is $11,000.

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the LATC.

The LATC is a special fund agency that generates revenue from its fees. The LATC's main source of revenue is from applicants and licensees through the collection of examination, licensing, and renewal fees. These fees support the license, examination, enforcement, and administration programs, which include processing and issuing licenses, conducting an OA and ongoing examination development, maintaining records, producing and distributing publications, mediating consumer complaints, enforcing statutes, disciplinary actions, personnel, and general operating expenses.

Fees for an original license and biennial renewal increased on July 1, 2009, pursuant to CCR section 2649. As a result:

1) Original license fees increased from $300 to $400 (license is prorated based on birth month and year);
2) Renewal fees increased from $300 to $400 (prior to that, the fee had not been increased since 1991, when it was raised from $200 to $300); and
3) Delinquency fee increased from $150 to $200.

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. LATC is committed to continue monitoring its fund condition to determine if the fee reduction should continue or whether a permanent fee reduction should be implemented.

Business and Professions Code section 5681 authorizes the LATC to charge fees as follows:

The fees prescribed by this chapter for landscape architect applicants and landscape architect licensees shall be fixed by the Board as follows:

a) The application fee for reviewing an applicant's eligibility to take any section of the examination may not exceed one hundred ($100).
b) The fee for any section of the examination administered by the board shall not exceed the actual cost to the board for purchasing and administering each exam.
c) The fee for an original license may not exceed four hundred dollars ($400), except that, if the license is issued less than one year before the date on which it will expire, then the fee shall equal 50 percent of the fee fixed by the board for an original license. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.
d) The fee for a duplicate license may not exceed fifty dollars ($50).
e) The renewal fee may not exceed four hundred dollars ($400).
f) The penalty for failure to notify the board of a change of address within 30 days from an actual change in address may not exceed fifty dollars ($50).
g) The delinquency fee shall be 50 percent of the renewal fee for the license in effect on the date of the renewal of the license, but not less than fifty dollars ($50) nor more than two hundred dollars ($200).
h) The fee for filing an application for approval of a school pursuant to Section 5650 may not exceed six hundred dollars ($600) charged and collected on a biennial basis.

CCR section 2649 currently authorizes the following fees:

a) Eligibility application fee is $35;
b) Reciprocity application is $35;
c) CSE application fee is $35;
d) CSE fee is $275;
e) Original license fee is $400 (Prorated);
f) For licenses expiring on or after July 1, 2009, the fee for biennial renewal is $400. For licenses expiring on or after July 1, 2015, the fee for biennial renewal is $220. For licenses expiring on or after July 1, 2019, the fee for biennial renewal is $400.;
g) Delinquency fee is $110; and
h) Duplicate certificate fee is $15.

DRAFT

Table 4. Fee Schedule and Revenue							(list dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2014/15 Revenue	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	% of Total Revenue
Duplicate License/Cert.	$15	$50					
Citation/Fine*	Various	Various					
Citation/Fine FTB Collection	Various	Various					
Cost Recovery	Various	Various	$0	$0	$0		
Initial License (Prorated)	$400	$400					
CA Supplemental Exam	$275	$275					
LARE Eligibility	$35	$100					
Biennial Renewal	$220	$400					
Accrued Renewal	Various	Various	N/A	N/A	N/A		
Delinquent Renewal	$110	$200					
Dishonored Check	$25	$50					
TOTAL(S)							

*Citation/Fine received and cashiered by LATC.

15. Describe Budget Change Proposals (BCPs) submitted by the LATC in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	$ Requested	$ Approved	$ Requested	$ Approved

The LATC has not submitted BCPs in the past four FYs.

DRAFT

Staffing Issues

16. Describe any LATC staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The LATC works expeditiously to fill vacant positions to help ensure adequate staff resources to meet the LATC's objectives. Currently, the LATC has all positions filled. The LATC's position vacancies have mainly been in the Staff Services Analyst and Office Technician classifications, which are entry level. These vacancies are often attributed to other promotional opportunities, a common civil service occurrence. Since one staff person is allocated to each program area a single vacancy is 20% of the staffing level and can have a significant impact on workload until the position is filled. The LATC has been successful in reclassifying positions when needed to ensure appropriate classifications are available to meet operational needs and cross trains staff. Hiring temporary help such as Retired Annuitants and limited-term staff has also been effective in minimizing interruption in workload, training and succession planning, when necessary.

The LATC utilizes DCA's Workforce and Succession Plan and has identified mission critical positions that have a significant impact on the LATC and require specialized job skills and/or expertise. The LATC is refining the plan to develop strategies to retain the expertise and staff knowledge so that it is preserved for the future and on a continual basis.

17. Describe the LATC's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

The LATC encourages training for all staff and participates heavily in courses offered at no cost through DCA's Strategic Organization, Leadership & Individual Development (SOLID) Training and Planning Solutions. These courses include enforcement-related, customer service, computer software, and other skills-training classes. Staff are also encouraged to pursue SOLID's Analyst Certification Training. This training program is free of charge and includes a series of courses to develop analytical tools, strategies, and techniques. The courses offered and completed develop staff to have the essential tools and training to effectively perform their job. It also enables them to be viable candidates for future promotional opportunities both in-house and externally. In the past FYs, staff have taken more than XX courses at no charge. In addition, SOLID offers an Enforcement Academy which is a series of courses aimed at developing staff's knowledge and skills related to DCA's enforcement programs as well as leadership trainings, such as the Future Leadership Development Program, which the Program Manager participated in.

Specialized training is also encouraged and provided to staff as needed. These include mandatory courses, such as sexual harassment prevention, ethics, information technology, and defensive driving. In the past three FYs, the average cost spent on training is approximately $595.

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 4
Licensing Program

18. What are the LATC's performance targets/expectations for its licensing program? Is the LATC meeting those expectations? If not, what is the LATC doing to improve performance?

The LATC's performance target for processing applications and issuing licenses is 30 days from receipt of the application. Where the application is complete, all requirements met (including the submission of required supporting documentation and there is no criminal history), the LATC has typically been able to meet this goal. Additionally, staff is cross-trained to help mitigate the effects of extended absences and vacancies. Staff and management work together in a continuous effort to improve the quality of service provided by the LATC to its candidates and licensees. To this end, processes are routinely evaluated for efficiency to maximize staff performance and achieve performance expectations. When the LATC migrates to a new licensing and enforcement system, it is anticipated that additional process efficiencies will be realized.

19. Describe any increase or decrease in the LATC's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the LATC to address them? What are the performance barriers and what improvement plans are in place? What has the LATC done and what is the LATC going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

Staff processing of applications typically meets its established performance targets. As noted above, management works with staff to routinely evaluate processes for efficiencies and implement them in a timely manner to maintain performance expectations and provide continuously improving customer service to stakeholders.

When evaluating performance on processing applications, it should be taken into consideration that candidates may submit applications for the Landscape Architect Registration Examination (LARE) at any time and if found eligible, it may take several years for the candidate to pass all sections of the test. Candidates may submit applications for the California Supplemental Examination (CSE) and licensure once determined eligible by the LATC. There are no set deadlines for completing the examinations; however, inactive candidate records may be purged after five years (CCR section 2620 (d)(2)). The Council of Landscape Architectural Registration Boards (CLARB) implemented a Council Record as part of the application process in 2012. The Council Record includes information on the candidate's education and certifications of experience which are maintained annually. The Council Record can be transmitted to the LATC and is typically available within one day of the request.

DRAFT

Another matter for consideration relative to application processing is the documentation that must be submitted in support of an application. Candidates are required to have certified transcripts sent directly from their school verifying their qualifying degree and a Certification of Experience form submitted by the licensee who supervised their experience. The LATC sends an ineligibility notification when an application is incomplete, advising candidates of documents that must be submitted for eligibility. It is the candidate's responsibility to ensure that the necessary documents are provided.

There can also be a great variation in the amount of time a candidate is issued a license after he or she has passed the CSE. CSE results are provided to candidates immediately upon completion of the examination at the test center. However, a candidate may choose to wait before applying for the actual license. A license is typically issued within 30 days after receipt of the completed application and fee.

20. How many licenses or registrations does the LATC issue each year? How many renewals does the LATC issue each year?

Table 6. Licensee Population

		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Landscape Architect	Active	3,507	3,593	3,607	
	Delinquent	292	253	227	
	Retired	N/A	N/A	N/A	N/A
	Out-of-State	461	470	490	
	Out-of-Country	34	32	30	

Table 7a. Licensing Data by Type

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2015/16	**LARE**	225	194	DNA	N/A	DNA	DNA	DNA	See note below[2]		
	CSE	152	122	DNA	N/A	DNA	DNA	DNA	"		
	License	97	96	DNA	96	DNA	DNA	DNA	"		
	Renewal[1]	1,873	1,873	DNA	1,873	DNA	DNA	DNA	"		
FY 2016/17	**LARE**	231	177	DNA	N/A	DNA	DNA	DNA	"		
	CSE	196	146	DNA	N/A	DNA	DNA	DNA	"		
	License	74	74	DNA	74	DNA	DNA	DNA	"		
	Renewal[1]	1,769	1,769	DNA	1,769	DNA	DNA	DNA	"		
FY 2017/18	**LARE**			DNA	N/A	DNA	DNA	DNA	"		
	CSE			DNA	N/A	DNA	DNA	DNA	"		
	License			DNA		DNA	DNA	DNA	"		
	Renewal[1]			DNA		DNA	DNA	DNA	"		

* Optional. List if tracked by the board.

DNA = Data Not Available N/A = Not Applicable

[1]Data does not include pending incomplete renewal applications, which range from 10 to 25 per FY.

[2]Applications are typically processed within 30 days from the date of receipt, provided application is complete and required supporting documentation submitted in accordance with the LATC's regulations (i.e., certified transcripts sent by the educational institution).

Table 7b. Total Licensing Data			
	FY 2015/16	FY 2016/17	FY 2017/18
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	375	427	
Initial License/Initial Exam Applications Approved	316	323	
Initial License/Initial Exam Applications Closed	DNA	DNA	DNA
License Issued	96	74	
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	DNA	DNA	DNA
Pending Applications (outside of board control)*	DNA	DNA	DNA
Pending Applications (within the board control)*	DNA	DNA	DNA
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	See note 2 above for Table 7a		
Average Days to Application Approval (incomplete applications)*			
Average Days to Application Approval (complete applications)*			
License Renewal Data:			
License Renewed	1,873	1,769	
Note: The values in Table 7b are the aggregates of values contained in Table 7a * Optional. List if tracked by the board.			
DNA = Data Not Available			

21. How does the LATC verify information provided by the applicant?

The LATC uses several measures to verify information provided by candidates on an application. For example, transcripts are required to substantiate the qualifying degree or certificate listed on the application for which a candidate wishes to receive credit. The transcripts must be certified and submitted directly from the respective school to the LATC for credit to be granted.

Work experience must be submitted on the LATC approved Certification of Experience form signed by the licensed professional who supervised the candidate's work to receive credit. LATC staff verify with the appropriate jurisdiction or regulatory agency that the supervising professional's licensing information provided on the form is true and correct. LATC staff is presently researching how the Certification of Experience form may be expanded to more thoroughly capture the areas of experience gained by a candidate. This research is part of the LATC's effort to expand the experience-based qualifications for licensure wherein the LATC is seeking to allow for an experience-only pathway as well as an opportunity for a candidate to be supervised by a licensed landscape contractor. Broadening the Certification of Experience form would enable LATC licensing staff to review a candidate's experience for diversity within the field. Once finalized, all pathway changes, including Certification of Experience form changes, will be submitted in a regulatory change proposal.

Individuals who are licensed in another jurisdiction and applying for reciprocity must request that their state board provide a license certification to substantiate licensure, license status (e.g., current, delinquent, suspended, etc.), and information on disciplinary action. Additionally, the board certifying the information

DRAFT

must provide the examination history detailing what form of the LARE (or equivalent) was taken and when each section was passed.

Initial and reciprocal licensure candidates may substitute their CLARB Council Record in lieu of the above-mentioned transcripts and work experience documentation. The CLARB Council Record provides information on education, experience and examination. LATC staff use the information included in the Council Record to verify that the candidate meets California's licensure requirements.

a. What process does the LATC use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

The LATC's applications include the following questions about the candidate's criminal/disciplinary history:

- Have you ever had a landscape architecture license denied, suspended, or revoked?
- Have you ever been disciplined by another public agency?
- Have you ever been convicted of, or plead guilty or nolo contendere to any criminal or civil offense in the United States, its territories, or a foreign country?
- Is any criminal action pending against you or are you currently awaiting judgement and sentencing following entry of a plea or jury verdict?

The applications of those candidates responding "yes" to any of the questions are referred to the LATC's Enforcement Unit for review and possible disciplinary action. The Enforcement Unit staff obtains a certified copy of the conviction or disciplinary action, a written explanation of the underlying circumstances of the offense or action, and evidence of rehabilitation from the candidate, and determines, based on LATC's regulations and relevant statutes, whether the offense or action is substantially related to the practice of landscape architecture or to the candidate's ability to practice landscape architecture in the interest of the public health, safety, and welfare.

CLARB also maintains a disciplinary database that can be used by member boards to disclose and share information regarding disciplinary actions taken against licensees and unlicensed individuals within their jurisdiction. Prior to the issuance of each license, the Enforcement Unit staff searches the database and verifies if any disciplinary action has been taken against the candidate in another state, but was not disclosed to the Board on the candidate's applications.

b. Does the LATC fingerprint all applicants?

The LATC is a component of the Board and works in tandem to align processes and procedures. The Board and LATC are not statutorily authorized to fingerprint candidates (applicants) for a landscape architect license.

In 2011 and 2012, the Board considered the necessity of a fingerprinting requirement as part of its Strategic Plan objectives and determined that based on the anticipated low number of arrest and prosecution reports expected, there would be little increased benefit to the public health, safety, and

DRAFT

welfare. It was noted that current law already requires landscape architects working on school projects where children are present to have a background check conducted by submitting their fingerprints. Additionally, there would be increased costs to licensees and candidates.

The Board's current Strategic Plan includes an objective assigned to its Regulatory and Enforcement Committee (REC) to determine the necessity and implementation alternatives of a licensure fingerprint requirement as a means of protecting consumers. At this time, the Board is 1 of 6 programs within the Department of Consumer Affairs' (DCA) 39 boards and bureaus without the statutory authority to use fingerprinting for criminal background checks. Staff is researching how other DCA boards and bureaus implemented their fingerprint requirements for applicants and licensees, as well as examining the current fingerprint requirements for other architectural licensing boards throughout the country. The REC plans to review and discuss this objective at its next meeting, and develop a recommendation for the Board's consideration at a future meeting in 2018.

Nonetheless, the LATC continues to monitor the Board's action on fingerprinting and included an objective on its current 2017-2018 Strategic Plan to follow the Board's determination regarding a licensure fingerprint requirement.

c. Have all current licensees been fingerprinted? If not, explain.

No. The LATC is not statutorily authorized to fingerprint licensees. See response to 21b for additional information.

d. Is there a national databank relating to disciplinary actions? Does the LATC check the national databank prior to issuing a license? Renewing a license?

Yes, as noted above, CLARB maintains a database available to its membership that contains disciplinary actions reported by participating Member Boards and the LATC's enforcement unit utilizes this resource. The LATC checks the database prior to issuing licenses and when a licensee discloses on his or her license renewal application that he or she had been convicted of a crime or disciplined by another public agency within the preceding renewal period.

e. Does the LATC require primary source documentation?

Yes, the LATC requires candidates to submit (or have submitted on their behalf) original and/or certified documentation (such as university transcripts) to provide verification of authenticity. The LATC also accepts CLARB Council Records which require primary source documentation.

22. Describe the LATC's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The LATC's laws and regulations require all candidates to meet the same prerequisites for a license. Candidates must document a combination of six years education and experience as specified in CCR section 2620 and successfully complete both the national examination (LARE or the equivalent) and the CSE.

DRAFT

23. Describe the LATC's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

The LATC considers military education, training, and experience the same as that from any other source, provided it is related to the practice of landscape architecture. Education, training, and experience must fall within the parameters established in California Code of Regulations section 2620 to receive credit towards the six-year experience licensure requirement.

a. Does the LATC identify or track applicants who are veterans? If not, when does the LATC expect to be compliant with BPC § 114.5?

Yes, the LATC tracks the military status of all candidates (applicants), including branch of service and military documentation received.

b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the LATC?

None.

c. What regulatory changes has the LATC made to bring it into conformance with BPC § 35?

No changes are necessary, as the LATC is already permitted by its regulations to grant credit for military education, training or experience that is related to the practice of landscape architecture.

d. How many licensees has the LATC waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on LATC revenues?

None.

e. How many applications has the LATC expedited pursuant to BPC § 115.5?

None. No candidates seeking reciprocal licensure and who are married to, or in a domestic partnership or other legal union with, an active duty member of the US Armed Forces who is assigned to a duty station in California have requested the expedited processing.

24. Does the LATC send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

N/A

DRAFT

Examinations

Table 8. Examination Data – Tables modified to include examination results for the CSE and the LARE (by division).

Table 8. Examination Data		
California Supplemental Examination (CSE)		
License Type		Landscape Architect
FY 2014/15	# of 1st Time Candidates	90
	Pass %	81%
FY 2015/16	# of 1st Time Candidates	107
	Pass %	81%
FY 2016/17	# of 1st Time Candidates	117
	Pass %	76%
FY 2017/18	# of 1st time Candidates	
	Pass %	
Date of Last OA		May 2014
Name of OA Developer		OPES
Target OA Date		May 2020

Table 8. Examination Data					
Landscape Architect Registration Examination (LARE) (National Examination)					
License Type		Landscape Architect			
Exam Title: LARE Divisions*		Section 1	Section 2	Section 3	Section 4
FY 2014/15	# of 1st Time Candidates[1]	DNA	DNA	DNA	DNA
	Pass %	69%	65%	68%	47%
FY 2015/16	# of 1st Time Candidates[1]	DNA	DNA	DNA	DNA
	Pass %	72%	62%	62%	54%
FY 2016/17	# of 1st Time Candidates[1]	DNA	DNA	DNA	DNA
	Pass %	69%	66%	60%	58%
FY 2017/18	# of 1st Time Candidates[1]	DNA	DNA	DNA	DNA
	Pass %				
Date of Last OA		2016			
Name of OA Developer		Professional Testing, Inc.			
Target OA Date		TBD			

[1]Data includes all California candidates. CLARB does not report LARE data separately for first time candidates.

DRAFT

The LARE sections currently administered are:

Section 1: Project and Construction Administration
Section 2: Inventory and Analysis
Section 3: Design
Section 4: Grading Drainage and Construction Documentation

25. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

Each candidate for licensure is required to complete both a national examination (LARE) and CSE to become licensed. The two examinations test candidates for their entry-level knowledge, skills, and ability to provide services required of a landscape architect who possesses entry-level competence. Both examinations are only offered in English.

Landscape Architect Registration Examination (LARE)

The LARE is a practice-based examination developed by CLARB. The content of the LARE is based on an analysis of landscape architectural practice conducted every five to seven years. The study identifies what is required at the initial point of licensure in terms of tasks to be completed and the knowledge required to successfully complete those tasks. The most recent "Practice Analysis" was conducted by CLARB in 2016. The LARE concentrates on those services that most affect the public health, safety, and welfare. The LARE has been developed with specific concern for its fidelity to the practice of landscape architecture; that is, its content relates to the actual tasks a landscape architect encounters in practice. No single examination can test for competency in all aspects of landscape architecture, which is why the LARE is not the only requirement to become a licensed landscape architect. Education and experience are also crucial licensure requirements. The examination attempts to determine the candidate's qualifications not only to perform measurable tasks, but also to exercise the skills and judgment of a generalist working with numerous specialists. In short, the objective is to reflect the practice of landscape architecture as an integrated whole.

All sections of the LARE are administered and graded by computer. The following is a list of the sections:

- Section 1 - Project and Construction Management
- Section 2 - Inventory and Analysis
- Section 3 - Design
- Section 4 - Grading, Drainage, and Construction Documentation

CLARB partners with Pearson VUE Test Centers to administer the LARE three times annually. There are 22 test centers in California and over 250 nationwide, making the examination easily accessible for candidates.

Candidates must pass each section of the LARE independently and receive credit for sections passed, but must retake those sections not passed. Full or partial credit may be given when all sections have not been completed at the time a new LARE is introduced. Otherwise credit for sections passed is valid until the candidate passes the entire current examination. Candidates receive an email from CLARB when their results are ready for viewing.

DRAFT

California Supplemental Examination (CSE)

The setting for landscape architectural practice in California is distinct from that of other states. California's large physical size, massive and diverse population, varied landscape and climate, high seismicity, distinctive legal framework, and expansive economy create an unusually demanding environment for landscape architectural practice. The varying interplay of these conditions for specific projects gives rise to even more complicated settings. Additionally, these complexities are further exacerbated by the pressure to accommodate change with increased speed, requiring landscape architects to stretch the limits of their capacity to practice safely. Due to these unique needs and regulatory requirements, California administers the CSE to ensure that candidates have the necessary landscape architectural knowledge and skills to respond to the conditions found in California.

The LATC administers the CSE to candidates who have successfully completed all sections of the LARE, as well as to eligible licensees from other jurisdictions and countries, all of whom must pass the CSE prior to receiving licensure. The CSE tests for those aspects of practice unique to California, including accessibility, energy conservation, sustainability, irrigation, water management, wetlands, wildlife corridors, wildfire resistant landscapes and legal issues (California Environmental Quality Act, etc.), as well as those aspects of practice that are not adequately tested for in the LARE.

The CSE was previously administered as a written examination, but has been delivered via computer since February 2011. The current CSE is based on the 2014 Occupational Analysis (OA) and Test Plan and consists of 100 multiple-choice questions that cover site assessment, program development, design process, and construction documents and contract performance. The CSE is administered by computer at a total of 40 nationwide locations, including 17 testing centers within California, and candidates are given two and one-half hours to complete.

The OA was completed in May 2014. The OA was immediately followed by a review of the LARE psychometric process and linkage study that correlated the knowledge, skills, and abilities tested for in the CSE Test Plan with those present in the *Task Analysis for the Council of Landscape Architectural Registration Board's Landscape Architect (2010)* to ensure there is no overlap between the content in the LARE and CSE.

26. What are pass rates for first time vs. retakes in the past 4 fiscal years? *(Refer to Table 8: Examination Data)* Are pass rates collected for examinations offered in a language other than English?

Statistics collected by CLARB relative to pass rates for the LARE do not distinguish between first-time and retake candidates by state. However, the LATC does collect CSE pass rate statistics for a comparison between first-time and retake candidates. Proportionately across the board, re-exam candidates have lower pass rates and once they have failed their pass rates drop precipitously. Both the LARE and CSE are only offered in English. The following table provides a comparison for CSE candidates.

DRAFT

Fiscal Year	First-Time Candidates	Retake Candidates
2014/2015	66%	62%
2015/2016	73%	64%
2016/2017	54%	47%
2017/2018	%	%

27. Is the LATC using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

Yes, the LATC utilizes computer-based testing (CBT) for its licensing examinations. The LARE and CSE, which are required for licensure, are both administered through CBT. The LARE has been administered via CBT since 2012 when the exam transitioned from five to four sections. The CSE was a written examination given by the LATC until 2008 when the LATC contracted with Psychological Services Inc. (PSI) to begin offering the examination via CBT. The LARE is offered three times annually and each administration takes place over a two-week period.

Candidates schedule LARE sections through the CLARB online service. This service allows candidates to view all pertinent information relative to their examination history and schedule examinations at their convenience. Pearson VUE Test Services is the test administrator for the LARE. Candidates schedule their exam appointments through CLARB and sit for an administration at a Pearson Vue test center. Each of the four LARE sections is scheduled and administered separately. Depending on the length of the specific section, it is possible to take more than one section on the same day.

The CSE is administered year-round (Monday through Saturday). Psychological Services, Incorporated (PSI) is the test administration vendor for DCA. There are 39 PSI test centers throughout the U.S. (including 17 in California) where a candidate may take the CSE during normal business hours. A candidate may call the PSI scheduling department or use the online scheduler to make an appointment. Candidates receive their CSE results immediately upon completion of their examination.

28. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

School approvals

29. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the LATC work with BPPE in the school approval process?

In accordance with CCR section 2620(b)(2), a degree from a school with a landscape architecture program is deemed approved by the LATC if the curriculum has been approved by the Landscape Architectural Accreditation Board (LAAB), as specified in its publication "Accreditation Standards for Programs in Landscape Architecture." The Bureau for Private Postsecondary Education does not play a role in the process of approving schools of landscape architecture or landscape architectural degree programs for the purposes of the LATC.

DRAFT

The LAAB is the only agency nationally recognized to accredit professional and post-professional degree programs in landscape architecture within the U.S. LAAB accredits the degree programs within the schools, not the schools themselves. The Canadian Society of Landscape Architects Accreditation Council (CSLAAC) is the Canadian equivalent of LAAB and accredits the landscape architectural degree programs in Canada.

The LATC does approve extension certificate programs in landscape architecture. Currently, there are two such programs in California, the University of California, Los Angeles Extension Program and the University of California, Berkeley Extension Program. Programs must meet the requirements specified in CCR section 2620.5 for approval as extension certificate programs. In 2013, the LATC conducted reviews for each of the extension program. Approval is granted with the provision that curriculum cannot be changed without LATC approval. Both programs are currently approved through December 31, 2020. In July 2017, LATC was advised that the University of California, Berkeley Extension Program will close in the Fall 2019 and is no longer accepting new students.

30. How many schools are approved by the LATC? How often are approved schools reviewed? Can the LATC remove its approval of a school?

The LATC is not statutorily authorized to approve schools of landscape architecture or the professional and post-professional degree programs offered by them. The LAAB reviews degree programs every three to six years and has the authority to withdraw accreditation if the program is not meeting accreditation standards.

There are two landscape architecture extension certificate programs in California, as noted above, approved by the LATC. Approval is granted for seven-year periods.

31. What are the LATC's legal requirements regarding approval of international schools?

The LATC is not authorized to approve schools of landscape architecture outside the U.S. or its territories. The legally authorized accrediting entity (if one exists) within each country would be responsible for such approvals of landscape architectural schools or the professional and post-professional programs available at those schools. LAAB provides advice and consultation to organizations in other countries that are developing accreditation standards and procedures.

Continuing Education/Competency Requirements

32. Describe the LATC's continuing education/competency requirements, if any. Describe any changes made by the LATC since the last review.

The Landscape Architects Practice Act does not require continuing education.

a. How does the LATC verify CE or other competency requirements?

N/A

b. Does the LATC conduct CE audits of licensees? Describe the LATC's policy on CE audits.

N/A

DRAFT

c. What are consequences for failing a CE audit?

N/A

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

N/A

e. What is the LATC's course approval policy?

N/A

f. Who approves CE providers? Who approves CE courses? If the LATC approves them, what is the LATC application review process?

N/A

g. How many applications for CE providers and CE courses were received? How many were approved?

N/A

h. Does the LATC audit CE providers? If so, describe the LATC's policy and process.

N/A

i. Describe the LATC's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

N/A

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 5
Enforcement Program

33. What are the LATC's performance targets/expectations for its enforcement program? Is the LATC meeting those expectations? If not, what is the LATC doing to improve performance?

The LATC's performance measures for the Enforcement Unit are defined by DCA's Consumer Protection Enforcement Initiative (CPEI) and focus on timely response to consumers and the pursuit of prompt disciplinary or enforcement action against those found to be in violation of the Landscape Architects Practice Act (Act).

For all complaints received, the LATC has a goal of assigning complaints to staff for investigation within seven days. Currently, the average time of assigning complaints for investigation to staff is two days. The LATC is exceeding expectations in this area. Concerning the time necessary to investigate a complaint, the LATC's CPEI standards stipulate that complaints are to be closed within an average of 270 days of receipt. For fiscal years (FY's) 2014/15, 2015/16, 2016/17, and 2017/18, the LATC averaged 330 days, 306 days, 151 days, and XX days respectively. Case review, evaluation, and consideration of the technical expert consultant findings and staff recommendations are critical, but are often a very time-consuming process that adds to the aging of the investigation and case closure process. The LATC's experts are not physically located in LATC's office. All complaint information must be copied and sent to them for review and returned by the expert upon completion of the report. To aid in improving the length of time it takes to investigate a complaint, the LATC contracts with two expert consultants and recruits additional experts as needed.

34. Explain trends in enforcement data and the LATC's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the LATC done and what is the LATC going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

Since the last reporting period, the LATC has not experienced any fluctuations in enforcement data trends. The LATC received an average of 23 complaints for FY's 2014/15, 2015/16, 2016/17, and 2017/18, of which 16 were advertising and unlicensed activity complaints. Staff has maintained an average of 13 pending complaints at the end of each FY. Enforcement staff closed 32% of investigations within 90 days and 42% within one year.

The LATC has issued 10 citations since the last reporting period. Nine of the citations included a fine assessment averaging $1,639, and one outlier at $16,000. The majority of citations issued were to unlicensed individuals, who are often difficult to locate because they change addresses frequently. For these

citations, staff utilizes the Franchise Tax Board (FTB) Intercept Program to attempt to collect fines. However, there is currently no incentive for these individuals to pay their fines, unlike licensees who cannot renew their license without paying.

Lastly, the LATC's 2017/2018 Strategic Plan contained an objective to collect and review data respective to unlicensed activity and licensee violations to identify if trends exist. The LATC will use the results of the collected data to shape consumer education and enhance enforcement efforts.

The LATC has also continued to focus on promptly responding to consumer complaints and maintain an internal weekly report on case aging to improve the tracking of each case through the intake and investigation processes.

Table 9a. Enforcement Statistics

	FY 2015/16	FY 2016/17	FY 2017/18
COMPLAINT			
Intake			
Received	22	24	
Closed	0	0	
Referred to INV	22	24	
Average Time to Close	1	5	
Pending (close of FY)	0	0	
Source of Complaint			
Public	9	5	
Licensee/ Professional Groups	9	9	
Governmental Agencies	3	7	
Other	1	3	
Conviction / Arrest			
CONV Received	3	4	
CONV Closed	2	4	
Average Time to Close	86 days	95 days	
CONV Pending (close of FY)	0	0	
LICENSE DENIAL			
License Applications Denied	0	0	
SOIs Filed	0	0	
SOIs Withdrawn	0	0	
SOIs Dismissed	0	0	
SOIs Declined	0	0	
Average Days SOI	N/A	N/A	
ACCUSATION			
Accusations Filed	1	0	
Accusations Withdrawn	0	0	
Accusations Dismissed	0	0	
Accusations Declined	0	0	
Average Days Accusations	1,260	N/A	
Pending (close of FY)	0	0	

* All complaints received by the LATC are referred for investigation.

DRAFT

Table 9b. Enforcement Statistics (continued)			
	FY 2015/16	FY 2016/17	FY 2017/18
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	0	1	
Stipulations	0	1	
Average Days to Complete	N/A	953	
AG Cases Initiated	1	1	
AG Cases Pending (close of FY)	2	1	
Disciplinary Outcomes			
Revocation	0	1	
Voluntary Surrender	0	1	
Suspension	0	0	
Probation with Suspension	1	0	
Probation	0	0	
Probationary License Issued	0	0	
Other	0	0	
PROBATION			
New Probationers	1	0	
Probations Successfully Completed	0	0	
Probationers (close of FY)	1	1	
Petitions to Revoke Probation	0	0	
Probations Revoked	0	0	
Probations Modified	0	0	
Probations Extended	0	0	
Probationers Subject to Drug Testing	N/A	N/A	
Drug Tests Ordered	N/A	N/A	
Positive Drug Tests	N/A	N/A	
Petition for Reinstatement Granted	0	0	
DIVERSION			
New Participants	N/A	N/A	
Successful Completions	N/A	N/A	
Participants (close of FY)	N/A	N/A	
Terminations	N/A	N/A	
Terminations for Public Threat	N/A	N/A	
Drug Tests Ordered	N/A	N/A	
Positive Drug Tests	N/A	N/A	

DRAFT

Table 9c. Enforcement Statistics (continued)			
	FY 2015/16	FY 2016/17	FY 2017/18
INVESTIGATION			
All Investigations			
First Assigned	22	24	
Closed	33	19	
Average days to close	306	145	
Pending (close of FY)	8	13	
Desk Investigations			
Closed	33	24	
Average days to close	306	145	
Pending (close of FY)	8	13	
Non-Sworn Investigation			
Closed	0	0	
Average days to close	0	0	
Pending (close of FY)	0	0	
Sworn Investigation			
Closed	3	2	
Average days to close	80	169	
Pending (close of FY)	2	0	
COMPLIANCE ACTION			
ISO & TRO Issued	0	0	
PC 23 Orders Requested	0	0	
Other Suspension Orders	0	0	
Public Letter of Reprimand	0	0	
Cease & Desist/Warning	15	6	
Referred for Diversion	N/A	N/A	
Compel Examination	N/A	N/A	
CITATION AND FINE			
Citations Issued	8	4	
Average Days to Complete	648	248	
Amount of Fines Assessed	$12,500	$18,250	
Reduced, Withdrawn, Dismissed	2	0	
Amount Collected	$1,000	$8,750*	
CRIMINAL ACTION			
Referred for Criminal Prosecution	1	1	

*Amounts reflect fines collected, which were assessed in previous years.

DRAFT

Table 10. Enforcement Aging						
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
0-1 Year	0%	0%	0%			
1-2 Years	0%	0%	0%			
2-3 Years	0%	0%	(1) 100%			
3-4 Years	0%	(1) 100%	0%			
Over 4 Years	0%	0%	0%			
Total Attorney General Cases Closed*	0	1	1			
Investigations (Average %)						
Closed Within:						
90 Days	9 (34.6%)	9 (27.3%)	7 (36.8%)			
91-180 Days	2 (7.7%)	8 (24.2%)	8 (42.1%)			
181 Days-1 Year	6 (23.1%)	7 (21.2%)	2 (10.5%)			
1-2 Years	5 (19.2%)	6 (18.2%)	2 (10.5%)			
2-3 Years	3 (11.5%)	1 (3%)	0 (0%)			
Over 3 Years	1 (3.8%)	2 (6.1%)	0 (0%)			
Total Cases Closed	26	33	19			

*Accusation filed

35. What do overall statistics show as to increases or decreases in disciplinary action since last review.

The LATC filed four accusations, all seeking revocation of licensure, during the current reporting period (FY 2014/15 through FY 2017/18) an increase by two from the last reporting period. One accusation resulted in a stipulated settlement in which the respondent voluntarily surrendered his license in response to the accusation. One accusation resulted in respondent's license being revoked. Respondent contested the decision and a hearing was held in April 2018. The majority of respondent's motions have been denied and the court ordered further briefing on one motion. At this time, the parties have not briefed nor has the court scheduled another hearing. Two accusations have been served to the respondent and are currently awaiting a decision.

In evaluating an enforcement program, it is important to reflect on the nature of the profession being regulated. Landscape architects often collaborate with other parties (engineers, architects, attorneys, contractors, and other landscape architects) who provide additional quality control, and their plans must be approved by local building departments. Thus, there are parties who can identify problems earlier in the process so that cases that come to the LATC typically do not deal with major property damage or bodily injury.

DRAFT

36. How are cases prioritized? What is the LATC's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The LATC's case prioritization policy is consistent with DCA's guidelines and appropriate for the profession being regulated. As complaints are received, staff immediately reviews the complaint to determine the appropriate course of action based on the LATC's prioritization guidelines. Complaints given the highest or "urgent" priority include imminent life and safety issues, severe financial harm to clients, egregious pattern of complaints, and project abandonment. Complaints given a "high" priority level include those that involve aiding and abetting, negligence, and unlicensed practice. The most common complaints are contract violations, unlicensed advertising (title) violations, and routine settlement reports.

37. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the LATC actions taken against a licensee. Are there problems with the LATC receiving the required reports? If so, what could be done to correct the problems?

Mandatory reporting requirements are specified in BPC sections 5678 (Report of Settlement or Arbitration - Licensee) and 5678.1 (Report of Settlement or Arbitration - Insurer). The law requires that within 30 days, every licensee and insurer providing professional liability insurance to a California landscape architect send a report to the LATC on any civil action judgment, settlement, arbitration award, or administrative action of $5,000, or greater of any action alleging the license holder's fraud, deceit, negligence, incompetency, or recklessness in practice.

Another mandatory reporting requirement is BPC section 5680.05 (Report to Board by Clerk of Court of Judgment of Conviction of Crime by License Holder), which requires that within 10 days after a judgment by a court of this state that a licensee has committed a crime or is liable for any death, personal or property injury, or loss caused by the license's fraud, deceit, negligence, incompetency, or recklessness in practice, the court which rendered the judgment shall report that fact to the LATC.

In addition, BPC section 5680 (Renewal of License - Forms) mandates that licensees report on their renewal forms whether they have been convicted of a crime or disciplined by another public agency during the preceding renewal period.

a. What is the dollar threshold for settlement reports received by the board?

As noted above, the dollar threshold for settlement cases received by the LATC is $5,000.

b. What is the average dollar amount of settlements reported to the board?

The average dollar amount of settlements reported to the LATC during the current reporting period is $80,924.

DRAFT

38. Describe settlements the LATC, and Office of the Attorney General on behalf of the board, enter into with licensees.

The Board considers agreeing into stipulated settlements with licensees where appropriate to promote cost-effective consumer protection and to expedite disciplinary decisions. In order to enter into a settlement with the Board, the licensee is generally required to admit to the violations set forth in the accusation, have his or her license placed on probation, submit quarterly probation reports, complete professional education courses directly relevant to the violation(s), and reimburse the Board for its investigative and prosecution costs.

Each proposed stipulated settlement is negotiated by the DAG assigned to the case (in consultation with the Executive Officer), the respondent (licensee or applicant), and the respondent's legal counsel, if represented, and must be accompanied by a memorandum from the DAG addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

a. What is the number of cases, pre-accusation, that the LATC settled for the past four years, compared to the number that resulted in a hearing?

The Board has not settled any disciplinary cases in the past four years prior to the filing of an accusation.

b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

In the past four years, there were four cases sent to the Office of the Attorney General, all of which resulted in the filing of an accusation. Out of those four cases, three were settled without going to hearing and one resulted in a hearing.

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

In the past four years, 75% of disciplinary cases were settled, 0% resulted in default decisions, and 25% resulted in a hearing.

39. Does the LATC operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the LATC's policy on statute of limitations?

The LATC's statute of limitations is defined by BPC section 5661. All accusations charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the Board within three years after the Board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action, whichever occurs first, but not more than six years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of BPC section 5667 (Fraud, Misrepresentation - Obtaining License), the accusation may be filed within three years after the discovery by the Board of the alleged facts constituting the fraud or misrepresentation prohibited by BPC section 5667.

DRAFT

Since FY 2014/15, the Board has not lost any cases due to the expiration of its statute of limitations. However, the Board received four cases in which the alleged violation(s) occurred beyond the statute of limitations, and as a result, the Board did not take any action after its investigation. These cases involved settlement reports where the landscape architectural services were provided more than six years prior to the receipt of the reports.

40. Describe the LATC's efforts to address unlicensed activity and the underground economy.

In most cases, consumers, licensees, or other government agencies provide evidence of unlicensed activity to be investigated. The LATC addresses unlicensed activity and advertising by immediately and thoroughly investigating complaints, including reviewing online advertisements for violations, issuing citations with administrative fines for violations, and advising consumers of how to recover their money through small claims court. The Board also refers egregious cases to the Division of Investigation for sworn investigation, if appropriate.

In an effort to address unlicensed practice, the LATC's website contains a document entitled "Permitted Practice for Professionals, Practitioners, and Unlicensed Person," which provides a quick reference regarding the various professionals, practitioners, and unlicensed persons who may offer landscape design services and the permitted scope and/or limitations that pertain to each.

Additionally, on its website, the LATC promotes publications for selecting a landscape architect for residential, private development, and public-sector projects. These publications were designed with the intention to help consumers understand the sometimes complex and technical nature of landscape architectural services to include: how to find and select a landscape architect; written contract requirements and recommendations; and what to do if a problem occurs with the project. The LATC also promotes its *Consumer's Guide to Hiring a Landscape Architect* to provide information on the practice of landscape architecture and how to choose the right landscape architect for a project. This information contains a number of basic steps that consumers can take to help keep their projects on track.

In addition, the LATC provides presentations at schools to educate students about the title act and exempt area of practice, thereby helping to prevent future violations.

Cite and Fine

41. Discuss the extent to which the LATC has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the LATC increased its maximum fines to the $5,000 statutory limit?

The citation program provides the LATC with an expeditious method of addressing violations involving unlicensed activity, repeated advertising violations, and the less serious practice or technical violations that have not resulted in substantial financial or physical harm. CCR section 2630, the regulation that authorizes the LATC to issue administrative citations and fines, was last amended in 2006 to: 1) increase the maximum administrative fine to $5,000; 2) modify the fine ranges for Class A, B, and C violations; and 3) modify the Class A violation to pertain to unlicensed individuals in violation of the Act. The Board also plans to assess CCR section 2630 to determine the appropriateness of the classifications of violations and the corresponding fine amounts through a future Strategic Plan objective.

DRAFT

For this reporting period, citations averaged three each year. Of those, all included a fine assessment averaging $1,639, with one outlier fine assessment of $16,000.

42. How is cite and fine used? What types of violations are the basis for citation and fine?

As noted above, the citation program provides the LATC with an expeditious method of addressing violations that have not result in substantial financial or physical harm. All professional practice complaints and some unlicensed practice complaints recommended for citation are reviewed by an expert. Administrative fines range from $250 to $5,000 per violation, depending on prior violations; the gravity of the violation; the harm, if any, to the complainant, client or public; and other mitigating evidence.

The LATC has used the citation program most frequently to cite individuals who have violated the following:

BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice - Sanctions

CCR Section:

- 2670 - Rules of Professional Conduct

Licensees who fail to pay the assessed fines have a "hold" placed on their license record that prevents renewal of the license until the fine is paid.

43. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

In the last four fiscal years, there have been six informal conferences and no administrative hearings as a result of citation appeals.

44. What are the 5 most common violations for which citations are issued?

BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice - Sanctions
- 5657 - Filing of Mailing Address - Requirement
- 5671 - Negligence, Willful Misconduct in Practice

CCR Section:

- 2670 - Rules for Professional Conduct

DRAFT

45. What is average fine pre- and post-appeal?

The average pre-appeal fine is $1,639 and the average post-appeal fine is $1,306 with an outlier fine of $16,000.

46. Describe the LATC's use of Franchise Tax Board intercepts to collect outstanding fines.

The LATC uses the Franchise Tax Board (FTB) Intercept Program to collect unpaid administrative fines from unlicensed individuals and recover dishonored checks. The majority of the LATC's outstanding, unpaid fines are against unlicensed individuals, and Intercept Program provides an additional tool to seek those penalties. Thus far, the success in collecting via this program has not been significant, as the potential sources of recovery are limited to Lottery proceeds, state tax refunds, and unclaimed property.

Cost Recovery and Restitution

47. Describe the LATC's efforts to obtain cost recovery. Discuss any changes from the last review.

The LATC seeks cost recovery in all disciplinary cases (i.e., accusations, statements of issues, and petitions to revoke probation). Cost recovery is generally a required term in stipulated settlements. In cases where the respondent is placed on probation, cost recovery is required pursuant to established payment schedules. However, for those cases calling for revocation, costs are often difficult to collect as respondents have fewer financial resources due to the loss of their licenses and no incentive to pay.

48. How many and how much is ordered by the LATC for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The amount of cost recovery ordered is dependent upon the amount of time spent on the investigation, including the classification of the investigator, and the charges imposed by the Office of the Attorney General up to the date of the hearing.

In the last four FYs, the Board has filed four accusations. One accusation resulted in a disciplinary decision of license surrender with a cost reimbursement of $4,775; a second accusation resulted in a disciplinary decision of license revocation with a cost reimbursement of $7,762.50 (this accusation is currently being appealed through the State of California Superior Court); and two accusations pending disciplinary decisions.

49. Are there cases for which the LATC does not seek cost recovery? Why?

No.

50. Describe the LATC's use of Franchise Tax Board intercepts to collect cost recovery.

The LATC currently utilizes FTB to collect cost recovery.

DRAFT

51. Describe the LATC's efforts to obtain restitution for individual consumers, any formal or informal LATC restitution policy, and the types of restitution that the LATC attempts to collect, i.e., monetary, services, etc. Describe the situation in which the LATC may seek restitution from the licensee to a harmed consumer.

The LATC has no authority to order restitution outside of a stipulated agreement or an administrative law judge's proposed decision. Through the LATC's complaint handling process, the LATC may recommend that a licensee refund a client's monies or make an adjustment to satisfactorily resolve a complaint involving services provided and fees paid. The LATC has no jurisdiction over fee disputes.

Table 11. Cost Recovery (list dollars in thousands)

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures	154	150	131	
Potential Cases for Recovery *	0	0	2	
Cases Recovery Ordered	0	0	2	
Amount of Cost Recovery Ordered	0	0	$12,537	
Amount Collected	0	0	0	

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

Table 12. Restitution (list dollars in thousands)

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 6
Public Information Policies

52. How does the LATC use the internet to keep the public informed of LATC activities? Does the LATC post LATC meeting materials online? When are they posted? How long do they remain on the LATC's website? When are draft meeting minutes posted online? When does the LATC post final meeting minutes? How long do meeting minutes remain available online?

The LATC continually updates its website to reflect upcoming LATC and committee meetings and activities, changes in laws or regulations, licensing information, forms, publications, and other relevant information of interest to consumers, candidates, and licensees. Meeting notices are posted to the website at least 10 days prior to a meeting, and the related meeting packet 7 days prior. Committee meeting minutes are posted on the website once officially approved and remain for 100 years, in accordance with the LATC's retention schedule. Draft meeting minutes are posted on the website in the subsequent meeting packet for Committee approval. Other meeting related documents, such as meeting packets, remain on the website for 50 years, also in accordance with the LATC's retention schedule. The LATC continually seeks input from users for items that may be included on the website and makes a specific effort to ensure that our website meets the needs of our constituents. Other tools used by the LATC to communicate its messages include the eSubscriber list for e-news broadcasts and social media (Twitter).

53. Does the LATC webcast its meetings? What is the LATC's plan to webcast future LATC and committee meetings? How long do webcast meetings remain available online?

The LATC webcasts its meetings when DCA resources are available. The meetings are held at a variety of locations throughout the state in order to increase public participation. In addition, the LATC has actively engaged with the DCAs' Office of Public Affairs to facilitate the webcasting of its Committee meetings and includes notification of webcast availability on its meeting notices. Despite the LATC's active effort to facilitate webcast at each of its meetings, varying technical capabilities of the meeting sites (schools of landscape architecture) as well as availability of Department personnel to perform the video streaming affect the ability to webcast. Lastly, webcast meetings are uploaded onto the DCA YouTube account and are available online for an indefinite period of time.

54. Does the LATC establish an annual meeting calendar, and post it on the LATC's web site?

Yes. The LATC establishes a meeting calendar normally at its last meeting of each year and posts it on the website afterwards. Meetings of committees are also posted to the calendar when the dates are determined by the respective committee Chair.

DRAFT

55. Is the LATC's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the LATC post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

The LATC's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. Accusations and disciplinary actions are posted on the LATC's website according to the LATC's records retention schedule.

56. What information does the LATC provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

California Code of Regulations (CCR) section 2608 requires the LATC to maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed landscape architects and unlicensed persons subject to its jurisdiction.

Information subject to the public information system is disclosed to the public upon request by telephone, in person, or in writing (including fax or email). Information is made available by the LATC in writing or by telephone within 10 days of the request.

The following information is disclosed regarding license status of past and current licensees:

1. Name of the licensee, as it appears on the LATC's records;
2. License number;
3. Address of record;
4. License issue date;
5. License expiration date; and
6. License status and history.

The LATC also discloses the total number of enforcement and disciplinary actions, as well as brief summaries. It provides the current status of pending complaints (that comply with the criteria for disclosure pursuant to CCR section 2608), accusations, statements of issues, and citations filed by the Board.

57. What methods are used by the LATC to provide consumer outreach and education?

The LATC provides outreach and education to consumers through a variety of means to ensure effective dissemination of information.

The LATC has specific publications targeting consumers and utilizes the following long-standing publications:

1. *Consumer Tips for Design Projects*. This information is a concise document that summarizes the basic steps that consumers can take to help keep their projects on track.
2. *Selecting a Landscape Architect* publications, which include: *Selecting a Landscape Architect for Public Sector Projects; Selecting a Landscape Architect for Residential Projects; and Selecting a Landscape Architect for Private Development Projects*. These publications contain information regarding: 1) A

description of the typical services a licensed landscape architect can provide; 2) How to select a landscape architect; 3) What the written agreement between a consumer and a landscape architect should include; and 4) The LATC's role as a regulatory entity. Though the information provided in each of the three publications is consistent, each publication has information tailored to the type of project being performed by the landscape architect.

Additionally, in 2017, the LATC approved a new consumer-oriented publication: *Consumer's Guide for Hiring a Landscape Architect*. This publication is a comprehensive guide for consumers that includes information about the practice of a landscape architect, contract criteria, as well as how to file a complaint.

A key means of distributing these publications is making them available in city and county building departments. This enables consumers who are researching permit requirements for their projects to have timely information on landscape architects and managing a project. In addition, the LATC's posts these publications on its website in order to make them readily available. Further, in response to the LATC's 2017-2018 Strategic Plan objective to expand communication to stakeholders, the LATC is conducting more frequent emails to its e-Subscribers. An example of such notification includes advertisement of the availability of new publications and means by which stakeholders can request hardcopies for their own use or distribution.

Lastly, the website continues to be a primary focus of our efforts, providing the public, licensees, and candidates with a wide range of information. The website provides stakeholders with access to enforcement actions, a license verification tool, newsletters, as well as a comprehensive list of downloadable applications, forms, publications, and instructional materials.

The LATC will continue to evaluate these consumer education methodologies and work to identify other effective means to provide information.

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 7
Online Practice Issues

58. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the LATC regulate online practice? Does the LATC have any plans to regulate internet business practices or believe there is a need to do so?

Technology has been integrated into the landscape architectural profession and continues to provide efficiencies in practice by allowing landscape architects to prepare instruments of service electronically (and outsource their production to online drafting services, as necessary), coordinate with other design professionals, and communicate and share design ideas with clients.

The LATC believes the Landscape Architects Practice Act provides sufficient regulatory control over the use of technology and online practice by landscape architects, as Business and Professions Code (BPC) section 5659 requires the landscape architect's stamp and signature on instruments of service as evidence of the landscape architect's responsibility for those documents. Another important consumer protection tool in this area is the written contract requirement (BPC section 5616), which requires a landscape architect to execute a written contract when providing professional services to a client, with limited exceptions. At this point, technology and online practice have not resulted in an increase in complaints against landscape architects, but the Board will continue to monitor these issues closely.

However, the prevalence of unlicensed individuals who misrepresent themselves as landscape architects and/or offer landscape architectural services to California consumers via the Internet remains a challenge for the LATC's Enforcement Program. During the current reporting period, unlicensed advertising or activity complaints accounted for approximately 44 percent of all complaints received by the LATC. The Board issues citations with administrative fines to unlicensed individuals who advertise or put out devices (such as Internet advertisements) that might indicate to the public that they are landscape architects or qualified to engage in the practice of landscape architecture, in violation of BPC section 5640.

Many of these unlicensed activity complaints involve consumers who may not be familiar with license requirements or the design and landscape construction process. These consumers often rely on "referral" websites that offer to match them with "prescreened" professionals in their area who have passed the websites' background checks and can provide quotes for requested services. While these websites provide valuable information to consumers, such as ratings and reviews from past clients, they do not guarantee the accuracy, quality, or reliability of the information contained in the professionals' advertisements, and some allow unlicensed individuals to identify themselves as landscape architects and/or offer landscape architectural services to the public without verifying licensure.

The Board is interested in partnering with such referral websites to verify licensure for these professionals who advertise to California consumers and to remove illegal advertisements by unlicensed individuals. The

DRAFT

Board will also continue to focus on consumer outreach and education regarding the licensure requirements when selecting a landscape architect on the Internet.

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 8
Workforce Development and Job Creation

59. What actions has the LATC taken in terms of workforce development?

The LATC has amended regulations and implemented process efficiencies to expand the eligibility requirements for licensure. In 2017, amendments to CCR section 2620 (Education and Training Credits) became effective, which grant candidates up to one year of training credit for teaching in a landscape architecture degree program.

The LATC is currently pursuing additional amendments to CCR section 2620 that would expand the eligibility requirements to grant two years of education credit for an accredited degree in civil engineering or architecture, one-year of credit for any bachelor's degree, and up to six years of training credit for qualifying landscape architectural experience. Presently, a candidate must hold a landscape architectural degree or certificate, or an accredited architecture degree to qualify for licensure. By expanding these pathways, the LATC hopes to achieve more opportunities for individuals to become licensed landscape architects. (See Section 11 for additional information.)

Additionally, the LATC maintains its website (latc.ca.gov), which contains easy-to-understand information about licensing requirements and other related issues. Staff provides presentations regarding licensure at the accredited and approved schools of landscape architecture. The LATC strives to remove impediments to licensure, such as allowing candidates to take Sections 1 and 2 of the LARE prior to completion of the experience requirements.

60. Describe any assessment the LATC has conducted on the impact of licensing delays.

No formal studies have been conducted. However, LATC management has been very proactive in directing the workload of staff to avoid or reduce delays in processing applications and mitigating any impact to the workforce. In addition, converting the CSE to a computer-based testing format greatly expedites licensure, as does releasing scores on-site.

61. Describe the LATC's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The LATC is proactive in working with chairs, deans and students of landscape architectural programs to convey information on the licensing requirements in California. The LATC supplements this effort by holding Committee meetings at schools' campuses. Student outreach seminars are also conducted at campuses to explain licensing requirements. Additionally, at the commencement of the school year, the LATC, through the chairs and deans of the landscape architectural colleges, sends a letter introducing itself and explaining its role to students. A similar related letter is disseminated at the end of the school year. The

DRAFT

LATC believes that these efforts pay dividends by helping students become licensed more efficiently, which saves candidates time and money.

62. Describe any barriers to licensure and/or employment the board believes exist.

The LATC proactively strives to expand its pathways to licensure such that there are more opportunities for potential candidates to qualify for licensure. As the Committee operates under California Architects Board's (Board) governance, the LATC strives to mirror the regulations of the Board, where appropriate. The Board offers diversity in pathways to licensure, including granting credit for related and unrelated degrees and an Integrated Pathway to Architectural Licensure (IPAL) program. IPAL is a structured pathway designed for aspiring architects to have the opportunity to complete the requirements for licensure in an integrated and streamlined manner while earning their accredited degree.

Current LATC licensure requirements necessitate that a candidate must hold a degree or extension certificate in landscape architecture or an accredited degree in architecture. However, the LATC believes that education and training requirements should be expanded as valuable training can occur via the inclusion of more diversity in its licensure pathways. Accordingly, in 2017, the LATC voted to approve amendments to CCR section 2620 that would allow education credit for a degree in civil engineering as well as any baccalaureate degree. In addition, the proposed regulation would allow for expanded opportunities to gain experience credit for licensure as well as a new experience-only pathway to licensure. The LATC believes that promulgation of these regulatory amendments will achieve mitigation of licensure impediments as well as effectuate enhanced opportunities for individuals to pursue licensure in California.

63. Provide any workforce development data collected by the LATC, such as:

a. Workforce shortages

No data is available. However, it should be noted there is anecdotal information to suggest that when the economy is strong, firms experience difficulty hiring new landscape architects.

b. Successful training programs.

No data is available.

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 9
Current Issues

64. What is the status of the LATC's implementation of the Uniform Standards for Substance Abusing Licensees?

N/A

65. What is the status of the LATC's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

CPEI was launched in an effort to overhaul the enforcement processes of DCA healing arts boards and bureaus. However, the LATC strives to achieve the performance measures outlined in CPEI, such as the goal to complete all investigations within an average of 270 days. In addition, the LATC continues to report to DCA on a quarterly basis the success in meeting the applicable enforcement goals of CPEI. The LATC is exceeding expectations by closing complaints within an average of 228 days.

66. Describe how the LATC is participating in development of BreEZe and any other secondary IT issues affecting the LATC.

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

The LATC is not using the BreEZe platform. The LATC was originally in the BreEZe Release 3 and has not submitted any change requests during this reporting period.

b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

The Board and LATC, along with 19 other boards and bureaus was scheduled for the third release of BreEZe. However, numerous technical delays and problems with the project forced the delay of both the first and second releases of the system, and subsequently eliminated the project for those boards and bureaus scheduled for Release 3, including the Board/LATC.

The Department of Consumer Affairs (DCA) developed a Business Modernization Plan, based on the new Project Approval Lifecycle developed by the California Department of Technology (CDT). The purpose of this initiative is to address business and technology needs for programs that continue to rely on legacy technology solutions. The Plan identifies a methodical step-by-step approach that boards and bureaus within DCA will use to assist in moving their programs forward. The goal is to embrace the unique nature of each of DCA's programs while offering some process standardization.

DRAFT

The Plan outlines four stages of the project approval process: Stage 1 - document business justification, Stage 2 - alternatives and cost-benefit analysis, Stage 3 - solution development framework, and Stage 4 - project approval. The final step of the process will be system implementation.

An initial meeting was held on July 11, 2017, with the Board/LATC and DCA's Organizational Change Management (OCM) to discuss the Business Modernization Plan and approach. On August 17, 2017, the Board/LATC met with OCM to discuss the Project Charter and initial inventory of the existing administrative, enforcement, and licensing business processes. The Charter outlines the roles and responsibilities of key project stakeholders, describes the project decision-making authority, and the commitment needed in order to conduct a successful project. The Charter was finalized in January 2018.

The Board/LATC's Business Modernization Report accompanies the Business Modernization Plan and documents the business modernization activities that will be conducted specific to the Board/LATC. The Plan and Report were presented to the Board at their March 1, 2018 meeting along with a presentation by a DCA representative explaining the process planned for Release 3 boards. The Report presented to the Board included a proposed timeline, with a "go-live" release of a minimum viable product by November 2021 with release of configuration and phased implementation enhancements by November 2022. However, the LATC's potential need for a Budget Change Proposal could extend this timeline.

The Board/LATC's business processes inventory was finalized and provided to OCM in May 2018. The next step included mapping all of the business processes in consultation of the Board/LATC's subject matter experts.

Currently the Board/LATC utilizes two legacy systems (Applicant Tracking System [ATS] and Consumer Affairs System [CAS]) and the LATC uses a workaround system for candidates. Because this planned approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction and an enhanced license verification feature on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to view all license-related data including licenses that an architect/ landscape architect may hold from other DCA's boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 10
LATC Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the LATC.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the LATC took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the LATC has for dealing with the issue, if appropriate.

CAB ISSUE #1: TRAVEL RESTRICTIONS. Should the Committees encourage travel to professional conferences or meetings that directly affect licensure of California licensees?

Committee Staff's Recommendation: The Committees should encourage the Board to pursue opportunities at which its Members and Officers can interact directly with their national peers, and provide a strong voice for California's unique perspective and needs. The Board should inform the Committees of whether it continues to face travel restrictions that prohibit it from attending meetings where its representation could significantly impact California's ability to ensure that national examinations or standards reflect California's needs and protect California licensees, candidates for licensure, and consumers.

2014 LATC Response:

The Board/LATC concurs with the Committees' recommendation. Participation in national affairs is critical for the Board and LATC. The national examinations save the Board and LATC literally millions of dollars by not having to replicate the national examinations. In addition, the Board relies on the Intern Development Program to ensure that candidates receive experience in crucial areas of practice.

The Board and LATC have had recent success on travel, with approvals to attend three key out-of-state national sessions. In addition, three recent sessions have been in California, where the Board was also able to participate. These approved trips for the Board were funded by our national nonprofit - the National Council of Architectural Registration Boards (NCARB), so no State funds were spent. The Board has not received approval to travel with State funds since 2010. LATC was approved to travel to the Annual Business Meeting of the Council of Landscape Architectural Registration Boards (CLARB) in 2009 and 2014 with State funds, but CLARB does not offer "funded trips." LATC was denied the opportunity to attend a CLARB session that was held in California. Sending a Board member to the Annual Meeting costs a fraction of the Board's budget - approximately .0005.

DRAFT

The Board just participated in the NCARB Regional Summit on March 13-14 in Long Beach. At that meeting, the main proposal discussed would restrict existing reciprocity standards and prevent nearly 2,000 California architects from practicing in other states. California was the only state advocating to preserve the existing pathway. Through our efforts, we built a coalition to oppose the measure when it is up for a vote in June at the Annual Business Meeting. There is much more to be done to defeat the measure, but much of the effort takes place on-site at the meeting. In order to succeed, the Board must be in attendance with a strong delegation. This is because there are approximately 250 people in attendance from the 54-member jurisdictions, as well as NCARB executive staff and leadership from the American Institute of Architects, National Architectural Accrediting Board, Association of Collegiate Schools of Architecture and American Institute of Architects - Students. Persuading a group of that size requires a delegation of at least four, but a larger group has greater odds for success and also helps with succession planning so that new Board/LATC members can learn first-hand about the national associations and develop the relationships needed to protect California's interests.

The Board is in the process of submitting an out-of-state trip request to Department of Consumer Affairs (DCA) to add two members in addition to the two that were previously approved. This will provide the Board a strong delegation to work to defeat the resolution.

The professions, via the American Institute of Architects - California Council and California Council of the American Society of Landscape Architects, understand the importance of participation and regularly and consistently support the Board's engagement in NCARB and CLARB. The Board appreciates that DCA and Administration have been approving some of the trips, and the Board encourages ongoing and increased support for the criticality of national issues.

(Note: This was Issue #1 for LATC in the Sunset Background Paper.)

<u>2018 LATC Update Response:</u>

The Board's and LATC's travel requests for out-of-state meetings have been consistently approved including the two additional members' approval sought since the last reporting period. The Board has participated in all the NCARB Annual Meetings since the last report except for the 2017 Regional Meeting which took place in Kansas, a State banned from travel pursuant to Assembly Bill 1887 (Low, Chapter 687, Statutes of 2016). This bill prohibits State-funded or state sponsored travel to states that, after June 26, 2015, have enacted a law of a discriminatory nature.

The work conducted at these meetings is critically important and can have a profound impact on issues such as reciprocity. The Board's and LATC's participation can directly influence the policies and procedures that are discussed and decided upon. For example, by California's participation at an NCARB Annual Meeting, the Board was able to successfully advocate against a resolution that would have precluded California architects who do not hold an accredited degree from attaining the "NCARB Certificate" and, accordingly, gaining reciprocity in key states that require the certificate. Through the Board's advocacy, we were able to preserve this important pathway. Similarly, the presence of LATC representatives at the CLARB Annual Meetings ensures that California is sufficiently informed on CLARB activity and able to participate in major discussions and decisions that occur during the meetings. Additionally, during their annual meetings CLARB hosts many

DRAFT

discussions to help inform participants of various trends related to the licensing, regulatory, and disciplinary functions of CLARB member boards. The Board and LATC look forward to maintaining a strong presence at the national level.

LATC ISSUE #2: PRO RATA. What services does the Board receive for its share of pro rata?

Committee Staff's Recommendation: The Board should advise the Committees about the basis upon which pro rata is calculated, and the methodology for determining what services to utilize from DCA. In addition, the Board should discuss whether it could achieve cost savings by providing some of these services in-house.

2014 LATC Response:

The Board/LATC's share of the department's pro rata is calculated based on authorized position counts, licensing and enforcement record counts, prior year workload, and interagency agreements. The Board/LATC currently utilizes most of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise in certain administrative services to be effective. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

Senate Bill 1243 (Lieu, Chapter 395, Statutes of 2014) requires DCA to conduct a study and submit a report to the Legislature on its pro rata calculation of administrative expenses by July 1, 2015. The study will assess whether the pro rata system is the most productive, efficient, and cost-effective methodology and whether some of the services should be outsourced or charged on an as-needed basis. The study will also include consideration of whether the boards should be permitted to elect not to receive (and be charged for) certain administrative services. As part of the study, the Board/LATC has participated in a survey of its use of DCA's services. Based on the outcome of the study and the DCA's report to the Legislature, the Board/LATC will reassess its continued use of the DCA's pro rata services.

(Note: This was Issue #4 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board's 2014 response is still applicable. The Board/LATC's share of the department's distributed costs (pro rata) is calculated based on authorized position counts, licensing and enforcement record counts, volume of calls, complaints and correspondence, prior year workload, interagency agreements, and other distributions. The Board/LATC currently utilizes most, if not all, of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise (and potentially additional resources) to provide such administrative services in an effective manner. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

At an annual meeting, DCA provides an overview of the department's distributed costs. The purpose of this meeting is to explain how the costs of DCA's services are funded. In addition, Senate Bill 1243 (Lieu, Chapter

395, Statutes of 2014) required the department to provide a one-time study of its process for distributing administrative costs among its 29 boards, bureaus, committees, commission and program (boards). The distribution of costs for these divisions is budgeted to all boards utilizing the various distribution methodologies described above. The study and resultant report provided to all boards provides robust data as to pro rata. For the size of the Board and LATC, the continued use of the DCA's pro-rata and centralized services is more practical and cost efficient. The Board is appreciative of the transparency and DCA's efforts to explain the basis for costs for services.

LATC ISSUE #3: BREEZE IMPLEMENTATION. The Board was supposed to be part of BreEZe's Release Three, which has now been delayed until at least 2016.

Committee Staff's Recommendation: The Board should inform the Committees of any difficulties it foresees as a result of having to remain on its legacy system, and whether any additional stop-gap technological measures are needed until BreEZe is implemented. The Board should inform the Committees of how costs related to BreEZe will impact its fund condition.

2014 LATC Response:

Substantial difficulties are foreseeable as a result of having to remain on the legacy systems, due to numerous significant changes to the national Architect Registration Examination (ARE) and potential changes to other national programs. Board/LATC staff is conducting an assessment of the impact due to delayed implementation of BreEZe for Release 3 boards and bureaus and coordinating efforts with DCA to develop stop-gap measures that could involve significant modifications to the legacy systems.

The Board believes, however, that due to the changes to the ARE, the corresponding changes to the "business model analysis" that was prepared in preparation for BreEZe approximately five years ago, are so significant that the current delay and repositioning of BreEZe may actually be a strategic advantage. Had BreEZe actually rolled out with the ARE consisting of seven divisions, as it does now, it would be completely dysfunctional, as the ARE previously had nine divisions. To add further complexities, there are intricate new rules that place restrictions on candidates' eligibility, which would have further exacerbated the problems.

The Board/LATC routinely monitors its fund condition and works very closely with DCA's Budget Office. The Budget Office has provided the Board/LATC's fund condition projected to fiscal year (FY) 2016/17, which includes anticipated BreEZe costs. The Board/LATC and the Budget Office do not foresee an issue with the Board/LATC's fund condition based on the current projections for BreEZe costs. The Board's fund condition will have an 11-month reserve in FY 2016/17, the year the BreEZe program is planned to be implemented for the Board.

(Note: This was Issue #3 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board/LATC are working in collaboration with DCA on its Business Modernization Plan to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan is a structured approach to identifying business needs and overlaying those requirements on available licensing platforms and complimentary technology. This approach will take time and to address the delayed

DRAFT

implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction, and an enhanced license verification feature on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to view all license-related data including licenses that an architect/landscape architect may hold from other DCA's boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

Since the inception of the BreEZe project, the Board has contributed a total of $328,269 through FY 2016-17. The Board's estimated contribution in FY 2017-18 is $83,000. A budget change proposal may be required if the costs for the new platform are not absorbable. The Board has not yet determined whether it will utilize the BreEZe system or an alternative platform.

ISSUE #7: COLLECTION OF FINES. The Board notes that it is seeking ways to increase collection of fines, particularly in cases of unlicensed practice when it does not have the leverage of a license to incentivize payment.

Committee Staff's Recommendation: The Board should continue to explore ways to improve its enforcement efforts and collect fines. The Board should examine other agencies that are authorized to release SSNs to collection agencies, and whether there are any privacy or security issues that may arise if such information was transmitted. The Board should work with other licensing boards, such as the Contractors State Licensing Board, the Bureau of Real Estate, and the Board of Professional Engineers, Land Surveyors, and Geologists, to determine the feasibility of sharing disciplinary information for purposes of leveraging other professional licenses as a way to achieve compliance; how such a system would operate; and what changes would be necessary.

2014 LATC Response:

The Board/LATC concurs with the Committees' recommendations.

The Board currently has an ongoing objective from its 2014 Strategic Plan to "pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties" and is committed to continuous improvements with regard to all enforcement efforts.

The Board's fine collection success has averaged about 62% over the last three fiscal years, while other construction/design boards have averaged 37%.

Should the Board pursue authority to release SSNs to collection agencies, it would fully investigate whether there are any privacy or security issues that may arise. The Board has noted that the Respiratory Care Board is authorized to release SSNs to collection agencies via Business and Professions Code section 3778 (Chapter 586, Statutes of 2003); the Board is currently not aware of other agencies with similar authority.

As part of its Strategic Plan objective, the Board/LATC will research the feasibility of working with other licensing boards in sharing disciplinary information for purposes of leveraging other professional licenses. Other strategies the Board/LATC has utilized with regard to fine collection: Franchise Tax Board Intercept

DRAFT

Program; payment plans; revised enforcement letters; etc. In addition, the Board is working with DCA to explore the possibility of establishing a collections unit in DCA to assist boards in collecting citation penalties.

(Note: This was Issue #5 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board continues to focus on the collection of citation penalties, and its current Strategic Plan includes an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. The Board's ongoing efforts to pursue payment of citation penalties resulted in a 70% collection rate over the past three fiscal years, while other design and construction boards have averaged 56%. Research has also indicated that collection agencies can take action without SSNs. Accordingly, the Board is currently in the process of contracting with a collection agency for full-service debt collection services, including skip-tracing, credit reporting, and filing legal actions, as appropriate. In addition, collaboration with other boards may be feasible when the Board is on a new platform system.

ISSUE #8: CONTINUED REGULATION BY THE BOARD. Should the licensing and regulation of architects be continued and be regulated by the current Board membership?

Committee Staff's Recommendation: Recommend that the licensing and regulation of architects continue to be regulated by the current Board members of the California Architects Board in order to protect the interests of the public and be reviewed once again in four years.

The Board/LATC concurs with the Committees' recommendation.

(Note: This was Issue #6 for LATC in the Sunset Background Paper and the Board/LATC concur with that recommendation.)

Note: as indicated on the cover memo, the following issue was unique to LATC.

LATC ISSUE #2: PATHWAYS TO LICENSURE. Should the LATC consider ways to streamline its licensure process or make its licensure process more flexible to accommodate out-of-state applicants?

Committee Staff's Recommendation: The LATC should continue to work closely with the Board to identify opportunities to initiate efficiencies in its licensure system, and consult with stakeholders to ensure that the path to licensure is efficient and effective. The LATC should also continue to discuss the possibility of expanding the definition of "education credit" to encompass a certain amount of licensed experience, and to consider granting education credit for degrees related to landscape architecture, while ensuring that licensees retain their competence and that consumers are protected by any changes in eligibility.

2014 LATC Response:

DRAFT

The LATC concurs with the Committees' recommendation. During this last reporting period, LATC has expanded its pathways to licensure to allow partial degrees, and architecture degrees to meet education requirements. The LATC is researching other related degrees that can meet the education requirement for licensure.

Efficiencies in the licensure processes were improved by permitting candidates to take certain sections of the national exam upon graduation. On the horizon are changes to allow credit for teaching under a landscape architect. LATC will also work closely with the Board on its efforts on the Accelerated Path to Architectural Licensure.

In addition, the LATC has received license applications from candidates who are licensed in other states but do not meet specific California requirements, namely a degree in landscape architecture. The LATC is reviewing reciprocity requirements of other states to determine possible changes to improve efficiencies. Initial research revealed varying minimum standards across states including education only, experience only, varying degree types, and acceptance of reciprocity from other states. The LATC will work closely with CLARB to establish the minimum years of licensed experience to qualify to take the California Supplemental Exam in order to become licensed in California. The LATC will also work closely with other stakeholders to ensure that the path to licensure is efficient and effective.

2018 LATC Update Response:

During the previous reporting period, the LATC extended its licensure pathways to allow for partial degrees and architecture degrees (a degree related to landscape architecture) to meet education requirements. Since then, the LATC has pursued additional efforts that proactively mitigate impediments to licensure and provide enhanced opportunities for prospective candidates to qualify for licensure that are congruent with the type of education and training currently available. Effective January 1, 2017, the LATC promulgated regulations that allocated credit toward licensure for candidates who have landscape architectural teaching experience. Thereafter, the LATC has begun pursuit of additional regulatory changes that would provide expanded pathways to licensure.

Generally, the LATC presently requires that candidates have a combination of education and experience to qualify for licensure. To assess stakeholder feedback regarding expansion of licensure requirements, the LATC held public forums in March and April 2017. Thereafter, the LATC formed an Education/Experience Subcommittee (Subcommittee) tasked with determining expanded pathways to licensure and allocating credit given to those pathways. The LATC sought to mirror its expanded licensure pathways with those already used by the California Architects Board (Board), which provides credits for candidates who have degrees related to architecture, any bachelor's degree, and an experience-only pathway, which is constructed as a structured internship program.

Resultant of the Subcommittee's recommended new licensure pathways and in due consideration of public opinion, the LATC and the Board approved amendments to current regulations that expand pathways to enhance accessibility into the profession. These pathways provide for more related degrees, specifically allocating credit toward licensure for an accredited civil engineering degree as well as provide credit for a candidate with any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway.

DRAFT

The LATC has also continued to assess reciprocity requirements since the last reporting period. In the past, the LATC has received requests for reciprocal licensure from individuals licensed in jurisdictions where a degree in landscape architecture or architecture was not a requirement for initial licensure, as it is in California. Accordingly, the LATC is seeking to align its reciprocity and initial licensure requirements such that an out-of-state candidate who meets the criteria for initial licensure will also be eligible for reciprocity licensure. The enhanced pathways that are being proposed to expand access to licensure (i.e., related degrees, any degree, and experience-based pathways) will afford more opportunities for out-of-state candidates to become licensed in California.

As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law initiating a regulatory change. Additionally, the Committee will continue discussions regarding how it will structure the allocation of experience-based credit. The LATC believes that these proactive efforts will ensure enhanced licensure opportunities, while still maintaining competency of practitioners, for individuals of diverse backgrounds seeking licensure in California.

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 11
New Issues

This is the opportunity for the LATC to inform the Committees of solutions to issues identified by the LATC and by the Committees. Provide a short discussion of each of the outstanding issues, and the LATC's recommendation for action that could be taken by the LATC, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the LATC in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

The LATC has addressed all issues from the prior review.

DRAFT

NEW ISSUES

Enhanced Pathways to Licensure

During the previous reporting period, the LATC extended its licensure pathways to allow for partial degrees and architecture degrees to meet education requirements. Since then, the LATC has pursued additional efforts that proactively mitigate impediments to licensure and provide enhanced opportunities for prospective candidates to qualify for licensure that are congruent with the type of education and training currently available. Effective January 1, 2017, the LATC promulgated regulations that allocated credit toward licensure for candidates who have landscape architectural teaching experience. Thereafter, the LATC has begun pursuit of additional regulatory changes that would provide expanded pathways to licensure.

Generally, the LATC presently requires that candidates have a combination of education and experience to qualify for licensure. To assess stakeholder feedback regarding expansion of licensure requirements, the LATC held public forums in March and April 2017. Thereafter, the LATC formed an Education/Experience Subcommittee (Subcommittee) tasked with determining expanded pathways to licensure and allocating credit given to those pathways. The LATC sought to mirror its expanded licensure pathways with those already used by the California Architects Board (Board), which provides credits for candidates who have degrees related to architecture, any bachelor's degree, and an experience-only pathway, which is constructed as a structured internship program.

Resultant of the Subcommittee's recommended new licensure pathways and in due consideration of public opinion, the LATC and the Board approved amendments to current regulation that provide credit for a candidate with an accredited civil engineering degree, any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway.

As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law initiating a regulatory change. Additionally, the Committee will continue discussions regarding how it will structure the allocation of experience-based credit. The LATC believes that these proactive efforts will ensure enhanced licensure opportunities, while still maintaining competency of practitioners, for individuals of diverse backgrounds seeking licensure in California.

Written Contract

The LATC's "written contact requirement" is one of its most important consumer protection tools. Presently, the landscape architect's written contract must: 1) describe the services to be provided by the landscape architect to the client; 2) describe the basis of compensation, including total cost and method of payment; 3) include a notice that reads, "Landscape architects are licensed by the State of California"; 4) identify by name and address the client and the landscape architect, including the landscape architect's license number; 4) describe the procedure to accommodate additional services; and 5) describe the procedure to be used by both parties to terminate the contract.

Memorializing the basic terms of a business relationship can prove invaluable. Both parties to the relationship need to understand the cost, schedule, compensation, etc. When there is no contract, there is an enhanced

opportunity for one party to take advantage of the other. The LATC believes that the contract requirement benefits both the consumer and the landscape architect.

Since this provision has been in effect for some time, the Board has investigated many consumer complaints that centered around the existence of a contract or meaning of specific terms. As such, the Board's experts in the enforcement program (Architect Consultants) have identified several potential improvements to the current law. Many of the disputes that have resulted in complaints stemmed from misunderstandings concerning the project description and/or failure to manage changes in the project description during the design process. The description of the project has direct bearing on the: 1) design services required; 2) compensation related to those services; and 3) project budget and schedule. Without a defined project description, it is often unclear whether the project is on track in meeting the expectations and project requirements established by the client and the architect or landscape architect.

Under the Rules of Professional Conduct, Title 16, California Code of Regulations, section 2670(d), landscape architects are prohibited from materially altering the scope or objective of a project without first fully informing the client and obtaining the client's consent in writing. However, landscape architects are not currently required to define the project description in their written contracts with clients. Therefore, it can be difficult for the client or landscape architect to determine when the project description has been materially altered if it has not first been defined and agreed upon in the written contract.

The Board has also received complaints and questions from consumers related to disputes regarding the ownership and use of an architect's instruments of service. Assembly Bill 630 (Holden, Chapter 453, Statutes of 2013) became effective January 1, 2014, and added BPC section 5536.4 to the Architects Practice Act, which prohibits the use of an architect's instruments of service without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use. However, architects nor landscape architects are not currently required to include a provision addressing the ownership and use of their instruments of service in their written contracts with clients. Therefore, clients are often unaware of each party's rights with respect to the instruments of service.

The LATC is proposing to amend BPC section 5616 in order to clarify that the following elements are needed in landscape architects' written contracts with clients for professional services: 1) a description of the project for which the client is seeking services; 2) the project address; 3) a description of the procedure that the landscape architect and the client will use to accommodate contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment; and 4) a statement identifying the ownership and use of instruments of service prepared by the landscape architect.

The LATC expects this proposal to benefit consumers and landscape architects by providing enhanced transparency for contracted parties, thereby, reducing the number of disputes related to disagreements regarding the project description, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service.

The LATC respectfully requests that this proposal be included as part of the legislation addressing its sunset date. See proposed language below:

Amend section 5616 of the Business and Professions Code to read:

(a) A landscape architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the landscape architect and the client,

DRAFT

or their representatives, prior to the landscape architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

(1) A description of the project for which the client is seeking services.

(~~1~~2) A description of the services to be provided by the landscape architect to the client.

(~~2~~3) A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract and the method of payment agreed upon by both parties.

(~~3~~4) A notice that reads: "Landscape architects are licensed by the State of California."

(~~4~~5) The name, address, and license number of the landscape architect, and the name and address of the client and project address.

(~~5~~6) A description of the procedure that the landscape architect and client will use to accommodate additional services.

(7) A description of the procedure that the landscape architect and the client will use to accommodate contract changes including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation, total price, and method of payment.

(~~6~~8) A description of the procedure to be used by either party to terminate the contract.

(9) A statement identifying the ownership and use of instruments of service prepared by the landscape architect.

~~(b) This section shall not apply if the client knowingly states in writing after full disclosure of this section that a contract that complies with this section is not required.~~

(~~c~~b) This section shall not apply to any of the following:

(1) Professional services rendered by a landscape architect for which the client will not pay compensation.

(2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the landscape architect's services are of the same general kind that the landscape architect has previously rendered to, and received payment for from, the same client.

(3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.

(~~3~~4) Professional services rendered by a landscape architect to any of the following:

(A) A landscape architect licensed under this chapter.

(B) An architect licensed under Chapter 3 (commencing with Section 5500).

(C) A professional engineer licensed under Chapter 7 (commencing with Section 6700).

(D) A contractor licensed under Chapter 9 (commencing with Section 7000).

(E) A geologist or geophysicist licensed under Chapter 12.5 (commencing with Section 7800).

(F) A professional land surveyor licensed under Chapter 15 (commencing with Section 8700).

(G) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates.

(H) A public agency.

(d) As used in this section, "written contract" includes a contract that is in electronic form.

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2018

Section 12
Attachments

Please provide the following attachments:

A. Board's administrative manual.

See Attachment A – LATC Member Administrative Procedure Manual

B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).

See Attachment B – Committee Organization Chart

C. Major studies, if any (cf., Section 1, Question 4).

See Attachment C – Review of the Council of Landscape Architectural Registration Boards' Landscape Architect Registration Examination – Executive Summary

D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 17)

See Attachment D – Year End Organization Charts – FYs 14/15 – 17/18

E. Quarterly Performance Measure Reports (cf., Section 2, Question 6).

See Attachment E – Quarterly Performance Measure Reports

DRAFT

DISCUSS AND POSSIBLE ACTION ON PROPOSED LEGISLATION:

The following bills may be of interest to the Board, and are being provided for informational purposes and possible action:

1. AB 767 (QUIRK-SILVA, 2018) MASTER BUSINESS LICENSE ACT

INTRODUCED: 2/15/17
STATUS: Senate Business, Professions and Economic Development Committee

AB 767 would create within the Governor's Office of Business and Economic Development, or its successor, a business license center to develop and administer an online master business license system to simplify the process of engaging in business in this state.

2. AB 2138 (CHIU and LOW, 2018) LICENSING BOARDS: DENIAL OF APPLICATION: REVOCATION OR SUSPENSION OF LICENSURE: CRIMINAL CONVICTION

INTRODUCED: 2/12/18
STATUS: Ordered to Senate

AB 2138 would reduce barriers to professional licensure for individuals with prior criminal convictions by limiting a regulatory board's discretion to deny a new license application or to suspend or to revoke an existing license. This bill limits a board's discretion to cases where the applicant or licensee was formally convicted of a related crime or subjected to formal discipline by a licensing board, and prohibits license denial or suspension or revocation for offenses older than five years with the exception of violent felonies, as currently established in statute.

3. AB 2182 (LEVINE, 2018) PRIVACY: DEPARTMENT OF CONSUMER AFFAIRS: CALIFORNIA DATA PROTECTION AUTHORITY (Title Amended as: Privacy: Department of Consumer Affairs: Online Platforms: Personal Data Privacy)

INTRODUCED: 2/12/18
STATUS: Ordered to Senate, pending referral

AB 2182 would require the Department of Consumer Affairs (DCA) to establish an Internet Web portal linked to its Consumer Information Center Internet Web page that contains links to the personal data privacy policies of online platforms, including social media, as specified.

4. AB 2483 (VOEPEL, 2018) INDEMNIFICATION OF PUBLIC OFFICERS AND EMPLOYEES: ANTITRUST AWARDS

INTRODUCED: 2/14/18
STATUS: Senate Judiciary Committee

AB 2483 would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the DCA for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board.

5. SB 721 (HILL, 2018) CONTRACTORS: DECKS AND BALCONIES: INSPECTION

INTRODUCED: 2/17/17
STATUS: Referred to Assemly Business & Professions Committee and Housing & Community Development Committee, currently sitting in Business & Professions Committee

SB 721 would require the "exterior elevated elements" of multi-family dwelling units be inspected by a licensed architect, licensed civil or structural engineer, or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. Local jurisdictions would enforce this requirement.

6. SB 984 (SKINNER, 2018) STATE BOARDS AND COMMISSIONS: REPRESENTATION: APPOINTMENTS

INTRODUCED: 2/5/18
STATUS: In Assembly, pending referral

SB 984 would require all state boards and commissions to be comprised of a specified minimum number of women based on the total number of board or commission members on that board. This bill would also require the office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees.

7. SB 1137 (VIDAK, 2018) VETERANS: PROFESSIONAL LICENSING BENEFITS

INTRODUCED: 2/13/18
STATUS: Referred to Assembly Veterans Affairs Committee and Business & Professions Committee, currently in Veterans Affairs Committee

SB 1137 would require the Department of Veterans Affairs and the DCA, in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans.

8. SB 1298 (SKINNER, 2018) THE INCREASING ACCESS TO EMPLOYMENT ACT

INTRODUCED: 2/16/18
STATUS: Dead – Failed deadline pursuant to Rule 61(b)(8)

SB 1298 (Skinner) would prohibit the Department of Justice (DOJ) from reporting specified records within a person's state summary criminal history information to specified requesters for employment, licensing, or certifying purposes and would require DOJ to provide the subject of the information with a copy of the summary information and at least five days to challenge its accuracy before releasing it to the requester.

9. SB 1465 (HILL, 2018) CONTRACTORS: CIVIL ACTIONS: REPORTING

INTRODUCED: 2/16/18
STATUS: In Assembly

SB 1465 (Hill) would require a licensee to report to the Contractors State License Board registrar within 90 days of the date that the licensee has knowledge of any civil action resulting in a final judgment, executed settlement agreement, or final arbitration award against the licensee that meets specified criteria, including that the amount or value of the judgment, settlement payment, or award is $1,000,000 or greater and that the action is the result of a claim for damages to a property or person allegedly caused by specified construction activities of a licensee on any part of a multifamily rental residential structure, as specified. The bill would further require, within 30 days of all or a portion of the judgment, settlement payment, or award, an insurer providing a specified type of insurance to that licensee to report listed information relating to the judgment, settlement payment, or award to the registrar.

10. SB 1480 (HILL, 2018) PROFESSIONS AND VOCATIONS

INTRODUCED: 2/16/18
STATUS: In Assembly

SB 1480 would amend section 328 of the General Provisions of the Business and Professions Code to require the DCA to prioritize through its Consumer Protection Enforcement Initiative the enforcement of complaints against licensees involving allegations of serious harm to a minor. Other provisions of this bill are specific to individual programs.

Attachments:
1. AB 767 (Quirk-Silva)
2. AB 2138 (Chiu)
3. AB 2182 (Levine)
4. AB 2483 (Voepel)
5. SB 721 (Hill)
6. SB 984 (Skinner)
7. SB 1137 (Vidak)
8. SB 1298 (Skinner)
9. SB 1465 (Hill)
10. SB 1480 (Hill)

AMENDED IN SENATE APRIL 5, 2018

AMENDED IN ASSEMBLY MAY 3, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL No. 767

Introduced by Assembly Member Quirk-Silva

February 15, 2017

An act to add Part 12.5 (commencing with Section 15930) to Division 3 of Title 2 of the Government Code, relating to economic development.

LEGISLATIVE COUNSEL'S DIGEST

AB 767, as amended, Quirk-Silva. Master Business License Act.

Existing law authorizes various state agencies to issue permits and licenses in accordance with specified requirements to conduct business within this state. Existing law establishes the Governor's Office of Business and Economic Development to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. Existing law creates within the Governor's Office of Business and Economic Development the Office of Small Business Advocate to advocate for the causes of small businesses and to provide small businesses with the information they need to survive in the marketplace.

This bill would create within the Governor's Office of Business and Economic Development, or its successor, a business license center to develop and administer an online master business license system to simplify the process of engaging in business in this state. The bill would set forth the duties and responsibilities of the business license center. The bill would require each state regulatory agency to cooperate and

provide reasonable assistance to the office to implement these ~~provisions.~~ *provisions, except as specified.*

This bill would authorize a person that applies for 2 or more business licenses that have been incorporated into the master business license system to submit a master application to the office requesting the issuance of the licenses. The bill would require the office to develop and adopt an Internet-based platform that allows the businesses to electronically submit the master application to the office, as well as the payment of every fee required to obtain each requested license and a master application fee, which would be deposited into the Master License Fund, which would be created by the bill. The bill would authorize the office to borrow up to $140,000 from the General ~~Fund.~~ *Fund, as specified.* The bill would authorize a state agency that the office has determined to have a license and fee that is appropriate for inclusion in the master business license system to borrow money as needed from the General Fund to support the reasonable costs of integrating into the ~~system.~~ *system, as specified.* The bill would require these General Fund moneys to be deposited into the Master License Fund. The bill would authorize moneys in the fund, upon appropriation, to be expended only to administer this bill or be transferred to the appropriate licensing agencies. The bill would also require, upon issuance of the license or licenses, the office to transfer the fees, except for the master license fee, to the appropriate accounts under the applicable statutes for those regulatory agencies' licenses.

~~The bill would require the office to establish a reasonable fee for each master license application and to collect those fees for deposit into the Master License Fund established by this bill. Funds derived from the master license application fees would be expended to administer the master business license program upon appropriation by the Legislature. The bill would require the license fees of the regulatory agencies deposited into the fund to be transferred to the appropriate accounts of the regulatory agencies, as provided.~~

The bill would require the office, in consultation with other regulatory agencies, to establish a uniform business identification number for each business that would be recognized by all affected state agencies and used to facilitate the information sharing between state agencies and to improve customer service to businesses.

The bill would also require the office, including the Director of Small Business Advocate, to work with small business owners and all

regulatory agencies to ensure the state's implementation of a consolidated business license and permit system.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Part 12.5 (commencing with Section 15930) is added to Division 3 of Title 2 of the Government Code, to read:

PART 12.5. MASTER BUSINESS LICENSE ACT

Chapter 1. General Provisions

15930. This part may be known, and may be cited as, the Master Business License Act.

15931. As used in this part, the following words shall have the following meanings:

(a) "Business license center" means the business registration and licensing center established by this part and located in and under the administrative control of the office.

(b) "Director" means the Director of the Governor's Office of Business and Economic Development.

(c) "License information packet" means a collection of information about licensing requirements and application procedures custom assembled for each request.

(d) "License" means the whole or part of any state agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, including agency regulation, to engage in any activity.

(e) "Master application" means a document incorporating pertinent data from existing applications for licenses covered under this part.

(f) "Master business license system" or "system" means the mechanism by which licenses are issued, license and regulatory information is disseminated, and account data is exchanged by state agencies.

(g) "Office" means the Governor's Office of Business and Economic Development or its successor.

(h) "Person" means any individual, sole proprietorship, partnership, association, cooperative, corporation, nonprofit organization, state or local government agency, and any other organization required to register with the state to do business in the state and to obtain one or more licenses from the state or any of its agencies.

(i) "Regulatory" means all licensing and other governmental or statutory requirements pertaining to business activities.

(j) "Regulatory agency" means any state agency, board, commission, or division that regulates one or more industries, businesses, or activities.

Chapter 2. Business License Center

15932. (a) There is created within the office a business license center.

(b) The duties of the center shall include, but not be limited to, all of the following:

(1) Developing and administering an online master business license system capable of storing, retrieving, and exchanging license information with due regard to privacy statutes.

(2) Providing a license information service detailing requirements to establish or engage in business in this state.

(3) Identifying types of licenses appropriate for inclusion in the master business license system.

~~(4) Recommending in reports to the Governor and the Legislature the elimination, consolidation, or other modification of duplicative, ineffective, or inefficient licensing.~~

~~(5)~~

(4) Incorporating licenses into the master business license system.

15933. (a) The office shall adopt regulations as may be necessary to effectuate the purposes of this part.

(b) The director shall encourage state regulatory ~~entities~~ *agencies* to participate in the online master business license system.

(c) The office shall adopt and periodically update a schedule for the buildout and upgrading of the master business license system to allow for the integration of additional licenses into the Internet-based platform of the system. The office shall integrate additional licenses to the Internet-based platform after the director

determines that funding for this project is available and the project is in alignment with required elements of the state planning practices for the development of state information technology projects.

15934. Each state regulatory agency shall cooperate and provide reasonable assistance to the office in the implementation of this ~~part.~~ *part, except that a state regulatory agency may deny or limit the ability of the office to establish an application to obtain multiple licenses from that state regulatory agency through the system.*

Chapter 3. Master License

15935. (a) Any person that applies for two or more business licenses that have been incorporated into the master business license system may submit a master application to the office requesting the issuance of the licenses. The office shall develop and adopt an Internet-based platform that allows the business to electronically submit the master application to the office, as well as the payment of every fee required to obtain each requested license and a master application fee established pursuant to Section 15936.

(b) Irrespective of any authority delegated to the office to implement this part, the authority for approving the issuance and renewal of any requested license that requires a prelicensing or renewal investigation, inspection, testing, or other judgmental review by the regulatory agency otherwise legally authorized to issue the license shall remain with that agency.

(c) Upon receipt of the application and proper fee payment for any license for which issuance is subject to regulatory agency action under subdivision (a), the office shall immediately notify the business of receipt of the application and fees.

15936. (a) The office shall establish a fee for each master application that does not exceed the reasonable costs of administering this part and collect that fee.

(b) ~~The~~ *Subject to subdivision (d), the* office may borrow up to one hundred forty thousand dollars ($140,000) from the General Fund in the State Treasury.

(c) ~~A~~ *Subject to subdivision (d), a* state agency that the office has determined to have a license and fee that is appropriate for inclusion in the master business license system may borrow money

from the General Fund in the State Treasury in an amount necessary to support the reasonable cost of integrating into the system.

(d) *Before the office or a state agency may request a loan pursuant to this section, the director shall make a determination that both the project to integrate a license into the system is ready to be moved forward and that with the addition of the loan funds there is sufficient funding to implement the project.* The loans made pursuant to subdivisions (b) and (c) shall be repaid with interest, calculated at the rate earned by the Pooled Money Investment Account at the time of the transfer from the General Fund, from the fees collected pursuant to this section.

15937. All fees collected under the master business license system, including the master license application fee and the fees of the regulatory agencies, and all moneys borrowed under Section 15936 shall be deposited into the Master License Fund, which is hereby created in the State Treasury. Moneys in the fund from master application fees may, upon appropriation by the Legislature, be expended only to administer this part or be transferred to the appropriate licensing agencies. Moneys in the fund from other fees shall be transferred to the appropriate accounts under the applicable statutes for those regulatory agencies' licenses.

Chapter 4. Uniform Business Identification Number

15940. (a) The office, in consultation with other regulatory agencies, shall establish a uniform business identification number for each business. The uniform business identification number shall be recognized by all affected state agencies and shall be used by state agencies to facilitate information sharing between state agencies and to improve customer service to businesses.

(b) It is the intent of the Legislature that the uniform business number would permit the office to do both of the following:

(1) Register a business with multiple state agencies electronically as licenses and permits are processed.

(2) Input and update information regarding a business once, thereby reducing the number of duplicate or conflicting records from one state agency to another.

Chapter 5. Oversight

15945. The office, including the Director of Small Business Advocate from the Governor's Office of Business and Economic Development shall work with small business owners and all regulatory agencies to ensure the state's implementation of a consolidated business license and permit system under this part.

O

AMENDED IN ASSEMBLY MAY 25, 2018

AMENDED IN ASSEMBLY APRIL 2, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL No. 2138

Introduced by Assembly Members Chiu and Low

February 12, 2018

An act to amend Sections 7.5, 480, 481, 482, 488, 490, 492, 493, ~~1005,~~ and 11345.2 of, *and* to add Section 481.5 to, ~~and to repeal Section 490.5 of,~~ the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2138, as amended, Chiu. Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to

determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been convicted of a crime only if the applicant or licensee is presently incarcerated or if the conviction, as defined, occurred within the preceding 5 years, except for violent felonies, and would require the crime to be directly and adversely related to the qualifications, functions, or duties of the business or profession. The bill would prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction for a crime, if the conviction has been dismissed or expunged, if the person has made a showing of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction. The bill would provide that these provisions relating to denial, revocation, or suspension of a license would supersede contradictory provisions in specified existing law.

The bill would require the board to develop criteria for determining whether a crime is directly and adversely related to the qualifications, functions, or duties of the business or profession. The bill would require a board to find that a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill would prohibit a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

~~Existing law authorizes a board to suspend a license if a licensee is not in compliance with a child support order or judgment.~~

~~This bill would repeal that authorization.~~

Existing law authorizes specified agencies to take disciplinary action against a licensee or deny a license for professional misconduct if the licensee has successfully completed certain diversion programs or alcohol and drug problem assessment programs.

This bill would instead prohibit a board from taking disciplinary action against a licensee or denying a license for professional misconduct if the licensee has successfully completed certain diversion programs or alcohol and drug problem assessment programs or deferred entry of judgment.

Existing law authorizes a board after a specified hearing requested by an applicant for licensure to take various actions, including imposing probationary conditions on the license.

This bill would additionally authorize a board to grant the license and immediately issue a public reproval. The bill would limit probationary terms or restrictions placed on a license by a board to 2 years or less and would authorize additional conditions to be imposed only if the board determines that there is clear and convincing evidence that additional conditions are necessary to address a risk shown by clear and convincing evidence. The bill would require a board to develop criteria to aid it in considering the imposition of probationary conditions and to determine what conditions may be imposed. The bill would authorize a licensee or registrant whose license or registration has been placed on probation to petition the board for a change to that probation one year from the effective date of the board's decision, would require the board to issue a decision on the petition within 90 days, and would deem the petition granted if the board does not file a decision denying the petition within 90 days.

This bill would also make necessary conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 7.5 of the Business and Professions Code is amended to read:

7.5. (a) A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of

conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) or (c) of Section 480.

(b) Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(c) Except as provided in subdivision (b), this section controls over and supersedes the definition of conviction contained within individual practice acts under this code.

SEC. 2. Section 480 of the Business and Professions Code is amended to read:

480. (a) (1) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(A) The applicant has been convicted of a crime for which the applicant is presently incarcerated or for which the conviction occurred within the preceding five years. However, the preceding five year limitation shall not apply to a conviction for a violent felony, as defined in Section 667.5 of the Penal Code.

The board may deny a license pursuant to this subparagraph only if the crime is directly and adversely related to the qualifications, functions, or duties of the business or profession for which application is made.

(B) The applicant has been subjected to formal discipline by a licensing board within the preceding five years based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is directly and adversely related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding five years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code or a comparable dismissal or expungement.

(2) Denial of a license includes denial of an unrestricted license by issuance of a restricted or probationary license.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that he or she has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history.

(2) If a board decides to deny an application based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of his or her complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, including, but not limited to, voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

(i) This section supersedes any contradictory provision in a licensing act under this code or initiative act referred to in Division 2 (commencing with Section 500) that authorizes license denial based on a criminal conviction, arrest, or the acts underlying an arrest or conviction.

SEC. 3. Section 481 of the Business and Professions Code is amended to read:

481. (a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is directly and adversely related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is directly and adversely related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

(1) The nature and gravity of the offense.

(2) The number of years elapsed since the date of the offense.

(3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation.

(d) Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be directly and adversely related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.

SEC. 4. Section 481.5 is added to the Business and Professions Code, to read:

481.5. (a) Probationary terms or restrictions placed on a license by a board shall be limited to two years or less. Any additional conditions may be imposed only if the board determines that there is clear and convincing evidence that additional conditions are necessary to address a risk shown by clear and convincing evidence.

(b) Each board under this code shall develop criteria to aid it when considering the imposition of probationary conditions or restrictions to determine what conditions may be imposed to address a risk shown by clear and convincing evidence.

(c) (1) A licensee or registrant whose license or registration has been placed on probation may petition the board for a change to the probation, including modification or termination of probation, one year from the effective date of the decision. The board shall issue its decision on the petition within 90 days of submission of the petition. The petition shall be deemed granted

by operation of law if the board does not file a decision denying the petition within 90 days of submission of the petition.

(2) The one-year time period to petition for modification or termination of penalty shall control over longer time periods under a licensing act under this code or initiative act referred to in Division 2 (commencing with Section 500).

SEC. 5. Section 482 of the Business and Professions Code is amended to read:

482. (a) Each board under this code shall develop criteria to evaluate the rehabilitation of a person when doing either of the following:

(1) Considering the denial of a license by the board under Section 480.

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall find that an applicant or licensee has made a showing of rehabilitation if any of the following are met:

(1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.

(2) (A) The applicant or licensee documents that he or she has worked in a related field continuously for at least one year prior to licensure or successfully completed a course of training in a related field, unless the board finds a public record of an official finding that the applicant committed professional misconduct in the course of that work.

(B) Work in a related field may include, but is not limited to, work performed without compensation and work performed while incarcerated.

(C) "Related field," for purposes of this paragraph, means a field of employment whose duties are substantially similar to the field regulated by the board.

(3) The applicant or licensee has satisfied criteria for rehabilitation developed by the board.

SEC. 6. Section 488 of the Business and Professions Code is amended to read:

488. Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(a) Grant the license effective upon completion of all licensing requirements by the applicant.

(b) Grant the license effective upon completion of all licensing requirements by the applicant, grant the license and immediately issue a public reproval pursuant to Section 495, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(c) Deny the license.

(d) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

SEC. 7. Section 490 of the Business and Professions Code is amended to read:

490. (a) (1) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime for which the applicant is presently incarcerated or for which the conviction occurred within the preceding five years. However, the preceding five year limitation shall not apply to a conviction for a violent felony, as defined in Section 667.5 of the Penal Code.

(2) The board may suspend or revoke a license pursuant to this subdivision only if the crime is directly and adversely related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if both of the following are met:

(1) The crime is directly and adversely related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(2) The licensee was convicted of the crime within the preceding five years or is presently incarcerated for the crime. However, the preceding five year limitation shall not apply to a conviction for a violent felony, as defined in Section 667.5 of the Penal Code.

(c) Notwithstanding any other provision of this code, a board shall not suspend or revoke a license on the basis of a conviction, or of the acts underlying a conviction, where that conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code or a comparable dismissal or expungement.

(d) Notwithstanding any other provision of this code, a board shall not suspend or revoke a license on the basis of an arrest that

resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or juvenile adjudication.

(e) The board shall use the following procedures in requesting or acting on a licensee's criminal history information:

(1) A board shall not require a licensee to disclose any information or documentation regarding the licensee's criminal history.

(2) If a board chooses to file an accusation against a licensee based solely or in part on the licensee's conviction history, the board shall notify the licensee in writing of the processes for the licensee to request a copy of the licensee's complete conviction history and question the accuracy or completeness of his or her criminal record pursuant to Sections 11122 to 11127, inclusive, of the Penal Code.

(f) (1) For a minimum of three years, each board under this code shall retain all documents submitted by a licensee, notices provided to a licensee, all other communications received from or provided to a licensee, and criminal history reports of a licensee.

(2) Each board under this code shall retain all of the following information:

(A) The number of licensees with a criminal record who received notice of potential revocation or suspension of their license or who had their license suspended or revoked.

(B) The number of licensees with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of licensees with a criminal record who appealed any suspension or revocation of a license.

(D) The final disposition and demographic information, including, but not limited to, voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure the confidentiality of the individual licensees.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(g) (1) This section supersedes any contradictory provision in a licensing act under this code or initiative act referred to in Division 2 (commencing with Section 500) that authorizes action based on a criminal conviction, arrest, or the acts underlying an arrest or conviction.

(2) This section shall not prohibit any agency from taking disciplinary action against a licensee for professional misconduct in the course and scope of the licensee's profession that is based on evidence that is independent of an arrest.

~~SEC. 8. Section 490.5 of the Business and Professions Code is repealed.~~

~~SEC. 9.~~

SEC. 8. Section 492 of the Business and Professions Code is amended to read:

492. (a) Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, successful completion by a licensee or applicant of any nonstatutory diversion program, deferred entry of judgment, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall prohibit any board from taking disciplinary action against a licensee or from denying a license for professional misconduct.

(b) This section shall not prohibit any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee for professional misconduct in the course and scope of the profession, which is based on evidence that is independent of an arrest.

~~SEC. 10.~~

SEC. 9. Section 493 of the Business and Professions Code is amended to read:

493. (a) Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime directly and adversely related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be

conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is directly and adversely related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

~~SEC. 11. Section 1005 of the Business and Professions Code is amended to read:~~

~~1005. The provisions of Sections 12.5, 23.9, 29.5, 30, 31, 35, 104, 114, 115, 119, 121, 121.5, 125, 125.6, 136, 137, 140, 141, 143, 163.5, 461, 462, 475, 480, 484, 485, 487, 489, 490, 491, 494, 495, 496, 498, 499, 510, 511, 512, 701, 702, 703, 704, 710, 716, 730.5, 731, and 851 are applicable to persons licensed by the State Board of Chiropractic Examiners under the Chiropractic Act.~~

~~SEC. 12.~~

SEC. 10. Section 11345.2 of the Business and Professions Code is amended to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. If the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked

in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

O

AMENDED IN ASSEMBLY MAY 25, 2018

AMENDED IN ASSEMBLY MARCH 15, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL No. 2182

Introduced by Assembly Member Levine

February 12, 2018

~~An act to amend Section 1798.81.5 of the Civil Code, and to add Section 12804.1 to the Government Code, relating to privacy.~~ *An act to add Section 340 to the Business and Professions Code, relating to privacy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2182, as amended, Levine. Privacy: Department of Consumer Affairs: ~~California Data Protection Authority.~~ *online platforms: personal data privacy.*

Existing law requires an operator of a commercial Internet Web site or online service that collects personally identifiable information through the Internet about individual consumers residing in California who use or visit the commercial Internet Web site or online service to conspicuously post, or make available, its privacy policy, as specified.

Existing law creates the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency. Existing law establishes among the powers and duties of the Director of Consumer Affairs, the duty to propose and assist in the creation and development of consumer education programs.

This bill would require the department to establish an Internet Web portal linked to its Consumer Information Center Internet Web page

that contains links to the personal data privacy policies of online platforms, including social media, as specified.

~~Existing law creates the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency.~~

~~This bill would require the Department of Consumer Affairs to establish the California Data Protection Authority to, among other things, adopt regulations as necessary to protect California residents, including regulations to standardize online user agreements to facilitate the removal of personal information from an edge provider database and to prohibit edge provider Internet Web sites from conducting potentially harmful experiments on nonconsenting users.~~

~~Existing law requires a business that owns, licenses, or maintains personal information about a California resident to implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.~~

~~This bill would state the intent of the Legislature to ensure that personal information can be removed from the database of an edge provider, as defined, when a user chooses not to continue to be a customer of that edge provider.~~

~~Existing law requires a business that discloses personal information about a California resident pursuant to a contract with a nonaffiliated third party to require by contract that the 3rd party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure, as specified.~~

~~This bill would also require a business that discloses personal information about a California resident pursuant to a contract with a nonaffiliated 3rd party to state in plain language in a privacy policy or user agreement that it may disclose personal information to a nonaffiliated 3rd party.~~

~~Existing law permits compliance by a business with state or federal law that provides greater protection to personal information than that provided by the provisions described above to be deemed compliance with these provisions, as specified.~~

~~This bill would condition compliance with the provisions described above by compliance with other state and federal law upon determination by the California Data Protection Authority, at least every 5 years, that~~

~~those state and federal laws provide greater protection than these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 340 is added to the Business and Professions Code, to be added to Article 7 (formerly commencing with Section 350) of Chapter 4 of Division 1, to read:

340. (a) Consistent with subdivision (f) of Section 310, the department shall establish an Internet Web portal linked to its Consumer Information Center Internet Web page that contains links to the personal data privacy policies of online platforms, including social media.

(b) The department shall determine the threshold for the number of annual users of, or visitors to, an online platform that will have the privacy policy linked through the portal.

(c) This section shall not be construed to require an online platform to disclose information beyond what is already required by existing law.

(d) Nothing in this section shall be construed to authorize a private cause of action for relief or damages.

~~SECTION 1. Section 1798.81.5 of the Civil Code is amended to read:~~

~~1798.81.5. (a) (1) It is the intent of the Legislature to ensure that personal information about California residents is protected. To that end, the purpose of this section is to encourage businesses that own, license, or maintain personal information about Californians to provide reasonable security for that information.~~

~~(2) It is the intent of the Legislature to ensure that personal information can be removed from the database of an edge provider, defined as any individual or entity in California that provides any content, application, or service over the Internet, and any individual or entity in California that provides a device used for accessing any content, application, or service over the Internet, when a user chooses not to continue to be a customer of that edge provider.~~

~~(3) For the purpose of this section, the terms "own" and "license" include personal information that a business retains as part of the business' internal customer account or for the purpose~~

~~of using that information in transactions with the person to whom the information relates. The term "maintain" includes personal information that a business maintains but does not own or license.~~

~~(b) A business that owns, licenses, or maintains personal information about a California resident shall implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.~~

~~(c) A business that discloses personal information about a California resident pursuant to a contract with a nonaffiliated third party that is not subject to subdivision (b) shall require by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure. That business shall also, in plain language, state in a privacy policy or user agreement that it may disclose personal information to a nonaffiliated third party.~~

~~(d) For purposes of this section, the following terms have the following meanings:~~

~~(1) "Personal information" means either of the following:~~

~~(A) An individual's first name or first initial and his or her last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted or redacted:~~

~~(i) Social security number.~~

~~(ii) Driver's license number or California identification card number.~~

~~(iii) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.~~

~~(iv) Medical information.~~

~~(v) Health insurance information.~~

~~(B) A username or email address in combination with a password or security question and answer that would permit access to an online account.~~

~~(2) "Medical information" means any individually identifiable information, in electronic or physical form, regarding the~~

~~individual's medical history or medical treatment or diagnosis by a health care professional.~~

~~(3) "Health insurance information" means an individual's insurance policy number or subscriber identification number, any unique identifier used by a health insurer to identify the individual, or any information in an individual's application and claims history, including any appeals records.~~

~~(4) "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.~~

~~(e) The provisions of this section do not apply to any of the following:~~

~~(1) A provider of health care, health care service plan, or contractor regulated by the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1).~~

~~(2) A financial institution as defined in Section 4052 of the Financial Code and subject to the California Financial Information Privacy Act (Division 1.2 (commencing with Section 4050) of the Financial Code).~~

~~(3) A covered entity governed by the medical privacy and security rules issued by the federal Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the Health Insurance Portability and Availability Act of 1996 (HIPAA).~~

~~(4) An entity that obtains information under an agreement pursuant to Article 3 (commencing with Section 1800) of Chapter 1 of Division 2 of the Vehicle Code and is subject to the confidentiality requirements of the Vehicle Code.~~

~~(5) A business that is regulated by state or federal law providing greater protection to personal information than that provided by this section in regard to the subjects addressed by this section. Compliance with that state or federal law shall be deemed compliance with this section with regard to those subjects provided that the Data Protection Authority determines, at least every five years, that the state or federal law provides greater protection to personal information than this section. This paragraph does not relieve a business from a duty to comply with any other requirements of other state and federal law regarding the protection and privacy of personal information.~~

~~SEC. 2. Section 12804.1 is added to the Government Code, to read:~~

~~12804.1. (a) The Department of Consumer Affairs shall establish the California Data Protection Authority to adopt regulations as necessary to protect California residents including, but not limited to, all of the following:~~

~~(1) Regulations to standardize online user agreements to help users clearly understand what permission a user gives to a company regarding the use and dissemination of his or her personal information.~~

~~(2) Regulations to facilitate the removal of personal information, as defined in subdivision (e) of Section 1798.80, from an edge provider database when a user chooses not to continue to be a customer of that edge provider.~~

~~(3) Regulations to prohibit edge provider Internet Web sites from conducting potentially harmful experiments on nonconsenting users.~~

~~(b) The authority shall evaluate the sufficiency of state and federal personal information protection laws in comparison to the protections provided in Section 1798.81.5 of the Civil Code to determine whether a business that is regulated by those laws shall be deemed in compliance with Section 1798.81.5 of the Civil Code because they provide greater protection to personal information.~~

~~(c) For purposes of this section, "edge provider" means any individual or entity in California that provides any content, application, or service over the Internet, and any individual or entity in California that provides a device used for accessing any content, application, or service over the Internet.~~

O

AMENDED IN ASSEMBLY APRIL 9, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL No. 2483

Introduced by Assembly Member Voepel

February 14, 2018

An act to ~~add Chapter 10 (commencing with Section 473) to Division 1 of the Business and Professions~~ *amend Section 825 of the Government* Code, relating to ~~professions.~~ *liability.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2483, as amended, Voepel. ~~Department of Consumer Affairs: Office of Supervision of Occupational Boards.~~ *Indemnification of public officers and employees: antitrust awards.*

The Government Claims Act, except as provided, requires a public entity to pay any judgment or any compromise or settlement of a claim or action against an employee or former employee of the public entity if the employee or former employee requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity, the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action. That act prohibits the payment of punitive or exemplary damages by a public entity, except as specified.

This bill would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the Department of Consumer Affairs for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. The bill would specify that treble

damages awarded pursuant to a specified federal law for violation of another federal law are not punitive or exemplary damages within the act.

~~Under existing law, the Department of Consumer Affairs is composed of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations for the purpose of protecting the people of California. With certain exceptions, decisions of these entities with respect to setting standards, conducting examinations, passing candidates, and revoking licenses, are final and are not subject to review by the Director of Consumer Affairs.~~

~~This bill would establish an Office of Supervision of Occupational Boards within the department to exercise active supervision over a "covered board," defined as specific licensing and regulatory agencies within the department, to ensure compliance with specific policies established in the bill regarding licensing and enforcement (established policies). The bill would require the office, in the exercise of active supervision, to be involved in the development of a covered board's rules and policies, to disapprove the use of any board rule or policy and terminate any enforcement action that is not consistent with the established policies, and to review and affirmatively approve only rules, policies, and enforcement actions consistent with the established policies. The bill would require the office to review and approve or reject any rule, policy, enforcement action, or other occupational licensure action proposed by each covered board before adoption or implementation. The bill would establish procedures for complaints, investigation, remedial action, and appeal relating to a rule, policy, enforcement action, or other occupational licensure action of a covered board inconsistent with the established policies.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 825 of the Government Code is amended to read:

825. (a) Except as otherwise provided in this section, if an employee or former employee of a public entity requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring

within the scope of his or her employment as an employee of the public entity and the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed.

If the public entity conducts the defense of an employee or former employee against any claim or action with his or her reasonable good-faith cooperation, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed. However, where the public entity conducted the defense pursuant to an agreement with the employee or former employee reserving the rights of the public entity not to pay the judgment, compromise, or settlement until it is established that the injury arose out of an act or omission occurring within the scope of his or her employment as an employee of the public entity, the public entity is required to pay the judgment, compromise, or settlement only if it is established that the injury arose out of an act or omission occurring in the scope of his or her employment as an employee of the public entity.

Nothing in this section authorizes a public entity to pay that part of a claim or judgment that is for punitive or exemplary damages.

(b) Notwithstanding subdivision (a) or any other provision of law, a public entity is authorized to pay that part of a judgment that is for punitive or exemplary damages if the governing body of that public entity, acting in its sole discretion except in cases involving an entity of the state government, finds all of the following:

(1) The judgment is based on an act or omission of an employee or former employee acting within the course and scope of his or her employment as an employee of the public entity.

(2) At the time of the act giving rise to the liability, the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent best interests of the public entity.

(3) Payment of the claim or judgment would be in the best interests of the public entity.

As used in this subdivision with respect to an entity of state government, “a decision of the governing body” means the

approval of the Legislature for payment of that part of a judgment that is for punitive damages or exemplary damages, upon recommendation of the appointing power of the employee or former employee, based upon the finding by the Legislature and the appointing authority of the existence of the three conditions for payment of a punitive or exemplary damages claim. The provisions of subdivision (a) of Section 965.6 shall apply to the payment of any claim pursuant to this subdivision.

The discovery of the assets of a public entity and the introduction of evidence of the assets of a public entity shall not be permitted in an action in which it is alleged that a public employee is liable for punitive or exemplary damages.

The possibility that a public entity may pay that part of a judgment that is for punitive damages shall not be disclosed in any trial in which it is alleged that a public employee is liable for punitive or exemplary damages, and that disclosure shall be grounds for a mistrial.

(c) Except as provided in subdivision (d), if the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 10 (commencing with Section 3500) of Division ~~4 of Title 1,~~ *4*, the memorandum of understanding shall be controlling without further legislative action, except that if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

(d) The subject of payment of punitive damages pursuant to this section or any other provision of law shall not be a subject of meet and confer under the provisions of Chapter 10 (commencing with Section 3500) of Division ~~4 of Title 1,~~ *4*, or pursuant to any other law or authority.

(e) Nothing in this section shall affect the provisions of Section 818 prohibiting the award of punitive damages against a public entity. This section shall not be construed as a waiver of a public entity's immunity from liability for punitive damages under Section 1981, 1983, or 1985 of Title 42 of the United States Code.

(f) (1) Except as provided in paragraph (2), a public entity shall not pay a judgment, compromise, or settlement arising from a claim or action against an elected official, if the claim or action is based on conduct by the elected official by way of tortiously

intervening or attempting to intervene in, or by way of tortiously influencing or attempting to influence the outcome of, any judicial action or proceeding for the benefit of a particular party by contacting the trial judge or any commissioner, court-appointed arbitrator, court-appointed mediator, or court-appointed special referee assigned to the matter, or the court clerk, bailiff, or marshal after an action has been filed, unless he or she was counsel of record acting lawfully within the scope of his or her employment on behalf of that party. Notwithstanding Section 825.6, if a public entity conducted the defense of an elected official against such a claim or action and the elected official is found liable by the trier of fact, the court shall order the elected official to pay to the public entity the cost of that defense.

(2) If an elected official is held liable for monetary damages in the action, the plaintiff shall first seek recovery of the judgment against the assets of the elected official. If the elected official's assets are insufficient to satisfy the total judgment, as determined by the court, the public entity may pay the deficiency if the public entity is authorized by law to pay that judgment.

(3) To the extent the public entity pays any portion of the judgment or is entitled to reimbursement of defense costs pursuant to paragraph (1), the public entity shall pursue all available creditor's remedies against the elected official, including garnishment, until that party has fully reimbursed the public entity.

(4) This subdivision shall not apply to any criminal or civil enforcement action brought in the name of the people of the State of California by an elected district attorney, city attorney, or attorney general.

(g) Notwithstanding subdivision (a), a public entity shall pay for a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the Department of Consumer Affairs for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board.

(h) For purposes of this section, treble damages awarded pursuant to the federal Clayton Act (Sections 12 to 27, inclusive, of Title 15 of, and Sections 52 and 53 of Title 29 of, the United States Code) for a violation of the federal Sherman Act (Sections 1 to 7, inclusive, of Title 15 of the United States Code) are not punitive or exemplary damages under this division.

~~SECTION 1. Chapter 10 (commencing with Section 473) is added to Division 1 of the Business and Professions Code, to read:~~

~~CHAPTER 10. OFFICE OF SUPERVISION OF OCCUPATIONAL BOARDS~~

~~473. The following are policies of the state:~~

~~(a) Occupational licensing laws should be construed and applied to increase economic opportunity, promote competition, and encourage innovation.~~

~~(b) Regulators should displace competition through occupational licensing only where less restrictive regulation will not suffice to protect consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare.~~

~~(c) An occupational licensing restriction should be enforced against an individual only to the extent the individual sells goods and services that are included explicitly in the statute or regulation that defines the occupation's scope of practice.~~

~~473.1. As used in this chapter:~~

~~(a) "Covered board" means any entity listed in Section 101.~~

~~(b) "Office" means the Office of Supervision of Occupational Boards established in Section 473.2.~~

~~473.2. (a) There is hereby established an Office of Supervision of Occupational Boards within the department.~~

~~(b) (1) Notwithstanding Section 109, the office shall be responsible for exercising active supervision over each covered board to ensure compliance with the policies in Section 473.~~

~~(2) In exercising active supervision over covered boards under paragraph (1), the office shall independently do the following:~~

~~(A) Play a substantial role in the development of a covered board's rules and policies to ensure they benefit consumers and do not serve the private interests of providers of goods and services regulated by the covered board.~~

~~(B) Disapprove the use of any rule or policy of a covered board and terminate any enforcement action, including any action pending on January 1, 2019, that is not consistent with Section 473.~~

~~(C) Exercise control over each covered board by reviewing and affirmatively approving only rules, policies, and enforcement actions that are consistent with Section 473.~~

~~(D) Analyze existing and proposed rules and policies and conduct investigations to gain additional information to promote compliance with Section 473, including, but not limited to, less restrictive regulatory approaches.~~

~~(3) In exercising active supervision over covered boards under paragraph (1), the office shall be staffed by not fewer than one attorney who does not provide general counsel to any covered board.~~

~~(c) (1) Notwithstanding Section 109, the office shall review and approve or reject any rule, policy, enforcement action, or other occupational licensure action proposed by each covered board before the covered board may adopt or implement the rule, policy, enforcement action, or other occupational licensure action.~~

~~(2) For purposes of paragraph (1), approval by the office shall be express and silence or failure to act shall not constitute approval.~~

~~473.3. (a) Any person may file a complaint to the office about a rule, policy, enforcement action, or other occupational licensure action of a covered board that the person believes is not consistent with Section 473.~~

~~(b) Not later than 90 days after the date on which the office receives a complaint filed under paragraph (1), notwithstanding Section 109, the office shall investigate the complaint, identify remedies, and instruct the covered board to take action as the office determines to be appropriate, and respond in writing to the complainant.~~

~~(c) (1) There shall be no right to appeal a decision of the office under subdivision (b) unless the challenged rule, policy, enforcement action, or other occupational licensure action would prevent the complainant from engaging in a lawful occupation or employing or contracting others for the performance of a lawful occupation and the complainant has taken material steps in an attempt to engage in a lawful occupation or employ or contract others for the performance of a lawful occupation.~~

~~(2) Any appeal authorized under paragraph (1) shall be to the superior court.~~

O

AMENDED IN SENATE JANUARY 11, 2018

AMENDED IN SENATE JANUARY 3, 2018

AMENDED IN SENATE MAY 15, 2017

AMENDED IN SENATE APRIL 27, 2017

AMENDED IN SENATE APRIL 17, 2017

AMENDED IN SENATE MARCH 27, 2017

SENATE BILL No. 721

Introduced by Senator Hill
(Coauthor: Senator Skinner)

February 17, 2017

An act to add Section 7071.20 to the Business and Professions Code, and to add Section 4776 to the Civil Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 721, as amended, Hill. Contractors: decks and balconies: inspection.

(1) Existing law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce.

This bill would require an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, or an individual certified as a building inspector or building official, as specified. The

bill would require the inspections, including any necessary testing, to be completed by January 1, 2024, with certain exceptions, and would require subsequent inspections every 6 years, except as specified. The bill would require the inspection report to contain specified items and would require that a copy of the inspection report be presented to the owner of the building within 45 days of the completion of the inspection. The bill would require that if the inspection reveals conditions that pose an immediate hazard to the safety of the occupants, the inspection report be delivered to the owner of the building within 15 days and emergency repairs be undertaken, as specified, with notice given to the local enforcement agency. The nonemergency repairs made under these provisions would be required to be completed within 120 days, unless an extension is granted by the local authorities. The bill would authorize local enforcement agencies to recover enforcement costs associated with these requirements. The bill would require the local enforcement agency to send a 30-day corrective notice to the owner of the building if repairs are not completed on time and would provide for specified civil penalties and liens against the property for the owner of the building who fails to comply with these provisions. The bill would authorize a local governing entity to enact stricter requirements than those imposed by these provisions.

(2) The Davis-Stirling Common Interest Development Act defines and regulates common interest developments, which include community apartment projects, condominium projects, and stock cooperatives. The act requires the homeowners association to maintain the common areas of the development.

This bill would require the board of directors of a common interest development, at least once every 6 years, to have an inspection conducted by a licensed architect, licensed civil or structural engineer, or an individual certified as a building inspector or building official, as specified, of the exterior elevated elements, as defined, that the association is obligated to repair, replace, restore, or maintain. The bill would require the inspections, including any necessary testing, to be completed by January 1, 2024, with certain exceptions, and would require subsequent inspections every 6 years. The bill would require the inspection reports to contain specified items. The bill would require that the results of the report be used in calculating the reserve study for the development, as specified. The bill would require the inspection report to be presented to the association within 45 days of the completion of the inspection and would require copies of the reports to be

permanently maintained in the association's records. The bill would require that if the inspection reveals conditions that pose an immediate hazard to the safety of the occupants, the inspection report be delivered to the association within 15 days and emergency repairs be undertaken, as specified, with notice given to the local enforcement agency. Nonemergency repairs made under these provisions would be required to be completed within 180 days, unless an extension is granted by the local authorities. The bill would, with regard to a condominium conversion, require an inspection be completed prior to the close of escrow on the first separate interest and would require the disclosure of the results of these inspections to the Bureau of Real Estate prior to the issuance of a final public report. A copy of the report would also be required to be sent to the local jurisdiction in which the property is located prior to the issuing of a final inspection or certificate of occupancy. The bill would authorize a local enforcement agency to recover its costs associated with enforcing these provisions. The bill would authorize a local governing entity to enact stricter requirements than those imposed by these provisions. The bill would provide that its provisions do not apply to those areas constituting an individual owner's separate interest or to a planned development, as defined.

(3) Because this bill would impose new duties upon local enforcement authorities, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 7071.20 is added to the Business and Professions Code, to read:

7071.20. (a) Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected. The inspection shall be performed by a licensed architect, licensed civil or structural engineer, or an individual certified as a building inspector or building official from a recognized state, national, or international

association, as determined by the local jurisdiction. These individuals shall not be employed by the local jurisdiction while performing these inspections. The purpose of the inspection is to determine that ~~building assemblies~~ *exterior elevated elements* and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous condition caused by fungus, deterioration, decay, or improper alteration to the extent that the life, limb, health, property, safety, or welfare of the public or the occupants is not endangered. The person or business performing the inspection shall be hired by the owner of the building.

(b) For purposes of this section, the following terms have the following definitions:

(1) "Associated waterproofing elements" include flashings, membranes, coatings, and sealants that protect the load-bearing components of exterior elevated elements from exposure to water and the elements.

(2) "Exterior elevated element" means balconies, decks, porches, stairways, walkways, entry structures, and their supports and railings, that extend beyond exterior walls of the building and which have a walking surface that is elevated more than six feet above ground level, are designed for human occupancy or use, and rely in whole or in substantial part on wood or wood-based products for structural support or stability of the exterior elevated element.

(3) "Load-bearing components" are those components that extend beyond the exterior walls of the building to deliver structural loads from the exterior elevated element to the building.

(c) The inspection required by this section shall at a minimum include:

(1) Identification of each exterior elevated element that, if found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants.

(2) Assessment of the load-bearing components and associated waterproofing elements of the exterior elevated elements using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance. For purposes of this section, a sample of at least 15 percent of each type of exterior elevated element shall be inspected.

(3) The evaluation and assessment shall address each of the following as of the date of the evaluation:

(A) The current condition of the exterior elevated elements.

(B) Expectations of future performance and projected service life.

(C) Recommendations of any further inspection necessary.

(D) Recommendations of any necessary repair or replacement.

(4) A written report of the evaluation stamped or signed by the inspector presented to the owner of the building or the owner's designated agent within 45 days of completion of the inspection. The report shall include photographs, any test results, and narrative sufficient to establish a baseline of the condition of the components inspected that can be compared to the results of subsequent inspections. In addition to the evaluation required by this section, the report shall advise which, if any, exterior elevated element poses an immediate threat to the safety of the occupants, and whether preventing occupant access or conducting emergency repairs, including shoring, are necessary.

(d) The inspection shall be completed by January 1, 2024, and by January 1 every six years thereafter. The inspector conducting the inspection shall produce an initial report pursuant to paragraph (4) of subdivision (c) and a final report indicating that any required repairs have been completed. A copy of any report that recommends immediate repairs, advises that any building assembly poses an immediate threat to the safety of the occupants, or that preventing occupant access or emergency repairs, including shoring, are necessary shall be provided by the inspector to the owner of the building and to the local enforcement agency within 15 days of completion of the report. Local enforcement agencies may determine whether any additional information is to be provided in the report and may require a copy of the initial or final reports, or both, be submitted to the local jurisdiction. Copies of all inspection reports shall be maintained in the building owner's permanent records and disclosed and delivered to the buyer at the time of any subsequent sale of the building.

(e) The inspection of buildings for which a building permit application has been submitted on or after January 1, 2019, shall occur no later than six years following issuance of a certificate of occupancy from the local jurisdiction and shall otherwise comply with the provisions of this section.

(f) If the property was inspected within three years prior to January 1, 2019, by an inspector as described in subdivision (a) and a report of that inspector was issued stating that the exterior elevated elements and associated waterproofing elements are in proper working condition and do not pose a threat to the health and safety of the public, no new inspection pursuant to this section shall be required until six years from the date of that report.

(g) An exterior elevated element found to be in need of repair or replacement by the inspector, shall be corrected by the owner of the building. All necessary permits for repair or replacement shall be obtained from the local jurisdiction. All repair and replacement work shall be performed by a qualified and licensed contractor in compliance with all of the following:

(1) The inspector's recommendations or alternative recommendations by a licensed professional described in subdivision (a).

(2) Any applicable manufacturer's specifications.

(3) The California Building Standards Code, consistent with subdivision (d) of Section 17922 of the Health and Safety Code.

(4) All local jurisdictional requirements.

(h) (1) An exterior elevated element that the inspector advises poses an immediate threat to the safety of the occupants, or finds preventing occupant access or emergency repairs, including shoring, or both, are necessary, shall be considered an emergency condition and the owner of the building shall perform required preventive measures immediately. Repairs of emergency conditions shall comply with the requirements of subdivision (g), be inspected by the inspector, and reported to the local enforcement agency.

(2) The owner of the building requiring corrective work to an exterior elevated element that, in the opinion of the inspector, does not pose an immediate threat to the safety of the occupants, shall apply for a permit within 120 days of receipt of the inspection report. Once the permit is approved, the owner of the building shall have 120 days to make the repairs unless an extension of time is granted by the local enforcement agency.

(i) (1) The owner of the building shall be responsible for complying with the requirements of this section.

(2) If the owner of the building does not comply with the repair requirements within 120 days, the inspector shall notify the local enforcement agency and the owner of the building. If within 30

days of the date of the notice the repairs are not completed, the owner of the building shall be assessed a civil penalty based on the fee schedule set by the local authority of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) per day until the repairs are completed, unless an extension of time is granted by the local enforcement agency.

(3) In the event that a civil penalty is assessed pursuant to this section, a building safety lien may be recorded in the county recorder's office by the local jurisdiction in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

(j) (1) A building safety lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the street address, the legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the building.

(2) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in paragraph (1) shall be recorded by the governmental agency. A safety lien and the release of the lien shall be indexed in the grantor-grantee index.

(3) A building safety lien may be foreclosed by an action brought by the appropriate local jurisdiction for a money judgment.

(4) Notwithstanding any other law, the county recorder may impose a fee on the city to reimburse the costs of processing and recording the lien and providing notice to the owner of the building. A city may recover from the owner of the building any costs incurred regarding the processing and recording of the lien and providing notice to the owner of the building as part of its foreclosure action to enforce the lien.

(k) The continued and ongoing maintenance of exterior elevated elements in a safe and functional condition in compliance with these provisions shall be the responsibility of the owner of the building.

(*l*) Local enforcement agencies shall have the ability to recover enforcement costs associated with the requirements of this section.

(m) This section shall not apply to a common interest development, as defined in Section 4100 of the Civil Code, that

complies with, or is exempt from, the provisions of Section 4776 of the Civil Code.

(n) The governing body of any city, county, or city and county, may enact ordinances or laws imposing requirements greater than those imposed by this section.

SEC. 2. Section 4776 is added to the Civil Code, to read:

4776. (a) At least once every six years, the board of directors of a common interest development shall cause to be conducted a reasonably competent and diligent inspection by a licensed architect, licensed civil or structural engineer, or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction, of the load-bearing components and associated waterproofing elements of exterior elevated elements. The inspector shall not be employed by the local jurisdiction while performing these inspections. The purpose of the inspection is to determine that exterior elevated elements and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous condition caused by fungus, deterioration, decay, or improper alteration to the extent that the life, limb, health, property, safety, or welfare of the public or the occupants is not endangered.

(b) For purposes of this section, the following terms have the following definitions:

(1) “Associated waterproofing elements” include flashings, membranes, coatings, and sealants that protect the load-bearing components of exterior elevated elements from exposure to water and the elements.

(2) “Exterior elevated element” means common area and exclusive use common area balconies, decks, porches, stairways, walkways, entry structures, and their supports and railings, that extend beyond exterior walls of the building and which have a walking surface that is elevated more than six feet above ground level, are designed for human occupancy or use, rely in whole or in substantial part on wood or wood-based products for structural support or stability of the exterior elevated element.

(3) “Load-bearing components” are those components that extend beyond the exterior walls of the building to deliver structural loads from the exterior elevated element to the building.

(c) The inspection required by this section shall at a minimum include:

(1) Identification of each exterior elevated element that, if found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants.

(2) Assessment of the load-bearing components and associated waterproofing elements of the exterior elevated elements using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance. For purposes of this section, a sample of at least 15 percent of each type of exterior elevated element shall be inspected.

(3) The evaluation and assessment shall address each of the following as of the date of the evaluation:

(A) The current condition of the exterior elevated elements.

(B) Expectations of future performance and projected service life for purposes of subdivision (k).

(C) Recommendations of any further inspection necessary.

(D) Recommendations of any necessary repair or replacement.

(4) A written report of the evaluation stamped or signed by the inspector presented to the board within 45 days of completion of the inspection. The report shall include photographs, any test results, and narrative sufficient to establish a baseline of the condition of the components inspected that can be compared to the results of subsequent inspections. In addition to the evaluation required by this section, the report shall advise which, if any, exterior elevated element poses an immediate threat to the safety of the occupants, and whether preventing occupant access or conducting emergency repairs, including shoring, are necessary.

(d) The inspection shall be completed by January 1, 2024, and by January 1 every six years thereafter. The inspector conducting the inspection shall produce an initial report pursuant to paragraph (4) of subdivision (c) and a final report indicating that any required repairs have been completed. A copy of any report that recommends immediate repairs, advises that any building assembly poses an immediate threat to the safety of the occupants, or that preventing occupant access or emergency repairs, including shoring, are necessary shall be provided by the inspector to the association and to the local enforcement agency within 15 days of completion of the report. All inspection reports shall be

permanently maintained in the records of the association. Local enforcement agencies may determine whether any additional information is to be provided in the report and may require a copy of the initial or final reports, or both, to be submitted to the local jurisdiction.

(e) The inspection of buildings for which a building permit application has been submitted on or after January 1, 2019, shall occur no later than six years following issuance of a certificate of occupancy from the local jurisdiction and shall otherwise comply with the provisions of this section.

(f) If the property was inspected within three years prior to January 1, 2019, by an inspector as described in subdivision (a) and a report of that inspector was issued stating that the exterior elevated elements and associated waterproofing elements are in proper working condition and do not pose a threat to the health and safety of the public, no new inspection pursuant to this section shall be required until six years from the date of that report.

(g) An exterior elevated element found to be in need of repair or replacement by the inspector, shall be corrected by the association. All necessary permits for repair or replacement shall be obtained from the local jurisdiction. All repair and replacement work shall be performed by a qualified and licensed contractor in compliance with all of the following:

(1) The inspector's recommendations or alternative recommendations by a licensed professional described in subdivision (a).

(2) Any applicable manufacturer's specifications.

(3) The California Building Standards Code, consistent with subdivision (d) of Section 17922 of the Health and Safety Code.

(4) All local jurisdictional requirements.

(h) (1) An exterior elevated element that the inspector advises poses an immediate threat to the safety of the occupants, or finds that preventing occupant access or emergency repairs, including shoring, or both, are necessary, shall be considered an emergency condition and the association shall perform required preventive measures immediately. Repairs of emergency conditions shall comply with the requirements of subdivision (g), be inspected by the inspector, and reported to the local enforcement agency.

(2) If the building requires corrective work to an exterior elevated element that, in the opinion of the inspector, does not

pose an immediate threat to the safety of the occupants, the association shall apply for a permit within 120 days of receipt of the inspection report. Once the permit is approved, the association shall have 180 days to make the repairs unless an extension of time is granted by the local enforcement agency.

(3) All costs and fees associated with accomplishing the inspections and repairs required pursuant to this subdivision shall be considered an "emergency situation" as defined by subdivision (b) of Section 5610.

(i) (1) The association shall be responsible for complying with the requirements of this section and nothing required herein shall be the responsibility of the association's managing agent or its employees.

(2) The continued and ongoing maintenance of ~~building assemblies~~ *exterior elevated elements* and associated waterproofing elements, in a safe, functional, and sanitary condition, shall be the responsibility of the association as required by the association's governing documents.

(3) Notwithstanding any provision of the association's governing documents to the contrary, the association shall have an access easement through the separate interests as necessary to accomplish the inspections and repairs required by this section.

(j) Local enforcement agencies shall have the ability to recover enforcement costs associated with the requirements of this section.

(k) If, in the inspector's opinion, any of the components or exterior elevated elements evaluated require repair or replacement in accordance with this section, or have a projected service life of less than 30 years, the reserve study required by Section 5550 shall consider that opinion in preparing the reserve funding evaluation.

(*l*) For condominium conversions proposed for sale after January 1, 2019, the inspection required by this section shall be conducted prior to the first close of escrow of a separate interest in the project and thereafter as required by the section. The inspection report and written confirmation by the inspector that any repairs or replacements recommended by the inspector have been completed shall be submitted to the Bureau of Real Estate by the converter and shall be a condition to the issuance of the final public report. A complete copy of the inspection report and written confirmation by the inspector that any repairs or replacements recommended by the inspector have been completed shall be included with the

written statement of defects required by Section 1134, and provided to the local jurisdiction in which the project is located. The inspection, report, and confirmation of completed repairs shall be a condition of the issuance of a final inspection or certificate of occupancy by the local jurisdiction.

(m) The governing body of a city, county, or city and county, may enact ordinances or laws imposing requirements greater than those imposed by this section.

(n) This section shall not apply to an individual owner's "separate interest," as defined by Section 4185, or to a "planned development" as defined by Section 4175.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

AMENDED IN SENATE MAY 25, 2018

AMENDED IN SENATE MAY 1, 2018

SENATE BILL No. 984

Introduced by Senator Skinner

February 5, 2018

An act to add Section 11142 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 984, as amended, Skinner. State boards and commissions: representation: appointments.

Existing law establishes various boards and commissions within state government. Under existing law, it is the policy of the State of California that the composition of these state boards and commissions broadly reflect the general public, including ethnic minorities and women. Under existing law, the Governor and other appointing authorities are responsible for nominating to these boards and commissions persons of different backgrounds, abilities, interests, and opinions.

This bill would require the composition of each appointed state board and commission to have a specified *minimum* number of women ~~directors~~ *board members or commissioners* based on the *total* number of board ~~or commission members.~~ *members or commissioners on that board.* The bill would also require the office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11142 is added to the Government Code, to read:

11142. (a) (1) The composition of each appointed state board and commission shall comply with the following:

(A) If the number of board members or commissioners is six or more, the state board or commission shall have a minimum of 40 percent women ~~directors.~~ *board members or commissioners.*

(B) If the number of board members or commissioners is five, the state board or commission shall have a minimum of two women ~~directors.~~ *board members or commissioners.*

(C) If the number of board members or commissioners is four or fewer, the state board or commission shall have a minimum of one woman ~~director.~~ *board member or commissioner.*

(2) For the purposes of this section, the gender of the applicant or appointed ~~state~~ board member or commissioner shall be determined by their self-identification.

(b) (1) The office of the Governor shall collect and release, on an aggregate basis, both of the following:

(A) Demographic data provided by all state board and commission applicants relative to ethnicity, race, gender, gender identity, and sexual orientation.

(B) Demographic data provided by all state board and commission nominees or appointees relative to ethnicity, race, gender, gender identity, and sexual orientation.

(2) Any demographic data disclosed or released pursuant to this subdivision shall disclose only aggregated statistical data and shall not identify any individual applicant, nominee, or appointed board ~~or commission member.~~ *member or commissioner.*

(3) Any demographic data disclosed or released pursuant to this subdivision shall also indicate the percentage of respondents who declined to respond.

(c) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

O

SENATE BILL No. 1137

Introduced by Senator Vidak

February 13, 2018

An act to add Section 714 to the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 1137, as introduced, Vidak. Veterans: professional licensing benefits.

Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans. Existing law establishes the Department of Consumer Affairs within the Business, Consumer Services, and Housing Agency. Existing law provides for a variety of state benefits to veterans.

This bill would require the Department of Veterans Affairs and the Department of Consumer Affairs to, in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 714 is added to the Military and Veterans Code, to read:

714. (a) The Department of Veterans Affairs and the Department of Consumer Affairs shall both, in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans.

(b) The awareness efforts in subdivision (a) shall include, but not be limited to, all of the following:

(1) Proactive information dissemination to veteran groups in the state.

(2) Posting information and resources on each department's respective Internet Web site.

(3) Including information about these benefits in any communications that these agencies have with veterans when it is appropriate.

O

AMENDED IN SENATE APRIL 4, 2018

SENATE BILL No. 1298

Introduced by Senator Skinner

February 16, 2018

An act to amend ~~Sections 11105, 11121, 11126, and 13300 of, to add Section 11128 to, and to repeal and add Section 11122 of,~~ *Section 11105 of* the Penal Code, relating to criminal records.

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as amended, Skinner. The Increasing Access to Employment Act.

~~(1) Existing~~

Existing law requires the Department of Justice to maintain state summary criminal history information, as defined, and requires the Attorney General to furnish state summary criminal history information to specified entities and ~~individuals if needed in the course of their duties.~~ *individuals, including an authorized entity for employment, licensing, or certification relative to community care facilities, residential care facilities, and other specified health facilities. Existing law requires the department to provide the requester with every conviction of an offense rendered against the applicant, except for a conviction for which relief was granted to a victim of human trafficking, as specified.*

This bill would ~~limit the information the department provides to specified requesters to more recent misdemeanors and felonies, generally within 5 years, and other information, as specified, including offenses for which registration as a sex offender is required. The bill would, for specified requesters, prohibit the disclosure of a conviction that has been dismissed, an arrest that was subsequently deemed a detention, or~~

~~an arrest that resulted in the successful completion of a diversion program, exoneration, or an arrest that has been sealed. The bill would specify what information is to be provided to a consumer reporting agency, as defined.~~ *prohibit the department from releasing, for these purposes, the record of convictions that were dismissed pursuant to specified provisions.*

Existing law requires the department to provide an agency, organization, or individual, including, but not limited to, a cable corporation, in-home supportive services recipient, or property security organization, requesting the information for specified employment purposes with every conviction for which registration as a sex offender is required and, except as specified, every conviction that occurred within 10 years of the date of the request or for which the person was incarcerated within 10 years of the request for information.

This bill would require that only convictions from the prior 7 years or for which the person was incarcerated or on probation or parole within 7 years of the request be provided.

Existing law requires, when state summary criminal history information is furnished as a result of specified requests, and the information is to be used for employment, licensing, or certification purposes, that the requester furnish the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision.

This bill would *instead* require the department to furnish a copy of the Criminal Offender Record Information (CORI) to the subject ~~when a state or federal summary criminal history information is requested and the information is to be used for employment, licensing, or certification purposes~~ *of the request* and would require the department to allow the subject a reasonable opportunity of not less than five days to challenge the accuracy or completeness of any matter contained in the CORI prior to furnishing a report to a third party. *The bill would require the department to make specified corrections prior to furnishing the information to the requester.*

~~Existing law requires a person who wants a copy of the his or her state summary criminal history information to obtain an application form furnished by the department and provide his or her fingerprints, in addition to other information specified by the department.~~

~~This bill would remove the requirement that a person submit fingerprints to obtain his or her state summary criminal history~~

~~information and would require only that information the department deems necessary.~~

~~(2) Existing law authorizes a person who desires to question the accuracy or completeness of any material matter contained in the record to submit a written request to the department and, if the accuracy of the source document is questioned, requires the department to forward it to the person or agency that furnished the questioned information. Existing law gives person or agency 30 days from the receipt of the written request for clarification, to review its information and forward to the department the results of the review. Under existing law, if the person or agency that created the source document concurs in the allegations of inaccuracy or incompleteness in the record, and finds that the error is material, it is required to correct its record and inform the department. Existing law provides the department 30 within which to inform the applicant of its correction of the record.~~

~~This bill would authorize an applicant to question the accuracy or completeness of any matter and, if the source document is questioned, would require the department, within 5 days, to verify the accuracy of the source document with the person or agency that furnished the questioned information. The bill would require the department to correct its record, destroy and purge the incorrect information if the department is unable to verify the accuracy or completeness of the source document and would require to destroy and purge the incorrect information. The bill would require the department to inform the applicant of the correction and destruction of the record within 10 days. The bill would also require a person or agency to which the incorrect record has been disseminated to, upon notification, correct the record accordingly and destroy and purge the incorrect information within 30 days. By increasing the requirements on local agencies that supply the source documents, this bill would impose a state-mandated local program.~~

~~(3) This bill would establish the Increasing Access to Employment Fund and would make funds available, upon appropriation, to the California Workforce Investment Board to administer a grant program aimed at improving rehabilitation, reentry, and employment and licensing outcomes for people with criminal convictions, as specified.~~

~~(4) Existing law requires the disclosure of local summary criminal history information by a local criminal justice agency to certain authorized entities and authorizes the disclosure of that information to other entities in specified circumstances.~~

~~The bill would require a local agency to disclose local summary criminal history information to the subject of the request or to an individual who is the subject of the record requested when needed in conjunction with an application to enter the United States or any foreign nation. By increasing the duties of local criminal justice agencies, this bill would impose a state-mandated local program. The bill would also reduce the entities to which local summary criminal history is required to be disclosed and to which that information is authorized to be disclosed, as specified.~~

~~Existing law prohibits a local criminal justice agency from releasing information under specified circumstances, including information concerning an arrest or detention followed by a dismissal or release without attempting to determine whether the individual was exonerated.~~

~~This bill would prohibit a local criminal justice agency from releasing information relating to convictions that were dismissed, arrests subsequently deemed a detention, arrests that resulted in the successful completion of a diversion program, exoneration, or arrests that were sealed. The bill would also limit the information that a local criminal justice agency can disclose to convictions for which registration as a sex offender is required, information concerning misdemeanor convictions that occurred before 2 years of the date of the request for information, and felony convictions that occurred before 5 years of the date of the request for information.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 SECTION 1. (a) This act shall be known, and may be cited,
2 as the Increasing Access to Employment Act.
3 (b) It is the intent of the Legislature that criminal conviction
4 records not operate as an automatic bar to employment, licensure,
5 and certification. It is the intent of the Legislature not to change

or impact in any way the role or authority of a licensing board or state agency to assess the fitness of applicants seeking licensure, certification, and employment pursuant to provisions of the Business and Professions Code, Health and Safety Code, Insurance Code, and Welfare and Institutions Code, as applicable. This act supercedes any statute, regulation, rule, or decision directing a licensing board, state agency, employer, or any other applicable person or entity, to obtain criminal history records in a manner that conflicts with the intent of this act.

(c) ~~It is the intent of the Legislature to create the Increasing Access to Employment Fund for rehabilitation and reentry services to improve prospects for licensing, certification, and professional employment for people with criminal conviction records.~~ Recidivism is reduced when people with criminal convictions are given the opportunity to secure employment and engage in a trade, occupation, or profession. It is in the interest of public safety to assist in the rehabilitation of criminal offenders by removing impediments and restrictions on an offenders' ability to obtain employment or engage in a trade, occupation, or profession when those impediments and restrictions are based solely upon the existence of a criminal record. Increasing opportunities for people with criminal records improves the economic well-being of families and communities and is a path to full employment in California.

SEC. 2. Section 11105 of the Penal Code is amended to read:

11105. (a) (1) The Department of Justice shall maintain state summary criminal history information.

(2) As used in this section:

(A) "State summary criminal history information" means the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person, ~~such as~~ *including* name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, sentencing information, and similar data about the person.

(B) "State summary criminal history information" does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints ~~to or~~ *to*, investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice.

(b) The Attorney General shall furnish state summary criminal history information to the following, if needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity, in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) The courts of the state.

(2) Peace officers of the state, as defined in Section 830.1, subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and (b) of Section 830.5.

(3) District attorneys of the state.

(4) Prosecuting city attorneys or city prosecutors of a city within the state.

(5) City attorneys pursuing civil gang injunctions pursuant to Section 186.22a, or drug abatement actions pursuant to Section 3479 or 3480 of the Civil Code, or Section 11571 of the Health and Safety Code.

(6) Probation officers of the state.

(7) Parole officers of the state.

(8) A public defender or attorney of record when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon pursuant to Section ~~4852.08.~~ *4852.01*.

(9) A public defender or attorney of record when representing a person in a criminal case, or a parole, mandatory supervision pursuant to paragraph (5) of subdivision (h) of Section 1170, or postrelease community supervision revocation or revocation extension proceeding, and if authorized access by statutory or decisional law.

(10) An agency, officer, or official of the state if the state summary criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The agency, officer, or official ~~of the state~~ authorized by this paragraph to receive state summary criminal history information may also transmit fingerprint images and related

information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

(11) A ~~city or~~ *city,* county, city and county, district, or an officer or official ~~thereof~~ *thereof,* if access is needed in order to assist that agency, officer, or official in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district if the state summary criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The ~~city or~~ *city,* county, city and county, district, or the officer or official thereof authorized by this paragraph may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

(12) The subject of the state summary criminal history information under procedures established under Article 5 (commencing with Section 11120).

(13) A person or entity when access is expressly authorized by statute if the criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct.

(14) Health officers of a city, county, city and county, or district when in the performance of their official duties enforcing Section 120175 of the Health and Safety Code.

(15) A managing or supervising correctional officer of a county jail or other county correctional facility.

(16) A humane society, or society for the prevention of cruelty to animals, for the specific purpose of complying with Section 14502 of the Corporations Code for the appointment of humane officers.

(17) Local child support agencies established by Section 17304 of the Family Code. When a local child support agency closes a support enforcement case containing state summary criminal history information, the agency shall delete or purge from the file

and destroy any documents or information concerning or arising from offenses for or of which the parent has been arrested, charged, or convicted, other than for offenses related to the parent's having failed to provide support for minor children, consistent with the requirements of Section 17531 of the Family Code.

(18) County child welfare agency personnel who have been delegated the authority of county probation officers to access state summary criminal history information pursuant to Section 272 of the Welfare and Institutions Code for the purposes specified in Section 16504.5 of the Welfare and Institutions Code. Information from criminal history records provided pursuant to this subdivision shall not be used for a purpose other than those specified in this section and Section 16504.5 of the Welfare and Institutions Code. When an agency obtains records both on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check.

(19) The court of a tribe, or court of a consortium of tribes, that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code. This information may be used only for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. Article 6 (commencing with Section 11140) shall apply to officers, members, and employees of a tribal court receiving state summary criminal history information pursuant to this section.

(20) Child welfare agency personnel of a tribe or consortium of tribes that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code and to whom the state has delegated duties under paragraph (2) of subdivision (a) of Section 272 of the Welfare and Institutions Code. The purposes for use of the information shall be for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. When an agency obtains records on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check. Article 6 (commencing with Section 11140) shall apply to child welfare agency personnel receiving criminal record offender information pursuant to this section.

(21) An officer providing conservatorship investigations pursuant to Sections 5351, 5354, and 5356 of the Welfare and Institutions Code.

(22) A court investigator providing investigations or reviews in conservatorships pursuant to Section 1826, 1850, 1851, or 2250.6 of the Probate Code.

(23) A person authorized to conduct a guardianship investigation pursuant to Section 1513 of the Probate Code.

(24) A humane officer pursuant to Section 14502 of the Corporations Code for the purposes of performing his or her duties.

(25) A public agency described in subdivision (b) of Section 15975 of the Government Code, for the purpose of oversight and enforcement policies with respect to its contracted providers.

(26) (A) A state entity, or its designee, that receives federal tax information. A state entity or its designee that is authorized by this paragraph to receive state summary criminal history information also may transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation for the purpose of the state entity or its designee obtaining federal level criminal offender record information from the Department of Justice. This information shall be used only for the purposes set forth in Section 1044 of the Government Code.

(B) For purposes of this paragraph, "federal tax information," "state entity" and "designee" are as defined in paragraphs (1), (2), and (3), respectively, of subdivision (f) of Section 1044 of the Government Code.

(c) The Attorney General may furnish state summary criminal history information and, when specifically authorized by this subdivision, federal level criminal history information upon a showing of a compelling need to any of the following, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) A public utility, as defined in Section 216 of the Public Utilities Code, that operates a nuclear energy facility when access is needed in order to assist in employing persons to work at the facility, provided that, if the Attorney General supplies the data,

he or she shall furnish a copy of the data to the person to whom the data relates.

(2) To a peace officer of the state other than those included in subdivision (b).

(3) To an illegal dumping enforcement officer as defined in subdivision (j) of Section 830.7.

(4) To a peace officer of another country.

(5) To *a* public ~~officers,~~ *officer,* other than *a* peace ~~officers,~~ *officer,* of the United States, ~~other states, or possessions or territories~~ *another state, or a possession or territory* of the United States, provided that access to records similar to state summary criminal history information is expressly authorized by a statute of the United States, ~~other states, or possessions or territories~~ *the other state, or the possession or territory* of the United States if the information is needed for the performance of their official duties.

(6) To a person ~~when~~ *if* disclosure is requested by a probation, parole, or peace officer with the consent of the subject of the state summary criminal history information and for purposes of furthering the rehabilitation of the subject.

(7) The courts of the United States, other states, or territories or possessions of the United States.

(8) Peace officers of the United States, other states, or territories or possessions of the United States.

(9) To an individual who is the subject of the record requested if needed in conjunction with an application to enter the United States or a foreign nation.

(10) (A) (i) A public utility, as defined in Section 216 of the Public Utilities Code, or a cable corporation as defined in subparagraph (B), if receipt of *state summary* criminal history information is needed in order to assist in employing current or prospective employees, contract employees, or subcontract employees who, in the course of their employment, may be seeking entrance to private residences or adjacent grounds. The information provided shall be limited to the record of convictions and arrests for which the person is released on bail or on his or her own recognizance pending trial.

(ii) If the Attorney General supplies the data pursuant to this paragraph, the Attorney General shall furnish a copy of the data to the current or prospective employee to whom the data relates.

(iii) State summary criminal history information is confidential and the receiving public utility or cable corporation shall not disclose its contents, other than for the purpose for which it was acquired. The state summary criminal history information in the possession of the public utility or cable corporation and all copies made from it shall be destroyed not more than 30 days after employment or promotion or transfer is denied or granted, except for those cases where a current or prospective employee is out on bail or on his or her own recognizance pending trial, in which case the state summary criminal history information and all copies shall be destroyed not more than 30 days after the case is resolved.

(iv) A violation of this paragraph is a misdemeanor, and shall give the current or prospective employee who is injured by the violation a cause of action against the public utility or cable corporation to recover damages proximately caused by the violations. A public utility's or cable corporation's request for state summary criminal history information for purposes of employing current or prospective employees who may be seeking entrance to private residences or adjacent grounds in the course of their employment shall be deemed a "compelling need" as required to be shown in this subdivision.

(v) This section shall not be construed as imposing a duty upon public utilities or cable corporations to request state summary criminal history information on current or prospective employees.

(B) For purposes of this paragraph, "cable corporation" means a corporation or firm that transmits or provides television, computer, or telephone services by cable, digital, fiber optic, satellite, or comparable technology to subscribers for a fee.

(C) Requests for federal level criminal history information received by the Department of Justice from entities authorized pursuant to subparagraph (A) shall be forwarded to the Federal Bureau of Investigation by the Department of Justice. Federal level criminal history information received or compiled by the Department of Justice may then be disseminated to the entities referenced in subparagraph (A), as authorized by law.

(11) To a campus of the California State University or the University of California, or a four-year college or university accredited by a regional accreditation organization approved by the United States Department of Education, if needed in conjunction with an application for admission by a convicted felon

to a special education program for convicted felons, including, but not limited to, university alternatives and halfway houses. Only conviction information shall be furnished. The college or university may require the convicted felon to be fingerprinted, and any inquiry to the department under this section shall include the convicted felon's fingerprints and any other information specified by the department.

(12) To a foreign government, if requested by the individual who is the subject of the record requested, if needed in conjunction with the individual's application to adopt a minor child who is a citizen of that foreign nation. Requests for information pursuant to this paragraph shall be in accordance with the process described in Sections 11122 to 11124, inclusive. The response shall be provided to the foreign government or its designee and to the individual who requested the information.

(d) ~~Whenever~~ *When* an authorized request for state summary criminal history information pertains to a person whose fingerprints are on file with the Department of Justice and the department has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card accompanying the request for information, if any, may be stamped "no criminal record" and returned to the person or entity making the request.

(e) ~~Whenever~~ *When* state summary criminal history information is furnished as the result of an application and is to be used for employment, licensing, or certification purposes, the Department of Justice may charge the person or entity making the request a fee that it determines to be sufficient to reimburse the department for the cost of furnishing the information. In addition, the Department of Justice may add a surcharge to the fee to fund maintenance and improvements to the systems from which the information is obtained. Notwithstanding any other law, a person or entity required to pay a fee to the department for information received under this section may charge the applicant a fee sufficient to reimburse the person or entity for this expense. All moneys received by the department pursuant to this section, Sections 11105.3 and 26190, and former Section 13588 of the Education Code shall be deposited in a special account in the General Fund to be available for expenditure by the department to offset costs incurred pursuant to those sections and for maintenance and

improvements to the systems from which the information is obtained upon appropriation by the Legislature.

(f) Whenever there is a conflict, the processing of criminal fingerprints and fingerprints of applicants for security guard or alarm agent registrations or firearms qualification permits submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4 of the Business and Professions Code shall take priority over the processing of other applicant fingerprints.

(g) It is not a violation of this section to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(h) It is not a violation of this section to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record if the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

(i) Notwithstanding any other law, the Department of Justice or a state or local law enforcement agency may require the submission of fingerprints for the purpose of conducting state summary criminal history information checks that are authorized by law.

(j) The state summary criminal history information shall include any finding of mental incompetence pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 arising out of a complaint charging a felony offense specified in Section 290.

(k) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the information is to be used for peace officer employment or certification purposes. As used in this subdivision, a peace officer is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or

has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest or detention, except for an arrest or detention resulting in an exoneration, provided, however, that where the records of the Department of Justice do not contain a disposition for the arrest, the Department of Justice first makes a genuine effort to determine the disposition of the arrest.

(D) Every successful diversion.

(E) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(F) Sex offender registration status of the applicant.

(G) Sentencing information, if present in the department's records at the time of the response.

(*l*) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by a criminal justice agency or organization as defined in Section 13101, and the information is to be used for criminal justice employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest for an offense for which the records of the Department of Justice do not contain a disposition or ~~which~~ *that* did not result in a conviction, provided that the Department of Justice first makes a genuine effort to determine the disposition of the arrest. However, information concerning an arrest shall not be disclosed if the records of the Department of Justice ~~indicate~~ *indicate,* or if the genuine effort ~~reveals~~ *reveals,* that the subject was exonerated, successfully completed a diversion or deferred entry of judgment program, or the arrest was deemed a detention, or the subject was granted relief pursuant to Section 851.91.

(D) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(E) Sex offender registration status of the applicant.

(F) Sentencing information, if present in the department's records at the time of the response.

(m) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or a statute that incorporates the criteria of any of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction of an offense rendered against the applicant, except a conviction for which relief has been granted pursuant to Section ~~1203.49.~~ *1203.4, 1203.4a, 1203.41, 1203.42, 1203.45, 1203.49, or 1170.9.*

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest for an offense for which the Department of Social Services is required by paragraph (1) of subdivision (a) of Section 1522 of the Health and Safety Code to determine if an applicant has been arrested. However, if the records of the Department of Justice do not contain a disposition for an arrest, the Department of Justice shall first make a genuine effort to determine the disposition of the arrest.

(D) Sex offender registration status of the applicant.

(E) Sentencing information, if present in the department's records at the time of the response.

(3) Notwithstanding the requirements of the sections referenced in paragraph ~~(1) of this subdivision,~~ *(1),* the Department of Justice shall not disseminate information about an arrest subsequently

deemed a detention or an arrest that resulted in the successful completion of a diversion program, exoneration, or a grant of relief pursuant to Section 851.91.

(n) (1) This subdivision shall apply whenever state or federal summary criminal history information, to be used for employment, licensing, or certification purposes, is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual pursuant to any of the following:

(A) Paragraph (10) of subdivision (c), when the information is to be used by a cable corporation.

(B) Section 11105.3 or 11105.4.

(C) Section 15660 of the Welfare and Institutions Code.

(D) A statute that incorporates the criteria of any of the statutory provisions listed in subparagraph (A), (B), or (C), or of this subdivision, by reference.

(2) With the exception of applications submitted by transportation companies authorized pursuant to Section 11105.3, and notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction, except a conviction for which relief has been granted pursuant to Section ~~1203.49,~~ *1203.4, 1203.4a, 1203.41, 1203.42, 1203.45, 1203.49, or 1170.9,* rendered against the applicant for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code. However, with the exception of those offenses for which registration is required pursuant to Section 290, the Department of Justice shall not disseminate information pursuant to this subdivision unless the conviction occurred within ~~10~~ *seven* years of the date of the agency's request for information or the conviction is over ~~10~~ *seven* years old but the subject of the request was incarcerated *or on probation or parole* within ~~10~~ *seven* years of the agency's request for information.

(B) Every arrest for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(D) Sentencing information, if present in the department's records at the time of the response.

(o) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 379 or 550 of the Financial Code, or a statute that incorporates the criteria of either of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant for a violation or attempted violation of an offense specified in Section 550 of the Financial Code, except a conviction for which relief has been granted pursuant to Section ~~1203.49.~~ *1203.4, 1203.4a, 1203.41, 1203.42, 1203.45, 1203.49, or 1170.9.*

(B) Every arrest for a violation or attempted violation of an offense specified in Section 550 of the Financial Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Sentencing information, if present in the department's records at the time of the response.

(p) (1) This subdivision shall apply whenever state or federal criminal history information is furnished by the Department of Justice as the result of an application by an agency, organization, or individual not defined in subdivision (k), (*l*), (m), (n), or (o), or by a transportation company authorized pursuant to Section 11105.3, or a statute that incorporates the criteria of that section or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant, except a conviction for which relief has been granted pursuant to Section

~~1203.49.~~ *1203.4, 1203.4a, 1203.41, 1203.42, 1203.45, 1203.49, or 1170.9.*

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(D) Sentencing information, if present in the department's records at the time of the response.

(q) All agencies, organizations, or individuals defined in subdivisions (k), (*l*), (m), (n), (o), and (p) may contract with the Department of Justice for subsequent notification pursuant to Section 11105.2. This subdivision shall not supersede sections that mandate an agency, organization, or individual to contract with the Department of Justice for subsequent notification pursuant to Section 11105.2.

(r) This section does not require the Department of Justice to cease compliance with any other statutory notification requirements.

(s) The provisions of Section 50.12 of Title 28 of the Code of Federal Regulations are to be followed in processing federal criminal history information.

(t) Whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual defined in subdivisions (k) to (p), inclusive, and the information is to be used for employment, licensing, or certification ~~purposes, the authorized agency, organization, or individual shall expeditiously furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision. When furnished other than in person, the copy shall be delivered to the last contact information provided by the applicant.~~ *purposes, the department shall first furnish a copy of the Criminal Offender Record Information (CORI) to the subject of the request. After furnishing a copy to the subject, but prior to furnishing a report to a third party, the department shall allow the subject a reasonable opportunity of not less than five days to challenge the accuracy or completeness of any matter contained in the CORI. The department shall make the necessary corrections pursuant to*

Section 11126 prior to furnishing the information to the requesting agency, organization, or individual.

All matter omitted in this version of the bill appears in the bill as introduced in the Senate, February 16, 2018. (JR11)

O

AMENDED IN SENATE MAY 25, 2018

AMENDED IN SENATE MAY 14, 2018

AMENDED IN SENATE APRIL 17, 2018

SENATE BILL No. 1465

Introduced by Senator Hill
(Coauthor: Senator Skinner)

February 16, 2018

An act to add Sections 7071.20, 7071.21, and 7071.22 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1465, as amended, Hill. Contractors: civil actions: reporting.

Existing law, the Contractors' State License Law, provides for the licensure, regulation, and discipline of contractors by the Contractors' State License Board. Existing law requires the board, with the approval of the Director of Consumer Affairs, to appoint a registrar of contractors to serve as the executive officer and secretary of the board. Under existing law, protection of the public is required to be the highest priority for the Contractors' State License Board in exercising its licensing, regulatory, and disciplinary functions. Existing law requires a licensee to report to the registrar within 90 days of the date that the licensee has knowledge of the conviction of the licensee for any felony or any other crime substantially related to the qualifications, functions, and duties of a licensed contractor.

This bill would require a licensee to report to the registrar within 90 days of the date that the licensee has knowledge of any civil action ~~or administrative action~~ resulting in a final judgment, executed settlement agreement, or final arbitration award against the licensee that meets

specified criteria, including that the amount or value of the judgment, ~~settlement,~~ *settlement payment,* or award is $1,000,000 or greater and that the action is the result of a claim for damages to a property or person allegedly caused by specified construction activities of a licensee on any part of a multifamily rental residential structure, as specified. The bill would further require, within 30 days ~~of payment~~ of all or a portion of the judgment, ~~settlement,~~ *settlement payment,* or award, an insurer providing a specified type of insurance to that licensee to report listed information relating to the judgment, ~~settlement,~~ *settlement payment,* or award to the registrar.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 7071.20 is added to the Business and Professions Code, to read:

7071.20. (a) A licensee shall report to the registrar in writing within 90 days after the licensee has knowledge of any civil action final judgment, executed settlement agreement, or final arbitration award ~~or administrative action~~ resulting in a final judgment, executed settlement agreement, or final arbitration award in which the licensee is named in a defending capacity, filed on or after January 1, 2019, that meets all of the following criteria:

(1) The action alleges fraud, deceit, negligence, breach of contract or express or implied warranty, misrepresentation, incompetence, recklessness, wrongful death, or strict liability by the act or omission of a licensee while acting in the capacity of a contractor, whether as a general contractor or as a specialty contractor.

(2) The amount or value of the judgment, ~~settlement,~~ *settlement payment,* or arbitration award against the licensee is one million dollars ($1,000,000) or greater, not including investigative ~~costs.~~ *costs or prior repairs performed by the licensee.*

(3) The action is the result of a claim for damages to a property or person that allegedly resulted in a failure or condition that would ~~pose a substantial risk of~~ *probably result in* a failure in the load bearing portions of a multifamily rental residential structure, which portions of the structure are not constructed in compliance with the codes in effect at the time of construction and that the failure

or condition results in the inability to reasonably use the affected portion of the structure for which it was intended.

(4) The action is the result of a claim for damages to a property or person that was allegedly caused by a licensee's construction, repair, alteration to, subtraction from, improvement of, moving, wrecking, or demolishing of, any part of a multifamily rental residential structure, either personally or by or through others.

(5) The action, if a civil action, has been designated by a court of competent jurisdiction as a "complex case" pursuant to rules 3.400 to 3.403, inclusive, of the California Rules of Court because it involves a claim of construction defect or insurance coverage arising out of a construction defect claim, pursuant to paragraph (2) or (7) of subdivision (c) of Rule 3.400 of the California Rules of Court.

(b) This section shall not apply to residential construction subject to any part of Title 7 (commencing with Section 895) of Part 2 of Division 2 of the Civil Code.

(c) The reports required by this section shall be signed by the licensee and shall set forth the license number of the licensee and the facts that constitute the reportable event. If the reportable event involves the action of ~~an administrative agency or~~ *a* court, the report shall also set forth the following:

(1) The title of the matter.

(2) The court or agency name.

(3) The docket number.

(4) The claim or file number.

(5) The date on which the reportable event occurred.

(d) The reports required by this section shall be regarded by the registrar as a complaint that shall be subject to the provisions of Sections 7090 and 7091. The disclosure of any complaint referred to investigation pursuant to this section shall comply with the public disclosure provisions of Section 7124.6.

(e) Failure of a licensee to report to the registrar in the time and manner required by this section shall be grounds for disciplinary action. Criminal penalties shall not be imposed for a violation of this section.

SEC. 2. Section 7071.21 is added to the Business and Professions Code, to read:

7071.21. (a) An insurer providing a licensee commercial general liability insurance, construction defect insurance, or

professional liability insurance shall report to the registrar within 30 days ~~of payment~~ of all or a portion of a civil action judgment, ~~settlement,~~ *settlement payment,* or arbitration award, that meets all of the requirements of Section 7071.20, against the licensee all of the following:

(1) The name and license number of the licensee.

(2) The claim or file number.

(3) The amount or value of the judgment, ~~settlement,~~ *settlement payment,* or arbitration award.

(4) The amount paid by the insurer.

(5) The identity of the payee.

(b) The reports required by this section shall be regarded by the registrar as a complaint that shall be subject to the provisions of Sections 7090 and 7091. The disclosure of any complaint referred to investigation pursuant to this section shall comply with the public disclosure provisions of Section 7124.6.

SEC. 3. Section 7071.22 is added to the Business and Professions Code, to read:

7071.22. (a) Sections 7071.20 and 7071.21 shall apply if a party to the civil action, judgment, ~~settlement,~~ *settlement payment,* or arbitration award ~~or administrative action~~ is or was a licensee, as defined in Section 7096, or was a member of the personnel of the record, a person, or a qualifying person, as those terms are defined in Section 7025.

(b) Notwithstanding any other law, a licensee or person providing a report to the registrar pursuant to Section 7071.20 or 7071.21 shall not be considered to have violated a confidential settlement agreement or other confidential agreement.

(c) The board may adopt regulations to further the purposes of Sections 7071.20 and 7071.21, specifically with regard to the reporting requirements of those sections.

O

AMENDED IN SENATE MAY 10, 2018

AMENDED IN SENATE APRIL 17, 2018

SENATE BILL No. 1480

Introduced by Senator Hill

February 16, 2018

An act to amend Sections 101, 328, *2499.5, 2816, 2892.6, 2895,* 3147*, 3680, 4518, 4548, 4809.7,* 4830,~~ and 4836.2~~ *4836.2, and 11506* of, and to add Sections *1007, 2892.7, 4518.1,* 4826.4, 4829.5, and 4841.2 to, the Business and Professions Code,~~ and~~ to amend Sections 7000, 7103, 8731, 8778.5, 8785, 103775, and 103780 of the Health and Safety Code, *and to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners, and declaring its powers and duties, prescribing penalties for violation thereof, and repealing all acts and parts of acts inconsistent herewith" approved by voters on November 7, 1922, (the Chiropractic Act) by amending Sections 5 and 12 of the act,* relating to professions and~~ vocations.~~ *vocations, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1480, as amended, Hill. Professions and vocations.

~~Existing~~

(1) Existing law establishes the Department of Consumer Affairs, and specifies the various boards~~ and bureaus~~ that comprise the department.

This bill would make technical changes to that provision.

~~Existing~~

(2) Existing law requires the Director of Consumer Affairs to implement complaint prioritization guidelines for boards to use in prioritizing their respective complaint and investigative workloads.

This bill would require the director to amend those guidelines to include the category of "allegations of serious harm to a minor, as specified."

(3) Existing law regulates the practice of podiatric medicine by the California Board of Podiatric Medicine and prescribes various fees relating to, among others, an application, licensure, and renewal. All revenue received by the board is required to be deposited into the Board of Podiatric Medicine Fund, which is available to the board upon appropriation by the Legislature.

This bill would revise those fee provisions by, among other things, deleting the oral examination fee and increasing, until January 1, 2021, the amount of the biennial renewal fee.

(4) Existing law, the Nursing Practice Act, establishes various fees in connection with the issuance of licenses under the act, and requires those fees to be deposited in the Board of Registered Nursing Fund, available to the Board of Registered Nursing upon appropriation by the Legislature. Existing law establishes that the fee paid by a registered nurse for an evaluation of his or her qualifications to use the title "public health nurse" shall be not less than $500 or more than $1,500.

This bill would instead establish a fee for that purpose of not less than $300 or more than $1,000, would establish a penalty for failure to renew a certificate to practice as a public health nurse within the prescribed time, and would require the Board of Registered Nursing to reimburse any registered nurse who paid more than $300 for an evaluation between April 5, 2018, and December 31, 2018.

(5) Existing law, the Vocational Nursing Practice Act, provides for the regulation of vocational nurses by the Board of Vocational Nursing and Psychiatric Technicians of the State of California, establishes the Vocational Nursing and Psychiatric Technician Fund, and makes those funds available to the board upon appropriation by the Legislature. Existing law prescribes various fees in connection with the issuance of licenses under the act and requires the board to collect a biennial fee not to exceed $200 from a continuing education course provider.

This bill would instead require the board to collect an initial approval and a biennial renewal fee of $150 unless a higher fee, not to exceed $250, is established by the board. The bill would also require the board to collect an initial approval and a biennial renewal fee of $150, unless

a higher fee, not to exceed $250, is established by the board, from any provider of a course in intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal. The bill would revise the fees and fee amounts to be assessed under the act, including, but not limited to, application, examination, and renewal fees.

~~Existing~~

(6) Existing law, the Optometry Practice Act, provides for the licensure and regulation of the practice of optometry by the State Board of Optometry. Existing law authorizes a person to renew an expired optometrist license by paying specified fees and filing a form prescribed by the board.

This bill would also authorize the renewal of expired statements of licensure, branch office licenses, and fictitious name permits by filing an application for renewal and paying renewal and delinquency fees prescribed by the board.

(7) Existing law, the Naturopathic Doctors Act, provides for the regulation of the practice of naturopathic medicine by the Naturopathic Medicine Committee within the Osteopathic Medical Board of California. Existing law establishes various fees in connection with the issuance of a license to practice naturopathic medicine, which are deposited in the Naturopathic Doctor's Fund and are available to the committee upon appropriation by the Legislature.

This bill would revise those provisions by, among other things, increasing the application, initial licensing, and renewal fees, and establishing a fee for a certified license verification.

(8) Existing law provides for the licensure and regulation of psychiatric technicians by the Board of Vocational Nursing and Psychiatric Technicians of the State of California, and authorizes the board, if it adopts a continuing education program, to collect a fee from continuing education course providers. Existing law also prescribes various fees in connection with the issuance of a psychiatric technician license.

This bill would instead require the board, if it adopts a continuing education or blood withdrawal program, to collect an initial approval and a biennial renewal fee from a provider of a course in continuing education or blood withdrawal, as specified. The bill would also revise the fees and fee amounts required for licensure as a psychiatric technician.

~~The~~

(9) The Veterinary Medicine Practice Act regulates the practice of veterinary medicine by the Veterinary Medical Board and makes a violation of its provisions a crime. Existing law separately provides immunity from liability to a veterinarian or registered veterinary technician who renders services during certain states of emergency.

This bill would authorize a California-licensed veterinarian at a registered premises located within a 25-mile radius of any declared condition of emergency to, in good faith, provide veterinary services without establishing a veterinarian-client-patient relationship and dispense or prescribe a dangerous drug or device where failure to provide services or medications may result in loss of life or intense suffering. The bill would provide immunity from liability for a veterinarian providing those services.

Existing law excludes specified persons from the provisions regulating the practice of veterinary medicine, including veterinary medicine students in 2 specified schools of veterinary medicine who participate in diagnosis and treatment, as specified.

This bill would instead exclude students from any veterinary medical program accredited by the American Veterinary Medical Association Council on Education who participate in diagnosis or treatment with direct supervision, or surgery with immediate supervision, subject to specified conditions.

Existing law provides for a veterinary assistant controlled substance permit issued by the Veterinary Medical Board to qualified applicants and authorizes the board to deny, revoke, or suspend a veterinary assistant controlled substance permit for specified reasons.

This bill would add to those list of reasons the conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, veterinary surgery, or veterinary dentistry. The bill would also authorize the board, in addition to denial, revocation, or suspension, to issue a probationary veterinary assistant controlled substance permit.

The bill would prohibit a graduate of a veterinary college from performing animal health care tasks otherwise performed by a registered veterinary technician, except as specified, and would require a veterinarian to offer a consultation to the client each time he or she initially prescribes, dispenses, or furnishes a dangerous drug, as defined, to an animal patient in an outpatient setting. Because a violation of that provision would be a crime, the bill would impose a state-mandated local program.

Existing law requires the Veterinary Medical Board to establish a regular inspection program, and provides that the board is required to make every effort to inspect at least 20% of veterinary premises annually.

This bill would instead require the board to inspect at least 20% of veterinary premises annually.

(10) Existing law requires a person to meet specified requirements in order to use the title "certified common interest development manager," and requires a certified common interest development manager to make specified disclosures to the board of directors of a common interest development before providing services to the common interest development. Existing law repeals those provisions governing certified common interest development managers on January 1, 2019.

This bill would delete the repeal provision, thereby extending those provisions indefinitely.

(11) Existing law, the Chiropractic Act, enacted by initiative, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners, which is composed of 7 members appointed by the Governor, and establishes an application fee of not more than $100 and, on and after January 1, 2019, a renewal fee of $250. Existing law authorizes the Legislature to fix the amounts of the fees payable by applicants and licensees, and directs the deposit of these fees into the State Board of Chiropractic Examiners' Fund, a continuously appropriated fund.

This bill would delete the provisions providing for the application and renewal fees and would instead establish a schedule of regulatory fees necessary to carry out the responsibilities required by the Chiropractic Initiative Act, including, among others, application and renewal fees for licensure, fees to apply for approval for a continuing education course, and satellite office certificate fees. By increasing specified fees and establishing new fees for deposit into a continuously appropriated fund, the bill would make an appropriation.

~~The~~

(12) The bill would also make technical changes to various provisions of the Health and Safety Code by eliminating cross-references to obsolete provisions governing cemeteries.

~~The~~

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~ *yes*. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 101 of the Business and Professions Code, as added by Section 4 of Chapter 828 of the Statutes of 2017, is amended to read:

101. The department is comprised of the following:

(a) The Dental Board of California.

(b) The Medical Board of California.

(c) The State Board of Optometry.

(d) The California State Board of Pharmacy.

(e) The Veterinary Medical Board.

(f) The California Board of Accountancy.

(g) The California Architects Board.

(h) The ~~Bureau~~ *State Board* of Barbering and Cosmetology.

(i) The Board for Professional Engineers, Land Surveyors, and Geologists.

(j) The Contractors' State License Board.

(k) The Bureau for Private Postsecondary Education.

(*l*) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation.

(m) The Board of Registered Nursing.

(n) The Board of Behavioral Sciences.

(o) The State Athletic Commission.

(p) The Cemetery and Funeral Bureau.

(q) The Bureau of Security and Investigative Services.

(r) The Court Reporters Board of California.

(s) The Board of Vocational Nursing and Psychiatric Technicians.

(t) The Landscape Architects Technical Committee.

(u) The Division of Investigation.

(v) The Bureau of Automotive Repair.

(w) The Respiratory Care Board of California.

(x) The Acupuncture Board.

(y) The Board of Psychology.

(z) The California Board of Podiatric Medicine.

(aa) The Physical Therapy Board of California.
(ab) The Arbitration Review Program.
(ac) The Physician Assistant Committee.
(ad) The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
(ae) The California Board of Occupational Therapy.
(af) The Osteopathic Medical Board of California.
(ag) The Naturopathic Medicine Committee.
(ah) The Dental Hygiene Committee of California.
(ai) The Professional Fiduciaries Bureau.
(aj) The State Board of Chiropractic Examiners.
(ak) The Bureau of Real Estate Appraisers.
(al) The Structural Pest Control Board.
(am) The Bureau of Cannabis Control.
(an) Any other boards, offices, or officers subject to its jurisdiction by law.
(ao) This section shall become operative on July 1, 2018.

SEC. 2. Section 328 of the Business and Professions Code is amended to read:

328. (a) In order to implement the Consumer Protection Enforcement Initiative of 2010, the director, through the Division of Investigation, shall implement "Complaint Prioritization Guidelines" for boards to utilize in prioritizing their respective complaint and investigative workloads. The guidelines shall be used to determine the referral of complaints to the division and those that are retained by the health care boards for investigation.

(b) Neither the Medical Board of California nor the California Board of Podiatric Medicine shall be required to utilize the guidelines implemented pursuant to subdivision (a).

(c) On or before July 1, 2019, the director shall amend the guidelines implemented pursuant to subdivision (a) to include the category of "allegations of serious harm to a minor" under the "urgent" or "highest priority" level.

SEC. 3. Section 1007 is added to the Business and Professions Code, to read:

1007. Notwithstanding any other law, the amount of regulatory fees necessary to carry out the responsibilities required by the Chiropractic Initiative Act and this chapter are fixed in the following schedule:

(a) Fee to apply for a license to practice chiropractic: three hundred seventy-one dollars ($371).

(b) Fee for initial license to practice chiropractic: one hundred eighty-six dollars ($186).

(c) Fee to renew an active or inactive license to practice chiropractic: three hundred thirteen dollars ($313).

(d) Fee to apply for approval as a continuing education provider: eighty-four dollars ($84).

(e) Biennial continuing education provider renewal fee: fifty-six dollars ($56).

(f) Fee to apply for approval of a continuing education course: fifty-six dollars ($56) per course.

(g) Fee to apply for a satellite office certificate: sixty-two dollars ($62).

(h) Fee to renew a satellite office certificate: thirty-one dollars ($31).

(i) Fee to apply for a license to practice chiropractic pursuant to Section 9 of the Chiropractic Initiative Act: three hundred seventy-one dollars ($371).

(j) Fee to apply for a certificate of registration of a chiropractic corporation: one hundred eighty-six dollars ($186).

(k) Fee to renew a certificate of registration of a chiropractic corporation: thirty-one dollars ($31).

(l) Fee to file a chiropractic corporation special report: thirty-one dollars ($31).

(m) Fee to apply for approval as a referral service: five hundred fifty-seven dollars ($557).

(n) Fee for an endorsed verification of licensure: one hundred twenty-four dollars ($124).

(o) Fee for replacement of a lost or destroyed license: fifty dollars ($50).

(p) Fee for replacement of a satellite office certificate: fifty dollars ($50).

(q) Fee for replacement of a certificate of registration of a chiropractic corporation: fifty dollars ($50).

(r) Fee to restore a forfeited or canceled license to practice chiropractic: double the annual renewal fee specified in subdivision (c).

(s) Fee to apply for approval to serve as a preceptor: thirty-one dollars ($31).

(t) Fee to petition for reinstatement of a revoked license: three hundred seventy-one dollars ($371).

(u) Fee to petition for early termination of probation: three hundred seventy-one dollars ($371).

(v) Fee to petition for reduction of penalty: three hundred seventy-one dollars ($371).

SEC. 4. Section 2499.5 of the Business and Professions Code is amended to read:

2499.5. The following fees apply to certificates to practice podiatric medicine. The amount of fees prescribed for doctors of podiatric medicine shall be determined by the board and shall be as described below. Fees collected pursuant to this section shall be fixed by the board in amounts not to exceed the actual costs of providing the service for which the fee is collected.

(a) Each applicant for a certificate to practice podiatric medicine shall pay an application fee of ~~no more than~~ one hundred dollars ($100) at the time the application is filed. If the applicant qualifies for a certificate, he or she shall pay a fee ~~not to exceed~~ *of* one hundred dollars ~~($100) nor less than five dollars ($5) for the issuance of the certificate.~~ *($100).*

~~(b) The oral examination fee shall be seven hundred dollars ($700), or the actual cost, whichever is lower, and shall be paid by each applicant. If the applicant's credentials are insufficient or if the applicant does not desire to take the examination, and has so notified the board 30 days prior to the examination date, only the examination fee is returnable to the applicant. The board may charge an examination fee for any subsequent reexamination of the applicant.~~

~~(c)~~

(b) Each applicant who qualifies for a certificate, as a condition precedent to its issuance, in addition to other fees required by this section, shall pay an initial license fee. The initial license fee shall be eight hundred dollars ($800). The initial license shall expire the second year after its issuance on the last day of the month of birth of the licensee. The board may reduce the initial license fee by up to 50 percent of the amount of the fee for any applicant who is enrolled in a postgraduate training program approved by the board or who has completed a postgraduate training program approved by the board within six months prior to the payment of the initial license fee.

(c) Before January 1, 2021, the biennial renewal fee shall be one thousand one hundred dollars ($1,100). Any licensee enrolled in an approved residency program shall be required to pay only 50 percent of the biennial renewal fee at the time of his or her first renewal.

(d) ~~The~~ *On and after January 1, 2021, the* biennial renewal fee shall be nine hundred dollars ($900). Any licensee enrolled in an approved residency program shall be required to pay only 50 percent of the biennial renewal fee at the time of his or her first renewal.

(e) The delinquency fee shall be one hundred fifty dollars ($150).

(f) The duplicate wall certificate fee shall be ~~no more than~~ one hundred dollars ($100).

(g) The duplicate renewal receipt fee shall be ~~no more than~~ fifty dollars ($50).

(h) The endorsement fee shall be thirty dollars ($30).

(i) The letter of good standing fee or for loan deferment shall be ~~no more than~~ one hundred dollars ($100).

(j) There shall be a fee of ~~no more than~~ one hundred dollars ($100) for the issuance of a resident's license under Section 2475.

~~(k) The filing fee to appeal the failure of an oral examination shall be no more than one hundred dollars ($100).~~

~~(*l*)~~

(k) The fee for approval of a continuing education course or program shall be ~~no more than~~ two hundred fifty dollars ($250).

SEC. 5. Section 2816 of the Business and Professions Code is amended to read:

2816. The nonrefundable fee to be paid by a registered nurse for an evaluation of his or her qualifications to use the title "public health nurse" shall ~~be equal to the fees set out in subdivision (o) of Section 2815.~~ *not be less than three hundred dollars ($300) or more than one thousand dollars ($1,000).* The fee to be paid upon the application for renewal of the certificate to practice as a public health nurse shall ~~be fixed by the board at not~~ *not be* less than one hundred twenty-five dollars ($125) and not more than five hundred dollars ($500). *The penalty fee for failure to renew a certificate to practice as a public health nurse within the prescribed time shall be 50 percent of the renewal fee in effect on the date of renewal of the certificate, but not less than sixty-two dollars and fifty cents*

($62.50), and not more than two hundred fifty dollars ($250). All fees payable under this section shall be collected by and paid to the *Board of* Registered Nursing Fund. It is the intention of the Legislature that the costs of carrying out the purposes of this article shall be covered by the revenue collected pursuant to this section. *The board shall refund any registered nurse who paid more than three hundred dollars ($300) for an evaluation of his or her qualifications to use the title "public health nurse" between April 5, 2018, and December 31, 2018.*

SEC. 6. Section 2892.6 of the Business and Professions Code is amended to read:

2892.6. The board shall collect *an initial approval fee and* a biennial ~~fee, not to exceed two hundred dollars ($200),~~ *renewal fee of one hundred fifty dollars ($150) unless a higher fee, not to exceed two hundred fifty dollars ($250), is established by the board,* from any provider of a course in continuing education who requests approval by the board of such course for purposes of continuing education requirements under this chapter. That fee, however, shall in no event exceed that cost required for the board to administer the approval of continuing education courses by continuing education providers.

SEC. 7. Section 2892.7 is added to the Business and Professions Code, to read:

2892.7. The board shall collect an initial approval and a biennial renewal fee in the amount of one hundred fifty dollars ($150) unless a higher fee, not to exceed two hundred fifty dollars ($250), is established by the board, from any provider of a course in intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal, who requests approval by the board of such a course for purposes of intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal requirements under this chapter. That fee, however, shall not exceed the regulatory cost required for the board to administer the approval of intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal courses by intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal providers.

SEC. 8. Section 2895 of the Business and Professions Code is amended to read:

2895. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions ~~is that fixed by the~~ *shall be according to the* following schedule:

(a) The fee to be paid upon the filing of an application ~~shall be in an amount not less than seventy-five dollars ($75) and may be fixed by the board at an amount no more than one hundred fifty dollars ($150).~~ *for licensure by examination by applicants who have successfully completed a prescribed course of study in a California-approved vocational nursing program shall be two hundred twenty dollars ($220) unless a higher fee, not to exceed three hundred dollars ($300), is established by the board.*

(b) The fee to be paid upon the filing of an application for licensure by examination by applicants who are qualified to take the examination by methods other than as specified in subdivision (a) shall be two hundred fifty dollars ($250) unless a higher fee, not to exceed three hundred thirty dollars ($330), is established by the board.

(c) The fee to be paid upon the filing of an application for licensure by endorsement shall be two hundred twenty dollars ($220) unless a higher fee, not to exceed three hundred dollars ($300), is established by the board.

~~(b)~~

(d) The fee to be paid for taking each examination *for licensure* shall be the actual cost to purchase the examination from a vendor approved by the board.

~~(c)~~

(e) The fee to be paid for any examination *for licensure* after the first shall be ~~in an amount not less than seventy-five dollars ($75) and may be fixed by the board at an amount no more than one hundred fifty dollars ($150).~~ *two hundred twenty dollars ($220) unless a higher fee, not to exceed three hundred dollars ($300), is established by the board.*

~~(d)~~

(f) The biennial renewal fee to be paid upon the filing of an application for renewal shall be ~~in an amount not less than one hundred dollars ($100) and may be fixed by the board at an amount no more than one hundred fifty dollars ($150).~~ *two hundred twenty dollars ($220) unless a higher fee, not to exceed three hundred dollars ($300), is established by the board.* In addition, an

assessment of five dollars ($5) shall be collected and credited to the Vocational Nurse Education Fund, pursuant to Section 2895.5.

~~(e)~~

(g) Notwithstanding Section 163.5, the delinquency fee for failure to pay the biennial renewal fee within the prescribed time shall be ~~in an amount not less than fifty dollars ($50) and may be fixed by the board at not more than 50 percent of the regular renewal fee and in no case more than seventy-five dollars ($75).~~ *one hundred ten dollars ($110) unless a higher fee, not to exceed 50 percent of the regular renewal fee and in no case no more than one hundred fifty dollars ($150), is established by the board.*

~~(f)~~

(h) The initial license fee is an amount equal to the biennial renewal fee in effect on the date the application for the license is filed.

~~(g)~~

(i) The fee to be paid for an interim permit shall be ~~in an amount not less than forty dollars ($40) and may be fixed by the board at an amount no more than fifty dollars ($50).~~ *twenty dollars ($20) unless a higher fee, not to exceed fifty dollars ($50), is established by the board.*

~~(h) The fee to be paid for a duplicate license shall be in an amount not less than twenty-five dollars ($25) and may be fixed by the board at an amount no more than fifty dollars ($50).~~

~~(i)~~

(j) The fee to be paid for ~~processing endorsement papers to other states shall be in an amount not less than seventy-five dollars ($75) and may be fixed by the board at an amount no more than one hundred dollars ($100).~~ *verification of licensure papers to other states shall be one hundred dollars ($100) unless a higher fee, not to exceed one hundred fifty dollars ($150), is established by the board.*

(k) The fee to be paid for postlicensure certification in intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal shall be twenty dollars ($20) unless a higher fee, not to exceed fifty dollars ($50), is established by the board.

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

~~SEC. 3.~~

SEC. 9. Section 3147 of the Business and Professions Code is amended to read:

3147. (a) Except as otherwise provided by Section 114, an expired optometrist license may be renewed at any time within three years after its expiration, and a retired license issued for less than three years may be reactivated to active status, by filing an application for renewal or reactivation on a form prescribed by the board, paying all accrued and unpaid renewal fees or reactivation fees determined by the board, paying any delinquency fees prescribed by the board, and submitting proof of completion of the required number of hours of continuing education for the last two years, as prescribed by the board pursuant to Section 3059. Renewal or reactivation to active status under this section shall be effective on the date on which all of those requirements are satisfied. If so renewed or reactivated to active status, the license shall continue as provided in Sections 3146 and 3147.5.

(b) Expired statements of licensure, branch office licenses, and fictitious name permits issued pursuant to Sections 3070, 3077, and 3078, respectively, may be renewed at any time by filing an application for renewal, paying all accrued and unpaid renewal fees, and paying any delinquency fees prescribed by the board.

SEC. 10. Section 3680 of the Business and Professions Code is amended to read:

3680. (a) The application fee for a doctor of naturopathic medicine shall be no more than ~~four hundred dollars ($400).~~ *five hundred dollars ($500) and may be increased to not more than six hundred dollars ($600).*

(b) The initial license fee shall be ~~no more than eight hundred dollars ($800).~~ *one thousand dollars ($1,000) and may be increased to not more than one thousand two hundred dollars ($1,200).*

(c) The renewal fee for a license shall be ~~no more than eight hundred dollars ($800).~~ *one thousand dollars ($1,000) and may be increased to not more than one thousand two hundred dollars ($1,200).*

(d) The late renewal fee for a license shall be ~~no more than one hundred fifty dollars ($150).~~ *two hundred twenty-five dollars ($225).*

(e) The fee for processing fingerprint cards shall be the current fee charged by the Department of Justice.

(f) The fee for a duplicate or replacement license shall be ~~no more than twenty-five dollars ($25).~~ *thirty-eight dollars ($38).*

(g) The fee for a certified license verification shall be thirty dollars ($30).

SEC. 11. Section 4518 of the Business and Professions Code is amended to read:

4518. In the event the board adopts a continuing education *or blood withdrawal* program, the board ~~may~~ *shall* collect *an initial approval and* a biennial *renewal* fee as prescribed under ~~Section~~ *Sections* 4548 *and 4518.1* from any provider of a course in continuing education *or blood withdrawal* who requests approval by the board of the course for purposes of continuing education *or blood withdrawal* requirements adopted by the board. The fee, however, shall in no event exceed the cost required for the board to administer the approval of continuing education *or blood withdrawal* courses by continuing education *or blood withdrawal* providers.

SEC. 12. Section 4518.1 is added to the Business and Professions Code, to read:

4518.1. The board shall collect an initial approval and a biennial renewal fee in the amount of one hundred fifty dollars ($150) unless a higher fee, not to exceed two hundred fifty dollars ($250), is established by the board, from any provider of continuing education or a course to meet the certification requirements for blood withdrawal who requests approval by the board of the course for purposes of continuing education or blood withdrawal requirements under this chapter. That fee, however, shall not exceed the regulatory cost required for the board to administer the approval of continuing education or blood withdrawal by continuing education or blood withdrawal providers.

SEC. 13. Section 4548 of the Business and Professions Code is amended to read:

4548. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions shall be according to the following schedule:

(a) The fee to be paid upon the filing of an application ~~shall be in an amount not less than one hundred dollars ($100), and may be fixed by the board at an amount no more than one hundred fifty dollars ($150).~~ *for licensure by examination by applicants who have successfully completed a prescribed course of study in a*

California-approved school for preparation of psychiatric technicians shall be two hundred sixty-five dollars ($265) unless a higher fee, not to exceed three hundred forty-five dollars ($345), is established by the board.

(b) The fee to be paid upon the filing of an application for licensure by examination by applicants who are qualified to take the examination by methods other than as described in subdivision (a) shall be two hundred ninety-five dollars ($295) unless a higher fee, not to exceed three hundred seventy-five dollars ($375), is established by the board.

(c) The fee to be paid upon the filing of an application for licensure by endorsement shall be two hundred twenty dollars ($220) unless a higher fee, not to exceed three hundred dollars ($300), is established by the board.

~~(b)~~

(d) The fee to be paid for taking each examination *for licensure* shall be the actual cost to purchase an examination from a vendor approved by the board.

~~(c)~~

(e) The fee to be paid for any examination *for licensure* after the first shall be ~~in an amount of not less than one hundred dollars ($100), and may be fixed by the board at an amount no more than one hundred fifty dollars ($150).~~ *two hundred sixty-five dollars ($265) unless a higher fee, not to exceed three hundred forty-five dollars ($345), is established by the board.*

~~(d)~~

(f) The biennial renewal fee to be paid upon the filing of an application for renewal shall be ~~in an amount not less than two hundred dollars ($200), and may be fixed by the board at an amount no more than three hundred dollars ($300).~~ *two hundred twenty dollars ($220) unless a higher fee, not to exceed three hundred dollars ($300), is established by the board.*

~~(e)~~

(g) Notwithstanding Section 163.5, the delinquency fee for failure to pay the biennial renewal fee within the prescribed time shall be ~~in an amount not less than one hundred dollars ($100) and may be fixed by the board at not more than 50 percent of the regular renewal fee and in no case more than one hundred fifty dollars ($150).~~ *one hundred ten dollars ($110) unless a higher fee, not to exceed 50 percent of the regular renewal fee and in no case*

more than one hundred fifty dollars ($150), is established by the board.

~~(f)~~

(h) The initial license fee is an amount equal to the biennial renewal fee in effect on the date the application for the license is filed.

~~(g)~~

(i) The fee to be paid for an interim permit shall be ~~in an amount no less than~~ twenty dollars ($20) ~~and may be fixed by the board at an amount no more than fifty dollars ($50).~~ *unless a higher fee, not to exceed fifty dollars ($50), is established by the board.*

~~(h) The fee to be paid for a duplicate license shall be in an amount not less than twenty dollars ($20) and may be fixed by the board at an amount no more than fifty dollars ($50).~~

~~(i)~~

(j) The fee to be paid for processing ~~endorsement papers to other states shall be in an amount not less than twenty dollars ($20) and may be fixed by the board at an amount no more than fifty dollars ($50).~~ *verification of licensure papers to other states shall be twenty dollars ($20) unless a higher fee, not to exceed fifty dollars ($50), is established by the board.*

~~(j)~~

(k) The fee to be paid for postlicensure certification in blood withdrawal shall be ~~in an amount not less than~~ twenty dollars ~~($20) and may be fixed by the board at an amount no more than fifty dollars ($50).~~ *($20) unless a higher fee, not to exceed fifty dollars ($50), is established by the board.*

~~(k) The biennial fee to be paid upon the filing of an application for renewal for a provider of an approved continuing education course or a course to meet the certification requirements for blood withdrawal shall be in an amount not less than one hundred fifty dollars ($150), and may be fixed by the board at an amount no more than two hundred dollars ($200).~~

SEC. 14. Section 4809.7 of the Business and Professions Code is amended to read:

4809.7. The board shall establish a regular inspection program that will provide for random, unannounced ~~inspections. The~~ *inspections and the* board shall ~~make every effort to~~ inspect at least 20 percent of veterinary premises on an annual basis.

~~SEC. 4.~~

SEC. 15. Section 4826.4 is added to the Business and Professions Code, to read:

4826.4. (a) A California-licensed veterinarian at premises registered in accordance with Section 4853 that is located within a 25-mile radius of any condition of emergency specified in Section 8558 of the Government Code may, in good faith, do both of the following in addition to any other acts authorized by law:

(1) Render necessary and prompt care and treatment to an animal patient without establishing a veterinarian-client-patient relationship if conditions are such that one cannot be established in a timely manner.

(2) Dispense or prescribe a dangerous drug or device, as defined in Section 4022, in reasonable quantities where failure to provide services or medications, including controlled substances, may result in loss of life or intense suffering of the animal patient. Prior to refilling a prescription pursuant to this paragraph, the veterinarian shall make a reasonable effort to contact the originally prescribing veterinarian.

(b) A veterinarian acting under this section shall make an appropriate record that includes the basis for proceeding under this section.

(c) A veterinarian who performs services pursuant to this section shall have immunity from liability pursuant to subdivision (b) of Section 8659 of the Government Code.

~~SEC. 5.~~

SEC. 16. Section 4829.5 is added to the Business and Professions Code, to read:

4829.5. (a) Each time a veterinarian initially prescribes, dispenses, or furnishes a dangerous drug, as defined in Section 4022, to an animal patient in an outpatient setting, the veterinarian shall offer to provide, in person or through electronic means, to the client responsible for the animal, or his or her agent, a consultation that includes the following information:

(1) The name and description of the dangerous drug.

(2) Route of administration, dosage form, dosage, duration of drug therapy, the duration of the effect of the drug, and the common severe adverse effects associated with the use of a short-acting or long-acting drug.

(3) Any special directions for proper use and storage.

(4) Actions to be taken in the event of a missed dose.

(5) If available, precautions and relevant warnings provided by the drug's manufacturer, including common severe adverse effects of the drug.

(b) If requested, a veterinarian shall provide drug documentation, if available.

(c) A veterinarian may delegate to a registered veterinary technician or veterinary assistant the task of providing the consultation and drug documentation required by this section.

(d) It shall be noted in the medical record of the animal patient if the consultation described in this section is provided or declined by the client or his or her agent.

~~SEC. 6.~~

SEC. 17. Section 4830 of the Business and Professions Code is amended to read:

4830. (a) This chapter does not apply to:

(1) Veterinarians while serving in any armed branch of the military service of the United States or the United States Department of Agriculture while actually engaged and employed in their official capacity.

(2) Veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California licensed veterinarian and attend on a specific case. The California licensed veterinarian shall maintain a valid veterinarian-client-patient relationship. The veterinarian providing the assistance shall not establish a veterinarian-client-patient relationship with the client by attending the case or at a future time and shall not practice veterinary medicine, open an office, appoint a place to meet patients, communicate with clients who reside within the limits of this state, give orders, or have ultimate authority over the care or primary diagnosis of a patient that is located within this state.

(3) Veterinarians called into the state by a law enforcement agency or animal control agency pursuant to subdivision (b).

(4) A student of a veterinary medical program accredited by the American Veterinary Medical Association Council on Education who participates as part of his or her formal curriculum in the diagnosis and treatment with direct supervision, or in surgery with immediate supervision, provided all of the following requirements are met:

(A) The clinical training site has been approved by the university where the student is enrolled.

(B) The student has prior training in diagnosis, treatment, and surgery as part of the formal curriculum.

(C) The student is being supervised by a California-licensed veterinarian in good standing, as that term is defined in paragraph (1) of subdivision (b) of Section 4848.

(5) A veterinarian who is employed by the Meat and Poultry Inspection Branch of the California Department of Food and Agriculture while actually engaged and employed in his or her official capacity. A person exempt under this paragraph shall not otherwise engage in the practice of veterinary medicine unless he or she is issued a license by the board.

(6) Unlicensed personnel employed by the Department of Food and Agriculture or the United States Department of Agriculture when in the course of their duties they are directed by a veterinarian supervisor to conduct an examination, obtain biological specimens, apply biological tests, or administer medications or biological products as part of government disease or condition monitoring, investigation, control, or eradication activities.

(b) (1) For purposes of paragraph (3) of subdivision (a), a regularly licensed veterinarian in good standing who is called from another state by a law enforcement agency or animal control agency, as defined in Section 31606 of the Food and Agricultural Code, to attend to cases that are a part of an investigation of an alleged violation of federal or state animal fighting or animal cruelty laws within a single geographic location shall be exempt from the licensing requirements of this chapter if the law enforcement agency or animal control agency determines that it is necessary to call the veterinarian in order for the agency or officer to conduct the investigation in a timely, efficient, and effective manner. In determining whether it is necessary to call a veterinarian from another state, consideration shall be given to the availability of veterinarians in this state to attend to these cases. An agency, department, or officer that calls a veterinarian pursuant to this subdivision shall notify the board of the investigation.

(2) Notwithstanding any other provision of this chapter, a regularly licensed veterinarian in good standing who is called from another state to attend to cases that are a part of an investigation described in paragraph (1) may provide veterinary medical care

for animals that are affected by the investigation with a temporary shelter facility, and the temporary shelter facility shall be exempt from the registration requirement of Section 4853 if all of the following conditions are met:

(A) The temporary shelter facility is established only for the purpose of the investigation.

(B) The temporary shelter facility provides veterinary medical care, shelter, food, and water only to animals that are affected by the investigation.

(C) The temporary shelter facility complies with Section 4854.

(D) The temporary shelter facility exists for not more than 60 days, unless the law enforcement agency or animal control agency determines that a longer period of time is necessary to complete the investigation.

(E) Within 30 calendar days upon completion of the provision of veterinary health care services at a temporary shelter facility established pursuant to this section, the veterinarian called from another state by a law enforcement agency or animal control agency to attend to a case shall file a report with the board. The report shall contain the date, place, type, and general description of the care provided, along with a listing of the veterinary health care practitioners who participated in providing that care.

(c) For purposes of paragraph (3) of subdivision (a), the board may inspect temporary facilities established pursuant to this section.

~~SEC. 7.~~

SEC. 18. Section 4836.2 of the Business and Professions Code is amended to read:

4836.2. (a) Applications for a veterinary assistant controlled substance permit shall be upon a form furnished by the board.

(b) The fee for filing an application for a veterinary assistant controlled substance permit shall be set by the board in an amount the board determines is reasonably necessary to provide sufficient funds to carry out the purposes of this section, not to exceed one hundred dollars ($100).

(c) The board may suspend or revoke the controlled substance permit of a veterinary assistant after notice and hearing for any cause provided in this subdivision. The proceedings under this section shall be conducted in accordance with the provisions for administrative adjudication in Chapter 5 (commencing with Section

11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may deny, revoke, or suspend a veterinary assistant controlled substance permit, or, subject to terms and conditions deemed appropriate by the board, issue a probationary veterinary assistant controlled substance permit, for any of the following reasons:

(1) The employment of fraud, misrepresentation, or deception in obtaining a veterinary assistant controlled substance permit.

(2) Chronic inebriety or habitual use of controlled substances.

(3) The applicant or permit holder has been convicted of a state or federal felony controlled substance violation.

(4) Violating or attempts to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, or of the regulations adopted under this chapter.

(5) Conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, veterinary surgery, or veterinary dentistry, in which case the record of the conviction shall be conclusive evidence.

(d) The board shall not issue a veterinary assistant controlled substance permit to any applicant with a state or federal felony controlled substance conviction.

(e) (1) As part of the application for a veterinary assistant controlled substance permit, the applicant shall submit to the Department of Justice fingerprint images and related information, as required by the Department of Justice for all veterinary assistant applicants, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(2) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information that it receives pursuant to this section. The Department of Justice shall review any information returned to it from the Federal Bureau of Investigation and compile and disseminate a response to the board summarizing that information.

(3) The Department of Justice shall provide a state or federal level response to the board pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(4) The Department of Justice shall charge a reasonable fee sufficient to cover the cost of processing the request described in this subdivision.

(f) The board shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in paragraph (1) of subdivision (e).

(g) This section shall become operative on July 1, 2015.

~~SEC. 8.~~

SEC. 19. Section 4841.2 is added to the Business and Professions Code, to read:

4841.2. (a) Except as provided in subdivision (b), a graduate of a recognized veterinary college shall not perform animal health care tasks otherwise performed by a registered veterinary technician unless the graduate has obtained licensure or registration as otherwise required under this chapter.

(b) If, on or before January 1, 2020, a graduate of a recognized veterinary college has performed animal health care tasks otherwise performed by a registered veterinary technician, the graduate shall discontinue performing such duties on or after January 1, 2020, unless the graduate is issued a license or registration as otherwise required under this chapter.

SEC. 20. Section 11506 of the Business and Professions Code is amended to read:

11506. This part shall be subject to review by the appropriate policy committees of the Legislature. ~~This part shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

~~SEC. 9.~~

SEC. 21. Section 7000 of the Health and Safety Code is amended to read:

7000. The definitions in this chapter apply to this division, Division 8 (commencing with Section 8100) and Division 102 (commencing with Section 102100) of this code and Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code.

~~SEC. 10.~~

SEC. 22. Section 7103 of the Health and Safety Code is amended to read:

7103. (a) Every person, upon whom the duty of interment is imposed by law, who omits to perform that duty within a reasonable time is guilty of a misdemeanor.

(b) Every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code, and the agents and employees of the licensee or registrant, or any unlicensed person acting in a capacity in which a license from the Cemetery and Funeral Bureau is required, upon whom the duty of interment is imposed by law, who omits to perform that duty within a reasonable time is guilty of a misdemeanor that shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars ($10,000), or both that imprisonment and fine.

(c) In addition, any person, registrant, or licensee described in subdivision (a) or (b) is liable to pay the person performing the duty in his or her stead treble the expenses incurred by the latter in making the interment, to be recovered in a civil action.

~~SEC. 11.~~

SEC. 23. Section 8731 of the Health and Safety Code is amended to read:

8731. (a) The cemetery authority may appoint a board of trustees of not less than three in number as trustees of its endowment care fund. The members of the board of trustees shall hold office subject to the direction of the cemetery authority.

(b) If within 30 days after notice of nonreceipt by the Cemetery and Funeral Bureau or other agency with regulatory authority over cemetery authorities, the cemetery authority fails to file the report required by Section 7612.6 of the Business and Professions Code, or if the report is materially not in compliance with law or the endowment care fund is materially not in compliance with law, the cemetery authority may be required to appoint as sole trustee of its endowment care fund under Section 8733.5, any bank or trust company qualified under the provisions of the Banking Law (Division 1 (commencing with Section 99) of the Financial Code) to engage in the trust business. That requirement may be imposed by the Cemetery and Funeral Bureau or other agency with regulatory authority over cemetery authorities, provided that the

cemetery authority has received written notice of the alleged violation and has been given the opportunity to correct the alleged violation, and there has been a finding of a material violation in an administrative hearing.

(c) (1) Each member of the board of trustees shall provide signatory acknowledgment of understanding of the role of a trustee in managing trust funds in the following areas:

(A) Trustee duties, powers, and liabilities as contained in Part 4 (commencing with Section 16000) of Division 9 of the Probate Code.

(B) Reporting and regulatory requirements contained in Article 1.5 (commencing with Section 7611) of Chapter 12 of Division 3 of the Business and Professions Code.

(C) Provisions related to the care of active cemeteries contained in Chapter 5 (commencing with Section 8700) of Part 3 of Division 8.

(2) The signatory acknowledgment shall be retained by the cemetery authority during the duration of the trustee's term of office.

~~SEC. 12.~~

SEC. 24. Section 8778.5 of the Health and Safety Code is amended to read:

8778.5. Each special care trust fund established pursuant to this article shall be administered in compliance with the following requirements:

(a) (1) The board of trustees shall honor a written request of revocation by the trustor within 30 days upon receipt of the written request.

(2) Except as provided in paragraph (3), the board of trustees upon revocation of a special care trust may assess a revocation fee on the earned income of the trust only, the amount of which shall not exceed 10 percent of the trust corpus, as set forth in subdivision (c) of Section 2370 of Title 16 of the California Code of Regulations.

(3) If, prior to or upon the death of the beneficiary of a revocable special care trust, the cemetery authority is unable to perform the services of the special care trust fund agreement, the board of trustees shall pay the entire trust corpus and all earned income to the beneficiary or trustor, or the legal representative of either the beneficiary or trustor, without the imposition of a revocation fee.

(b) Notwithstanding subdivision (d) of Section 2370 of Title 16 of the California Code of Regulations, the board of trustees may charge an annual fee for administering a revocable special care trust fund, which may be recovered by administrative withdrawals from current trust income, but the total administrative withdrawals in any year shall not exceed 4 percent of the trust balance.

(c) Notwithstanding Section 8785, any person, partnership, or corporation who violates this section shall be subject to disciplinary action as provided in Article 6 (commencing with Section 7686) of Chapter 12 of Division 3 of the Business and Professions Code, or by a civil fine not exceeding five hundred dollars ($500), or by both, as determined by the Cemetery and Funeral Bureau and shall not be guilty of a crime.

~~SEC. 13.~~

SEC. 25. Section 8785 of the Health and Safety Code is amended to read:

8785. Any person, partnership, or corporation administering, managing, or having responsibility for endowment care or special care funds who violates the provisions of this chapter relating to the collection, investment, or use of those funds shall be punished either by imprisonment in a county jail for a period not exceeding six months or by fine not exceeding five hundred dollars ($500), or by both such imprisonment and fine, or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or two or three years. If the violator is a cemetery licensee or the holder of a certificate of authority, he, she, or it shall be subject to disciplinary action as provided in Article 6 (commencing with Section 7686) of Chapter 12 of Division 3 of the Business and Professions Code.

~~SEC. 14.~~

SEC. 26. Section 103775 of the Health and Safety Code is amended to read:

103775. (a) Every person, except a parent informant for a certificate of live birth and as provided in subdivision (b), who is responsible for supplying information who refuses or fails to furnish correctly any information in his or her possession that is required by this part, or furnishes false information affecting any certificate or record required by this part, is guilty of a misdemeanor.

(b) Every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code, and the agents and employees of the licensee, or any unlicensed person acting in a capacity in which a license from the Cemetery and Funeral Bureau is required, who is responsible for supplying information and who refuses or fails to furnish correctly any information in his or her possession that is required by this part, or furnishes false information with intent to defraud affecting a death certificate or record required by this part, is guilty of a misdemeanor that shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars ($10,000), or by both that imprisonment and fine.

~~SEC. 15.~~

SEC. 27. Section 103780 of the Health and Safety Code is amended to read:

103780. (a) Every person, except as provided in subdivision (b), who willfully alters or knowingly possesses more than one altered document, other than as permitted by this part, or falsifies any certificate of birth, fetal death, or death, or marriage license, or any record established by this part is guilty of a misdemeanor.

(b) Every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code, and the agents and employees of the licensee, or any unlicensed person acting in a capacity in which a license from the Cemetery and Funeral Bureau is required, who willfully alters or knowingly possesses more than one altered document, other than as permitted by this part, or falsifies any certificate of death, is guilty of a misdemeanor that shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars ($10,000), or by both that imprisonment and fine.

SEC. 28. Section 5 of the Chiropractic Act, as amended by Section 1 of Chapter 533 of the Statutes of 1983, is amended to read:

Sec. 5. *(a)* It shall be unlawful for any person to practice chiropractic in this state without a license so to do. ~~Any~~

(b) Any person wishing to practice chiropractic in this state shall make application to the board 45 days prior to any meeting thereof,

upon such form and in such manner as may be provided by the board. ~~Proof~~

(c) Proof of graduation from an approved chiropractic school or college, as defined in Section 4, must reach the board 15 days prior to any meeting thereof. ~~Each~~

(d) On and after January 1, 2019, each application must be accompanied by ~~a licensee fee of not more than one hundred dollars ($100), as determined by the board. Except~~ *the fee specified in subdivision (a) of Section 1007 of the Business and Professions Code.*

(e) Except in the cases herein otherwise prescribed, each applicant shall present to the board at the time of making such application a diploma from a high school and a transcript of 60 prechiropractic college credits satisfactory to the board, or proof, satisfactory to the board, of education equivalent in training power to such high school and college courses.

~~The~~

(f) The schedule of minimum educational requirements to enable any person to practice chiropractic in this state is as follows, except as herein otherwise provided:

Group 1

Anatomy, including embryology and histology.....14%

Group 2

Physiology.....6%

Group 3

Biochemistry and clinical nutrition.....6%

Group 4

Pathology and bacteriology.....10%

Group 5

Public health, hygiene and sanitation.....3%

Group 6

Diagnosis, dermatology, syphilology and geriatrics, and radiological technology, safety, and interpretation.....18%

Group 7

Obstetrics and gynecology and pediatrics.....3%

Group 8

Principles and practice of chiropractic, physical therapy, psychiatry, and office procedure.....25%

Total.....85%

Electives.....15%

~~Any~~

(g) Any applicant who had matriculated at a chiropractic college prior to the effective date of the amendments to this section submitted to the electors by the ~~1977-1978~~ *1977–78* Regular Session of the Legislature shall meet all requirements that existed immediately prior to the effective date of those amendments but need not meet the change in requirements made by said amendments.

SEC. 29. Section 12 of the Chiropractic Act, as amended by Section 78 of Chapter 429 of the Statutes of 2017, is amended to read:

Sec. 12. (a) Licenses issued under the provisions of this section expire at 12 midnight on the last day of the month of birth of licentiates of the board.

(b) The board shall establish regulations for the administration of a birth month renewal program.

(c) A person practicing chiropractic within this state shall, on or before the last day of the person's month of birth of each year, after a license is issued to the person under this act, pay to the Board of Chiropractic Examiners the renewal fee specified under subdivision (d).

~~(d) (1) Until January 1, 2019, the renewal fee shall be three hundred dollars ($300).~~

~~(2)~~

(d) On and after January 1, 2019, the renewal fee shall be ~~two hundred fifty dollars ($250).~~ *the amount specified in subdivision (c) of Section 1007 of the Business and Professions Code.*

(e) The secretary shall mail to a licensed chiropractor in this state, on or before 60 days prior to the last day of the month of the licensee's birth each year, a notice that the renewal fee will be due on or before the last day of the next month following the licensee's birth. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses.

(f) The failure, neglect or refusal of a person holding a license or certificate to practice under this act in the State of California to pay the annual fee during the time the license remains in force shall, after a period of 60 days from the last day of the month of the licensee's birth, automatically work a forfeiture of the license or certificate, and it shall not be restored except upon the written application therefor and the payment to the board of a fee of twice the annual amount of the renewal fee in effect at the time the restoration application is filed except that a licensee who fails, refuses, or neglects to pay the annual tax within a period of 60 days after the last day of the month of the licensee's birth of each year shall not be required to submit to an examination for the reissuance of the certificate.

~~SEC. 16.~~

SEC. 30. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

1. Review of 2018 NCARB Annual Business Meeting Agenda

2. Consider and Take Action on Candidates for 2018 NCARB and Region VI Officers and Directors

3. Review and Possible Action on Recommended Positions on Resolutions:
   a. 2018-01 *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – Health, Safety, and Welfare (HSW) Category Realignment

   b. 2018-02 *Certification Guidelines* Amendment – Revision to the Education Evaluation Services for Architects (EESA) Requirement for the Education Alternative to Certification

   c. 2018-03 Amendment and Restatement of the *NCARB Model Rules of Conduct*

   d. 2018-04 Amendment and Restatement of the *NCARB Bylaws*

REVIEW OF 2018 NCARB ANNUAL BUSINESS MEETING AGENDA

The 2018 NCARB Annual Business Meeting will be held in Detroit, Michigan, on June 27-30, 2018. Attached is the NCARB Annual Business Meeting Agenda and Guidelines for Voting. The Board is asked to review and discuss the relevant issues for the meeting.

Attachments:
1. 2018 NCARB Annual Business Meeting Agenda
2. Guidelines for Voting

NCARB

2018 ANNUAL BUSINESS MEETING

JUNE 28-30 WESTIN HOTEL | DETROIT, MI

PRE-MEETING BRIEFING

Order of Business

This agenda is sent in advance of the Annual Business Meeting.

Order of Business

Wednesday, June 27, 2018

8 a.m. – Noon..... NCARB Board of Directors Meeting
12:15 – 1:15 p.m. ..... Lunch—Past Presidents, Board of Directors, Sr. Staff
1 – 7:30 p.m. ..... Registration Open
1:30 – 3:30 p.m. ..... Past Presidents Council Meeting
5:30 p.m. ..... Buses Load for Icebreaker Reception
6:30 – 9:30 p.m..... Icebreaker Reception—*Henry Ford Museum of American Innovation (Transportation Provided)*

Thursday, June 28, 2018

Community Center will be open during breaks throughout the day.

7 a.m. – 5 p.m. ..... Registration Open
7 – 8:15 a.m. ..... Delegate/Guest Breakfast
7:30 – 8:15 a.m. ..... Community Center Open
8:30 a.m. – Noon ..... First Business Session

- *Michigan Board Welcome*
- *Call to Order & Opening Remarks*
- *President's Medalists*
- *In Memoriam*
- *Introduction of Past Presidents*
- *Remarks of the President*
- *Election Procedures & Candidate Speeches*
- *NAAB Update*
- *Keynote Presentation*
- NCARB Model Law *Update*
- *NCARB Centennial*

Noon – 1:15 p.m. ..... Lunch & Community Center Open
1:30 – 2:45 p.m..... Workshop Session 1 (Pick One)

- *Architecture: The Horizon*
- *Educating Your Policymakers*
- *Advancing Regulation in the Public Interest*
- *The Next Generation: Shaping Our Future*

2:45 – 3:15 p.m. ..... Community Center Open

Thursday, June 28, 2018 (cont.)

3:15 – 4:30 p.m. ..... Workshop Session 2 (Pick One)

- *Architecture: The Horizon*
- *Educating Your Policymakers*
- *Advancing Regulation in the Public Interest*
- *The Next Generation: Shaping Our Future*

4:30 – 5 p.m. ..... Community Center Open

Friday, June 29, 2018

Community Center will be open during breaks throughout the day.

7 a.m. – 5 p.m. ..... Registration Open

7 – 8:15 a.m. ..... Delegate/Guest Breakfast

7:30 – 8:15 a.m. ..... Community Center Open

8:30 – 9:45 a.m. ..... Workshop Session 3 (Pick One)

- *Educating Your Policymakers*
- *Advancing Regulation in the Public Interest*
- *The Next Generation: Shaping Our Future*

9:45 – 10:15 a.m. ..... Community Center Open

10:15 a.m. – Noon ..... Second Business Session

- *Welcome & Introductions*
- *Treasurer's Report*
- *Remarks of the CEO*
- *Resolution Forum*
- *AIAS Freedom by Design Report*
- *IPAL Update*
- *Town Meeting*

Noon – 4:30 p.m. ..... Regional Meetings with Lunch

6 – 7 p.m. ..... Regional Receptions

Saturday, June 30, 2018

Community Center will be open during breaks throughout the day.

7 a.m. – 2 p.m. ..... Registration Open

7 – 8:15 a.m. ..... Delegate/Guest Breakfast

7:30 – 8:15 a.m. ..... Community Center Open

8 – 8:20 a.m. ..... Voting Delegates Meeting

8:30 – 9:45 a.m. ..... Workshop Session 4 (Pick One)

- *Educating Your Policymakers*
- *Advancing Regulation in the Public Interest*
- *The Next Generation: Shaping Our Future*

9:45 – 10:15 a.m. ..... Community Center Open

10:15 a.m. – Until Done .. Third Business Session

- *Remarks of the President-elect*
- *Elections*
- *2018 Resolutions*
- *Closing Events*
- *Invitation from the District of Columbia Board*
- *Adjournment*

6 – 7 p.m. ..... President's Reception

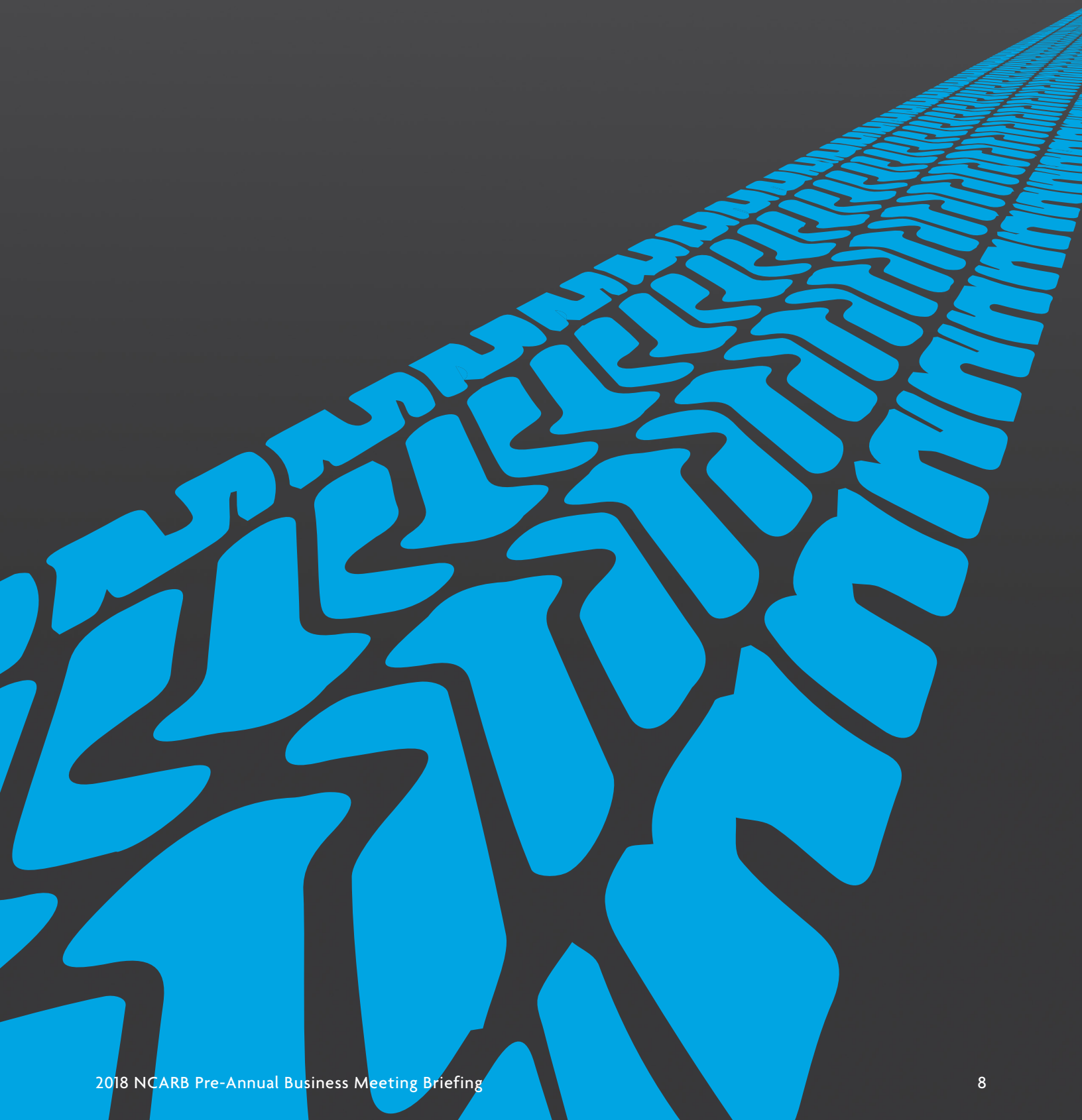
7 p.m. – Midnight ..... Annual Banquet

Sunday, July 1, 2018

8:30 – 10 a.m. ..... Board of Directors – Breakfast

10 a.m. – Noon ..... NCARB Board of Directors Meeting

Keynote Speaker



Keynote Speaker

The Big AHA: Regulating the Future of Architecture

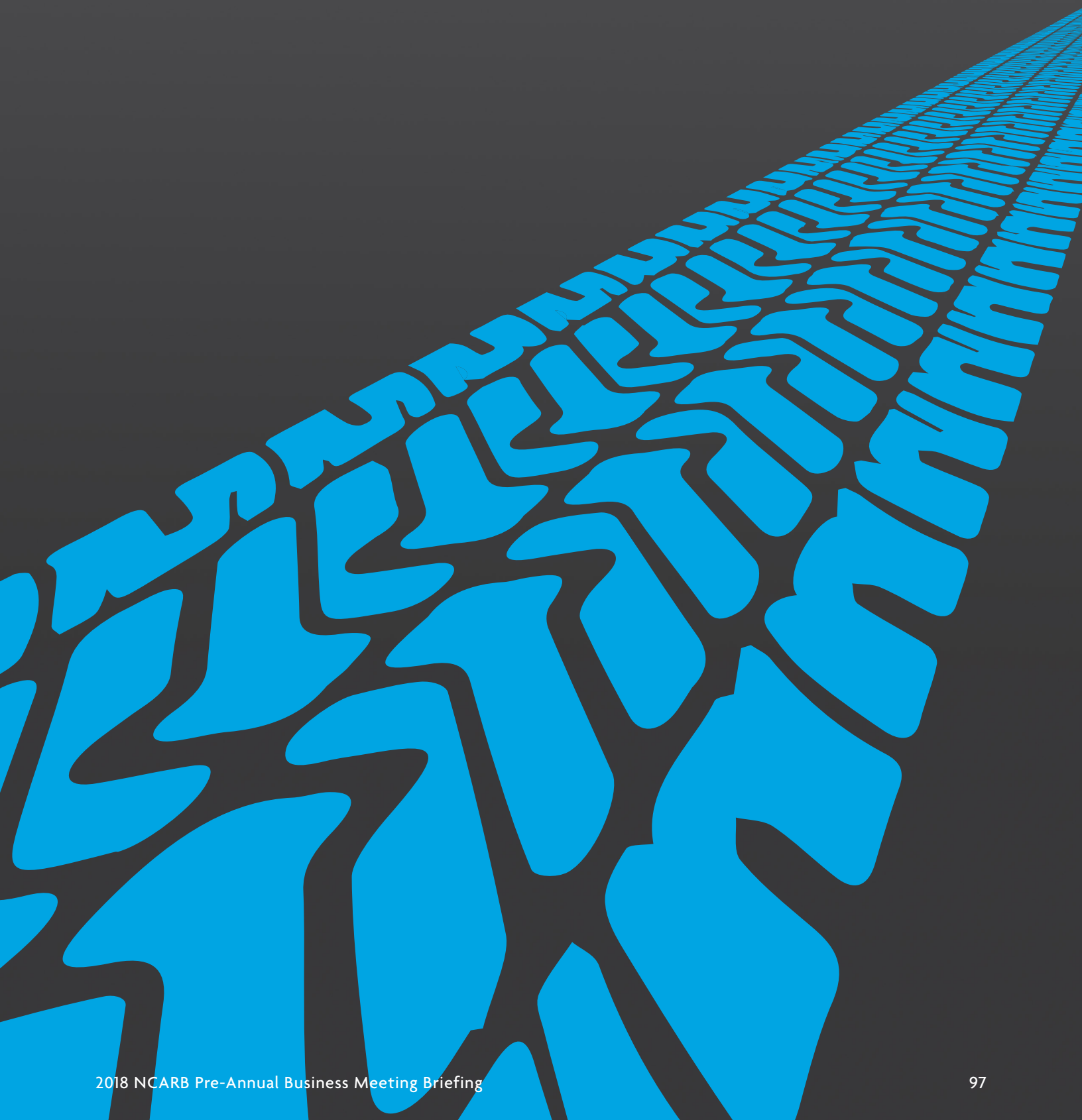
The built environment and the way architects practice are being reimagined. How do we, as regulators, prepare to adapt to the rapidly changing technology-driven world? Jack Uldrich, leading futurist and author, will discuss trends expected to dramatically impact the profession and the way we live, work, and play. He will share insights into how NCARB and board members can think about and prepare for the future. Expect to be challenged and inspired to discard outdated learning in order to embrace the opportunities ahead.

Jack Uldrich

Jack Uldrich is a well-recognized global futurist, speaker, and author of 11 books, including a number of award-winning best sellers. He is a frequent speaker on technology, change management, and leadership, and has addressed hundreds of corporations, associations, and nonprofit organizations on five continents. He regularly makes television appearances on the Science Channel's "FutureScape" program and the Discovery Channel show "Inside Out," and is a frequent guest on major media outlets, including CNN, CNBC, and National Public Radio.

Jack is also an ongoing contributor on emerging technologies and future trends for a number of publications, including *The Wall Street Journal, Forbes, Wired Magazine,* and *Business Week*. He is a former naval intelligence officer and Defense Department official. Jack previously served as the director of the Minnesota Office of Strategic and Long-Range Planning. His most recent book is *Foresight 20/20: A Futurist Explores the Trends Transforming Tomorrow* and his forthcoming book is *Business as Unusual: How to Future-Proof Yourself Against Tomorrow's Transformational Trends, Today.*

Guidelines for Voting



Guidelines for Voting

Each June, the National Council of Architectural Registration Boards (NCARB) hosts its Annual Business Meeting. This business meeting includes voting on resolutions and electing the NCARB Board of Directors. Voting rules are established by the *NCARB Bylaws* and the NCARB Board of Director's Policy for Elections. This guide is designed to provide basic information about the voting rules.

A majority of NCARB's Member Boards must be represented at the Annual Business Meeting in order to achieve the quorum necessary to hold a vote. (See *NCARB Bylaws*, Article V, Section 4)

Establishing National Policy

All Member Boards should review this guide and develop a position on resolutions in a manner that provides clear guidance to their voting delegate. When determining your board's position, keep in mind that the vote on resolutions is your board's voice in setting national NCARB policy, which is separate from your right to regulate the practice of architecture in your jurisdiction.

Who Can Vote: Establishing a Voting Delegate

While you are welcome to send multiple attendees to represent your licensing board, each board must designate one official voting delegate. The voting delegate submits the jurisdiction's official vote on each matter before the Member Boards. Your board identifies your voting delegate by completing a Letter of Credentials, which is issued by NCARB to your Member Board Chair and Member Board Executive. The Letter of Credentials lists all known attendees from your jurisdiction and grants authority to a single individual—your official voting delegate—to vote on behalf of your board. (See *NCARB Bylaws*, Article V, Section 3)

Member Board Members (also known as delegates), Member Board Executives and Attorneys (when designated by their Member Board), members of the NCARB Board of Directors, and other individuals designated by the Presiding Officer may take part in discussions at the Annual Business Meeting, but cannot vote. (See *NCARB Bylaws*, Article V, Section 5 and Article V, Section 10)

Role of the Credentials Committee

NCARB's Credentials Committee is responsible for tracking each Member Board's Letter of Credentials, confirming that the board's voting delegate is present at the Annual Business Meeting, and offering training to voting delegates. The Credentials Committee also oversees the nomination and election process for the NCARB Board of Directors and verifies candidate qualifications. In the case of a contested election, the Credentials Committee will provide one ballot to each board's voting delegate, monitor the ballot box, and tally an official vote count.

Annual Business Meeting Resolutions

The NCARB Board of Directors, Member Boards, select committees, or regions may submit resolutions for consideration by the voting delegates. The *NCARB Bylaws* govern submission of resolutions, voting authority, and the number of votes required for passage. (See *NCARB Bylaws* Article V, Sections 5-6)

Resolutions are formally adopted into the agenda after a final review and vote of the NCARB Board of Directors in April. All final resolutions—excepting laudatory resolutions—are distributed to membership at least 30 days prior to the meeting. (See *NCARB Bylaws* Article V, Section 5)

Votes of the membership are required by resolution to change any of the following documents (See *NCARB Bylaws* Article V, Section 6):

- ***NCARB Bylaws***
  The *NCARB Bylaws* set out the governance, rules, and procedures of NCARB. Included in this document are descriptions of NCARB's membership, regions, makeup of the Board of Directors, services to state boards, finances, committees, and indemnification. At least two-thirds of NCARB's Member Boards (36 boards) must vote in approval of any change to the *NCARB Bylaws*.

- ***NCARB Legislative Guidelines and Model Law/Model Regulations***
  The *Legislative Guidelines and Model Law/Model Regulations* is a national model for registration boards and state legislatures for the regulation of registered architects. An absolute majority of NCARB's Member Boards (28 boards) must vote in approval of any change to the *Legislative Guidelines and Model Law/Model Regulations*.

- ***NCARB Rules of Conduct****
  The *Model Rules of Conduct* is a national model of recommended rules for ethical behavior by architects including competence, conflict of interest, full disclosure, compliance with laws, signing and sealing documents, and professional conduct. An absolute majority of NCARB's Member Boards (28 boards) must vote in approval of any change to the *NCARB Rules of Conduct*.

- **Certification Requirements (*Certification Guidelines*, pages 9-21)**
  These are the requirements for NCARB certification for U.S., Canadian, and foreign architects, including Appendix A and B, which cover exam policies and exam equivalents. An absolute majority of NCARB's Member Boards (28 boards) must vote in approval of any change to the Certification Requirements.

The *NCARB Bylaws* includes additional actions that require a vote of the membership:

- Member Board Removal: At least two-thirds of NCARB's Member Boards (36 boards) must vote in approval to remove a board from NCARB membership. (See Article IV, Section 2 and Article V, Section 6)

- Member Board Dues: At least an absolute majority of NCARB's Member Boards (28 boards) must vote in approval of any changes to Member Board dues, and any changes will not go into effect until three years after the resolution is adopted. (See Article V, Section 6 and Article XI, Section 1)

*Resolution 2018-03 proposes to change the name of the *NCARB Rules of Conduct* to the *NCARB Model Rules of Conduct*.

Amended Resolutions

Amendments may change the language from what was debated and discussed at the Member Board level. Because most votes either require an absolute majority (i.e., majority of all Member Boards whether present or not, and not majority of those present) or a two-thirds majority of all Member Boards, it is essential that voting delegates be given authority to adapt to changing resolutions as they occur at the meeting.

Amendments must be proposed from the floor and seconded. Delegates then have the opportunity to discuss and vote on an amendment before returning to the resoltuion. To be adopted to a resolution, a simple majority of Member Boards present at the Annual Business Meeting must vote in approval of the amendment, regardless of the amendment's subject matter. Discussion and vote on the amended resolution will then proceed as laid out in the *Bylaws*.

Member Boards should discuss amendment scenarios with their voting delegate before the Annual Business Meeting. If the language originally endorsed by the Member Board is no longer an option due to an amended resolution, the voting delegate must be able to discern whether the amended language still addresses the spirit of their Member Board's intent. Member Boards should make every effort to ensure that their voting delegate has been granted authority to vote on amendments that may come from the floor. The following is a sample Voting Delegate Authorization Motion used by one of our Member Boards.

> The board hereby recognizes and authorizes _____ to act as the official voting delegate to the National Council of Architectural Registration Boards (NCARB) _____ Annual Business Meeting to be held in _____ on _____. The board further authorizes _____ as its recognized voting delegate to take into consideration all deliberations and amendments that may occur during the course of the Annual Business Meeting and cast the ballot on behalf of the [NAME OF BOARD].

Electing the Board of Directors

The *NCARB Bylaws* establishes the qualifications and limitations, nomination, election, terms of service, and vacancies of all members of the NCARB Board of Directors. (See *NCARB Bylaws* Articles VII and VIII). As noted earlier in this document, the Credentials Committee verifies the qualifications of all candidates.

Candidates for the following positions are elected by a majority of the Member Boards present at the Annual Business Meeting: First Vice President/President-elect, Second Vice President, Treasurer, Secretary, MBE Director, Public Director, and each Regional Director.

When there is an uncontested election, NCARB may agree to waive the requirement to vote by ballot. In such cases, uncontested candidates may be elected by a vote of acclamation.

When there is a contested election, the president/chair of the Board will declare a recess while authorized delegates cast ballots. Ballot boxes will be located outside the meeting hall under the oversight of the Credentials Committee. The Credentials Committee will supply one ballot to each official voting delegate. The Credentials Committee will check off the name of the Member Board voting when the authorized delegate casts their ballot in the ballot box. The Credentials Committee will open the ballot boxes and count the votes. The chair of the Credentials Committee will report the tally to the president/chair of the Board. In the event of a tie vote, each tied candidate will be provided two minutes to speak to the assembled delegates, after which the authorized delegates will be asked to cast a second ballot. Balloting will continue until a majority winner is determined. The president/chair of the Board will announce the winner to the candidates prior to announcing results to the membership.

CONSIDER AND TAKE ACTION ON CANDIDATES FOR 2018 NCARB AND REGION VI OFFICERS AND DIRECTORS

The Board will discuss 2018 elections of officers and directors of the NCARB and Region VI. Attached are the candidates' election materials.

FY19 BOD Candidate Resumes

First Vice President/President-elect

Terry L. Allers
NCARB, AIA

Candidate for
First Vice President
National Council of
Architectural Registration
Boards

1913 North Seventh Street
Fort Dodge, Iowa 50501
515-573-2300
allerst@allersarchitects.com

Education	Bachelor of Architecture, 1970 Iowa State University
Practice	Allers Associates Architects, PC President (1979 to present) 39 year-old, 5-person firm practicing in: health care facilities, educational institutions, worship facilities, financial institutions, and commercial office projects
Registration	Iowa Minnesota NCARB Certification since 1974

NCARB Service
Second Vice President of NCARB Board 2017
Treasurer of NCARB Board 2016
Secretary of NCARB Board 2015
MBE Committee 2017
Experience Advisory Committee 2016
P & D Committee 2015
BEA Sub-Committee 2015
Region 4 Director 2013,2014
Committee on Examination 2014
Audit Committee 2014, 2015
NCARB/NAAB 2015 Procedures Task Force
NCARB Awards Jury 2013
Region 4 Vice Chair 2012
Region 4 Treasurer 2011
BEA Committee 2006, 2007, 2008, 2009, 2010
Education Committee 2012
NAAB Accreditation Team Pool, having served on Accreditation Visits in 2010, 2011, 2012 and selected to Chair a Team in 2013
AXP Mentor

Iowa Architectural Examining Board
Board Member serving three 3-year terms
Chairperson 2007, 2012, 2013; Vice Chair 2010, 2011
Code Definition Task Force 2009

AIA Iowa Chapter
AIA Member since 1974
Board of Directors 1993, 1994, 1995
Professional Development Committee Chair
Architecture in the Schools Task Force
AIA Citizen Architect 2012 – 2017

Iowa Architectural Foundation
Board of Directors 1998 to 2004
President 2004
Community Design Committee 2002 to present
CDC Event Co-chair for four communities
Endowment Committee 2005

Community

Fort Dodge Municipal Housing Agency
Board of Directors for 26 years
Chairman 9 terms 1990 – 2012

Good Shepherd Lutheran Church
Chairman 6 terms, Elder 4 terms, and SS Teacher 9 years

Trinity Regional Health Foundation Board of Directors
Member 1998 - 2004
President 2003 & 2004

Fort Dodge Chamber of Commerce/Growth Alliance
Catalyst Award 2012 for Leadership in Service to Community
Member 1986 to present
Board Member 2000 to 2005
Chamber Ambassador 2001 to present
Vice President of Membership Services 2000 to 2004
'Small Business of the Year' Award to Allers Associates Architects, PC 2000
Image Committee 2007 to 2010, 2012 to present
Fall Fest Committee for 10 years

Citizens Community Credit Union Board of Directors
2007 to present
Chair 2010, 2014, 2015

Historic Vincent House Advisory Committee
Board Member 1999 to present

National Council on Youth Leadership (NCYL)
North Central Iowa Chapter
Charter Board Member and Secretary 1993 to 2008

Fort Dodge YMCA
Board of Directors 1983 to1989
President 1986 to1987

Fort Dodge YMCA Foundation
Current Board Member 2000 to present

Main Street Fort Dodge
Board Member 1990 to1999
Design Committee Chair 1990 to 1999
1992 Project of the Year State Award - Building Survey

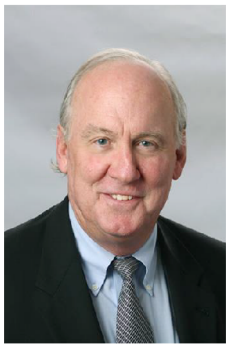
Sertoma Service Club
Member since 1980
President 2004, 2005
Five terms on the Board of Directors
Donated Design for Veterans Memorial Park

Habitat for Humanity
Donated Design for Four Homes for Fort Dodge

Fort Dodge Development Corporation
Board Member 2012 to present

Awards
Iowa Chapter AIA Design Award 1993
Metal Architecture Renovation of the Year 1995
Chamber of Commerce Catalyst Award 2012

Second Vice President



Robert Calvani
NCARB, AIA

Candidate for
Second Vice President
National Council of
Architectural Registration
Boards

PRACTICE
NCA Architects & Planners
Albuquerque, NM
Principal Architect (Founded 1976)

EDUCATION
Master of Architecture, UCLA
Bachelors of Architecture, UNM

REGISTRATION
New Mexico
Texas
Colorado
Arizona
Nevada

1306 Rio Grande Blvd. NW
Albuquerque, NM 87104
505.280.3901
rcalvani@nca-architects.com

NCARB Service

NCARB Treasurer	2017-2018
Board Liaison to Model Law Task Force	2017-2018
NCARB BOD Executive Committee	2016-2018
NCARB Secretary	2016-2017
Board Liaison to Procedures & Documents	2016-2017
Audit Committee	2015-2018
Board Liaison to Continuing Education Committee	2015-2016
Board Liaison to Intern Committee & Intern Advisory Committee	2014-2015
Regional Director	2014-2016
NAAB Visiting Team Nomination	2010-2017
WCARB Region 6-Chair	2012-2014
WCARB Executive Committee	2011-2014
Regional Leadership Committee	FY13-14
Test Specification Task Force	FY12-13
Test Specification Steering Committee	FY12
Practice Analysis Task Force-Steering Committee	2011-2013
Practice Analysis Task Force-Team Leader	FY12
Practice Analysis Task Force	2011-2012
ARE Specification Task Force	2007-2008
Examination Committee (COE)	FYI0-14
ARE Multiple Choice Subcommittee-Chair ARE Multiple Choice Subcommittee-Assistant Chair	FY12-13 FY11
ARE Subcommittee Building Systems Coordinator	2007-2010
ARE Subcommittee Building Systems	2004-2008
NCARB Certificate Holder	1981-Pres.

NM Board of Examiners for Architects (since 2003)
Chair
Vice Chair
Rules & Regulations Committee
Enforcement Sub Committee

Professional & Community Service
A.I.A.
NM Construction Industry Division Board
Albuquerque Economic Development Board
Council of Facility Planners International
Ronald McDonald House Advisory
Executing Association of Greater Albuquerque
UNM Alumni President- Southern Chapter
Casa Esperanza Advisory
Del Norte Rotary Club- Charter
El Caballero Norte Community Board
Eastdale Little League Board
Junipero Serra Club Board
San Juan Diego Friary Advisory
Sigma Chi Housing Corporation Board
St. Edwards Church Advisory

Awards
2013 American Concrete Institute, NM Chapter
Excellence in Concrete Award
2013 National Association of Industrial & Office Properties (NAIOP)
Award of Excellence: Merit Award
2011 National Association of Industrial & Office Properties (NAIOP)
Award of Excellence: Merit Award
2011 AIA Albuquerque
General Design Citation Award

Treasurer

Alfred Vidaurri, Jr., FAIA, NCARB, AICP

Alfred Vidaurri is an Owner/Vice President at Freese and Nichols, Inc., a 700- person firm headquartered in Texas. His experience is varied and includes work for higher education, government and healthcare clients in master planning, program management and architectural design. Most recently he has focused on corporate communications, marketing and corporate branding.

National Council of Architectural Registration Boards (NCARB)
NCARB Board of Directors Secretary (2017-Present)
NCARB Board of Directors Region 3 Director (2015-2017)
NCARB Board of Directors Audit Committee (2016-Present)
NCARB Board Liaison P&D Committee (2017-Present)
NCARB Board Liaison Ethics Task Force (2016-2017)
NCARB Board Liaison Examination Committee (2015-2016)
NAAB/ACSA Path Forward Task Force (2015)
NCARB Regional Leadership Committee (2013-2015)
NCARB P&D Committee (2013-2014)
NCARB BEA Tri-National Representative to Mexico (2010, 2013)
NAAB ARC13 NCARB Representative (2013)
NCARB Education Committee (2011-2012)
NCARB Broadly Experienced Architect Committee Chairman (2011-2012)
NCARB Broadly Experienced Architect Committee (2007-2012)
NCARB Broadly Experienced Architect Task Force (2008)
NCARB Credentials Committee at Annual Meeting (2008)
NCARB ARE Structures Committee (2005-2006)

Southern Conference, Region 3, NCARB
NCARB Region 3 Regional Director (2015-Present)
NCARB Region 3 Chairman (2013-2015)
NCARB Region 3 Vice Chairman (2011-2013)
NCARB Region 3 Treasurer (2010-2011)
NCARB Region 3 Secretary (2009-2010)
Southern Conference Educators Conference (2007, 2011, 2014, 2016)

National Architectural Accrediting Board (NAAB)
Accreditation Teams:
2016 Massachusetts College of Art and Design, Boston, MA
2015 Portland State University, Portland, WA
2015 NCARB Rep to the NAAB/ACSA Path Forward Committee
2014 Southern Poly Technical University, Marietta, GA

Texas Board of Architectural Examiners
Texas Board of Architectural Examiners, Chairman (2009-2015)
Texas Board of Architectural Examiners, Vice Chairman (2008)
Texas Board of Architectural Examiners, Member (2004-2015)

Education
M.A., Architecture, University of Texas at Arlington
B.S., Architecture, University of Texas at Arlington

Professional Training
Campus Master Planning, Harvard University

Registrations
Registered Architect, Texas, Oklahoma, North Carolina, Georgia
Registered Interior Designer, Texas
National Council of Architectural Registration Board
LEED-Accredited Professional BD+C
American Institute of Certified Planners

Contact Information
4055 International Plaza, Suite 200
Ft. Worth, TX 76109-4895
817-735-7300
817-735-7404 (direct)
AV@freese.com

FREESE AND NICHOLS *Innovative approaches ... practical results ... outstanding service*

Treasurer (cont.)

Civic

Fort Worth AIA – Design Award - Past Chairman
City of Fort Worth (Fairmount Historical District) - Past Chairman
City of Fort Worth (Mid-Southside Revitalization Plan) - Former Member
City of Fort Worth (Fairmount Association) - Former Vice President
Texas Health Research Institute - Leadership Council Former Member
United Way Tarrant County - Proposal Review Committee Past Member
University of Texas at Arlington - Distinguished Alumni Committee
University of Texas at Arlington - Judge, Student Excellence Program
University of Texas at Arlington Alumni Association - President
University of Texas at Arlington Alumni Association - Board of Director
University of Texas at Arlington Alumni Association (School of Architecture) - Past Vice President
University of Texas at Arlington (School of Architecture) - Advisory Committee
"Vision North Texas" Planning Workshop - Volunteer
Society for College and University Planning Annual Conference - Proposal Judge

Presentations

Texas Facilities Commission, Sustainability (2017)
Oklahoma Engineering Conference, Sustainability (2017)
University of Texas at Arlington, "Path to Licensure" (2016)
Dallas Young Architects Forum, Dallas, TX (2015)
Texas Architects Convention, New Architects Ceremony, Houston, TX (2014, 2015)
City of Houston Mentor-Protégé Presentation (2013)
Texas Architecture Convention, New Architects Ceremony, Fort Worth, TX (2013)
Dallas Institute of Art, Sustainability Presentation (2011)
Fort Hood Department of Public Works, Sustainability Workshop (2010)
Texas College and University Facilities Conference (TCUF) (2010)
Texas Section - American Planning Association (2009)
Texas Higher Education Coordinating Board Conference (2005)
Southern Association of Colleges and Schools Annual Meeting (SACS) (2004, 2002)
American Association of Community Colleges (AACC) (2003)
Southern Association of Community College Business Officers Conference (2000)

Professional Organizations

American Institute of Architects
American Planning Association
American Institute of Certified Planners
National Council of Architectural Registration Boards
U.S. Green Building Council
Texas Society of Architects
Fort Worth American Institute of Architects

Service Awards/Honors

American Institute of Architects - College of Fellows (2015)
NCARB Presidents Medal (2014)
American Society of Interior Designers, Design Ovation (2008)
United Way Award of Excellence

Secretary

bayliss ARCHITECTS
bayliss architects, p.c.
p.o. box 1134
bozeman, mt 59771-1134
ph: 406-586-5007
fx: 406-585-8337
baylissarchitects.com

Bayliss Ward, AIA, NCARB

PO Box 1134 Bozeman, Montana 59771•406-586-5007•bayliss@baylissarchitects.com

Education: M.A., Architecture, Montana State University, Bozeman, Montana
B.A. Architecture, Montana State University, Bozeman, Montana

Registrations: Montana, Wyoming, Idaho, Nevada, Utah, Texas, Nebraska, North Dakota, Minnesota.

Bayliss Ward is the owner and principal architect of Bayliss Architects, located in Bozeman, Montana. He possesses a wide range of experience and a strong sense of creative design. He is a longstanding member of the Bozeman area and has developed an excellent rapport with his peers and clients. His project experience includes large scale commercial/office projects, high density residential, master planning, medical facilities, classroom facilities, and large custom residential homes.

National Council of Architectural Registration Boards (NCARB)
NCARB Continuing Education Subcommittee Board of Directors Liaison (2017-Present)
NCARB Education Committee Board of Directors Liaison (2017-Present)
NCARB Model Law Task Force (2017-Present)
NCARB Model Law Task Force Board of Directors Liaison (2016-2017)
NCARB Board of Directors Regional Director (2015-2017)
NCARB Integrated Path Evaluation Committee Board of Directors Liaison (2015-2016)
NCARB Licensure Task Force Board of Directors Liaison (2015-2016)
NCARB Procedures & Documents Committee (2014-2015)
NCARB Project Development and Documentation Group/ ARE 5.0 Case Study Task Force (2014-2015)
NCARB Future Title Task Force (2014-2015)
NCARB Test Specification Task Force (2013-2014)
NCARB Credentials Committee (2012-2013)
NCARB Governance Task Force/ Regional Leadership Committee (2012-2013)
NCARB ARE Graphics Grading Subcommittee (2012-2013)
NCARB Regional Leadership Committee (2012-2015)
NCARB Practice Analysis Task Force (2011-2012)
NCARB ARE Subcommittee: Graphics Group 1 (2008-2012)

NCARB Central States Conference, Region 5
NCARB Board of Directors Region 5 Director (2016-Present)
NCARB Central States Conference Region 5 Regional Director (2015-2016)
NCARB Central States Conference Region 5 Chair (2012-2015)

Montana State Board of Architects and Landscape Architects
President (2007-Present)
Vice President (2006-2007)
Architect Member (2005-2006)

Civic
Board of Appeals, Building Codes – City of Bozeman
Board of Appeals, Fire Codes – City of Bozeman

Professional Organizations
American Institute of Architects
National Council of Architectural Registration Boards

Service Awards and Honors
Historic Preservation Award for Excellence, Bozeman, Montana 1997
Historic Preservation Award for Excellence, Bozeman, Montana 1998
Historic Preservation Award for Excellence, Bozeman, Montana 2005

Region 1 Director

Stephen Schreiber, FAIA
Amherst, Massachusetts

Education:
Harvard University, Master of Architecture, 1984
Letter of commendation
Dartmouth College, Bachelor of Arts, 1979

Academic:
University of Massachusetts Amherst, 2005 to present
Professor, Director, and Chair (founding)
University of South Florida, 2000 to 2005
Professor and Dean
University of New Mexico, 1989 to 2000,
Associate Professor and Director
University of Miami, 1987 to 1989,
Visiting Professor
Boston Architectural Center, 1983 to 1987, instructor

Practice:
Stephen Schreiber Architect, 1990 to present
Daniel Mulliken, North Easton, MA, 1986-7
Notter Finegold Alexander, Boston, MA 1985-6
Moshe Safdie, Boston, MA 1984-5

Notable Service:
Member of Architect Registration Boards
New Mexico (1996-2000), appointed by Gov. Gary Johnson
Florida (2003-2006), appointed by Gov. Jeb Bush
Massachusetts (2006-2017, chair 2016-17), appointed by Gov. Mitt Romney
Association of Collegiate Schools of Architecture (ACSA)
President (2005-2006)
National Council of Architecture Registration Boards (NCARB)
Chair, Region 1 (2014-2017)
Procedures+Documents (2014-2017)
NCARB Education award juries (2004, 2015)
Broadly Experienced Architect (2002-2005)
ARE Subcommittees (1997-2002)
Amherst Planning Board (2008-present)
Chair

Selected Awards:
American Institute of Architects (National)
Fellow of American Institute of Architects, 2004
Exemplary university research, 2005
American Institute of Architects (Tampa Bay)
Award of Excellence , 2003
American Institute of Architecture Students (South Florida chapter)
Outstanding teacher, 2001
Landscape Architecture Magazine
Design award for University Village project (with others), 2000

Licenses/Registration:
Massachusetts, Architect, 1985 to present
New Mexico (1989-2001)
Florida (2000-2007)

Region 2 Director

PAUL D. EDMEADES
ARCHITECT
RA AIA NCARB

1418 Saratoga Drive
Bel Air, MD 21014
410.627.1768
pedmeades@eslarch.com

Professional Registrations
Maryland
North Carolina
Pennsylvania
Connecticut

Education
Master of Environmental Design
Yale University
Bachelor of Architecture
University of Virginia

Professional Associations
American Institute of Architects
Current Member
National Council of Architectural Registration Boards (NCARB)
Certificate Holder

Other Professional Service
Building Code Board of Appeals, Harford County, Maryland
Former Member
Historic Preservation Commission, Bel Air, Maryland
Current Member
Liriodendron Foundation to preserve historic mansion, Bel Air, Maryland
Former Member &
Previous President

PAUL D. EDMEADES, RA, AIA, NCARB

Candidate for Regional Director
Region 2

REASONS FOR MY CANDIDACY

I have been working for a number of years on tasks for the Maryland Board, NCARB and our Region. For the last year I have served as Regional Director for Region 2. I believe I have an understanding of NCARB's mission and how it relates to the Boards in our region. I feel that I have the skills and patience to research, understand, analyze and develop programs and initiatives for NCARB that will further the mission of the national organization and that will also serve the needs of the jurisdictions in our Region. I look forward to continuing to be in a place where I can make a difference for NCARB and our Region

NCARB CREDENTIALS

I am an architect and am NCARB Certified
NCARB Record 19,810
NCARB Certificate 16,517

PROFESSIONAL PRACTICE

Richter, Cornbrooks, Matthai, Hopkins, Baltimore, Maryland
Position: Associate
Worked on numerous private and governmental projects including a 500,000 SF computer center for the National Headquarters of the Social Security Administration in Woodlawn, Maryland.

Home Maintenance Corporation, New Haven, Connecticut
Position: Principal Architect and Energy Director
Provided professional assistance to a community based organization to empower the citizens to develop and implement strategies for housing rehabilitation and energy conservation in an inner city neighborhood. We worked as a team in the following areas:

1. Funding: The team provided financial counseling to help residents leverage funds from banks, Community Development Block Grants and a state energy conservation loan program.
2. Housing Rehab: The team implemented a strategy to maximize the use of available funds through self help training and a tool lending library.
3. Energy Conservation: The team implemented major energy conservation packages as a part of the reconstruction of each house.
4. Solar Energy: The team implemented a pilot passive solar project as part of a demonstration project.
5. Renewable Resources: The team received a grant from the National Center for Appropriate Technology and developed a renewable resources plan for the area of New Haven in which we were working.

Edmeades & Stromdahl, Ltd., Bel Air, Maryland
Position: President and Principal in Charge
Architectural firm with a specialty in public safety facilities. For over 20 years the firm worked on numerous fire stations, police stations and public safety training centers. I presented at several national symposia regarding the design and construction of public safety training facilities and fire station design.

Region 2 Director (cont.)

Presentations

Fire Training Facility Design
Seminar regarding site selection, site evaluation, and project design for fire training academies and related facilities. Seminar was presented at "Burn Building Design and Construction Symposia" hosted by the Maryland Fire and Rescue Institute, University of Maryland. Symposium presented in the following locations:
Philadelphia
Chicago
Memphis
Dallas
Charlotte

Fire Station Design
Seminar regarding fire station programming, site selection and design presented at the Fire Department Instructors Conference in Indianapolis, Indiana

Library Design
Presentation titled "Sharing Costs, Sharing Spaces: Knowing if a Multi-Purpose Facility is Right for your New Library" for Maryland Library Association Convention (MLA) in Ocean City, MD and for the Public Library Association Convention in Washington D.C.

Paul D. Edmeades, Independant Consultant
Independent Research and Consulting in the following areas:

1. Fire Station Design: Researching fire station design concepts in response to recent cancer studies that indicate high cancer rates among first responders due to exposure at emergency response scenes and exposure in current fire stations during daily activities. I have been researching new fire station floor plan arrangements and new design strategies to lower exposures to carcinogens in the fire station environment.
2. Ongoing work with energy conservation. On one recent project I explored new envelope design and insulation strategies for a super insulated house and a second project I explored the envelope design for an existing house to approach super insulation values

EXPERIENCE ON MARYLAND STATE BOARD

Board Member 2006 to present.
Chair (Appointed Chair in 2017)

I have helped draft legislation to change Maryland Law so that our laws and corresponding regulations better serve the health, safety, and welfare of the public in Maryland. I have also worked to have our laws and regulations better serve and protect the architects the Board regulates. I have worked on the following:

1. Changing a prescriptive continuing education statute to an enabling statute for the Board to adopt Regulations
2. Modernizing Maryland law to allow design professionals to submit documents to code officials using verifiable digital signatures
3. Implementing an emeritus architect statute for retired Maryland architects

Some of the regulations I have helped draft are as follows:

1. Rewriting the General Regulations regarding the steps to licensure in Maryland
2. Rewriting the Continuing Education Regulations after the passage of the new continuing education statute
3. Writing the regulations regarding digital signatures.

NCARB COMMITTEE AND REGIONAL SERVICE

Region 2 Chair FY17
Region 2 Vice Chair / Treasurer FY14, FY15, FY16
Practice Education Committee FY10, FY11, FY12, FY13
Regional Leadership Committee FY17
Procedures & Documents Committee FY17
Examination Committee FY18 (Board Liaison)
Audit Committee FY18

COMMUNITY SERVICE

Street Ministry Outreach, Baltimore, Maryland
With a colleague, I developed an outreach in Baltimore to young people with drug problems and to men and women with alcohol problems. We assisted with finding rehab treatment and housing.

Church of the Ascension, New Haven, Connecticut
Multifaceted outreach to an inner city neighborhood through an Episcopal Parish.

Karatana
Member for 40 years. A Christian group that has a multilevel outreach to numerous individuals providing counseling and support

Region 3 Director

John Cardone, Jr
3917 St. Philippe Dr.
Lake Charles, La. 70605
(337) 478-8056
Jcardone@cityoflc.us

John Cardone, Jr. City Administrator for Lake Charles, Louisiana was appointed to serve as the first public member on the Louisiana State Board of Architectural Examiners in 2002. He served as Board Secretary in 2005-2006, 2012-2013, 2018-2019 and Board President in 2006-2007, 2014-2015. He also served on the Complaint Review Committee (CRC) from 2004-2008, 2012, 2013, 2014, and 2015.

During this time he has been actively involved at the Regional level and has served as SC/NCARB Secretary, Treasurer, Vice-Chair, Chair and currently serves as Regional Director on the NCARB Board of Directors.

In 2016 John was elected as the Public Director on the NCARB Board of Directors and was the recipient of the NCARB Presidential Medal of Distinguished Service award.
John has volunteered and been actively involved on several NCARB Committees.

Profession: City Administrator
Lake Charles, Louisiana
Responsible for the Management and General Operations of the City

Education: Louisiana State University
College of Business Administration – Bachelor of Science

NCARB Service: Board of Directors – Regional Director (Region 3) - 2017-2018
Public Director – 2016-2017

Interior Architect Workgroup – 2017-2018
Regional Leadership Committee - 2016-2017
Procedures and Documents - 2016-2017
Audit Committee - 2016-2017
Regional Leadership Committee - 2015-2016
Procedures and Documents Committee (Chair) - 2015-2016
Public Members Task Force - 2015-2016
Internship Committee - 2014-2015
Internship Advisory Committee - 2014-2015
Public Members Task Force - 2014-2015
Procedures and Documents - 2013-2014
Procedures and Documents - 2012 - 2013
Procedures and Documents - 2011- 2012
Procedures and Documents - 2010 – 2011
Committee on Education - 2006-2007

Region 3 Director (cont.)

SC/NCARB Service: Regional Director – 2017-2018
Regional Chair - 2015-2016, 2016-2017
Regional Vice-Chair – 2013, 2014
Regional Treasurer – 2011, 2012
Regional Secretary – 2010

LSBAE: Board Member - 2002 - Present
Board President – 2006-2007, 2014-2015
Board Secretary – 2005-2006, 2012-2013, 2018-2019
Complaint Review Committee (CRC) - 2004-2008, 2012, 2013, 2014, 2015

Community and Professional Service:

- IMCAL (Imperial Calcasieu Regional & Development Commission) 2007-2017
- IMCAL Executive Committee 2011-2017, Board Secretary 2013, Chair 2015
- MPO (Metropolitan Planning Organization) Technical Advisory Committee 2003-2017
- United Way for Southwest Louisiana
- Christmas in April (Rebuilding Together) - Member and Chairman,
- Board of Councilors, Christus St. Patrick Hospital
- Community Advisory Council - Christus St. Patrick Hospital
- American Heart Association – Company Leader
- Our Lady Queen of Heaven Parish Council and Chairman
- Parish Building Committee
- Parish Finance Committee
- Consolata Cemetery Board of Directors
- Team Green, Clean City, Beach Sweep and Recycling Program
- American Public Works Association
- Code Enforcement Association 1987, 1990 second Vice President
- Restoration of Central School - Arts and Humanities
- Emergency Management Institute – National Incident Management Systems
- Emergency Management Institute – National Response Plan
- Emergency Management Institute – Homeland Security/Emergency Preparedness
- Emergency Management Institute – Advance Incident Command Systems
- Building Plan Examiner, Building Code Analyst, Legal Aspects of Code Administration

Region 4 Director

inFORM studio

Experience: Kenneth R. Van Tine has been involved in a variety of architectural projects as a founding principal of PDA Architects in 1989 and inFORM studio, p.c. (Formerly Van Tine | Guthrie Studio of Architecture, p.c.) in April 2000. Experience includes healthcare facilities, education, religious, commercial office, retail, libraries, museums, air transportation, R & D and municipal.

Education: Bachelor of Architecture, Lawrence Institute of Technology (1986)
Bachelor of Science in Architecture, Lawrence Institute of Technology (1984)

Academic Experience: Visiting Critic: University of Michigan, University of Detroit Mercy, Lawrence Technological University

Registrations:

N.C.A.R.B. Certification
Michigan - 1989
Illinois – 1995
Maryland – 2012
New York – 2010
Missouri – 2013
New Mexico – 2015
North Dakota – 2017

LEED AP (2009)
Texas – 1996
New York – 1996
Virginia – 2012
Virginia – 2013
Colorado – 2014
Nebraska – 2015
Oregon – 2017

Indiana – 2000
Kentucky – 2002
DC – 2012
West Virginia – 2013
Connecticut – 2014
Kansas – 2015

Wisconsin – 2005
Iowa – 2007
Oklahoma – 2012
Louisiana – 2013
Massachusetts – 2014
Florida – 2016

Rhode Island - 2011
S. Carolina – 2012
Pennsylvania – 2013
Alabama – 2013
Nebraska – 2015
Minnesota – 2016

Member Board Service:

State of Michigan	2011 to present (current Chair)
NCARB Region 4 Treasurer	2012 to 2013
NCARB Region 4 Vice Chair	2013 to 2015
NCARB Region 4 Chair	2015 to present
NAAB Accreditation Visits	2014, 2015, 2016, 2018
ARE 5.0 committee	2015
Regional Leadership Committee	2015, 2016, 2017
P & D Committee	2015, 2016, 2017

Memberships:

NCARB (1986 - present)
American Institute of Architects member (1996 – present)
United States Green Building Council member (2009 – present)

Professional Service

AIA Detroit House Tour Committee (2003 through 2007)
AIA Mentorship Program (2011 to present)
AIA Michigan Design Retreat Presenter
NCARB IDP Supervisor & Mentor

Community: Volunteers time supporting local non-profit organizations (Life Remodeled and Gleaners food bank) in Detroit, Habitat for Humanity, Compassion Evangelical Hospital – Guinea West Africa, and local youth programs.

Region 5 Director

NCARB SERVICE

Board of Directors: 2011-2012
FY12 Regional Director

Central States Conference, Region 5: 2016-2018, 2011-2007
FY16,17,18 Chair
FY09,10,11 Chair
FY07 & FY08 Treasurer

Continuing Education Committee: 2008-2006
FY08 Chair
FY07 Member
FY06 Member

Education Committee: 2011-2010
FY11 Member
FY10 Member

Future Title Task Force: 2015
FY15 Member

Governance Task Force: 2012
FY12 Member

LRSI Workgroup #3: Facilitate Reciprocity: 2012
FY12 Member

Practice Analysis Steering Committee: 2011
FY11 Member

Procedures and Documents Committee (P&D): 2018 - 2016
FY18 Member
FY17 Chair
FY16 Member

Professional Conduct Committee: 2012
FY12 BOD Liaison

Regional Chairs Committee: 2011-2009
FY11 Chair Reg 5
FY10 Chair Reg 5
FY09 Regional Director

Regional Leadership Committee: 2016-2017
FY18 Member
FY17 Member
FY16 Member

Professional Development Committee
Chair – FY08
Member – FY07
Member – FY06

CANDIDATE
REGION 5, CHAIRMAN

Ricky L. Engebretson
NCARB / AIA
rle@rleco.com

EDUCATION

Bachelor of Architecture, 1972
NORTH DAKOTA STATE UNIVERSITY
Fargo, ND

PRACTICE

R.L.ENGEBRETSON ARCHITECTS
President, 1992 – Present
35 person firm, specializing in retail, industrial, financial, office, banking and sporting venues.
Offices: 15 Broadway, Ste 205, Fargo, ND 58102
Appleton, WI

OTHER OWNED COMPANIES

ASBLT – Building Forensics,
R.L.ENGEBRETSON CO. – Construction
BLUESTONE – Interior Design
GET WITH – Marketing & Graphics

NCARB CERTIFICATE

48986, 1997

REGISTRATION - CURRENT

ND #625, 1976
MN #24958, 1996
IA #03878, 1997
MT #2163, 1998
NE #A-2931, 1999
WI #8911-005, 1999
SD #6713, 1999
AZ #34885, 2000
CO #306176, 2001
TX #19547, 2006
MO #A-2006031069, 2006
NV #5520, 2006
IL #001.019660, 2006
KS #5377, 2006
ID #AR-984716, 2006
UT #6337473-0301, 2006
OH #0614174, 2006
OR #1511, 2008
WY #C-2379, 2008
WA #9592, 2008
MD #18252, 2015

MN Certified Interior Design #C01137, 1997-Present

LICENSURE

ND General Contractor #21232 Class A, 1992-Present

PROFESSIONAL AFFILIATIONS

American Institute of Architects (AIA)
National Council of Architectural Registration Boards (NCARB)
North Dakota State Board of Architecture, 3rd Term 2015-2021;

Region 6 Director

BakerNowicki
design studio

February 2, 2018

Region 6 Members
(via electronic distribution)

Re: Regional Elections

Greetings,

During our up-coming Regional Summit in Wichita, KA., the membership will conduct its annual elections for Regional Representation. These important positions will be instrumental in many long range strategic decisions facing NCARB, WCARB and our profession. With the implementation new and exciting alternative pathways to licensure, there is an emerging opportunity for significant advancement of our core mission.

It is my pleasure to offer my candidacy for Regional Director and ask for your support. As current Regional Chair and past Regional Director I bring a significant body of knowledge and experience to the task of regional leadership. I believe that in addition to my ongoing participation and commitment to the success of the Council my contributions can also bring a practical perspective to these issues based on my 30 years of professional practice.

I have served on the California Board since 2005 including four terms as board president. During this time I have also actively served WCARB and NCARB in various capacities:

- WCARB Executive Committee 2014-present
- Chair, ARE Case Study Task Force 2014-present
- COE Member 2013-Present
- **NCARB Board Member - Region 6 Director 2010-2012**
- Chair, Continuing Education Strategic Workgroup 2011-Present
- Chair, IDP Advisory Committee 2011-Present
- Board Liaison to IDP 2011-2012
- Governance Policies Workgroup 2010-2011
- Board Liaison to COE 2010-2011
- ARE Committee 2009-2010
- WCARB Regional Chair 2007-2009 & 2016-Present
- NCARB Regional Chairs Committee 2007-2009 & 2016-Present
- WCARB Region-6 Executive Committee 2006-2009 & 2016-Present
- Procedures and Documents Committee, Mbr & Chair 2016-Present
- California Board (President 2007-2009 & 2015-2017) 2005-Present

731 Ninth Ave., Suite A
San Diego, CA 92101

619.795.2450
www.bndesignstudio.com

Region 6 Director (cont.)

Over recent years, I have been actively engaged in helping to lead numerous NCARB initiatives that are already improving processes and ability to serve licensees. But, as we look to the future, I see opportunities that have the potential to expand our levels of service and the rigor of our examination and internship programs while improving the licensing process for candidates.

Each of us brings a unique and relevant perspective that will help find suitable and creative responses to these issues. But only through meaningful discussion among member boards can successful strategies be developed that benefit the practitioners we serve.

For these reasons, I am requesting your support for my election to the NCARB Executive Board as your Regional Director and look forward to continuing my service to you, WCARB and the Council.

Thank you,

Jon Alan Baker, FAIA, LEED AP
Partner

731 Ninth Ave., Suite A
San Diego, CA 92101

619.795.2450
www.bndesignstudio.com

Member Board Executive Director

MARIA BROWN
Member Board Executive

Candidate for Member Board Executive Director
National Council of Architectural Registration Boards

205 Liberty Street NE
Suite A
Salem, Oregon 97301
maria@orbae.com

SUMMARY OF QUALIFICATIONS

Maria Brown is the Executive Director of the Oregon State Board of Architect Examiners. She has over nineteen years of experience in all aspects of management, administration, and regulation. Maria has served as Administrator for six separate professional licensing boards. Her vast array of experience includes working under an umbrella agency, as well as an autonomous board.

Maria has volunteered her service to several national organizations and was one of eighteen individuals appointed to the Appraisal Subcommittee Advisory Committee for Development of Regulations. The Committee was created by Congress to address the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act.

EMPLOYMENT HISTORY

Oregon State Board of Architect Examiners
Salem, OR — **Jan 15 – Present**
Executive Director

Idaho Bureau of Occupational Licenses
Boise, ID — **Feb 06 – Dec 14**
Board Administrator

Idaho Department of Commerce and Labor
Boise, ID — **Oct 04 – Feb 06**
Technical Records Specialist II

VOLUNTEER SERVICE

Member Board Director
National Council of Architectural Registration Boards — **2017 – Present**

Member Board Executive Director (cont.)

Audit Committee Board Member Liaison
National Council of Architectural Registration Boards 2017 – Present

Resiliency Work Committee
National Council of Architectural Registration Boards 2017 – Present

Member Board Executive Committee Member
National Council of Architectural Registration Boards 2017 – Present

Resiliency Work Group
National Council of Architectural Registration Boards 2016 – 2017

Procedures and Documents Committee
National Council of Architectural Registration Boards 2016 – 2017

Member Board Executive Committee- Chair
National Council of Architectural Registration Boards 2015 – 2016

Appraisal Subcommittee Advisory Committee Member
Federal Appraisal Subcommittee 2014 - 2015

President Elect
Association of Appraiser Regulatory Officials 2014 – 2014

Vice President
Association of Appraiser Regulatory Officials 2013 - 2014

Education Committee Chair
Association of Appraiser Regulatory Officials 2012 - 2014

Member Board Executive Committee Member
Council of Landscape Architectural Registration Boards 2012 – 2014

Secretary
Association of Appraiser Regulatory Officials 2012 - 2013

Director at Large
Association of Appraiser Regulatory Officials 2011 - 2012

Member Board Executive Committee Member
National Council of Architectural Registration Boards 2010 – 2012

Education Committee Co - Chair
Association of Appraiser Regulatory Officials 2010 - 2011

Alternate Director at Large
Association of Appraiser Regulatory Officials 2009 - 2011

Public Director

DARRYL R. HAMM
7023 Kendale Drive
Harrisburg, Pennsylvania 17111
Cell: (717) 580-9454
darrylhamm@comcast.net

Darryl Hamm has over 35 years in manpower analysis, general administration, training and logistics management, labor relations, and human resource management in military, federal civilian, state and corporate environments. He has served as a Hearing Examiner for certain federal civilian employment adverse action appeals. In addition, he has served as an Adjunct Professor at Pennsylvania State University - Harrisburg, Central Penn College and Eastern University teaching graduate and undergraduate level business management courses that range from labor management relations to Corporate Social Responsibility and Ethics to Strategic Leadership.

FORMAL EDUCATION

- MBA, Shippensburg University, **with honors**
- BA in Organizational Management, Eastern University, **with honors**. Most outstanding thesis and servant leader awards.
- Reserve Components National Security Course, National Defense University, Washington D.C.

HIGHLIGHTS OF EXPERIENCE

- Commonwealth of Pennsylvania, Dept of Corrections, Human Resource Analyst (Labor Relations)
- Leadership and Career Development Consultant for Highmark Blue Shield

MILITARY SERVICE – Retired August 31, 2006

- 36+ years of full-time military service in the Army National Guard with positions of increasing responsibility as an armor crewman, clerk, logistician, emergency preparedness liaison officer at Pennsylvania Emergency Management Agency and military personnel officer. **SECRET Security Clearance**.

- Most recent rank of **Chief Warrant Officer Five (CW5)** and assigned as the **first Command Chief Warrant Officer** for the Pennsylvania Army National Guard. Mentor and guide junior warrant officers. Served on the Warrant Officer Advisory Council as a regional chair for the National Guard Bureau, Washington DC.

PENNSYLVANIA STATE ARCHITECTS LICENSURE BOARD
Member (Public-at-large) and Secretary, nominated by Governor Tom Corbett
Oct 2011 – Present *(appointed in 2011 and reappointed in 2014)*

NCARB SERVICE:

- Public Director, NCARB Board of Directors – 2017-2018
  - Board Liaison Ethics Task Force
  - Board Liaison Professional Conduct Committee
  - Member Audit Committee
  - Presenter, NCARB/CLARB Joint Orientation Training - 2018
- Procedures & Documents Committee – 2016-2017
- Professional Conduct Committee – 2016 – 2018
- Chairman Public Member Task Force – 2015-2016

PROFESSIONAL SERVICE:

Public Director (cont.)

- Member State Committee, U.S. Dept of Defense Employer Support of Guard and Reserve (ESGR), Trained and Certified as an OMBUDSMAN
- Chairman, Board of Directors, (and former Chair of Quality Committee and Member of Finance Committee) Keystone Service Systems, Inc (2011-present)
    - Member of Leadership Development Committee of Keystone Human Services. http://www.keystonehumanservices.org/keystone-service-systems/

COMMUNITY SERVICE, MEMBERSHIPS AND AFFILIATIONS:

- President of Council, St John Lutheran Church, Hummelstown PA
- Life Member, Military Officers Association of America, Alexandria VA
- Life Member, U.S. Army Warrant Officers Association, Herndon VA
- Life Member, National Guard Association of United States, Washington DC
- Life Member, AMVETS
- Member, American Legion
- Robert Burns Masonic Lodge, Harrisburg PA
- Tall Cedars of Lebanon, Harrisburg PA
- Harrisburg Consistory
- Zembo Shrine
    - Past President of Concert Band
- Past President, Harrisburg Chapter 76, National Sojourners
- Past Commander, York Camp, Heroes of '76

REVIEW AND POSSIBLE ACTION ON RECOMMENDED POSITIONS ON RESOLUTIONS:

a. 2018-01 *NCARB LEGISLATIVE GUIDELINES AND MODEL LAW/MODEL REGULATIONS* AMENDMENT – HEALTH, SAFETY, AND WELFARE (HSW) CATEGORY REALIGNMENT
b. 2018-02 *CERTIFICATION GUIDELINES* AMENDMENT – REVISION TO THE EDUCATION EVALUATION SERVICES FOR ARCHITECTS (EESA) REQUIREMENT FOR THE EDUCATION ALTERNATIVE TO CERTIFICATION
c. 2018-03 AMENDMENT AND RESTATEMENT OF THE *NCARB MODEL RULES OF CONDUCT*
d. 2018-04 AMENDMENT AND RESTATEMENT OF THE *NCARB BYLAWS*

The Board will discuss resolutions that will be acted upon at the 2018 National Council of Architectural Registration Boards (NCARB) Annual Business Meeting. Attached are the resolutions to be acted upon the boards will be asked to vote on.

Attachment:
1. Resolutions to be Acted Upon May 2018

NCARB

Resolutions to be Acted Upon

2018 NCARB Annual Business Meeting

May 2018

National Council of Architectural Registration Boards
1801 K Street NW, Suite 700K, Washington, DC 20006
Tel: 202/783-6500 | Fax: 202/783-0290
www.ncarb.org

Resolutions to be Acted Upon

2018 NCARB Annual Business Meeting

TABLE OF CONTENTS

Resolution 2018-01 *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – HSW Category Realignment 3

Resolution 2018-02 *Certification Guidelines* Amendment – Revision to the EESA Requirement for the Education Alternative to Certification 9

Resolution 2018-03 Amendment and Restatement of the *NCARB Model Rules of Conduct* 13

Exhibit A: Proposed Changes to the *NCARB Rules of Conduct* 15

Resolution 2018-04 Amendment and Restatement of the *NCARB Bylaws* 38

Exhibit B: Proposed Changes to the *NCARB Bylaws* 40

Resolution 2018-01

Supported by the Council Board of Directors (14-0)

TITLE: *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – HSW Category Realignment

SUBMITTED BY: Education Committee

WHEREAS, the Board of Directors have proposed an alignment of HSW categories with the current experience areas of the Architectural Experience Program® (AXP™) and the practice areas of the Architect Registration Examination® (ARE®); and

WHEREAS, the Education Committee of the Council has determined upon careful consideration that it is advisable and in the best interest of the Council to realign the current HSW categories for continuing education defined in 100.006 (page 25) of the *Legislative Guidelines and Model Law/Model Regulations;* and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution; and

WHEREAS, prior to implementing the changes to 100.006 (page 25) of the *Legislative Guidelines and Model Law/Model Regulations,* the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that Section 100.006 (Health, Safety, and Welfare Subjects, page 25) of the *Model Regulations* be amended as follows:

> "**Health, Safety, and Welfare Subjects**
>
> Technical and professional subjects related to the practice of architecture that the Board deems appropriate to safeguard the public and that are within the following ~~enumerated~~ continuing education subject areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.
>
> ~~BUILDING SYSTEMS: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection~~
>
> ~~CONSTRUCTION CONTRACT ADMINISTRATION: Contracts, Bidding, Contract Negotiations~~
>
> ~~CONSTRUCTION DOCUMENTS: Drawings, Specifications, Delivery Methods~~
>
> ~~DESIGN: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures~~

~~ENVIRONMENTAL: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation~~

~~LEGAL: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public~~

~~MATERIALS and METHODS: Construction Systems, Products, Finishes, Furnishings, Equipment~~

~~OCCUPANT COMFORT: Air Quality, Lighting, Acoustics, Ergonomics~~

~~PRE-DESIGN: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying~~

~~PRESERVATION: Historic, Reuse, Adaptation~~

PRACTICE MANAGEMENT: This category focuses on areas related to the management of architectural practice and the details of running a business.

PROJECT MANAGEMENT: This category focuses on areas related to the management of architectural projects through execution.

PROGRAMMING & ANALYSIS: This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.

PROJECT PLANNING & DESIGN: This category focuses on areas related to the preliminary design of sites and buildings.

PROJECT DEVELOPMENT & DOCUMENTATION: This category focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project.

CONSTRUCTION & EVALUATION: This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects."

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the *Legislative Guidelines and Model Law/Model Regulations* remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective July 1, 2018.

ADVOCATES:

- **Education Committee**
  - Miguel A. Rodriguez, *Florida Member Board Member*
  - Alastair Stokes, *Massachusetts recently licensed architect*
  - Lori SchraderBachar, *Iowa Member Board Executive*
  - Ann Marie Borys, *Educator, University of Washington Department of Architecture*
  - Bobbi Jo Hepper-Olson, *North Dakota Member Board Member*
  - Carole E. Pacheco, *Georgia Member Board Member*
  - Caryn J. Brause, *Educator, University of Massachusetts Amherst Department of Architecture*
  - Charles Robert Deese, *Montana recently licensed architect*
  - Jennifer R. Arbuckle, *Vermont Member Board Member*
  - Kerry Anderson, *Iowa recently licensed architect*
  - Mitra Kanaani, *Educator, NewSchool of Architecture and Design*
  - Patrick Ryan Barry, *Michigan Member Board Member*
  - Gary Ey, *Maryland Public Board Member*
  - Bayliss Ward, *Montana Member Board Member; Director, Region 5*
- **Experience Committee**
  - John Patrick Rademacher, *Ohio Member Board Member*
  - Erin Fox, *Oregon licensure candidate*
  - Julie Hildebrand, *Texas Member Board Executive*
  - Gianna Lisa Pigford, *Texas architect*
  - James "JC" Clifford Rearden, *Missouri Member Board Member*
  - Roch F. Manley, *Washington Member Board Member*
  - Terance B. White, *Utah Member Board Member*
  - James Oschwald, *New Mexico Member Board Member; Director, Region 6*
- **Resiliency Workgroup**
  - Allen J. Bacqué, *AIA, NCARB, Louisiana Member Board Member*
  - Chris E. Brasier, *FAIA*
  - Suni Dillard, *AIA, LEED AP BD+C, Massachusetts Member Board Member*
  - Maria Brown, *Oregon Member Board Executive*
  - Harley H. Hightower, *FAIA, NCARB, Former Alaska Member Board Member*
  - John R. Klai II, *FAIA, NCARB, NCIDQ, Nevada Member Board Member*
  - Joyce Noe, *FAIA, Hawaii Member Board Member*
  - Jim Oschwald, *NCARB, AIA, LEED AP BD+C, New Mexico Member Board Member*
  - R. K. Stewart, *FAIA, NCARB, Hon. FRIAC, Hon. JIA, Hon. AIA, Former AIA President*

SPONSORS' STATEMENT OF SUPPORT:

This proposal represents an effort to align HSW categories in *Legislative Guidelines and Model Law/Model Regulations* to the core programs of the Council, experience (AXP) and examination (ARE). The current HSW categories are outdated and limiting for the breadth of topics that could be considered for HSW continuing education. While the AXP and ARE have very specific topics listed for every experience and practice area, it is proposed that these same areas be used to organize the list of acceptable HSW continuing education topics.

A new comprehensive list of acceptable HSW topics for continuing education will be added to the *Education Guidelines* to enable modifications to the list of topics as needed to keep up with current trends and evolving technologies. This new section will also expand the language in *Model Regulations* by adding specific topics associated with each HSW subject area.

Health, Safety, and Welfare Subjects and Acceptable Topics

Technical and professional subjects related to the practice of architecture that safeguard the public and that are within the following continuing education subject areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment. Acceptable HSW topics listed under each CE subject area are not all-inclusive and may span across multiple subjects.

PRACTICE MANAGEMENT: This category focuses on areas related to the management of architectural practice and the details of running a business.

Acceptable Topics

Applicable Laws and Regulations

Ethics

Insurance to Protect Owner and Public

Business Management

Risk Management

Information Management

Design for Community Needs

Supervisor Training

PROJECT MANAGEMENT: This category focuses on areas related to the management of architectural projects through execution.

Acceptable Topics

Project Delivery Methods

Contract Negotiation

Pre-Design Services

Site and Soils Analysis

Consultant Management

Project Scheduling

Quality Control (QA/QC)

Economic Assessment

Value Engineering

PROGRAMMING & ANALYSIS: This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.

Acceptable Topics

Land-Use Analysis

Programming

Site Selection

Historic Preservation

Adaptive Reuse

Codes, Regulations, and Standards

Natural Resources

Environmental Impact and Ecosystem Risk Assessment

Hazardous Materials

Resilience to Natural and Human Impacts

Life Safety

Feasibility Studies

PROJECT PLANNING & DESIGN: This category focuses on areas related to the preliminary design of sites and buildings.

Acceptable Topics

Building Systems

Urban Planning

Master Planning

Building Design

Site Design

Safety and Security Measures

Impacts, Adaptation and Mitigation of a Changing Climate

Energy Efficiency and Positive Energy Design

Sustainability

Indoor Air Quality

Ergonomics

Lighting

Acoustics

Accessibility

Construction Systems

Budget Development

PROJECT DEVELOPMENT & DOCUMENTATION: This category focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project.

Acceptable Topics

Construction Documents

Materials and Assemblies

Fixtures, Furnishings, & Equipment

CONSTRUCTION & EVALUATION: This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects.

Acceptable Topics

Construction Contract Administration

Bidding and Negotiation

Post Occupancy Evaluation (POE)

Building Commissioning

This proposed revision:

- Aligns HSW continuing education subject areas to the experience/practice areas of AXP and ARE
- Provides a general definition for each new HSW continuing education subject area
- Eliminates a lengthy list of continuing education topics within *Model Regulations*
- Supports efforts to evolve NCARB programs and documents with the evolution of the architectural profession

REFERENCES:

- *Legislative Guidelines and Model Law/Model Regulations*
- AXP experience area definitions
- ARE practice area definitions

Resolution 2018-02

Supported by the Council Board of Directors (14-0)

TITLE: *Certification Guidelines* Amendment – Revision to the EESA Requirement for the Education Alternative to Certification

SUBMITTED BY: Education Committee

WHEREAS, the Board of Directors have determined that the current EESA requirement for applicants pursuing certification through the Education Alternative be optional for those who do not have an architecture-related degree and have more than 64 semester credit hours of postsecondary education; and

WHEREAS, the Education Committee of the Council has determined upon careful consideration that it is advisable and in the best interest of the Council to revise the current EESA requirement for the Education Alternative to Certification set forth in Section 2 of the *Certification Guidelines*; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution, with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, prior to implementing the changes to Section 2 of the *Certification Guidelines*, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the alternatives for certification of an architect registered in a U.S. jurisdiction as included in Section 2.2 of the *Certification Guidelines* (page 11) be amended as follows:

"2.2 Alternatives to the Education Requirement

If you do not hold a professional degree in architecture as identified in Section 1.2, NCARB will accept either of the following:

A. Three (3) years of continuous licensure in any U.S. jurisdiction with no disciplinary action from any jurisdiction; and Documentation of experience gained pre-licensure and/or post-licensure. The experience must be verified either by a supervisor as allowed by the NCARB Architectural Experience Program or by an architect familiar with the work of the applicant:

    1. Architects who hold a four-year bachelor degree in an architecture-related program awarded by a U.S. regionally accredited institution or the Canadian equivalent must document two times (2x) the experience requirement of the NCARB Architectural Experience Program.

    *Bachelor Degree in an Architecture-related Program: The term refers to any baccalaureate degree in an architecture-related program from an institution with U.S. regional accreditation that is awarded after earning less than 150 semester credits or the quarter-hour equivalent. For instance, these

degrees have titles such as Bachelor of Science in Architecture, Bachelor of Science in Architectural Studies, Bachelor of Arts in Architecture, Bachelor of Environmental Design, Bachelor of Architectural Studies, etc. This list is neither all-inclusive nor exhaustive. The amount of architecturally-defined content in these programs may vary from institution to institution.

2. All other architects (whose highest level of education may be high school, associate degree, unrelated bachelor or master degree, ~~etc.)~~ or non-U.S. or Canadian degree, must:
   - ~~Obtain an Education Evaluation Services for Architects (EESA)* evaluation, for those who have 64 or more semester credit hours of post-secondary education to determine education deficiencies.~~
   - Submit a Certificate Portfolio. Document experience as a licensed architect to satisfy all subject areas of the *NCARB Education Standard* ~~identified as deficient by the EESA report~~ through a portfolio for peer review.
     i. Architects with 64 or more semester credit hours of postsecondary education have the option to obtain an Education Evaluation Services for Architects (EESA) to identify specific subject area deficiencies to address through the Certificate Portfolio.
     ii. The General Education subject area of the Certificate Portfolio is waived for those with a U.S. or Canadian bachelor degree or higher.

   ~~*Architects with less than 64 semester credit hours of postsecondary education do not require an EESA and must satisfy all education deficiencies through an education portfolio.~~

B. Architects may obtain an Education Evaluation Services for Architects (EESA) NCARB evaluation report stating that he/she has met the *NCARB Education Standard*.

The NCARB Architectural Experience Program is described in the *AXP Guidelines*. The *NCARB Education Standard* is described in the *Education Guidelines*. These documents may be revised from time to time by NCARB."

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective July 1, 2018, and will apply to new applicants for certification through the Education Alternative.

ADVOCATES:

- **Education Committee**
  - Miguel A. Rodriguez, *Florida Member Board Member*
  - Alastair Stokes, *Massachusetts recently licensed architect*
  - Lori SchraderBachar, *Iowa Member Board Executive*
  - Ann Marie Borys, *Educator, University of Washington Department of Architecture*
  - Bobbi Jo Hepper-Olson, *North Dakota Member Board Member*
  - Carole E. Pacheco, *Georgia Member Board Member*
  - Caryn J. Brause, *Educator, University of Massachusetts Amherst Department of Architecture*
  - Charles Robert Deese, *Montana recently licensed architect*
  - Jennifer R. Arbuckle, *Vermont Member Board Member*
  - Kerry Anderson, *Iowa recently licensed architect*
  - Mitra Kanaani, *Educator, NewSchool of Architecture and Design*
  - Patrick Ryan Barry, *Michigan Member Board Member*
  - Gary Ey, *Maryland Public Board Member*
  - Bayliss Ward, *Montana Member Board Member; Director, Region 5*
- **National Architectural Accrediting Board**

SPONSORS' STATEMENT OF SUPPORT:

This proposal represents an effort to ensure current requirements for the Education Alternative to Certification are rational and provide the necessary rigor. The current requirement is for all Certificate Portfolio applicants who have 64 or more semester credit hours of postsecondary education to obtain an Education Evaluation Services for Architects (EESA). The proposed resolution gives applicants the option to obtain an EESA. Those who choose to obtain an EESA may eliminate the need to satisfy some subject areas of the *Education Standard* through the Certificate Portfolio. Those who choose not to obtain an EESA must satisfy all subject areas through the Certificate Portfolio.

The EESA, administered by the National Architectural Accrediting Board (NAAB), was established to assist applicants who do not have a professional degree in architecture from a NAAB- or CACB/CCCA-accredited program who wish to apply for NCARB certification. As it relates to the Education Alternative, the EESA evaluates an applicant's academic transcript in comparison with the *NCARB Education Standard*, an approximation of the requirements of the professional degree from a NAAB-accredited degree program.

The EESA report states which areas of the *NCARB Education Standard* have been satisfied and which areas (if any) are deficient. Areas of deficiency are then remedied through submission of a Certificate Portfolio. Both the EESA and Certificate Portfolio use the *NCARB Education Standard* as criteria by which to review satisfaction of the education requirement for certification.

About 20 percent of architects falling into the category of requiring an EESA have received an associate, bachelor, or master degree in completely unrelated fields. Their EESA evaluation typically leads only to a waiver of the "General Education" subject area. The EESA requirement is a time-consuming and costly effort for little to no value in these cases.

Many of the remaining 80 percent of architects requiring an EESA have completed some coursework in architecture or architecture-related programs and have also expressed interest in satisfying their education by completing all subject areas of the *Education Standard* through the Certificate Portfolio, bypassing the cost and time required to obtain an EESA.

Also included in this proposal is a waiver of General Education for all Certificate Portfolio applicants who hold a bachelor or higher degree from the U.S. or Canada. This is in direct correlation to the waiver historically given to EESA applicants by the NAAB. The rationale for which is that institutions able to grant a bachelor degree are required to have a curriculum that meets the general education standards.

This proposed resolution:

- Recognizes that the criteria used for an EESA evaluation is the same criteria used to evaluate a Certificate Portfolio: the *NCARB Education Standard*
- Allows all applicants the option of either:
    a. Obtaining an EESA and submitting a Certificate Portfolio addressing only identified subject area deficiencies from the EESA report, or
    b. Bypassing the EESA and submitting a Certificate Portfolio addressing ALL subject areas
- Provides an unbiased evaluation of an architect's education
- Gives credit for General Education to those who have obtained a bachelor degree or higher
- Maintains program rigor
- Streamlines the process for those choosing to bypass the EESA
- Supports efforts to minimize program fees

REFERENCES:

- *NCARB Education Guidelines*
- Certificate Portfolio Applicant Guide

Resolution 2018-03

Supported by the Council Board of Directors (14-0)

TITLE: Amendment and Restatement of the *NCARB Model Rules of Conduct*

SUBMITTED BY: Council Board of Directors

WHEREAS, the Ethics Task Force of the Council has determined upon careful consideration that it is advisable to amend and restate the *NCARB Model Rules of Conduct* to ensure they remain relevant to contemporary architectural practice and to ensure the expected professional and ethical conduct of architects found in law remains focused on the protection of the health, safety, and welfare of the public.

WHEREAS, the *Rules of Conduct* may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution, with such changes applicable to applicants for certification in process and new applicants; and

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the *NCARB Rules of Conduct* are hereby amended and restated in the form attached hereto as Exhibit A.

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective July 1, 2018.

ADVOCATES:

- **Ethics Task Force**
  - Dale H. McKinney, *Past President*
  - Jenny Owen (Wilkinson), *Mississippi Member Board Executive*
  - David Whatley Hinson, Educator, *Auburn University College of Architecture, Design and Construction*
  - George Miller, *New York Member Board Member*
  - Jan Burgess
  - John Cameron Jr., *Former Public Director*
  - John Ehrig, *Florida Member Board Member*
  - Michael Norman Archer, *New York recently licensed architect*
  - Darryl R. Hamm, *Pennsylvania Member Board Member; Public Director*

SPONSORS' STATEMENT OF SUPPORT:

The Ethics Task Force was formed in 2015 by then President-elect Dennis Ward to explore opportunities to increase awareness of ethics and professional conduct within the profession and to specifically review the *NCARB Rules of Conduct* for relevance and currency. Over the

course of the past two and a half years, the task force conducted an extensive, word-by-word review of the *Rules*; the first comprehensive review conducted since its adoption by Member Boards in 1977. The task force reviewed the codes of conduct for architects from various countries/organizations around the world, as well as those of our design-related professions (interior design, landscape architecture, and engineering) and other professions regulated in the United States (accounting, psychology, and medicine).

The review resulted in several areas of proposed change, including long-overdue "housekeeping" changes; a significant reduction of the supporting commentary; rules with more than one idea were separated in two and restated in order to bring clarity; two former rules were deleted; one new rule was created to cover a new subject; and the last section of rules was reorganized and significantly overhauled to focus on signing and sealing documents. The document was also retitled as *Model Rules of Conduct* to re-emphasize that the collection of rules serves as a model for adoption and use by NCARB's Member Boards.

Former Rule 5.1 (resident architect) was deleted as more of a condition of practice rather than an issue of professional conduct. Thoughts on this former rule will be shared with the Model Law Task Force for review and possible incorporation in their work.

Former Rule 5.3 (private gifts) was also deleted. While bribes or gifts to influence public officials or gain favor for future public work remain strictly prohibited by Rule 4.4, the task force felt that there was nothing inherently unethical with seeking favor on private projects through reduced fees or pro bono services.

New Rule 2.5 was added by the task force to highlight the significant responsibility AXP supervisors have in their relationship with and mentoring of licensure candidates. It is the task force's opinion that the supervisor/supervisee relationship is crucial and must be free of conflicts of interest, whether perceived or fact.

And finally, Section 5 was retitled and refocused on rules related to the signing and sealing of documents. Former Rule 5.2 was inappropriately used to define responsible control and technical submissions rather than focus on the architect's conduct in this context. While those concepts are critically important to the profession, the task force determined that the *Rules of Conduct* should focus on the conditions of signing and sealing technical submissions, not simply their definitions. The actual definitions will be shared with the Model Law Task Force for inclusion in the definitions section in support of their effort to update and revise NCARB's *Legislative Guidelines and Model Law/Model Regulations*. With this refocusing effort, the remaining rules in Section 5 were relocated to another more appropriate section.

Throughout the effort, the Ethics Task Force maintained a laser-like focus on those rules that comprise the legal and ethical requirements of the profession in support of the protection of the public health, safety, and welfare. The Board of Directors unanimously accepted the task force's recommended revisions and supports the passage of **Resolution 2018-C**.

REFERENCES:

- *NCARB Model Rules of Conduct* (a clean version of Exhibit A)
- *NCARB Rules of Conduct: 2014-2015* (the current *Rules of Conduct* available on ncarb.org).

MODEL RULES OF CONDUCT

FOREWORD

INTRODUCTION

GUIDING PRINCIPLES

RULE 1 COMPETENCE

RULE 2 CONFLICT OF INTEREST

RULE 3 FULL DISCLOSURE

RULE 4 COMPLIANCE WITH LAWS

RULE 5 ~~RULES OF PROFESSIONAL CONDUCT~~ SIGNING AND SEALING DOCUMENTS

FOREWORD

These *Model Rules of Conduct* are published by the National Council of Architectural Registration Boards (NCARB) as a recommended set of rules for Member Boards—the jurisdictional licensing boards—having the authority to promulgate and enforce rules of conduct applicable to those licensed in their jurisdiction.

INTRODUCTION

~~These rules of conduct are published by NCARB as a recommended set of rules for Member Boards having the authority to promulgate and enforce rules of conduct applicable to their registrants.~~

~~Immediately following the 1975 Annual Meeting, the Board of Directors charged the NCARB Committee on Professional Conduct with drafting a set of rules of conduct for use by Member Boards. The Committee worked on these rules over an 18-month period. Initially, the Committee searched the existing rules of several of its Member Boards. From this search, a preliminary set of rules of conduct covering a multitude of matters was prepared. The preliminary rules were finally revised to a draft set of rules in February 1976. That draft was submitted to representatives of various governmental agencies and professional organizations in March 1976. On the basis of informal comment received at that time, the rules were again revised. In November 1976, another series of hearings with governmental officials was held and further revisions were made.~~

~~Thereafter, these rules were distributed broadly with requests for comment, and in February 1977 the Committee on Professional Conduct, taking into account the comments received, revised, and redrafted the rules into their present form. The rules were approved by the Member Boards at the 1977 Annual Meeting. At the 1982 NCARB Annual Meeting one amendment to these rules of conduct was approved, adding a new Section 5.1 and renumbering subsequent items accordingly.~~

~~Certain Committee assumptions are clarified as follows:~~

- ~~It is the Committee's belief that a set of rules of conduct, which will be the basis for policing and disciplining members of the profession, should be "hard-edged" rules and should not include those precatory injunctions which are often found in a list of professional obligations. For example, the Committee believes that it is an obligation of all registered architects to assist interns in their~~

The Foreword, Introduction, and Guiding Principles are prefatory materials that are not part of the *Model Rules of Conduct*. The changes shown here are subject to further revision by NCARB staff before the document is published. These revisions are not part of Resolution 2018-A and not subject to member voting.

~~development. But the Committee could not conceive of making the failure to perform that obligation the basis for revocation of registration, suspension of registration, or reprimand. Thus, the rules set forth below have all been subjected to the critical test of whether or not an architect violating any one of the rules should be subject to discipline. It is the Committee's judgment that the rules proposed are all rules for which it is appropriate to command compliance and threaten sanctions.~~

- ~~The Committee views these rules as having as their objective the protection of the public and not the advancement of the interests of the profession of architecture. The Committee believes, however, the profession is advanced by requiring registration holders to act in the public interest. There are, however, various rules of conduct found in many existing state board rules which seem more directed at protecting the profession than advancing the public interest. Such a rule is the prohibition against allowing one architect to supplant another until he/she has adequate proof that the first architect has been properly discharged. Without doubt, such a rule makes the practice more civilized, more orderly, and, under some circumstances, exposes a client to less risk. On the other hand, it was frequently pointed out to the Committee that clients may often wish to verify the competence of a retained architect by engaging a second architect, and it hardly seems appropriate for governmental regulation to prevent that from occurring. Similarly, prohibitions against brokers selling architects' services, fee competition, advertising, free sketches, and the like, seem more appropriately included in professional ethical standards than in rules to be enforced by state agencies.~~

  ~~In protecting the public, there are two general areas of concern. First, non-architects (beginning with the client and including all other members of the construction industry) dealing with an architect should be protected against misrepresentation, fraud, and deceit. It has long been recognized as a proper function of government to protect the consumer of services from such wrongful behavior. Second, the users of a project on which the architect has worked must be protected from a building which is unsafe. This kind of protection by a governmental agency has an even longer history.~~

- ~~The Committee sought to avoid burdening the architect~~

~~with standards of conduct which were unreasonable to expect. At the same time, the Committee took into account the fact that the public views the architect or, in the case of an engineering project, the engineer as the only registered professional involved in a leadership position in the construction process, and relies on the registered professional to help safeguard the public interest. Rule 3.3, derived from a similar rule found in the Alaska State Board's rules of conduct, recognizes the special responsibility of the registered architect. In this regard, the architect is not unlike the lawyer who, while enjoined to defend vigorously the position of his/her client, must under certain circumstances abandon his/her partisan effort on behalf of his/her client by virtue of his/her duty as an officer of the court to advance the cause of justice. Similarly, accountants have in recent years been compelled to insist on positions that are not in their client's interest but that are necessary in order to provide the public with full disclosure. So the architect has a fiduciary duty to his/her client, while at the same time has a supervening duty to the public.~~

- ~~As has been stated above, these rules are intended to point out those areas of behavior for which an architect risks being disciplined by his/her state board. The enforcement of these rules is the subject of a paper titled "Procedural Requirements for Discipline of Architects by State Architectural Registration Boards," prepared and distributed by the Professional Conduct Committee. Enforcement, of course, raises quite special problems. State registration boards are notoriously understaffed and underfunded. Nonetheless, the Committee believes the experience of some of our Member Boards in using available resources to assist in enforcement will provide guidance to other state boards that have despaired of being able to enforce rules of conduct in the past. The paper on enforcement suggests strategies by which the state boards can police the profession and can effectively enforce these rules. The Committee, however, does not believe that an infraction of each of these rules will yield the same punishment. Obviously, any disciplinary body takes into account a multitude of mitigating circumstances. In addition, a first infraction of some of the rules would, in all likelihood, not result in disciplinary action. For example, very few responsible and honorable architects avoid negligence completely in their careers. On the other hand, the board must have the right to discipline and, if necessary, revoke the registration of an~~

~~architect with a demonstrated record of incompetence.~~

- ~~The Committee struggled with the question of the necessary proximity between the act proscribed and the public interest involved. As an example, we can pick out three points on a line all leading to unsafe structures which the public clearly has an interest in preventing. The first point, for purposes of this illustration, is architects bidding against each other on the basis of fee. There is evidence that buildings constructed from the work of architects who have won the job on the basis of a low fee have more problems than buildings generally. As a second point on the line, buildings designed by architects who suffer from substantial physical or mental disabilities contain a much higher risk of defects than buildings generally. As a final point on the line, there is the architect who has been chronically negligent in his/her past projects and is likely to perform with similar negligence in the future. The Committee was compelled to ask itself whether the odds were sufficiently high in connection with the competitive bidding issue to warrant a registration board attempting to protect the public at that point on the line. A similar question was raised concerning the architect whose competence is physically or mentally impaired. In a sense, disciplining the architect after the defective building had been discovered was the least effective way of protecting the public. This kind of inquiry resulted in the Committee's deleting any reference to competitive bidding in its rules but retaining a rule concerning physical or mental disabilities on the grounds that the protection of the public required that the board have power to step in when it has evidence that such a condition exists and is likely to impair the competence of the architect. Similar inquiries were made in connection with many of the other rules set forth in this document.~~

In July 1975, following a directive from delegates at its Annual Business Meeting, NCARB began to develop rules on professional conduct that it could recommend to its Member Boards. The committee conducted extensive research, produced several drafts, and conducted reviews with various governmental agencies and professional organizations in March 1976 and again in November 1976. In February 1977, the committee finalized the first version of NCARB's *Model Rules of Conduct* and subsequently gained their acceptance and approval by its Member Boards at the Annual Business Meeting in June 1977.

Over a two-year period, NCARB undertook a study of the conduct rules of various jurisdictions and other learned professions, held in-depth interviews with a number of government consumer affairs officials, and carried out other research inquiries. These efforts led to the formulation of NCARB's *Model Rules of Conduct*. Their substance was drawn from the following series of considerations:

- The *Rules*, which will serve as the basis for the regulating and disciplining of architects, should be mandatory rules and should not include aspirational rules that often comprise the codes of professional associations;
- The *Rules* should have as their objective the protection of the public and not the advancement of the interests of the profession of architecture;
- The architect should not be burdened unfairly with rules and expectations that are unreasonable. The public, however, expects to find an architect in a leadership position on a construction project to protect its interests. Consequently, while the architect is primarily enjoined to serve a client's best interests, the architect also has a supervening duty to the public; and
- The *Rules* are intended to set out those areas of behavior for which an architect risks being disciplined, including suspension or revocation of the privilege to practice, by a jurisdictional licensing board.

As a result of these considerations, NCARB's *Model Rules of Conduct*, as approved and recommended to its Member Boards who have the authority to promulgate such rules, center on five areas: competence, conflict of interest, full disclosure, compliance with laws, and signing and sealing documents. Over time, NCARB's *Model Rules of Conduct* have been revised to ensure they remain relevant to contemporary practice and to ensure the expected professional and ethical conduct of architects found in law remains focused on the protection of the health, safety, and welfare of the public.

GUIDING PRINCIPLES FOR THE DEVELOPMENT OF NCARB's *MODEL RULES OF CONDUCT*

A. A set of rules of conduct, which will be the basis for regulating and disciplining members of the profession, should be mandatory rules and should not include those aspirational rules that are often found in a list of obligations promoted by a professional association.

B. The objective of these *Model Rules of Conduct* is the protection of the public health, safety, and welfare. There are two general areas of concern. First, non-architects (beginning with the client and including all other members of the construction industry) dealing with an architect should be protected against misrepresentation, fraud, and deceit. Second, the users of a project on which the architect has worked must be protected from a building which is unsafe.

C. These *Model Rules of Conduct*, when referenced to "law," are concerned only with violations of U.S. law and not with violations of the laws of other nations. It would be extremely difficult for a jurisdictional licensing board to obtain suitable evidence of the interpretation of foreign laws and it is not unusual for such laws to be at odds with the laws of the United States.

D. These *Model Rules of Conduct* address the conduct of the architect irrespective of the architect's having been convicted under a criminal law. An architect is subject to discipline by the jurisdictional licensing board whether or not the architect has been convicted by a court of law.

E. The public views the architect as the primary registered design professional involved in the planning and design of a building project and relies on the architect to help safeguard the public interest. While architects are obligated to defend vigorously the position of their clients, architects may be compelled to insist on positions that are not in their clients' interest in order to protect the health, safety, and welfare of the public.

F. The public expects that professions will be guided by a commonly accepted standard of conduct and that architects will assume a primary role in ensuring ethical conduct by their colleagues. For example, this principle is the foundation of the requirements to report violations found in Rule 3.9. An architect's accountability

in this regard extends to the actions of parties external to their practice and to their practice colleagues. Accordingly, for the purposes of these *Model Rules of Conduct*, any architect who, alone or with others, is in charge of a firm's architectural practice will be deemed to have violated these rules if the firm has violated these rules.

G. Architects who act as Architectural Experience Program (AXP) Supervisors of candidates for licensure play a critical role in the protection of the public and a central role in the training of future license holders. NCARB and the jurisdictional licensing boards rely on AXP Supervisors to both confirm that the expected experience has been gained and to serve as the primary "quality assurance" guarantor regarding the efficacy of the candidate's experience. Accordingly, these *Model Rules of Conduct* include several provisions intended to protect the integrity of the experience verification process and other elements of the qualifications reporting system that jurisdictional licensing boards rely on when making licensure decisions.

LITTLE HAS CHANGED IN SECTION 1. MINOR EDITS ARE PROPOSED AND SUPERFLUOUS COMMENTARY HAS BEEN ELIMINATED

RULE 1 COMPETENCE

1.1 In practicing architecture, an architect's primary duty is to protect the public's health, safety, and welfare. In discharging this duty, an architect shall act with reasonable care and competence, and shall apply the knowledge and skill ~~which is~~ ordinarily applied by architects ~~of~~in good standing~~,~~ practicing in the same locality.[1]

~~COMMENTARY~~

~~*Although many of the existing state board rules of conduct fail to mention standards of competence, it is clear that the public expects that incompetence will be disciplined and, where appropriate, will result in revocation of the license. Rule 1.1 sets forth the common law standard which existed in this country for 100 years or more in judging the performance of architects. While some courts have stated that an architect, like the manufacturer of goods, warrants that his/her design is fit for its intended use, this rule specifically rejects the minority standard in favor of the standard applied in the vast majority of jurisdictions that the architect need be careful but need not always be right. In an age of national television, national universities, a national registration exam, and the like, the reference to the skill and knowledge applied in the same locality may be less significant than it was in the past when there was a wide disparity across the face of the United States in the degree of skill and knowledge which an architect was expected to bring to his/her work. Nonetheless, the courts have still recognized this portion of the standard, and it is true that what may be expected of an architect in a complex urban setting may vary from what is expected in a more simple, rural environment.*~~

1.2 In designing a project, an architect shall take into account ~~all~~the applicable federal, state, and ~~municipal~~local building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws and regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

[1] *This rule is based on the common law "standard of care" that has been accepted by courts in this country for over 100 years in judging the performance of architects.*

~~COMMENTARY~~

~~*It should be noted that the rule is limited to applicable state and municipal building laws and regulations. Every major project being built in the United States is subject to a multitude of laws in addition to the applicable building laws and regulations. As to these other laws, it may be negligent of the architect to have failed to take them into account, but the rule does not make the architect specifically responsible for such other laws. Even the building laws and regulations are of sufficient complexity that the architect may be required to seek the interpretation of other professionals. The rule permits the architect to rely on the advice of such other professionals.*~~

1.3 An architect shall ~~undertake to~~ perform professional services only when ~~he/she~~the architect, together with those whom the architect may engage ~~as consultants, is qualified by education, training, and experience~~, has the necessary knowledge and skill in the specific technical areas involved.

~~COMMENTARY~~

~~*While an architect is licensed to undertake any project which falls within the definition of the practice of architecture, as a professional, the architect must understand and be limited by the limitations of his/her own capacity and knowledge. Where an architect lacks experience, the rule supposes that he/she will retain consultants who can appropriately supplement his/her own capacity. If an architect chooses to undertake a project where he/she lacks knowledge and where he/she does not seek such supplementing consultants, the architect has violated the rule.*~~

1.4 ~~No person~~An architect shall not be permitted to practice architecture if, in the ~~board's~~Board's judgment, ~~such person's~~the architect's professional competence is substantially impaired ~~by physical or mental disabilities~~. The assessment of impairment should be performed by an appropriately qualified professional.[2]

[2] *This rule empowers the Board to act preemptively in the interest of public health, safety, and welfare when the Board becomes aware of an architect's impaired competence rather than waiting until the impaired competence causes harm.*

~~COMMENTARY~~

~~*Here the state registration board is given the opportunity to revoke or suspend a license when the board has suitable evidence that the license holder's professional competence is impaired by physical or mental disabilities. Thus, the board need not wait until a building fails in order to revoke the license of an architect whose addiction to alcohol, for example, makes it impossible for that person to perform professional services with necessary care.*~~

THE RULES IN SECTION 2 HAVE BEEN EDITED FOR CLARITY. RULE 2.5 HAS BEEN ADDED TO UNDERSCORE THE IMPORTANT ROLE OF THE AXP SUPERVISOR

RULE 2 CONFLICT OF INTEREST

2.1 An architect shall not accept compensation in connection with services from more than one party on a project ~~(and never in connection with specifying or endorsing materials or equipment)~~ unless the circumstances are fully disclosed ~~to and agreed to (such disclosure and agreement to be~~and waived in writing~~)~~ by all ~~interested~~parties.

~~COMMENTARY~~

~~*This rule recognizes that in some circumstances an architect may receive compensation from more than one party involved in a project but that such bifurcated loyalty is unacceptable unless all parties have understood it and accepted it.*~~

~~2.2 If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his/her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his/her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.~~

Partially Moved to Rule 2.3

~~COMMENTARY~~

~~*Like 2.1, this rule is directed at conflicts of interest. It requires disclosure by the architect of any interest which would affect the architect's performance.*~~

2.3~~2~~ An architect shall not solicit or accept compensation from material or equipment suppliers ~~in connection with~~for specifying or endorsing their products in connection with a project. As used herein, "compensation" shall not mean customary and reasonable business hospitality, entertainment, or product education.[3]

Formerly Rule 2.3

~~COMMENTARY~~

~~*This rule appears in most of the existing state standards. It is absolute and does not provide for waiver by agreement. Customary and reasonable business hospitality, entertainment, and product education, while not furnishing a clear definition of what is and is not allowed is nevertheless well understood by state ethics laws, company policies, and tax guidelines that wish to allow what is*~~

[3] *Unlike Rule 2.1, this rule does not provide for waiver by agreement. Customary and reasonable business hospitality, entertainment, and product education may be determined by jurisdictional ethics laws, company policies, and tax guidelines.*

~~*usual and appropriate in the industry in terms of dining, entertainment, and travel while ruling out lavish or excessive expenditures*.~~

Formerly Part of Rule 2.2

2.3 An architect shall not perform professional services in the face of a conflict of interest that is not fully disclosed and waived in writing by all parties. An architect has a conflict of interest when:

(a) the architect has or may acquire a financial or other interest in the project, someone participating in it, or any component of it; or

(b) the architect's judgment may be adversely affected by a relationship with another party.

2.4 ~~When~~An architect, when acting by agreement of the parties as the independent interpreter of building contract documents ~~and~~or as the judge of contract performance, ~~an architect~~ shall render decisions impartially~~, favoring neither party to the contract~~.[4]

~~COMMENTARY~~

~~*This rule applies only when the architect is acting as the interpreter of building contract documents and the judge of contract performance. The rule recognizes that these roles are not inevitable and that there may be circumstances (for example, where the architect has an interest in the owning entity) in which the architect may appropriately decline to act in those two roles. In general, however, the rule governs the customary construction industry relationship where the architect, though paid by the owner and owing the owner his/her loyalty, is nonetheless required, in fulfilling his/her role in the typical construction industry documents, to act with impartiality.*~~

New Rule

2.5 An architect serving as an AXP Supervisor for a candidate for licensure shall not have, nor enter into, any relationship with the candidate that would interfere with the objectivity of the AXP Supervisor's certification of the candidate's experience.[5]

[4] *This rule governs the construction industry relationship where the architect is to act impartially as the interpreter of building contract documents and/or the judge of contract performance, even though paid by the owner. The rule recognizes that these roles are not inevitable and that there may be circumstances (for example, where the architect has an interest in the owning entity) in which the architect may appropriately decline to act in either of these two roles.*

[5] *AXP Supervisors are required to balance their duty to protect the public with their role in licensure candidate development. Balancing these duties makes the AXP Supervisors' objectivity critical.*

THE RULES IN SECTION 3 WERE REORGANIZED, WITH SEVERAL EXISTING RULES SPLIT IN TWO AND RESTATED FOR CLARITY

RULE 3 FULL DISCLOSURE

Formerly Rule 5.5

3.1 An architect shall not make ~~misleading, deceptive, or false~~ statements ~~or claims~~ that are misleading, deceptive, or false.

Formerly Rule 3.1

3.~~1~~2 An architect making public statements on architectural ~~questions~~ matters shall disclose ~~when he/she~~ if the architect is being compensated for making such statements or ~~when he/she~~ has an economic interest in the issue.

~~COMMENTARY~~

~~*Architects frequently and appropriately make statements on questions affecting the environment in the architect's community. As citizens and as members of a profession acutely concerned with environmental change, they doubtless have an obligation to be heard on such questions. Many architects may, however, be representing the interests of potential developers when making statements on such issues. It is consistent with the probity which the public expects from members of the architectural profession that they not be allowed under the circumstances described in the rule to disguise the fact that they are not speaking on the particular issue as an independent professional but as a professional engaged to act on behalf of a client.*~~

Formerly Part of Rule 3.2
[Split into Two Rules]

3.~~2~~3 An architect shall ~~accurately represent to a prospective or existing client or employer his/her~~ not misrepresent the architect's qualifications, capabilities, and experience or that of the architect's firm ~~and the scope of his/her responsibility in connection with work for which he/she is claiming credit~~.

~~COMMENTARY~~

~~*Many important projects require a team of architects to do the work. Regrettably, there has been some conflict in recent years when individual members of that team have claimed greater credit for the project than was appropriate to their work done. It should be noted that a young architect who develops his/her experience working under a more senior architect has every right to claim credit for the work which he/she did. On the other hand, the public must be protected from believing that the younger architect's role was greater than was the fact.*~~

Formerly Part of Rule 3.2 [Split into Two Rules]

3.4 An architect shall ~~accurately represent to a prospective or existing client or employer his/her qualifications, capabilities, experience, and~~ not misrepresent or overstate the scope of ~~his/her~~ the architect's responsibility in connection with work for which ~~he/she~~ the architect or the architect's firm is claiming credit.

~~COMMENTARY~~

~~*Many important projects require a team of architects to do the work. Regrettably, there has been some conflict in recent years when individual members of that team have claimed greater credit for the project than was appropriate to their work done. It should be noted that a young architect who develops his/her experience working under a more senior architect has every right to claim credit for the work which he/she did. On the other hand, the public must be protected from believing that the younger architect's role was greater than was the fact.*~~

Formerly Rule 3.3

3.~~3~~5 If, in the course of an architect's work on a project, ~~an~~ the architect becomes aware of a decision ~~taken~~ made by ~~his/her~~ the architect's employer or client, against the architect's advice, which violates applicable federal, state, or ~~municipal~~local building laws and regulations and which will, in the architect's judgment, materially and adversely affect the health and safety~~, and welfare~~ of the public, ~~of the finished project~~, the architect shall:[6]

~~(i)~~ (a) ~~report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations,~~ refuse to consent to the decision, and

~~(ii)~~ (b) ~~refuse to consent to the decision, and~~ report the decision to the ~~local building inspector or other public~~ official charged with enforcement of ~~the applicable state or municipal~~ building laws and regulations, ~~and~~

~~(iii)~~ (c) in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding ~~his/her~~ the architect's objection, terminate ~~his/her~~ the provision of services with reference to the project unless the architect is able to cause the matter to be resolved by other means.

[6] *In the circumstances described, the architect is compelled to report the matter to the appropriate building official even though to do so may adversely affect the client's interests. The rule specifically intends to exclude matters of safety during the course of construction that are the obligation of the contractor.*

~~In the case of a termination in accordance with Clause (iii), the architect shall have no liability to his/her client or employer on account of such termination.~~

~~COMMENTARY~~

~~*This rule holds the architect to the same standard of independence which has been applied to lawyers and accountants. In the circumstances described, the architect is compelled to report the matter to a public official even though to do so may substantially harm the architect's Note that the circumstances are violations of building laws which adversely affect the safety of the finished project. While a proposed technical violation of building laws (e.g., a violation which does not affect the public safety) will cause a responsible architect to take action to oppose its implementation, the Committee specifically does not make such a proposed violation trigger the provisions of this rule. The rule specifically intends to exclude safety problems during the course of construction which are traditionally the obligation of the contractor. There is no intent here to create a liability for the architect in this area. Clause (iii) gives the architect the obligation to terminate his/her services if he/she has clearly lost professional control. The standard is that the architect reasonably believes that other such decisions will be taken notwithstanding his/her objection. The rule goes on to provide that the architect shall not be liable for a termination made pursuant to Clause (iii). Such an exemption from contract liability is necessary if the architect is to be free to refuse to participate on a project in which such decisions are being made.*~~

3.4~~5~~6 An architect shall not ~~deliberately~~ make a false statement or fail ~~deliberately~~ to disclose accurately and completely a material fact lawfully requested by the Board in connection with the architect's~~his/her~~ application for licensure~~registration~~ or renewal.

Formerly Rule 3.4

~~COMMENTARY~~

~~*The registration board which grants registration or renews registration on the basis of a misrepresentation by the applicant must have the power to revoke that registration.*~~

~~3.5 An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.~~

Moved to Rule 3.7

3.7 An architect ~~possessing knowledge of an applicant's qualifications for registration shall cooperate with the applicant, the Board and/ or NCARB by responding appropriately regarding those qualifications when requested to do so. An architect shall provide timely verification of employment and/or experience earned by an applicant under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. An architect~~ shall not knowingly sign any verification document related to licensure that contains false or misleading information and shall not assist in the application for licensure of a person known by the architect to be unqualified.

Partially Moved to Rule 3.8

3.8 An architect possessing knowledge of a~~n~~ licensure candidate's~~applicant's~~ qualifications for licensure~~registration~~ shall cooperate with the candidate~~applicant~~, the Board, and/ or NCARB by responding appropriately and in a timely manner regarding those qualifications. ~~when requested to do so. An architect shall provide timely verification of employment and/or experience earned by an applicant under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. An architect shall not knowingly sign any verification document that contains false or misleading information.~~

Formerly Part of Rule 3.7
[Split into Two Rules]

3.9 An architect possessing knowledge of a violation of the~~se rules~~ jurisdiction's laws or rules governing the practice of architecture by another ~~architect~~ shall report such knowledge to the Board. It is the professional duty of the architect to do so.

Formerly Rule 3.6

RULE 4 COMPLIANCE WITH LAWS

4.1 An architect shall not~~, in the conduct of his/her architectural practice, knowingly~~ violate ~~any state or federal criminal~~ the law of the United States or any U.S. jurisdiction that in any material way relates to the conduct of the architect's practice.

~~COMMENTARY~~

~~*This rule is concerned with the violation of a state or federal criminal law while in the conduct of the registrant's professional practice. Thus, it does not cover criminal conduct entirely unrelated to the registrant's architectural practice. It is intended, however, that rule 5.4 will cover reprehensible conduct on the part of the architect not embraced by rule 4.1. At present, there are several ways in which Member Boards have dealt with this sort of rule. Some have disregarded the requirement that the conduct be related to professional practice and have provided for discipline whenever the architect engages in a crime involving "moral turpitude."*~~

~~*The Committee declined the use of that phrase, as its meaning is by no means clearly or uniformly understood. Some Member Boards discipline for felony crimes and not for misdemeanor crimes. While the distinction between the two was once the distinction between serious crimes and technical crimes that distinction has been blurred in recent years. Accordingly, the Committee specifies crimes in the course of the architect's professional practice, and, under 5.4, gives to the Member Board discretion to deal with other reprehensible conduct. Note that the rule is concerned only with violations of state or federal criminal law. The Committee specifically decided against the inclusion of violations of the laws of other nations. Not only is it extremely difficult for a Member Board to obtain suitable evidence of the interpretation of foreign laws, it is not unusual for such laws to be at odds with the laws, or, at least, the policy of the United States. For example, the failure to follow the dictates of the "anti-Israel boycott" laws found in most Arab jurisdictions is a crime under the laws of most of those jurisdictions; while the anti-Israel boycott is contrary to the policy of the government of the United States and following its dictates is illegal under the laws of the United States.*~~

4.2 An architect shall not engage in conduct involving fraud or deliberate~~wanton~~ disregard of the rights of others.

THE EDITS TO THE RULES IN SECTION 4 INCLUDE MINOR EDITS AND THE ELIMINATION OF EXCESSIVE COMMENTARY

Formerly Rule 5.4

4.3 An architect shall comply with the ~~registration~~licensing laws and regulations governing ~~his/her~~the architect's professional practice in any U.S. jurisdiction. An architect may be subject to disciplinary action if~~, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction~~, the architect is disciplined in any other U.S. jurisdiction.

~~COMMENTARY~~

~~*Here, again, for the reasons set out under 4.1, the Committee chose to limit this rule to United States jurisdictions.*~~

4.4 An architect shall neither offer nor make any payment or gift ~~to a government official (whether elected or appointed)~~ with the intent of influencing an~~the~~ official's judgment in connection with a prospective or existing project in which the architect is interested.

Formerly Rule 4.2

~~COMMENTARY~~

~~*Rule2 tracks a typical bribe statute. It is covered by the general language of 4.1, but it was the Committee's view that 4.2 should be explicitly set out in the rules of conduct. Note that all of the rules under this section look to the conduct of the architect and not to whether or not the architect has actually been convicted under a criminal law. An architect who bribes a public official is subject to discipline by the state registration board, whether or not the architect has been convicted under the state criminal procedure.*~~

4.~~4~~5 An employer engaged in the practice of architecture ~~shall not have been~~ found by a court or ~~an~~ administrative tribunal to have violated ~~any applicable federal or state law~~the law of the United States or any U.S. jurisdiction protecting the rights of persons working for the employer ~~with respect to fair labor standards or with respect to maintaining a workplace free of~~ , such as those pertaining to harassment, discrimination~~. [States may choose instead to make specific reference to the "Federal Fair Labor Standards Act of 1938, as amended" and the "Equal Employment Opportunity Act of 1972, as amended" and to state laws of similar scope.]~~, and unfair compensation, shall be subject to discipline. ~~For purposes of this rule, any registered architect employed by a firm engaged in the practice of architecture who is in charge of the firm's architectural practice, either alone or with other architects, shall be deemed to have violated this rule if the firm has violated this rule.~~

Formerly Rule 4.4

SECTION 5 HAS BEEN SIGNIFICANTLY MODIFIED. TWO RULES HAVE BEEN DELETED; TWO RULES HAVE BEEN MOVED TO OTHER SECTIONS; AND, THE REMAINING RULES HAVE BEEN REFOCUSED ON SIGNING AND SEALING DOCUMENTS

RULE 5 ~~RULES OF PROFESSIONAL CONDUCT~~SIGNING AND SEALING DOCUMENTS

~~5.1 Each office engaged in the practice of architecture shall have an architect resident and regularly employed in that office.~~

5.1 An architect shall sign and seal only those technical submissions that were prepared under the architect's responsible control except as noted in rule 5.2 and 5.3.

~~5.2 An architect may sign and seal technical submissions only if the technical submissions were:~~

~~(i) prepared by the architect;~~

~~(ii) prepared by persons under the architect's responsible control;~~

~~(iii) prepared by another architect registered in the same jurisdiction if the signing and sealing architect has reviewed the other architect's work and either has coordinated the preparation of the work or has integrated the work into his/her own technical submissions; or~~

~~(iv) prepared by another architect registered in any United States jurisdiction and holding the certification issued by the National Council of Architectural Registration Board if~~

~~(a) the signing and sealing architect has reviewed the other architect's work and has integrated the work into his/her own technical submissions and~~

~~(b) the other architect's technical submissions are prototypical building documents.~~

~~An architect may also sign and seal drawings, specifications, or other work which is not required by law to be prepared by an architect if the architect has reviewed such work and has integrated it into his/her own technical submissions.~~

~~"Responsible control" shall be that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by a registered architect applying the required professional standard of care, including but not limited to an architect's integration of information~~

Former Rule 5.1 Was Deleted and Referred to Model Law Task Force

Formerly Part of Rule 5.2 [Split Into 3 Rules]

~~from manufacturers, suppliers, installers, the architect's consultants, owners, contractors, or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect's technical submissions if the architect has coordinated and reviewed such information. Other review, or review and correction, of technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation.~~

~~Any registered architect signing or sealing technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident, shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation. Any registered architect signing or sealing technical submissions integrating the work of another architect into the registered architect's own work as permitted under clauses (iii) or (iv) above shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the registered architect's review of and integration of the work of such other architect's work into his/her own technical submissions, and that such review and integration met the required professional standard of care.~~

~~COMMENTARY~~

~~*This provision reflects current practice by which the architect's final construction documents may comprise the work of other architects as well as that of the architect who signs and seals professional submissions. The architect is permitted to apply his/her seal to work over which the architect has both control and detailed professional knowledge, and also to work prepared under the direct supervision of another architect whom he/she employs when the architect has both coordinated and reviewed the work.*~~

5.2 An architect of record may sign and seal technical submissions not required by law to be prepared by an architect including information supplied by manufacturers, suppliers, installers, contractors, or from the architect of record's consultants, when that information is intended to be incorporated into the architect of record's technical submissions and the architect of record has reviewed such information and can reasonably trust its accuracy.

Formerly Part of Rule 5.2 [Split Into 3 Rules]

5.3 An architect of record may sign and seal prototypical building documents prepared by an architect licensed in any U.S. jurisdiction, but only if the architect of record determines that such documents are in compliance with the requirements of the project's jurisdiction and incorporates them into the architect of record's own technical submissions.

Formerly Part of Rule 5.2 [Split Into 3 Rules]

~~5.3 An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.~~

Former Rule 5.3 Was Deleted

~~COMMENTARY~~

~~*This provision refers to "private bribes" (which are ordinarily not criminal in nature) and the unseemly conduct of using gifts to obtain work. Note that the rule realistically excludes reasonable entertainment and hospitality and other gifts of nominal value.*~~

~~5.4 An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.~~

Moved to Rule 4.2

~~COMMENTARY~~

~~*Violations of this rule may involve criminal conduct not covered by 4.1, or other reprehensible conduct which the board believes should warrant discipline. A state board must, in any disciplinary matter, be able to point to a specific rule which has been violated. An architect who is continuously involved in nighttime burglaries (no connection to his/her daytime professional practice) is not covered by 4.1 (crimes committed "in the conduct of his/her architectural practice"). Serious misconduct, even though not related to professional practice, may well be grounds for discipline. Lawyers commenting on the rules had little trouble with the standard set in 5.4;*~~

~~*it applies to conduct which would be characterized as wicked, as opposed to minor breaches of the law. While each board must "flesh out" the rule, murder, rape, arson, burglary, extortion, grand larceny, and the like would be conduct subject to the rule, while disorderly conduct, traffic violations, tax violations, and the like would not be considered subject to the rule.*~~

~~**5.5 An architect shall not make misleading, deceptive, or false statements or claims.**~~

Moved to Rule 3.1

~~COMMENTARY~~

~~*An architect who fails to accurately and completely disclose information, even when not related to the practice of architecture, may be subject to disciplinary actions if the board concludes that the failure was serious and material.*~~

Resolution 2018-04

Supported by the Council Board of Directors (14-0)

TITLE: Amendment and Restatement of the *NCARB Bylaws*

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors of the Council has determined upon careful consideration that it is advisable and in the best interests of the Council to amend and restate the *NCARB Bylaws*; and

WHEREAS, pursuant to Article XV of the *NCARB Bylaws*, the *Bylaws* may only be amended at a special meeting or the Annual Business Meeting of the Council by resolution approved by the affirmative vote of not less than two-thirds of the Member Boards (36 votes).

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the Amended and Restated *NCARB Bylaws* are adopted in the form attached hereto as Exhibit B.

FURTHER RESOLVED, that upon the approval of the changes by an affirmative vote of two-thirds of the Council Member Boards, such changes will become effective July 1, 2018.

ADVOCATES:

- **Board of Directors**
  - Gregory L. Erny, *President/Chair of the Board*
  - David L. Hoffman, *First Vice President/President-elect*
  - Terry L. Allers, *Second Vice President*
  - Robert M. Calvani, *Treasurer*
  - Alfred Vidaurri Jr., *Secretary*
  - Kristine Annexstad Harding, *Past President*
  - Stephen D. Schreiber, *Director, Region 1*
  - Paul D. Edmeades, *Director, Region 2*
  - John E. Cardone Jr., *Director, Region 3*
  - Stephen L. Sharp, *Director, Region 4*
  - Bayliss Ward, *Director, Region 5*
  - Jim Oschwald, *Director, Region 6*
  - Maria Brown, *Member Board Executive Director*
  - Darryl R. Hamm, *Public Director*

SPONSORS' STATEMENT OF SUPPORT:

The Board of Directors have undertaken a holistic review of the *NCARB Bylaws* and propose this omnibus resolution to remove outdated, inconsistent or redundant language; apply consistent treatment where possible; ensure conformance with current Iowa law; and improve overall clarity of the *Bylaws*. The edits can generally be classified in one of the following categories:

Housekeeping. These edits include reformatted lists, updated cross references, consolidated and clarified text, enhanced definitions, removal of anachronistic language, and updated "Annual Meeting" to "Annual Business Meeting."

Board of Directors. These edits are mostly found within Articles VII, VIII, and XII and include updates and clarifications to qualifications, nomination and election procedures, and roles and responsibilities. These changes bring consistency to the nomination and elections process and to the language used across all Board positions as well as ensure conformance with Iowa laws.

Committees. Edits for this category occur in Articles VII and XII and include consolidating all committee references into Article XII, adding language defining "Board Committees" and "Advisory Committees," and updating some committee definitions to align with current practices.

Annual Business Meeting. Edits proposed in this category add definitions and rights of "Delegates" and "Voting Delegates" in Article II and Article V.

To facilitate review of the proposed edits, the intent behind each proposed change has been provided in explanatory notes in the purple sidebars on each page.

REFERENCES:

- *NCARB Bylaws: Proposed Update* (a clean version of Exhibit B)
- *NCARB Bylaws* (the current *NCARB Bylaws* available on ncarb.org).

Adopted June 23, 1979, Cambridge, MA. Amended June 27, 1981, Maui, HI; June 26, 1982, Minneapolis, MN; June 25, 1983, Philadelphia, PA; June 30, 1984, Portland, OR; June 29, 1985, San Antonio, TX; June 28, 1986, Atlanta, GA; June 27, 1987, Seattle, WA; June 29, 1988, Chicago, IL; June 28, 1989, Boston, MA; June 30, 1990, Washington, DC; June 29, 1991, Denver, CO; June 27, 1992, San Francisco, CA; June 26, 1993, Kansas City, MO; June 25, 1994, Dearborn, MI; June 24, 1995, New Orleans, LA; June 29, 1996, Baltimore, MD; June 28, 1997, Minneapolis, MN; June 27, 1998, San Diego, CA; June 26, 1999, Charleston, SC; June 17, 2000, Chicago, IL; June 23, 2001, Seattle, WA; June 29, 2002, Boston, MA; June 28, 2003, San Antonio, TX; June 26, 2004, Portland, OR; June 25, 2005, Miami, FL; June 24, 2006, Cincinnati, OH; June 23, 2007, Denver, CO; June 28, 2008, Pittsburgh, PA; June 26, 2010, San Francisco, CA; June 25, 2011, Washington, DC; June 23, 2012, Minneapolis, MN; June 22, 2013, San Diego, CA; June 21, 2014, Philadelphia, PA; June 20, 2015, New Orleans, LA; June 18, 2016, Seattle, WA~~.)~~; June 30, 2018, Detroit, MI (Proposed).)

ARTICLE I—NAME
The name of this organization shall be the National Council of Architectural Registration Boards.

ARTICLE II—DEFINITIONS
The following terms shall have the following meanings when used in these Bylaws:

A. ~~"Council~~"Advisory Committee" shall mean any committee not having and exercising the authority of the Board of Directors;

B. "Board Committee" shall mean a committee which is comprised solely of two or more Directors and shall have and exercise the authority of the Board of Directors, to the extent authorized by the Board of Directors and permitted by law;

~~A.~~C."Board of Directors" shall mean the Board of Directors of the National Council of Architectural Registration Boards;

D. "Committee" shall mean a Board Committee or an Advisory Committee;

E. "Council" shall mean the National Council of Architectural Registration Boards;

F. "Council Record" shall mean a record of the education, training, examination, practice, and character of an individual member of the architectural profession;

EXPLANATORY NOTES

ARTICLE II – DEFINITIONS

The expanded Definitions

- Add clarity to terms used throughout the Bylaws; and,
- Streamline Bylaws by removing explanatory text within the Bylaws.

G. "Delegate" shall mean any member of a Member Board in attendance at an Annual Business Meeting or any special meeting of the Council as a representative of such Member Board;

H. "Director" shall mean a member of the Board of Directors;

I. "Elected Officer" shall mean any of the President/Chair of the Board, the First Vice President/President-Elect, the Second Vice President, the Treasurer, and the Secretary;

J. "Examination" shall mean the Architect Registration Examination® prepared by the Council;

K. "Executive Director" shall mean a person holding such title at a Member Board or having a comparable position as the primary administrator responsible for overseeing the activities of the Member Board;

~~B.~~L. "Jurisdiction" shall mean any political subdivision of the United States, including any State, commonwealth, territory, dependency, and the District of Columbia, which has a law regulating the practice of architecture;

~~C~~M. "Member Board" is a member of the Council in good standing and shall mean the body legally authorized by a Jurisdiction to certify that an applicant for ~~r~~Registration as an architect is qualified;

N. "Public Director" shall mean the individual serving as the Public Director (as that term is described in Article VII of these bylaws) on the Board of Directors.

O. "Public Member" shall mean a member of a Member Board who does not hold or have a license in a discipline regulated by such Member Board or in a related design profession.

P. "Regional Chair" shall mean the chairperson of a Region, as such term is described in Article VI of these Bylaws;

Q. "Regional Director" shall mean a Director who was nominated to serve on the Board of Directors by a Region;

R. "Registration" shall mean licensure as an architect by the body legally authorized by a Jurisdiction to grant such licensure.

EXPLANATORY NOTES

ARTICLE II – DEFINITIONS
(cont.)

S. "Voting Delegate" shall mean a Delegate who is authorized to vote on behalf of a Member Board, as evidenced by a letter of credentials provided by the applicable Member Board.

ARTICLE III—PURPOSE

The purpose of the Council shall be to work together as a council of Member Boards to safeguard the health, safety, and welfare of the public and to assist Member Boards in carrying out their duties. Pursuant thereto, the Council shall develop and recommend standards to be required of an applicant for architectural ~~r~~Registration; develop and recommend standards regulating the practice of architecture; provide a process for certifying to Member Boards the qualifications of an architect for ~~r~~Registration; and represent the interests of Member Boards before public and private agencies, provided that the Council shall not purport to represent the interest of a specific Member Board without that Member Board's approval.

ARTICLE IV—MEMBERSHIP

SECTION 1. Members. The membership of the Council shall be the ~~legally constituted Jurisdiction~~ Member Boards ~~in good standing~~. Membership in the Council shall be attained through acceptance by the ~~Council~~ Board of Directors. Application shall be made upon forms furnished by the Council. Every Member Board shall annually provide the Council with the names and addresses of its members, a copy of its law relating to the ~~r~~Registration and practice of architecture, a copy of its rules or regulations administering such law, and a roster of all persons registered by the Member Board, and shall pay the annual membership dues. All Member Boards ~~in good standing~~ shall have equal rights.

SECTION 2. Removal. If, after written notification from the ~~Council~~ Board of Directors, a Member Board shall ~~(i)~~:

A. fail to pay its dues or other financial obligations to the Council or to its Region, or ~~(ii) shall~~

B. ~~persistently~~ refuse ~~r~~Registration or otherwise fail to register architects holding the Council Certificate for the reason that such architects are not the residents of the Member Board's jurisdiction, or ~~(iii) shall~~

C. fail to administer the Architect Registration Examination prepared by the Council to all its applicants (other than applicants of whom it does not require a written examination) for ~~r~~Registration,

EXPLANATORY NOTES

ARTICLE IV – MEMBERSHIP

Section 1. Members

- Proposed edits conform to expanded Definitions in Article II, streamlining this Section.

Section 2. Removal

- Proposed edits for housekeeping and clarity.

then, the ~~Council~~ Board of Directors may recommend to the Council that such Member Board be removed from membership in the Council. ~~Upon~~ Following such recommendation, ~~such Member Board may be removed from membership in~~ the Council may determine by the affirmative vote of not less than two-thirds of all Member Boards~~.~~, to remove such Member Board or, with respect to non-payment of dues or other financial obligations, waive or modify the Member Board's obligation to pay such amounts due to the Council.

SECTION 3. Reinstatement. A Jurisdiction that has been removed from membership in the Council for reasons of non-payment of dues or other financial obligations shall be automatically reinstated as a ~~m~~Member Board ~~in the Council by a vote of two-thirds of all Member Boards~~:

A. following payment of all financial obligations of membership had the Jurisdiction not been removed (or such lesser amount approved ~~unless,~~ by ~~such~~ a vote of two-thirds of all Member Boards), ~~such financial, obligations shall be modified or waived, and~~

B. upon being in compliance with all other membership requirements of Article IV, Sections 1 and 2; A Member Board that was removed from the Council for reasons other than failure to pay dues or other financial obligations shall only be reinstated upon the affirmative vote of two-thirds of all Member Boards.

ARTICLE V—MEETINGS

SECTION 1. Annual Business Meeting. The Council shall hold an Annual Business Meeting at a time and place as determined by the ~~Council~~ Board of Directors. Notice of all Annual Business Meetings shall be sent to the chair or equivalent presiding officer and to the Member Board Executive of each Member Board not less than 90 days prior to each such meeting.

SECTION 2. Special Meetings. Special business meetings of the Council may be called by the President/Chair of the Board, with the approval of the ~~Council~~ Board of Directors, or by a majority of the Member Boards. The Bylaws provisions which govern notice for, and the procedures and conduct of business of, the Annual Business Meeting shall apply to Special Meetings.

SECTION 3. Delegates and Credentials. Each Member Board shall be entitled to be represented at Annual Business

EXPLANATORY NOTES

ARTICLE IV – MEMBERSHIP *(cont.)*

Section 3. Reinstatement

- Allow for the Membership to waive or reduce outstanding financial obligations of a jurisdiction rather than removal from membership;
- Provide for automatic reinstatement of membership upon satisfaction of outstanding financial obligations; and
- Compliance with non-financial requirements will be determined by the Board of Directors for communication to the membership. Requires vote of membership to reinstate.
- Other housekeeping edits.

ARTICLE V – MEETINGS

Section 1. Annual Business Meeting

- Proposed housekeeping edits.

Section 2. Special Meetings

- Proposed housekeeping edits.

Section 3. Delegates and Credentials

- Proposed housekeeping edits;
- Clarify that multiple Delegates per Member Board may attend the Annual Business Meeting and special meetings, as defined in Section 2, above;
- Implement the use of the term "Voting Delegate," as defined in Article II; and,

Meetings and special meetings of the Council by one or more official Delegates who shall be members of that Member Board.

~~A delegate attending the~~ Notwithstanding a Member Board's total number of Delegates, each Member Board shall be represented at each Annual Business Meeting~~ or any~~ and ~~S~~special ~~M~~meeting of the Council by one Voting Delegate, who ~~is~~shall be entitled to cast the vote of its Member Board and who shall be identified as the Voting Delegate by a letter of credentials from the ~~delegate's~~ applicable Member Board~~, which voting delegate the~~. A Member Board may change ~~by~~its Voting Delegate from time to time by issuing a subsequent letter of credentials~~. A Member Board may be represented by as many delegates as attend, but only one vote may be cast for each Member Board by its delegates~~ to the Council. Each Voting Delegate shall have an equal vote on all matters on which all Member Boards are entitled to vote.

SECTION 4. Quorum. A quorum for the transaction of business at the Annual Business Meeting of the Council shall be ~~one or more~~ Voting ~~d~~Delegates representing a majority of the Member Boards.

SECTION 5. Resolutions and Other Motions. Resolutions are the substantive matters placed on the agenda for a meeting of the Council in accordance with this Section. All resolutions to be considered at any meeting of the Council, except those submitted by the ~~Council~~ Board of Directors, those submitted by Select Committees and those of the laudatory type, shall be submitted to the Regional Leadership Committee not later than 75 days prior to the day at the Annual Business ~~m~~Meeting at which the resolution is to be considered. The Regional Leadership Committee shall review each resolution submitted by Regions and Member Boards for conformity with the Council Bylaws and may recommend to the author of any resolution such changes as are deemed advisable for the purpose of clarity and to avoid duplication. All resolutions shall, insofar as practicable without altering or confusing the intent of the resolution, avoid invective or argument; but the proponent of a resolution may, when submitting the resolution to the Regional Leadership Committee, include a brief summary of the argument in support of the resolution, which summary shall be published with the publication of the resolution. The Council shall distribute all resolutions, except laudatory resolutions, to the Member Boards not less than

EXPLANATORY NOTES

ARTICLE V – MEETINGS
(cont.)

- Clarify the role and appointment process of the Voting Delegate.

Section 4. Quorum

- Clarify that only a Voting Delegate is required for purposes of identifying that a quorum is present.

Section 5. Resolutions and Other Motions

- Proposed housekeeping edits; and,
- Clarify that the 75-day time period is determined with respect to the day on which the resolution will be voted, rather than the first day of the Annual Business Meeting.

30 days prior to the meeting at which the resolution is to be considered. If the Board of Directors discloses its position to the Council, the vote of the Board of Directors shall be disclosed at the same time.

Only Member Boards, Regions, Select Committees, and the ~~Council~~ Board of Directors may offer resolutions to be presented at any meeting of the Council, or amendments to resolutions so presented. All other motions permitted under Robert's Rules of Order Newly Revised may be made by any ~~d~~Delegate or ~~Council Officer or~~ Director.

SECTION 6. Voting. The affirmative vote of two-thirds of all Member Boards is required to pass any amendment to these Bylaws ~~or~~, to remove any Member Board from membership in the Council, or as provided in Article IV, Section 3. The affirmative vote of a majority of all Member Boards is required to pass any other resolution. Except as otherwise specified in ~~Article VIII, Section 4, with regard to the election of Officers~~ these Bylaws, voting upon all other issues shall require the quantum of vote set forth in Robert's Rules of Order Newly Revised.

Except as expressly permitted by these Bylaws, t~~T~~here shall be no voting by proxy.

SECTION 7. Order of Business. An agenda outlining the order of business shall be prepared for all Council meetings. The agenda shall be prepared under the direction of the ~~Council~~ Board of Directors ~~and printed~~ and sent by the Secretary to all Member Boards at least 30 days before the date set for a particular meeting.

SECTION 8. Rules of Order. The Council shall be governed by Robert's Rules of Order Newly Revised when not in conflict with: first, applicable laws, then, the Articles of Incorporation, and lastly the Bylaws of the Council.

SECTION 9. Advisory Votes by Letter or Electronic Ballot. The ~~Council~~ Board of Directors may from time to time submit any issue or question to the Member Boards for an advisory vote by letter or electronic ballot, provided the subject matter and the ballot shall have been officially submitted in writing to the Member Boards at least 60 days prior to a date therein set for final receipt of ballots. Only ballots returned in the prescribed time will be counted.

SECTION 10. Other Participants. Council ~~Officers and~~

EXPLANATORY NOTES

ARTICLE V – MEETINGS
(cont.)

Section 6. Voting

- Proposed housekeeping edits.
- The last sentence acknowledges that Voting Delegates are proxies for the Member Boards, but no other proxy voting (such as by a Voting Delegate selecting a proxy for him or herself) shall be permitted.

Directors, Delegates, Member Board Executives or Attorneys when designated by their Member Boards, persons designated by the Board of Directors, and persons designated by the Presiding Officer shall have the privilege of the floor at Council meetings and may take part in the discussions and perform all functions of the ~~d~~Delegates except to vote, or, except as provided in Article V, Section 5, with respect to ~~Officers and~~ Directors, to initiate action.

SECTION 11. International Agreements. All written international and/or foreign agreements entered into by the Council shall be subject to ratification by majority vote of the members at an Annual Business Meeting.

ARTICLE VI—REGIONS

SECTION 1. Purpose. In order to foster closer communication between Member Boards and the Council, as well as among Member Boards, and further to foster the development of future leaders and assist the Council in achieving its stated purpose, six geographical Regions comprising, in the aggregate, all the Member Boards are hereby established. Each Member Board shall be required to be a member of its Region.

SECTION 2. Membership. The membership of the Regions is established as follows:

REGION 1—New England: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

REGION 2—Middle-Atlantic: Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia.

REGION 3—Southern: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands.

REGION 4—Mid-Central: Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin.

REGION 5—Central States: Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wyoming.

REGION 6—Western: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, Washington.

EXPLANATORY NOTES

ARTICLE VII —THE ~~COUNCIL~~ BOARD OF DIRECTORS

SECTION 1. Membership. The ~~Council~~ Board of Directors shall ~~comprise~~be comprised of the Elected Officers of the Council ~~as designated in Section 1 of Article VIII~~, one Regional Director ~~elected~~ from each Region, the immediate Past President, one Member Board Executive Director, and one Public Director ~~elected as provided in this Article VII~~.

SECTION 2. Qualifications and Limitations. The qualifications for serving as a Director shall be as set forth in this Article VII, Section 2, and no entity responsible for nominating any Director shall impose any qualification not set forth herein.

A. A candidate for election ~~as a Regional~~to any Director ~~or Officer~~position shall ~~(i)~~, at the time such person is nominated:

(i) be a citizen of the United States~~, and (ii)~~;

(ii) have served at least two (2) years as a member of a Member Board; or, in the case of a candidate for the position of Member Board Executive Director, have served at least two (2) years as an Executive Director;

(iii) be a current member of a Member Board ~~within the Region or~~; be a past member of ~~such~~ a Member Board whose service as a member ended no more than one year before nomination~~, or the Chair~~; be an officer of ~~the~~a Region~~, or the~~; be an incumbent ~~Regional~~ Director ~~(iii) have served at least two years as a member of a Member Board, and (iv)~~; or, in the case of a candidate for the Member Board Executive Director, be a current Executive Director; and,

(iv) in the case of ~~architect~~ candidates who are architects, hold an active NCARB Certificate~~, in every case at the time he or she is nominated by the Region*.In~~.

B. With respect to candidates for a Regional Director position, all qualifications relating to current or past membership in a Member Board or Region must be within the Region from which the ~~case of~~ candidate is nominated.

C. If a Member Board regulat~~ing~~es professions in addition to the profession of architecture, the candidate will

EXPLANATORY NOTES

ARTICLES VII and VIII

Significant revisions proposed for these two Articles to:

- Article VII:
  - Clarify that the NCARB Bylaws establish qualifications for members of the NCARB Board of Directors;
  - Consolidate language for officers and other members of the Board into Article VII to streamline bylaws by eliminating redundant language;
  - Apply global qualifications, where possible;
- Article VIII:
  - Include only responsibilities pertaining to specific positions on the Board such as the President or Treasurer; and,
  - Apply other housekeeping edits.

ARTICLE VII – BOARD OF DIRECTORS

Section 1. Membership

- Proposed housekeeping edits; and,
- Remove references to other Articles of the Bylaws.

Section 2. Qualifications and Limitations

- Consolidate redundant qualifications language that applies to all Directors;
- Clarify qualifications that are unclearly written.
- Relocate Terms of Office/ Service to section 3.

qualify as a member or former member of a Member Board only if he or she is or was an architect-member or a public member of the architect section of the Member Board. ~~All Directors shall serve without compensation.~~

~~A candidate for election as the Member Board Executive Direcor shall be (i) a citizen of the United States, (ii) either an executive director or hold a comparable position as the primary administrator responsible for overseeing the activities of a Member Board at the time of election, (iii) nominated by vote of a majority of the members of the Member Board Executives Committee, and (iv) such person so nominated shall be elected at the Annual Meeting. A Member Board Executive Director shall serve the same term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Member Board Executive Director shall be filled by vote of a majority of the members of the Member Board Executives Committee.~~

D. A candidate for election as the Public Director ~~(i)~~ shall be ~~a citizen~~at the time of ~~the United States, (ii) shall be serving as~~nomination a public or consumer member on a Member Board, ~~and (iii) any person qualified as prescribed above may be nominated as Public Director by declaring his or her candidacy at the time election for such office begins at the Annual Meeting and shall be elected at the Annual Meeting. A Public Director shall serve the same~~ or have served in such position no more than one (1) year prior to the time of nomination to the Board of Directors.

E. An individual shall qualify to serve as the President/Chair of the Board during the one-year period immediately following his or her term as First Vice President/President-Elect.

F. An individual shall qualify to serve as the Immediate Past President during the one-year period immediately following his or her term ~~and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Public Director shall be filled by the Council Board of Directors.~~as President/Chair of the Board.

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 2. Qualifications and Limitations *(cont.)*

- Relocate Nomination language to Section 5; and
- Relocate Compensation language to Section 7.
- Add qualifications that define path to the roles of President/Chair of the Board and Immediate Past President.

SECTION 3. Terms of Office and Election. ~~The terms of office of Officers and Directors shall be as provided in Section 5 of Article VIII. Regional Directors shall be nominated as provided in Section 5 of this Article and persons so nominated shall be elected at the Annual Meeting of the Council to serve~~ The term of office of a Director shall be one year from the adjournment of ~~said Annual Meeting~~the Annual Business Meeting at which he or she is elected to serve or, in the case of President/Chair of the Board and Immediate Past President, succeeds to office, until the adjournment of the next ~~following~~ Annual Business Meeting or until ~~their successors are~~his or her successor is duly elected~~.~~ and succeeds to office. No person shall serve more than three terms in succession as a Director; provided, however, that service as an Elected Officer and Immediate Past President shall not count against such limit. No incumbent shall serve for more than one term in any Elected Officer position or as Immediate Past President; provided, however, that an Elected Officer shall be eligible for reelection for the full term of office if, during the period immediatelyprior thereto, such Elected Officer had succeeded to or been elected to the office to fill a vacancy.

~~SECTION 4. Removal. As provided by applicable Iowa law, a Regional Director may be removed with or without cause by the Region electing such Director bya majority vote of those present and voting at a meeting duly called for such purpose; the Member Board Executive Director and the Public Director may be removed with or without cause by a majority vote of those present and voting at a meeting duly called for such purpose, respectively by the Member Board Executives Committee in the case of the Member Board Executive Director and the Council Board of Directors in the case of the Public Direct; and the Past President may be removed with or without cause by appropriately amending these Bylaws at a meeting of the Member Boards duly called for such purpose. Because any Officer is a Director on account of his or her election as an Officer, any Officer removed as such Officer in accordance with these Bylaws shall cease to be a Director upon such removal.~~

SECTION 4. Removal.

A. A Director may be removed with cause by a majority vote of the Member Boards at a meeting where a quorum is present, with the meeting notice stating that the purpose, or one of the purposes, of the meeting is the removal of the director.

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 3. Terms of Office

- Identify that the term of office for all Directors is one year – from the Annual Business Meeting at which the individual is elected until the next Annual Business Meeting;
- Clarify that the three-term limit does not include service as an Elected Officer; and
- Identify that an Elected Officer may only serve one year in any position unless the elected officer is completing a partial term of a predecessor – then that elected officer may be elected to serve a full term.

Section 4. Removal

- See new language on next page.
- As all directors are elected by the full membership, provides only the full membership with authority to remove a Director with or without cause.
- Authorizes Board of Directors to remove a Director – only with cause – and only upon a two-thirds vote by the Board of Directors.

B. Director may be removed with cause by the affirmative vote of two-thirds (2/3) of the Board of Directors.

SECTION 5. Nomination and Election of ~~Regional~~ Directors.

A. Directors shall be nominated as set forth below in this Section 5 of this Article VII. Notwithstanding the various methods of nomination set forth below, all Directors must be elected by a majority vote of the Member Boards at a meeting at which a quorum is present.

B. Each Region shall select its nominee for Regional Director at a Region meeting. The nominations will be announced by the several Regions at the Annual Business Meeting of the Council.

C. Any person qualified to serve as an Elected Officer (other than President/Chair of the Board) may be nominated by declaring his or her candidacy at the time election for such office begins at the Annual Business Meeting.

D. The candidate for Member Board Executive Director shall be nominated by majority vote of the Member Board Executive community comprised of the Executive Director of each Member Board.

E. Any person qualified to serve as the Public Director may be nominated by declaring his or her candidacy at the time election for such position begins at the Annual Business Meeting.

SECTION 6. Vacancies.

A. Vacancies in the ~~offices of Officer and Directors shall be filled as provided in Section 6 of Article VIII. A vacancy in the office of a~~ office of any Regional Director, Member Board Executive Director, Public Director and Elected Officers other than First Vice President/President-Elect and President/Chair of the Board shall be filled by an appointee designated by ~~and from the Region originally represented.~~ the Board of Directors to hold office from the time of such appointment until the adjournment of the next Annual Business Meeting. Any such appointee shall meet all qualifications applicable to the vacant Director position~~.~~, as determined by the Credentials Committee. Prior to making such

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 5. Nomination of Directors

- Proposed edits consolidate Nomination language for all positions into a single Section.
- 5C: revised language captures current process of nomination by MBE Community. Language in former section (2B) required nomination by MBE Committee.

Section 6. Vacancies (6A – 6C)

- Relocates language from Article VIII, Section 7;
- Identifies clear appointment/succession process for all positions on the Board of Directors.

appointments, the Board of Directors shall consider any recommendations received from the constituent group or individuals responsible for nominating such vacated Director position, as applicable.

B. A vacancy in the office of President/Chair of the Board shall be filled by the First Vice President/President-Elect, who shall serve the remainder of the term as President/Chair of the Board and the following term during which he or she would have succeeded to the office if not for the vacancy.

C. A vacancy in the office of First Vice President/President-Elect shall be filled by the Second Vice President, who shall hold such office of First Vice President/President-Elect until the adjournment of the next Annual Business Meeting, at which Annual Business Meeting the Member Boards shall elect both a First Vice President/President-Elect and a President/Chair of the Board, each of whom shall be subject to the qualifications applicable to candidates for First Vice President/President-Elect.

D. A vacancy in the office of Immediate Past President shall remain vacant.

E. Any Regional Director who moves his or her principal residence to a place outside the ~~r~~Region from which he or she ~~represents~~was nominated shall be deemed to have vacated the office of Regional Director, and any ~~Member Board Executive Director and/or Public~~ Director who ceases to be eligible as provided in this Article VII, Section 2~~, clause (ii)~~ shall be deemed to have vacated ~~the office of Member Board Executive Director or Public Director, respectively~~his or her directorship.

SECTION 7. Duties. The affairs of the Council shall be managed under the authority and direction of the ~~Council~~ Board of Directors, who shall act by majority vote of the Directors present at a meeting at which there is a quorum, except as otherwise expressly required by these Bylaws or applicable law. It shall exercise all authority, right, and power granted to it by the laws of the State of Iowa and shall perform all duties required by the said laws and by these Bylaws, and, in accordance therewith, it shall not delegate any of the authority, rights, or power or any of the duties imposed on it by these Bylaws or otherwise, unless such delegation is specifically provided for in these Bylaws.

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 6. Vacancies (6A – 6C) *(cont.)*

- Clarifies that succession to fill a vacancy in the First Vice President/President-elect position does not automatically ascend to President/Chair of the Board in succeeding year. Elections will be needed to fill both positions.

(6D)

- Adds new language to address a vacancy in the Immediate Past President position.

(6E)

- Housekeeping edits for Regional Director position; and,
- Clarify that all positions of the Board must continue to meet the required qualifications established in Article VII, Section 2.

Section 7. Duties

- Clarify Board of Directors default voting threshold;
- Relocate "serve without compensation" from Article VII, Section 2C; and,
- Relocate "allowances provision from Article VIII, Section 2.

*Footnote
Eliminated. Requirement for architect Directors to have NCARB Certificate is now in full effect.

All Directors shall serve without compensation; provided, however, that nothing herein shall prohibit the Board of Directors from providing reasonable allowances from time to time to the President/Chair of the Board and to the First Vice President/President-Elect. Any such allowances shall be included in budget reports furnished to the Member Boards.

~~*Clauses (iii) and (iv) are effective March 1, 2017 and apply to any Regional Director or officer then in office~~

SECTION 8. Meetings of the Board. The ~~Council~~ Board of Directors may meet in any manner allowed by applicable law in regular or special meetings in order to transact business. Unless finances of the Council will not permit, the ~~Council~~ Board of Directors shall hold a regular meeting immediately prior to the opening of the Annual Business Meeting and a regular meeting immediately following the adjournment of the Annual Business Meeting of the Council. Special meetings may be held upon call of the President/Chair of the Board or the Executive Committee and shall be held upon written request of the majority of the ~~Council~~ Board of Directors. All ~~members~~Directors shall be given due notice in writing of the time and place of all meetings, although notice of any meeting may be waived in writing by any ~~members~~Director. A majority of the membership of ~~Council~~ Board of Directors shall constitute a quorum for the transaction of business. ~~In the event that a Regional Director is unable to attend a meeting of the Council Board of Directors, the Chair of the Region the Director represents shall have the privilege of participating in the meeting in the Director's stead.~~

~~SECTION 9. Executive Committee of the Council Board of Directors. The Executive Committee of the Council Board of Directors shall comprise the President/Chair of the Board, the First Vice President/President Elect, the Second Vice President, the Treasurer, the Secretary, and the immediate Past President. The Executive Committee shall:~~

~~A. act for the Council Board of Directors between meetings only as directed by the Board;~~

~~B. develop short-range and long-range goals, consistent with the mission of the Council, as the basis for planning and implementation by the Board; and~~

~~C. assist the President/Chair of the Board with the~~

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 8. Meetings of the Board

- Housekeeping edits; and,
- Final sentence of Section 8 is proposed for deletion recognizing that a Regional Director who has been elected by the full Membership, does not represent a single Region. It also recognizes that all Directors have a fiduciary duty to the Council, which should be fulfilled by the Director's personal participation in Board meetings rather than by sending representatives.
- Eliminates outdated statement for Regional Chair attendance in Regional Director's stead.

Section 9. Executive Committee

- This section has been relocated to Article XII – Committees.

~~development of issues to be presented at the spring Regional Meetings.~~

~~D. prior to the start of the new fiscal year of the Council, review the budget for the next fiscal year for presentation to the Council Board of Directors; periodically review the budget, investments, financial policies, and financial positions of the Council and make recommendations concerning the same to the Council Board of Directors for appropriate action.~~

~~SECTION 10. Audit Committee. The Audit Committee, appointed in the same manner and with the same term as all other committees, shall consist of the Treasurer, who shall serve as the chair of the Committee, one additional Executive Committee Member, and from one to three additional members of the Board of Directors who are not members of the Executive Committee. The Audit Committee shall report to the Board and shall be responsible for overseeing the Council's financial controls and auditing, including receiving the annual audit and considering the items of internal accounting control that arise from the audit, from personnel changes and from the implementation of changes in policies that affect internal financial controls. The Audit Committee shall annually select and engage an independent auditor of the Council's financial records.~~

ARTICLE VIII—OFFICERS

SECTION 1. Elected Officers. The Elected Officers of the Council shall be the President/Chair of the Board, the First Vice President/President-Elect, the Second Vice President, the Treasurer, and the Secretary.

~~SECTION 2. Qualifications and Limitations. To be eligible for elective office in the Council a person shall be*:~~

~~A. a citizen of the United States; and~~

~~B. at the time of election; serving either (i) as a member of the Council Board of Directors or (ii) as a member of a Member Board and, in the case of Member Boards regulating professions in addition to the profession of architecture and which is divided into professional sections, as a member of the architectural section of the Member Board. Elected Officers of the Council shall serve without compensation, provided, however, that nothing herein shall prohibit the Council Board of Directors from providing reasonable allowances~~

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 10. Audit Committee

- This section has been relocated to Article XII – Committees.

ARTICLE VIII – OFFICERS

Section 1. Elected Officers

- Edits in accordance with revised Definitions in Article II.
- All deletions in Sections 2 through 7 have been incorporated into Article VII, above.

~~from time to time to the President/Chair of the Board and to the First Vice President/President Elect. Any such allowances shall be included in budget reports furnished to the Member Boards.~~

~~SECTION 3. Nomination of Officers. Any person qualified as prescribed in Section 2 may be nominated for office by declaring his or her candidacy at the time election for such office begins at the Annual Meeting.~~

~~SECTION 4. Election of Officers. All elections of Officers shall be by ballot at the Annual Meeting, unless the Council shall agree to waive the provision. A majority vote of the Member Boards present and voting shall elect an Officer. If more than two candidates have been nominated, ballots shall be taken until a candidate receives such a majority vote. If there has not been such a majority vote on a ballot, the candidate receiving the least number of votes shall be eliminated prior to the next ballot.~~

~~SECTION 5. Terms of Office.~~

~~A. Second Vice President shall serve from theadjournment of the Annual Meeting at which such person is elected, until the adjournment of the next following Annual Meeting or until a successor is duly elected.~~

~~B. The First Vice President/President Elect shall serve as such from the adjournment of the Annual Meeting at which such person is so elected, until the adjournment of the next following Annual Meeting at which time such person shall assume the office of President/ Chair of the Board and shall serve as such until the adjournment of the next following Annual Meeting.~~

~~C. The Treasurer and the Secretary shall serve from the adjournment of the Annual Meeting at which they are elected until the adjournment of the next following Annual Meeting or until their successors are elected.~~

~~D. No incumbent shall serve for more than one term in succession as President/Chair of the Board, First Vice President/President Elect, or Second Vice President; provided, however, that an Officer shall be eligible for reelection for the full term of office if during the period immediately prior thereto such Officer had succeeded to or been elected to the office to fill a vacancy.~~

EXPLANATORY NOTES

~~SECTION 6. Removal. As provided by applicable Iowa law, an Officer may be removed with or without cause by the Council Board of Directors by a majority vote of those present and voting at a meeting duly called for such purpose.~~

~~SECTION 7. Vacancies. A vacancy in the office of the President/ Chair of the Board shall be filled by the First Vice President/President Elect assuming the office. A vacancy in the office of the First Vice President/President Elect shall be filled by the Second Vice President assuming the office. A vacancy in the office of Second Vice President, Secretary, or Treasurer shall be filled by an appointee designated by the Council Board of Directors to hold office until the adjournment of the next Annual Meeting; but the balance of the unexpired term, if any, shall be filled at the Annual Meeting by nomination and election as provided in Sections 3 and 4.~~

SECTION ~~8.~~2. President/Chair of the Board. The President/ Chair of the Board shall be the senior ~~e~~Elected ~~o~~Officer of the Council and shall:

A. preside at all meetings of the ~~Council~~ Board of Directors, the Executive Committee of the ~~Council~~ Board of Directors, and the Annual Business Meeting;

B. present to the Council at the Annual Business Meeting a report of activities during the President/Chair of the Board's term of office;

~~C. identify individuals to serve on all committees while serving as First Vice President/President Elect and when serving as either President/Chair of the Board or First Vice President/President Elect may appoint all members of committees to serve during his or her own term of office as President/Chair of the Board subject to the approval of the Council Board of Directors;~~

~~D~~C. develop charges for all Committees that will serve during his or her term as President/Chair of the Board~~:~~ and, F~~f~~ollowing approval of the charges by the ~~Council~~ Board of Directors, oversee the work of all ~~c~~Committees ~~in discharging their responsibilities~~;

D. select all members of Committees to serve during his or her term of office as President/Chair of the Board subject to the terms of Article XII, Section 5;

EXPLANATORY NOTES

ARTICLE VIII – OFFICERS
(cont.)

Section 2 *(formerly Section 8)*

- Proposed edits clarify the responsibilities of the President/Chair of the Board.
- Deleted clause 2(iii) – Language has been revised to 2(iv) and 2(v) plus language inserted as clause 3(iii) to differentiate the timing of responsibilities for the President/Chair of the board and the First Vice President/ President-elect with respect to committee appointments.

E. have the power to make appointments to any unfilled or vacant Committee membership during his/her term as President/Chair of the Board, subject to the approval of the Board of Directors;

~~E~~F. represent the ~~Council~~ Board of Directors and its policies to all external and internal constituents including to the Chief Executive Officer; and

~~F~~G. perform such other duties and powers as the ~~Council~~ Board of Directors may from time to time decide.

SECTION ~~9.~~3. First Vice President~~.~~/President-Elect and Second Vice President. The ~~Vice Presidents~~First Vice President/ President-Elect and the Second Vice President, in order, shall, in the absence of the President/Chair of the Board, exercise the duties of and possess all the powers of the President/ Chair of the Board. In addition, the First Vice President/ President-Elect shall:

A. develop the Committee charges to be completed during his or her term of office as President/Chair of the Board, subject to the approval of the Board of Directors.

B. select the Chair of all Committees to serve during his/ her term as President/Chair of the Board, subject to the approval of the Board of Directors; and

C. select all members of Committees to serve during his or her term of office as President/Chair of the Board, subject to the approval of the Board of Directors.

SECTION ~~10~~4. Treasurer. The Treasurer shall ~~generally~~:

A. oversee the financial affairs of the Council and be the primary liaison of the ~~Council~~ Board of Directors with the person designated by the Chief Executive Officer as the chief financial officer of the Council~~:~~ ~~The Treasurer shall report to the Council Board of Directors and Annual Meeting on financial matters of the Council. The Treasurer shall perform such duties and have such powers additional to the foregoingas the Council Board of Directors may designate.~~;

EXPLANATORY NOTES

ARTICLE VIII – OFFICERS
(cont.)

Section 3 *(formerly Section 9)*

- Clarify leadership succession in the event of absence of the President/Chair of the Board at a meeting; and,
- Identify the responsibilities of the First Vice President/ President-Elect.

Section 4. Treasurer
(formerly Section 10)

- Housekeeping edits.

B. report to the Board of Directors and at the Annual Business Meeting on financial matters of the Council; and

C. perform such duties and have such powers additional to the foregoing as the Board of Directors may designate.

SECTION ~~11~~5. Secretary. The Secretary shall:

A. record or cause to be recorded all votes, consents, and the proceedings of all meetings of the Council and of the Board of Directors; and

B. ~~The Secretary shall~~ perform such duties as the Board of Directors may designate.

Records of the Council meetings shall be open at all reasonable times to the inspection of any Member Board.

In the absence of the Secretary from any meeting of the Council or from any meeting of the Board of Directors, a temporary Secretary designated by the person presiding at the meeting shall perform the duties of the Secretary.

SECTION ~~12~~6. Chief Executive Officer. The Chief Executive Officer shall be the senior appointed officer of the Council. Such person shall be appointed by~~,~~ and shall serve at the pleasure of the Board of Directors, and shall have such compensation and benefits as shall be established from time to time by the ~~Council~~ Board of Directors. The Chief Executive Officer shall have general charge of the management and administration of the Council's affairs, the implementation of policies established from time to time by the ~~Council~~ Board of Directors, and such other duties and powers as the ~~Council~~ Board of Directors may from time to time determine, subject always to the ultimate authority of the ~~Council~~ Board of Directors under applicable law and these Bylaws.

SECTION ~~13~~7. Bonding. The Council's Chief Executive Officer and those in general charge of the Council's financial matters shall be bonded in an amount of not less than $500,000. The Chief Executive Officer may decide to have others bonded in the Council. The cost of such bond shall be paid from funds of the Council.

EXPLANATORY NOTES

ARTICLE VIII – OFFICERS *(cont.)*

Section 5. Secretary *(formerly Section 11)*

- Housekeeping edits.

Section 6. Chief Executive Officer *(formerly Section 12)*

- Housekeeping edits.

ARTICLE IX—COUNCIL SERVICES TO MEMBERS OF THE ARCHITECTURAL PROFESSION

SECTION 1. Council Record. The Council shall, upon request of individual members of the architectural profession, secure, authenticate, and record factual data of an applicant's education, training, examination, practice, and character~~.~~ for purposes of establishing a Council Record. Upon request of the applicant, this Council Record will be forwarded to any Member Board or to any foreign ~~r~~Registration authority with whom ~~NCARB~~the Council has an agreement for mutual reciprocity.

SECTION 2. Council Certification. Council Certification shall be given to an Architect holding a Council Record verifying that the Architect has complied with the Council standards of education, training, examination, ~~r~~Registration, and character. In addition to this verification, the Certification shall carry the recommendation of the Council that ~~r~~Registration be granted the Architect without further examination of credentials. For applicants registered as Architects in countries where formal agreements with the Council exist, the standards and procedures for Certification will be in accordance with such written agreements or as otherwise established by the Council. Architects certified by the Council shall have a Certificate incorporated in their Council Record.

SECTION 3. Annual Renewal. Council Certification shall be in effect for a period of one year. Renewal of the Council Certification shall be predicated upon the submission of an annual fee and an annual report containing such information as the Council deems appropriate. The Council Certification shall lapse if the annual fee and report are not received by the Council within such grace period as the ~~Council~~ Board of Directors may establish. A lapsed Council Certification may be reactivated by paying delinquent renewal fees, furnishing delinquent annual reports, and paying such fee for reinstatement as the ~~Council~~ Board of Directors may establish from time to time.

SECTION 4. Revocation of Certification. The Council shall revoke an Architect's Council Certification if:

A. a Member Board has revoked (without limitation as to time) the Architect's ~~r~~Registration for a cause other than nonpayment of renewal fees or failure to file information with the Member Board; or

EXPLANATORY NOTES

ARTICLE IX – SERVICES TO MEMBERS OF THE PROFESSION

Sections 1 - 3.

- Housekeeping edits.

Section 4. Revocation of Certification

- Housekeeping edits; and,
- Simplified language in the last paragraph.

B. facts are subsequently revealed which show that the Architect was actually ineligible for Council Certification at the time of Council Certification.

In addition, the Council may revoke an Architect's Council Certification if:

C. a Member Board or a court makes a finding, not reversed on appeal, that the Architect has, in the conduct of his or her architectural practice, violated the law or has engaged in conduct involving wanton disregard for the rights of others; or

D. the Architect has surrendered or allowed to lapse his or her ~~r~~Registration with the Member Board in connection with disciplinary action pending or threatened; or

E. a Member Board has denied the Architect registration for a cause other than the failure to comply with the educational, experience, age, citizenship, or other technical qualifications for registration in such jurisdiction; or

F. the Architect has willfully misstated a material fact in a formal submission to the Council.

The Council may reinstate a Certification previously revoked, if the cause of the revocation has been removed, corrected, or otherwise remedied.

In order to assist the Council in carrying out its responsibilities under this Section, each Member Board shall (unless prohibited by ~~its State Law) report to the Council each case in which the Member Board has revoked or suspended an Architect's registration for cause other than nonpayment of renewal fees or failure to file information with the Member Board, or in which the Member Board or a court makes a finding, not reversed on appeal, that the Architect has, in the conduct of architectural practice, violated the laws~~ applicable law) report to the Council the occurrence of any event that qualifies an Architect for revocation of his or her Council Certification, as described herein.

EXPLANATORY NOTES

ARTICLE X—COUNCIL SERVICES TO MEMBER BOARDS

SECTION 1. Architect Registration Examination. The Council shall prepare an ~~architect registration~~ ~~e~~Examination for use by Member Boards. The ~~Council~~ Board of Directors shall issue, from time to time, rules respecting the administration and grading of ~~e~~Examinations, which shall include, among other things, the schedule of charges for the use of the ~~e~~Examinations, the date or dates on which ~~e~~Examinations may be administered, safeguards to prevent improper disclosure of information respecting the ~~e~~Examinations, and such other matters respecting the administration and grading of ~~e~~Examinations as the ~~Council~~ Board of Directors deems appropriate. Every Member Board using the ~~Architect Registration~~ Examination shall comply strictly with the rules issued by the ~~Council~~ Board of Directors, unless the ~~Council~~ Board of Directors agrees to waive any of the rules in a particular case. If any Member Board refuses to comply with the rules applicable to its use of the ~~e~~Examinations or, after so agreeing, fails to comply with such rules, the ~~Council~~ Board of Directors may withhold the ~~e~~Examinations from such Member Board until it is satisfied that such Member Board will comply with such rules thereafter. Any Member Board which refuses ~~r~~Registration to architects holding the Council Certification for the reason that the Member Board has requirements or procedures for grading the ~~Architect Registration~~ Examination which are different from the requirements or procedures established by the Council shall be denied the use of the ~~e~~Examinations until such policy of refusing ~~r~~Registration is revoked; but the ~~Council~~ Board of Directors may, with sufficient cause, waive the denial of the use of the ~~e~~Examinations.

SECTION 2. Architectural Experience Program. The Council shall prepare a structured experience program for use by Member Boards. The Board of Directors shall issue, from time to time, updates to program rules and opportunities to remain relevant with experiences and competencies necessary for the current practice of architecture.

SECTION 3. Additional Services. Additional services may be offered as determined by the Board of Directors from time to time.

SECTION ~~2~~4. Forms and Documents. In order to ensure uniformity in the reporting of an applicant's education, experience, ~~r~~Registration (if applicable), and other necessary supporting data for determining eligibility for the ~~e~~Examination, Council Certification, or reciprocal ~~r~~Registration, the Council shall study and prepare forms, documents, and/or systems

EXPLANATORY NOTES

ARTICLE X – SERVICES TO MEMBER BOARDS

Sections 1, 4-6

- Housekeeping edits.

Sections 2-3

- The AXP and flexibility to add additional services in the future were added based on regional feedback.

appropriate for use by both the Council and Member Boards.

SECTION ~~3~~5. Research. The Council, through work of Committees, shall engage in research pertinent to all matters relating to legal ~~r~~Registration of architects.

SECTION ~~4~~6. International Relations. The Council shall engage in the exploration and formulation of agreements with foreign countries to allow architects to practice in countries other than their own.

ARTICLE XI—FINANCES, FUNDS, ACCOUNTING, INVESTMENTS, AND RECORDS OF THE COUNCIL

SECTION 1. Dues and Fees.

A. Annual membership dues may be changed for any period ~~after July 1, 2018~~, by resolution adopted at an Annual Business Meeting with implementation of any change to take place not less that three years after such resolution is adopted.

B. ~~Fees:~~ The fees to be charged for services to members of the architectural profession shall be established, from time to time, by an affirmative vote of not less than two-thirds of the ~~Council~~ Board of Directors present and voting.

SECTION 2. Operating Fund.

A. ~~Reciepts:~~ All membership dues and all fees and other revenues received from any of the activities of the Council shall be placed in the operating fund of the Council. The operating fund shall be administered by the Council's chief financial officer.

B. ~~General Budget:~~ As soon as feasible following the Annual Business Meeting, the ~~Council~~ Board of Directors shall adopt a general budget which shall show the anticipated income and expenditures for the current year.

C. ~~Authority to Expand and Disburse Money: No Officer,~~ No Director, Committee, or employee of the Council shall have the right, authority, or power to expend any money of the Council, to incur any liability for and in its behalf, or to make any commitment which will or may be deemed to bind the Council in any expense or financial liability, unless such expenditure, liability, or

EXPLANATORY NOTES

ARTICLE XI – FINANCES, FUNDS, ACCOUNTING, INVESTMENTS AND RECORDS OF THE COUNCIL *(cont.)*

Sections 1 - 3.

- Housekeeping edits.

commitment has been properly incorporated into the budget, and the ~~Council~~ Board of Directors has made an appropriation to pay the same.

D. ~~Fiscal Year:~~ The Fiscal Year of the Council shall be from July 1 of one year to June 30 of the next succeeding year.

SECTION 3. Securities and Investments. In accordance with the ~~Council~~ Board of Directors' policies and the directions by the Board of Directors to the Chief Executive Officer, the Council's chief financial officer shall have charge of the investment of all funds of the Council not held in its operating fund. In accordance with such policies and such directions, such chief financial officer may sell, purchase, transfer, and convey securities and exercise all rights, by proxy or by participation, of the Council with respect to such securities, or may authorize such purchases, sales, transfers, conveyances, and the exercise of any or all of said rights.

SECTION 4. Liabilities of Officers, Directors, and Employees. No ~~Officer,~~ Director, officer, or employee of the Council shall be personally liable for any decrease of the capital, surplus, income, balance, or reserve of any fund or account resulting from his or her acts performed in good faith and within the scope of his or her authority.

SECTION 5. Disclosure of Records. Upon written request made with reasonable specificity, a Member Board shall have the right to receive from the Council with reasonable promptness copies of any Council record it may reasonably request, but excluding:

~~(i)~~A. information barred from disclosure by an applicable statute;

~~(ii)~~B. trade secrets;

~~(iii)~~C. information disclosed to the Council in reliance upon its continued non-disclosure;

~~(iv)~~D. information that, if released, would give an inappropriate advantage to a competitor or bidder with respect to a request for proposals issued or about to be issued by the Council;

~~(v)~~E. personnel information, the disclosure of which would constitute an unwarranted invasion of personal privacy;

EXPLANATORY NOTES

ARTICLE XI – FINANCES, FUNDS, ACCOUNTING, INVESTMENTS AND RECORDS OF THE COUNCIL *(cont.)*

Sections 4 and 5.

- Housekeeping edits.

~~(vi)~~F. attorney-client communications and attorney work-product materials;

~~(vii)~~G. transcripts and personal information respecting Certificate applicants or holders without the permission of such applicant or holder;

~~(viii)~~H. contents and results of examinations except to the extent disclosure is provided for in the contract between the Council and the Member Board together with data, methodologies, practices, plans, proposals, records of committee deliberations and other records relating to the content, administration, scoring or security of examinations; and

~~(ix)~~I. information arising from investigatory cases.

Any of the excluded records that the Council has already distributed publicly shall, notwithstanding the preceding sentence, be available to any Member Board.

To the extent permitted by applicable law, Council records furnished to a Member Board shall not be distributed by the Member Board ~~to outsiders.~~other than to members of such Member Board. The Council may charge the Member Board only reasonable costs to comply with the request. Such charges shall be itemized by the Council in an invoice to the Member Board.

ARTICLE XII—COMMITTEES

~~SECTION 1. Authorization and Appointment of Committees. Committees may be established to perform services for the Council. Except as otherwise specifically provided, all Committees shall be appointed as provided in Article VIII, Section 7 of these Bylaws and shall be under the jurisdiction of the Council Board of Directors, reporting to it when directed. Except as otherwise specifically provided, the President/Chair of the Board shall select the Chair of allCommittees.~~

SECTION 1. Board Committees. The Board of Directors may, by the affirmative vote of a majority of the Directors then in office or as otherwise set forth in these Bylaws, create one or more Board Committees. Board Committees, to the extent provided in the applicable authorizing action of the Board of Directors or these Bylaws, shall have and exercise the authority of the Board of Directors in the management of the Council. A Board Committee may not, however:

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES

Section 1. Board Committees

- New section to insert and define "Board Committees and identify actions that, in accordance with Iowa law, may not be delegated to Board Committees. These changes do not substantively alter the operation of existing Board Committees, but they are intended to clarify the distinction between Board Committees, which are permitted to act on behalf of the Board of Directors, and Advisory Committees, which are not permitted to act on behalf of the Board of Directors.

A. authorize distributions;

B. approve or recommend to members dissolution, merger, or the sale, pledge, or transfer of all or substantially all of the Council's assets;

C. elect, appoint, or remove directors or fill vacancies on the Board of Directors or on any Board Committees; or

D. adopt, amend, or repeal the Council's Articles of Incorporation or Bylaws.

The designation of, and the delegation of authority to, a Board Committee shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed upon them by law.

SECTION 2. Executive Committee of the Board of Directors. The Executive Committee of the Board of Directors shall be a Board Committee and shall comprise the President/Chair of the Board, the First Vice President/President-Elect, the Second Vice President, the Treasurer, the Secretary, and the Immediate Past President. The Executive Committee shall:

A. act for the Board of Directors between meetings only as directed by the Board;

B. prior to the start of the new fiscal year of the Council, review the budget for the next fiscal year for presentation to the Board of Directors; and

C. periodically review the budget, investments, financial policies, and financial positions of the Council and make recommendations concerning the same to the Board of Directors for appropriate action.

SECTION 3. Audit Committee. The Audit Committee, appointed in the same manner and with the same term as all other Committees, shall be a Board Committee and shall consist of the Treasurer, who shall serve as the chair of the Committee, up to one additional Executive Committee member, and from one to three additional members of the Board of Directors who are not members of the Executive Committee. The Audit Committee shall report to the Board of Directors and shall be responsible for overseeing the Council's financial controls and auditing, including receiving the annual audit and considering the items of internal accounting control that arise from the audit, from personnel changes, and from the implementation of changes in policies that affect internal financial controls.

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES
(cont.)

Section 2. Executive Committee

- Previously located in Article VII, has been relocated to this Article XII.

Edits made subsequent to relocation include:

- Identifying the Executive Committee as a Board Committee;
- Deleting the clause pertaining to Regional meetings as out-dated language, shown here as deleted clause (iii); and
- Segmenting the former Article VII, Section 9, clause D into two separate clauses, shown here as clauses (iv) and (v).

Section 3. Audit Committee

- Previously located in Article VII, has been relocated to this Article XII.

Edits made subsequent to relocation include:

- Identifying the Audit Committee as a Board Committee.
- Removing the requirement for – but still allowing the appointment of – an additional Executive Committee member.

The Audit Committee shall annually select and engage an independent auditor of the Council's financial records~~.~~

SECTION 4. Advisory Committees. Advisory Committees may be created by affirmative vote of a majority of the Directors present at a meeting at which there is a quorum or as set forth in these Bylaws. The ~~Council~~ Board of Directors may delegate to any of the Elected Officers or the Immediate Past President the authority to supervise the work of any of the Advisory Committees.

SECTION 5. Committee Membership.

In accordance with Article VIII, Section 2, the President/Chair of the Board shall select the members of all Committees subject to approval by the Board of Directors. Except as otherwise specifically provided in these Bylaws, the President/Chair of the Board shall ~~have the power to make~~ select the Chair of each Committee. The terms of all Committee appointments ~~to~~ shall be for one year, during the President/Chair of the Board's term in such capacity, except as otherwise approved by the Board of Directors. A~~a~~ny unfilled or vacant ~~Committe membership. The Council~~ Board Committee positions shall be filled in accordance with the regular procedures for appointment. The Board of Directors may at any time, by the affirmative vote of a majority of the Directors then in office, discontinue a Board Committee or Advisory Committee other than ~~a standing Committee~~those established ~~in the~~by these Bylaws~~, or~~ (which may only be discontinued by amendment of these Bylaws), and make any changes in a Committee's ~~personnel~~membership without regard to the terms of appointment of the Committee members.

SECTION ~~2.~~6. Reports of Committees. Each Committee shall report in writing annually to the ~~Council~~ Board of Directors, at least 60 days prior to the date of the Annual Business Meeting and shall make interim reports to the ~~Council~~ Board of Directors as directed.

SECTION ~~3~~7. General Procedure of Committees. Every Committee shall perform in accordance with these Bylaws and with the directions of the ~~Council~~ Board of Directors. ~~With the approval of the Council~~ The provisions of these Bylaws that govern Board of Directors' meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements of the Board of Directors shall apply to meetings and action of the Committees and their members as well. With the approval of the Board of Directors, every Committee may

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES *(cont.)*

Section 4. Advisory Committees

- New language to identify Board authority with respect to Advisory Committees, a new term added in Article II. Despite the new language of "Advisory Committee, the concept of "Advisory Committee" and the Board's authority to create Advisory Committees already existed under the existing Bylaws and Iowa law.

Section 5. Committee Membership

- Revised language makes minor edits to clarify the responsibilities of the President/Chair of the Board and the Board of Directors with regard to establishing committee membership and terms of service.

Section 6. Reports of Committees (*formerly Section 2)*

- Housekeeping edits.

Section 7. General Procedure of Committees *(formerly Section 3)*

- Proposed edits outline committee requirements with respect to meeting notices, quorums and voting.
- Clarifies that Advisory Committees may take no action or exercise any authority.

call and hold meetings and meet with other organizations or their representatives~~:~~; provided that an Advisory Committee may not take any action to bind the Board of Directors or otherwise exercise any powers or authority of the Board of Directors, and no Committee may take any actions prohibited under Article XII, Section 1 of these Bylaws.

~~SECTION 4. Terms of Committee Appointments. The terms of Committee appointmentsshall be for one fiscal year except as otherwise approved by the Council Board of Directors.~~

SECTION ~~5~~8. Advisory Committees. The following Advisory Committees are hereby established and may from time to time make recommendations to the ~~Council~~ Board of Directors for consideration, subject to the terms of these Bylaws and applicable law:

A. Education Committee: The Education Committee shall assess and recommend updates to the ~~Council~~ Board of Directors with respect the Council's education and continuing education policies for use by Member Boards and the Council's relationship with the National Architectural Accrediting Board ~~(NAAB)~~.

B. Experience Committee: The Experience Committee shall assess and recommend updates to the ~~Council~~ Board of Directors with respect to the Architectural Experience Program for use by Member Boards.

C. Examination Committee: The Examination Committee shall assess and recommend updates to the ~~Council~~ Board of Directors with respect to the ~~Architect Registration~~ Examination ~~(ARE)~~ for use by Member Boards.

D. ~~Procedures and Documents~~ Policy Advisory Committee: The Policy Advisory Committee shall review proposed resolutions~~, procedures, and documents~~ and special publications, as directed by the Board of Directors, for their impact on and consistency with Council policies and programs and make recommendations on such matters to the ~~Council~~ Board of Directors. ~~The Committee shall assess the usefulness of special Council publications, and modify asappropriate Board of Directors.~~

E. Professional Conduct Committee: The Professional Conduct Committee shall oversee the development, application, assessment, and adjudication of Council

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES *(cont.)*

Former Section 4.

- Language relocated to Section 7, above.

Section 8. Permanent Advisory Committees *(formerly Section 5) (cont.)*

Clauses A - C

- Housekeeping edits.

Clause D

- Proposed name and description change to align with today's role of the Procedures and Documents Committee.

Clause E

- Housekeeping edits.

policies and practices relating to the professional conduct of Council Record holders and others using Council services.

F. Member Board Executives Committee: The Member Board Executives Committee shall consider issues of concern to the jurisdictions and Member Board Executives. ~~The Committee shall nominate a Member Board ExecutiveDirector to serve on the Council Board of Directors as provided in Article VII, Section 2.~~

G. Regional Leadership Committee: The Regional Leadership Committee shall discharge its responsibilities as described in Article V, Section 5, and consider issues of concern to the Regions. The membership of the Committee shall be the Region Chairs of each of the Regions, any person designated by the Region as the chief administrative officer of the Region, and the First Vice President/President~~-~~-Elect who shall serve as Chair of the Committee.

H. Credentials Committee: The Credentials Committee shall oversee the nomination and election process for positions on the Board of Directors, verify candidate qualifications for office, examine and verify ~~Annual Meeting~~ Voting Delegate credentials, report to the membership ~~on~~regarding quorum at the Annual Business Meeting ~~attendance~~, and tabulate and report election results to the President/Chair of the Board. Members of the Credentials Committee shall be sitting Member Board Members and/or Member Board Executives.

I. Other: Committees, task forces, and work groups may be established from time to time by the President/Chair of the Board with the approval of the ~~Council~~ Board of Directors.

SECTION ~~6.~~9. Select Committees. Whenever the Council establishes by resolution a Committee, a majority of whose members are, in accordance with such resolution, to be selected by a procedure other than those set out in Section ~~7~~5 of Article ~~VIII~~ XII, such a Committee shall be deemed a Select Committee and shall have, in addition to the duties and powers set out in the resolution, the right, ~~notwithstanding Article V, Section 5,~~ to offer resolutions to be voted on at the Annual Business Meeting on subjects germane to the work of such Select Committee, provided such resolutions are included in the annual report of such Select Committee

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES *(cont.)*

Section 8. Permanent Advisory Committees *(formerly Section 5) (cont.)*

Clause F

- Housekeeping edit; and,
- Delete role of nominating the Member Board Executive Director of the Board of Directors to align with current practice.

Clause G

- Housekeeping edits.

Clause H

- Housekeeping edits; and, enhanced committee scope.

Clause I

- Housekeeping edits.

Section 9. Select Committees *(formerly Section 6)*

- Housekeeping edits; and,
- New, clarifying language for Select Committees.

submitted to the ~~Council~~ Board of Directors in accordance with Section ~~2~~6 of this Article XII. Such annual report of a Select Committee shall be distributed to the membership not later than 30 days prior to the Annual Business Meeting without revision by the ~~Council~~ Board of Directors. A Select Committee may be a Board Committee or an Advisory Committee, provided that the procedures and authority applicable to such Select Committee are consistent with those of a Board Committee or Advisory Committee, as applicable.

ARTICLE XIII—INDEMNIFICATION

In addition to such further indemnification as may be authorized by the Board of Directors from time to time consistent with applicable law, to the fullest extent permitted by law, including without limitation Section 504 of the Iowa Code known as the Revised Iowa Nonprofit Council Act ("RINCA") and after the Council's Board of Directors makes the determination that the standards of Section 504.852 of RINCA (or successor provisions) have been met for the specific proceeding at issue, any present or former Director~~, officer,~~ or employee determined by Board of Directors to be an executive employee, or member of a ~~Council~~ Committee, or the estate or personal representative of any such person, made a party to any action, suit or other proceeding, civil or criminal, by reason of the fact that such person is or was serving the Council as such, or serving at the Council's request in any other entity or with respect to the Council's employee benefit plan, shall be indemnified by the Council against the reasonable expenses, including without limitation amounts paid by way of judgment, fine or penalty and reasonable defense costs including attorney's fees incurred in connection with the defense of such proceeding whether or not such defense shall be successful in whole or in part, or in connection with any appeal therein, or any settlement of any such proceeding on terms approved by the ~~Council~~ Board of Directors. Such indemnification shall not be deemed exclusive of any other rights to which such persons may be entitled. Any other present or former employee or agent of the Council may also be indemnified with the approval of the ~~Council~~ Board of Directors. Expenses incurred of the character described above may, with the approval of the ~~Council~~ Board of Directors, be advanced to any person entitled to indemnity upon satisfaction of the requirements of Section 504.854 (or successor provisions) of RINCA. The Council shall have the power to purchase and maintain insurance on behalf of any person described above, or any other employee, volunteer or agent of the Council, against liability asserted against or incurred

EXPLANATORY NOTES

ARTICLE XIII - INDEMNIFICATION

- Housekeeping edits.

by such person on account of his or her status as such, whether or not the Council would have the power to indemnify or advance expenses to such persons.

ARTICLE XIV~~—SEAL~~

~~The Official Seal of the Council shall be used in all legal documents and on the Certification referred to in Article IX, Section 2 of these Bylaws.~~

~~ARTICLE XV—~~AMENDMENTS

These Bylaws may be amended at any special meeting or Annual Business Meeting of the Council by resolution submitted to the Member Boards not less than 30 days prior to the meeting at which the resolution is to be considered. An affirmative vote by not less than two-thirds of the Member Boards shall be required to secure adoption of any amendment to these Bylaws.

EXPLANATORY NOTES

ARTICLE XIV - SEAL

- Proposed deletion of Article XIV as an out-dated requirement.

ARTICLE XIV – AMENDMENTS *(formerly ARTICLE XV)*

- Housekeeping edits.

2018 NCARB Resolution Feedback

Region Comments with Responses from:

- Venable LLP
- NCARB Staff
- NCARB Board of Directors

The following is a compilation of comments received from the six NCARB regions after Regional Summit with responses from NCARB's legal consultant, Venable LLP, and NCARB staff for Board discussion. Final Board of Director responses/actions from the April Board of Directors meeting have also been included in this document.

Region comments are in black.
Legal counsel comments are in **blue.**
NCARB staff comments are in **purple**.
NCARB Board of Directors response and action in **red**.

Resolution 2018-01

NCARB Legislative Guidelines and Model Law/Model Regulations Amendment—HSW Category Realignment

Region 1

- Agrees with the edits proposed by Regions 2, 3, and 6

Region 2

- Mention was made that some would like to see sustainability addressed in more areas.
    - **Staff Response:** Education Committee Chair Mike Rodriguez worked with Harry Falconer and Jared Zurn (Resiliency Workgroup staff liaison) to update the sponsor's statement of support. Changes include additional or edited topics under Programming & Analysis and Project Planning & Design.
    - **Board of Directors Response**: Approved the revised statement of support.

Region 3

- No comments.

Region 5

- No concerns.

Region 6

- Several members felt that the proposed Health, Safety, and Welfare subjects in the resolution did not necessarily fall into the category of HSW. Redefining HSW is important but the proposal does not do it right. Concerns expressed that the proposed new HSW categories move more toward globalization and do not allow for more flexibility for the state boards.

- A comment that NCARB used the inaccurate language in trying to define "HSW Realignment"; should amend to say "CEU Realignment", since the

listing of categories are all legitimate CEU content areas, but classification as HSW would depend on the specific program.

- Several members felt that specific information on the definition of HSW is mentioned in the *NCARB Bylaws* and is more appropriately outlined in the *Education Standard* publication. Much agreement in the region that NCARB should consider deleting HSW language entirely from the *Bylaws* and move to the *Education Standard*.
    - **Staff Response:** HSW only appears in the NCARB Bylaws under "Article III – Purpose" which reads: *"The purpose of the Council shall be to work together as a council of Member Boards to safeguard the health, safety, and welfare of the public….."*

    - HSW relates to all professional practice, not just the education component of licensure; therefore, inclusion in the ***Education Standard*** does not appear to be the appropriate direction.
        - The ***Education Standard*** is the approximation of the requirements of a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB). It includes general studies, professional studies, and optional studies, which together comprise a professional liberal education in architecture. It is used to when evaluating foreign degrees or degrees from non-accredited programs for NCARB certification. The standard is updated by Board action with Member Board comment period.

        - The ***Education Guidelines*** provides a general overview of the education requirement for NCARB certification and alternatives to the education requirement. In the sponsors' statement of support, it proposes adding a new section that outlines acceptable HSW topics for continuing education. Other than the *Education Standard*, which is located in the back of the *Education Guidelines*, this document is updated as needed to reflect current internal and external processes as they change and to enhance language for clarity.

    - **Board of Directors Response:** The Board decided that general language is more appropriate for the *NCARB Legislative Guidelines and Model Law/Model Regulations*. The Board directed development of a new *Continuing Education Guidelines* to provide more specificity on the example topics and to provide better support and guidance for Member Boards. This will be a charge for the Education Committee in FY19.

Overview of Board Discussion & Action:
The sponsors' statement of support has been updated to reflect comments from Region 2. The Board of Directors voted 14-0 to move Resolution 2018-01 forward for membership consideration.

Resolution 2018-02

Certification Guidelines Amendment—Revision to the EESA Requirement for the Education Alternative to Certification

Region 1

- No comments.

Region 2

- No comments

Region 3

- No comments.

Region 3

- No comments.

Region 5

- No concerns.

Region 6

- Little comment mentioned on this proposal other than clarification requested as to whether this proposed resolution was based on the recent Canadian MRA entered into between NCARB/Jurisdictions and Canada.
    - **Staff Response:** This proposed resolution is not related to the Canadian MRA. Applicants for NCARB certification utilizing the education alternative have long challenged the purpose and validity of requiring an EESA from those who have more than 64 credit hours of higher education.

      From the Sponsor's Statement of Support: About 20 percent of architects falling into the category of requiring an EESA have received an associate, bachelor, or master degree in completely unrelated fields. Their EESA evaluation typically leads only to a waiver of the "General Education" subject area. The EESA requirement is a time-consuming and costly effort for little to no value in these cases. Many of the remaining 80 percent of architects requiring an EESA have completed some coursework in architecture or architecture-related programs and have also expressed interest in satisfying their education by completing all subject areas of the Education Standard

through the Certificate Portfolio, bypassing the cost and time required to obtain an EESA.

- **Board of Directors Response:** Consensus that the staff response answers Region 6's question.

Overview of Board Discussion & Action:
The Board of Directors made no changes to the resolution as presented at 2018 Regional Summit. The Board of Directors voted 14-0 to move Resolution 2018-02 forward for membership consideration.

Resolution 2018-03

Amendment and Restatement of the *NCARB Model Rules of Conduct*

Region 1

- Agrees with the edits proposed by Regions 2, 3, and 6

Region 2

- General comments that commentary should be eliminated. Let the rules state exactly what is intended. Keep them simple and straightforward. Less is more!
  - **Legal Response:** Commentary has already been substantially removed. It is an internal NCARB decision to remove remaining commentary.
  - **NCARB Board of Directors Response:** The Board agreed to remove the commentary from the main body of the *Model Rules of Conduct*. Felt the commentary still provided value, so language will become footnotes.

- Delete Rule 1.4 altogether and allow the Standard of Care clause to cover this. Defining impairment is very dangerous and open ended.
  - **Legal Response:** The "Standard of Care" clause generally covers all of the responsibilities that are further defined in Section 1. Further, Rule 1.4 does not define impairment but states that impairment is determined by the assessment of a qualified professional.
  - **NCARB Board of Directors Response:** The Board decided not to make any changes to Rule 1.4.

- Noted a concern for Rule 1.3 as a matter of discretion that similar to 1.4 is a matter of the Standard of Care.
  - **Legal Response:** As noted above, the scope of the "Standard of Care" can cover most things implicitly that are explicitly defined in the *Rules of Conduct*.
  - **NCARB Board of Directors Response:** The Board decided not to make any changes to Rule 1.3.

- Concern was expressed that the Rules may be used as a "Standard" against which all Architects may be judged.
  - **Legal Response:** Our understanding is that the *Rules of Conduct* are specifically intended to be a standard by which all architects will be judged.
  - **NCARB Board of Directors Response:** The language is intended to be a model standard that can be adapted by jurisdictions as they see fit. The Board is not proposing to have this document govern disciplinary actions of Certificate holders; those actions will be based

on disciplinary decisions determined by a Member Board. Rather, this effort is designed to provide a guidance document for jurisdictions wishing to pursue enactment of their own Code of Conduct and to make a public statement regarding the aspirational goals of NCARB as a national organization.

Region 3

- No comments.

Region 4

- Rules of Conduct 4.2- Question is: "Who will determine this?"
  - **Staff Response:** The courts and/or the jurisdictional board.
  - **Legal Counsel Response:** Agree with staff comment. Rule 4.2 can be read to permit a finding of fraud or deliberate disregard of the rights of others by a formal court/tribunal or through findings by the jurisdiction's board.
  - **Board of Directors Response:** No additional comments.

- Rules of Conduct 4.5- The Region did not agree with the last sentence: "For purpose of this rule, any who, alone or with others, is in charge of the architectural practice, shall be deemed to have violated this rule if the employer has violated this rule. Their comments:
  - They are concerned with holding someone responsible for the actions of others when they were not involved or had no previous knowledge.
  - We do not discipline firms.
  - Can you hold an employee responsible for the actions of the firm?
    - **Legal Response:** This was based on previous Model Rule 4.4. The rule is stating that an architect "in charge of the architectural practice" at an employer found in violation of certain employer protection laws, including labor and discrimination law, is in violation of the Rules. This rule suggests that, as a manager, the architect has personal professional responsibility for violations of law by the firm. We understand, however, that there may be instances where the person "in charge" of the architecture practice is not necessarily the manager of the employer engaged in the violation. Upon NCARB's direction, we can add language to address this potential distinction. Further, note that Rule 4.5 is generally consistent with Guiding Principle F of the proposed Model Rules of Conduct.
    - **Board of Directors Response:** The Board decided to strike the last sentence of Rule 4.5. Agreed that the language was too broad.

- Rule 5- Signing and Sealing Documents- The Region had issue with 5.2 and 5.3. Their comments:
  - The architect should not be sealing anything that they did not produce.
    - **Legal Response:** Our understanding is that the inclusion of Rule 5.2 and 5.3, which are based on previous Rule 5.2, is based on common industry practice.
    - **Board of Directors Response:** No additional comments.

  - 5.2 and 5.3 are both in direct conflict with 5.1.
    - **Legal Response:** We do not read the Rules to be in direct conflict. However, based on NCARB's direction, we can add language to Rule 5.1 clarifying Rules 5.2 and 5.3 (*e.g.*, "An architect shall sign and seal only those technical submissions…, except as noted in Rule 5.2 and 5.3.").
    - **NCARB Board of Directors Response:** The Board decided to add "except as provided in 5.2 and 5.3" to 5.1.

Region 5

- No concerns.

Region 6

- 1.4 Concerns expressed it would be inappropriate for a Board to determine professional competency based on medical and physical disabilities. All agreed that this determination must be made by a qualified individual rather than an architect. Many thought the term "appropriately qualified professional" was overly broad and the more appropriate term would be "health care professional" to include therapists, etc., who are not always referred to as medical professionals.
  - **Legal Response:** The rule requires the board to make the judgment as to whether the architect can practice based off the assessment of an "appropriately qualified professional." Therefore, the architect is not performing the evaluation of impairment, just the evaluation of the assessment conducted by a professional and its application to the practice of architecture. We believe, in most instances, the appropriately qualified professional to determine impairment will be a "health care professional". Upon NCARB's direction, we can revise the term used in Rule 1.4 to narrow the scope, if requested.
  - **NCARB Board of Directors Response:** The Board feels "health care profession" would be too narrow. The model language is intended to be broad so boards have more leeway when adapting the rules to their own jurisdictions. The Board decided not to make any changes to Rule 1.4.

- Discussion also about whether the language should say "should" vs. "shall." No consensus reached.

- 3.5 Much consternation articulated about the whistleblower aspect of this

rule. Members who are employees of firms were concerned that they would have to potentially turn in their bosses if they heard of any wrongdoing. Turning in a client might also be challenging but certainly not inappropriate. However, language that could hold a law-abiding member accountable for the wrong-doing of others was not well received. Additionally, requiring termination of a contract due to a client's wrong-doing could be contrary to the architect's contract terms regarding termination and would therefore need to be considered before compelling the architect to terminate the contract. Members wanted clarification on how this rule is meant to work.

- **Legal Response:** Rule 3.5 is designed to be a whistleblower provision. The requirements of Rule 3.5 are consistent with general professional responsibility that members are required to report clients or employers that violate law which could result in harm to health or safety of the public, especially in a profession whose primary duty is to "protect the public's health, safety, and welfare." *See also* **NCEES Model Rules 240.15(A)(3)**. It is arguable that a court would not choose to enforce a contract in an action for breach pursuant to public policy since the architect was acting out of concern for HSW.
- **NCARB Board of Directors Response:** The language is intended to be advisory to our Member Boards, and their legal counsel will interpret as appropriate. The Board decided to change the word "municipal" to "local."

- 4.4 Members felt the language for "official" was not broad enough since many of them deal directly with building department or jurisdiction employees (serving in an official capacity). Recommend changing language to "public officials" and to add "public employees" as well. Several members felt that the existing language should remain. Several members felt that the existing language in Rule 5.3 covers these matters more appropriately than breaking up it up into numerous other rules.
  - **Legal Response:** "Official" is meant to be read in the broadest sense. Upon NCARB's direction, we can revise the term or revise the rule to provide greater detail regarding the scope of application.
  - **NCARB Board of Directors Response:** The Board felt "public" would narrow the scope. Would like to keep the language broad, and allow Member Boards more flexibility to adapt and narrow if they see fit.

- 4.5 Concern conveyed that employee architects will be put in position to monitor "any and all" possible laws in the U.S. or U.S. jurisdictions of partners or firm owners or face potential discipline. The second half of this Rule does not recognize the issues facing firms with multi-jurisdictional offices. Holding the "firm" or "other owners" accountable for taking appropriate action against a violator makes sense but the current language is excessive. This needs to be further examined and clarified.
  - **Legal Response:** As discussed above, this limits responsibility to those employee architects "in charge of the architectural practice."
  - **Board of Directors Response:** The Board decided to strike the last

sentence of Rule 4.5. Agreed that the language was too broad.

- 5.3: See 4.4 above.

Overview of Board Discussion & Action:
The Board of Directors made the following edits to the resolution:

- Removed commentary from the main body of the document to footnotes.
- Changed "municipal" to "local" in in Rule 3.5
- Struck out the last sentence of Rule 4.5
- Updated Rule 5.1 to add "except as noted in Rules 5.2 and 5.3."

The Board of Directors voted 14-0 to move Resolution 2018-03 forward with these changes for membership consideration.

Resolution 2018-04

Amendment and Restatement of the *NCARB Bylaws*

Region 1

- Agrees with the edits proposed by Regions 2, 3, and 6

Region 2

- Question was raised regarding coordination of terminologies. i.e. the Rules of Conduct changed reference of "registration" to "licensure." Registration remains a term in the *Bylaws*.
  - **Staff Question:** Should we have a definition that registration and license are interchangeable terms for NCARB? Registration as a term has significance for the organization as it appears in our name: National Council of Architectural Registration Boards. In other documents (program guidelines) we note that registration and license are interchangeable.
    - **Legal Response:** We would not recommend adding such a broadly applicable definition to the *Bylaws*, however, a more limited definition of "Registration" may be helpful. For example, you may wish to consider adding a definition similar to the following: "'Registration' shall mean 'Licensure as an architect by the body legally authorized by a Jurisdiction to grant such licensure.'"
      - Note that by adding a definition, most (but not all) uses of the word "registration" in the *Bylaws* will need to be capitalized.
  - **Board of Directors Response:** The Board decided to add legal counsel's definition for "Registration." The Board noted that both terms often have different meanings for each Member Board. Since there is not a common approach at the Member Board level, NCARB must use a simpler approach.

Region 3

- Removal of directors - Should removal of a Regional Director be accomplished by his/her region?
  - **Staff Question:** Per *Bylaws*, Directors are elected by the full body—only nominated by the Region. Is this Iowa Law or just our Bylaws?
    - **Legal Response:** Under Iowa law, the default rule is that directors elected by the members can be removed by the members with or without cause. However, Iowa law allows the default rule to be changed in the bylaws (e.g., to allow the Board to remove a director for cause).

- **Staff Question:** Is it correct that it would not be appropriate for the Region to remove because the Regional directors were voted in by the full membership?
  - **Legal Response:** Under Iowa law, NCARB could amend its bylaws to allow the Regions to remove a Regional Director, however, we would advise against it. As previously discussed, the Directors of NCARB are elected by the full membership and have fiduciary duties to NCARB overall, not to any particular Region.
- **NCARB Board of Directors Response:** The Board agreed with legal response. Separately, the Board decided to delete "or without" from Article VII, Section 4.

- Vacancies - Should a vacancy in the office of Regional Director be filled by his/her region rather than the BOD?
  - **Legal Response:** Note that the draft *Bylaws* already state that prior to filling any vacancy, the Board will consider recommendations from the constituent group responsible for nominating the vacated director position (e.g., the applicable Region).
  - **NCARB Board of Directors Response:** No additional comments.

- Services provided to member boards - Consider revising services provided by NCARB to include administration of an experience program in addition to the examination.
  - **Staff Response:** Can add Architectural Experience Program (AXP)/national experience program as a service.
    - **Proposed Addition:** Architectural Experience Program. The Council shall prepare a structured experience program for use by Member Boards. The Board of Directors shall issue, from time to time, updates to program rules and opportunities to remain relevant with experiences and competencies necessary for the current practice of architecture.
  - **Staff Question:** Should we take a closer look at this from a holistic view at a later date to make sure we have captured all appropriate services to include in the *Bylaws*?
  - **Legal Response:** We think it is OK to add AXP as a service, but we generally recommend against adding too many other services or specifics about services into the *Bylaws* (a separate policy would be more appropriate, in order to avoid needing to revise the *Bylaws* every time a service is changed). Instead, you could consider adding language indicating that additional services may be offered as determined by the Board of Directors from time to time.
  - **NCARB Board of Directors Response:** The Board decided to add the Architectural Experience Program to the *Bylaws* and an additional section that addresses the possibility of other services that says "Additional services may be offered as determined by the Board of Directors from time to time."

- Consider adding, as a service to Member Boards, maintenance of an architect's transcript of HSW CEUs and transmittal to Member Boards for auditing purposes.
    - **Legal Response:** As noted above, we suggest that you avoid being too specific about services in the *Bylaws*, and instead consider adopting a separate policy for member services.
    - **Staff Response:** This is not yet a service NCARB currently provides. We are working on the concept.
    - **NCARB Board of Directors Response:** No additional comments.

- Why assign ExCom the authority to develop short-range and long-range goals? – Shouldn't goal setting be the responsibility of the BOD?
    - **Staff Response:** We can delete this charge.
    - **Legal Response:** You could also consider adding language to the charge such as "develop short-range and long-range goals…to supplement those developed by the Board" or "…subject to review and approval by the Board." This would allow the Executive Committee to retain the charge, but make clear that the full Board also has the right to develop goals and/or has the right to override any of the ExCom's goals.
    - **NCARB Board of Directors Response:** The Board decided to delete the charge noted from the Executive Committee section of the *Bylaws*.

Region 5

- No concerns.

Region 6

- Article V, Section 5: Region 6 suggests that the timing of when resolutions are to be received and disseminated be aligned. As an example, proposed resolutions coming from Regions or Members Boards must have 75 days' notice, while resolutions coming from committees only requires 30 days' notice. Member boards were in agreement that the timing should be more, not less in order to give member boards adequate time to meet and review the proposals and provide feedback prior to the Annual Meeting.
    - **Staff Response:** The 30-day requirement in the *Bylaws* requires the Board of Directors to release all resolutions to the membership before the Annual Business Meeting.
        - The 75-day requirement is for Member Boards or Regions to submit resolutions to the Regional Leadership Committee, which in turn reviews and forwards to the Board Directors to be released with all other resolutions 30 days prior to the Annual Business Meeting.
        - All other committees submit resolutions to the Board of Directors by January 1.
    - **Legal Response:** We have no further comments.
    - **NCARB Board of Directors Response:** No additional comments.

- Article VII, Section 2: Many members of Region 6 advocated that it is appropriate for each individual region to set the qualifications for its Regional Director. Maybe NCARB can offer general guidelines to help inform regions on the qualifications that would be beneficial.
    - **Staff Response:** While regions (and the MBE community) nominate individuals to be considered for director seats, each director is elected by the membership as a whole at the Annual Business Meeting and, once elected, serves the interests of NCARB as a whole, rather than a particular region. For this reason, qualifications for positions on the national Board should be set by the national membership through the *Bylaws*. We note, however, that the eligibility requirements are relatively broad and leave significant room for regions to nominate a director of its liking.
        - **Legal Response:** We agree with the comment above.
    - Regions determine qualifications for Regional Chairs and other officers of the Regional Boards.
    - **NCARB Board of Directors Response:** No additional comments.

Overview of Board Discussion & Action:
The Board of Directors made the following edits to the resolution:

- Article II: Added a definition for "Registration"
- Article VII, Section 4: Deleted "or without"
- Article X: Added definition of AXP and added language about additional services.
- Article XII: Deleted Section 2.ii (and changed the section to letters to match the rest of the document)

The Board of Directors voted 14-0 to move Resolution 2018-04 forward with these changes for membership consideration.

Guide to Proposing Amendments to Resolutions at the Annual Business Meeting

If a Member Board or region would like to offer an amendment to a resolution being moved forward at the Annual Business Meeting (ABM), NCARB is available to provide support in various ways including legal counsel support and coordinating distribution to all Member Boards.

Amendments Offered Prior to the Annual Business Meeting

If a Member Board or region develops an amendment to a resolution prior to arriving at the Annual Business Meeting, and you would like to share it in advance so other Member Boards can discuss it prior to arriving at the meeting:

1. Download the Resolution and Amendment template. Use this document to develop the amendment in the required format.
2. Send the proposed amendment to Josh Batkin at council-relations@ncarb.org.
3. NCARB legal counsel will review and provide feedback relative to formatting or any unintended consequences. Any proposed changes will be returned to the authoring Member Board/region, with explanation, for consideration.
4. Once finalized, NCARB can distribute the final version of the amendment to membership. This will include posting on the Member Board Community and publishing via NCARB's various membership communications channels (Fast Facts, emails, feedback webinars, etc.)
    - To include the amendment in the *Pre-Annual Business Meeting Briefing*, NCARB must receive it by **May 18, 2018**.
    - Amendments can be submitted after this date. They will be shared via all other communications channels.
5. NCARB will prepare printed copies of the amendment for distribution at the Annual Business Meeting.
    - If the authoring Member Board or region changes the amendment following electronic distribution, please send the revised amendment to Josh Batkin at council-relations@ncarb.org by **June 8, 2018**.

At the Annual Business Meeting Prior to Saturday Resolution Session

If a Member Board or region develops an amendment onsite prior to the Saturday morning resolution session and would like to make it available to membership for early discussion:

1. Submit the amendment at the registration table as soon as possible.
2. NCARB legal counsel will review and provide feedback relative to formatting or any unintended consequences. Any proposed changes will be returned to the authoring Member Board/region, with explanation, for consideration.
3. Once finalized, NCARB can provide copies of the amendment at the registration desk. Further, NCARB can share the amendment through various communications channels including email to all Members, posting on the Member Board Community and

announced through the ABM app. These various communication channels will ensure that members not in attendance at the ABM may also be made aware and engaged.

4. Authoring Member Boards/regions may inform attendees about the amendment developed during the Friday Resolution Forum. If timing permits, the printed versions can be made available for the Resolution Forum and/or Regional Meetings.
5. The amendment will be distributed for discussion during the Saturday resolution session.

Introducing an Amendment from the Floor During Saturday Resolution Session

If a Member Board or region decides to offer an amendment from the floor during the Saturday Resolution Session:

1. A delegate must go to the microphone and identify their name and Member Board or region to offer the amendment.
    - Note: Only one amendment may be considered at a time. If a delegate wishes to suggest a different amendment while one is currently being debated, the delegate may go to the microphone to state the intention, but no formal action can begin until the current amendment has fully been discussed and voted on.
2. The amendment must be seconded from the floor.
3. At this point, the session will likely go on break while the legal counsel and parliamentarian work with the authoring Member Board/region to finalize the amendment for members' consideration. This includes developing a hard-copy version for distribution to the attendees, as well as posting on the Member Board Community so that that Members participating in the Saturday session via phone or watching the live stream may be engaged.
4. Once the hard-copy has been distributed, debate will begin/resume. If needed, delegates will be given the opportunity to caucus to discuss the amendment(s).

Voting on Amendments

1. After discussion on the amendment has concluded, the first vice president/president-elect will call for a vote on the amendment. A simple majority of voting delegates present is needed to amend a resolution.
    - If the amendment passes, discussion begins on the amended resolution.
    - If the amendment fails, discussion resumes on the original resolution.
2. Additional amendments may be introduced, following the above steps.
3. After all discussion is completed, the first vice president/president-elect will call for a vote on the resolution, *original* or *as amended*, based on voting results of amendments.
4. The number of votes needed to pass a resolution are dictated by the *NCARB Bylaws*.

Questions?

If you have questions about the amendment or resolution process, please contact **council-relations@ncarb.org**.

REVIEW AND POSSIBLE ACTION ON 2018/19 INTRA-DEPARTMENTAL CONTRACT WITH OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) FOR CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE) DEVELOPMENT

The Department of Consumer Affairs' (DCA) OPES is charged with providing professional psychometric services to DCA boards and bureaus, which include all aspects of the examination validation process (i.e., occupational analyses, examination development, test scoring and statistical analyses, and national examination reviews).

The Board's current Intra-Departmental Contract with OPES for development of the CSE will expire on June 30, 2018. A new contract (attached) is needed for fiscal year (FY) 2018/19 for continued examination development.

The Board is asked to review and take action on the new contract with OPES for examination development during FY 2018/19.

Attachment:
Intra-Departmental Contract with OPES for FY 2018/19

+Department of Consumer Affairs

INTRA-DEPARTMENTAL CONTRACT

CONTRACT NUMBER	AMENDMENT NUMBER
IAC #70609	

1. This Contract is entered into between the Board/Bureau/Divisions named below

   REQUESTING BOARD/BUREAU/DIVISION'S NAME

   California Architects Board (Board)

   PROVIDING BOARD/BUREAU/DIVISION'S NAME

   Office of Professional Examination Services (OPES)

2. The term of this Contract is: **July 1, 2018 through June 30, 2019**

3. The maximum amount of this Contract is: **$53,708**

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Contract:

California Supplemental Exam
Written Examination Development

Exhibit A – Scope of Work	1 Page
• Attachment I - Project Plan	2 Pages
• Attachment II - Roles and Responsibilities	3 Pages
Exhibit B – Budget Detail and Payment Provisions	1 Page
• Attachment I - Cost Sheets	3 Pages
Exhibit C – General Terms and Conditions	1 Page
Exhibit D – Special Terms and Conditions	1 Page

IN WITNESS WHEREOF, this Contract has been executed by the parties hereto.

DEPARTMENT OF CONSUMER AFFAIRS		Department of Consumer Affairs Contracts Unit Use Only
REQUESTING BOARD/BUREAU/DIVISION'S NAME **California Architects Board**		
BY *(Authorized Signature)*	DATE SIGNED	
PRINTED NAME AND TITLE OF PERSON SIGNING **Vickie Mayer, Interim Executive Officer**		
ADDRESS **2420 Del Paso Road, Suite 105, Sacramento, CA 95834**		
BUDGET OFFICER'S SIGNATURE		
DEPARTMENT OF CONSUMER AFFAIRS		
PROVIDING BOARD/BUREAU/DIVISION'S NAME **Office of Professional Examination Services**		
BY (Authorized Signature)	DATE SIGNED 5/29/18	
PRINTED NAME AND TITLE OF PERSON SIGNING **Heidi Lincer, Chief**		
ADDRESS **2420 Del Paso Road, Suite 265** **Sacramento, CA 95834**		
BUDGET OFFICER'S SIGNATURE		

EXHIBIT A

SCOPE OF WORK

1. The Office of Professional Examination Services (OPES) agrees to provide the following services:

   Develop new items for four forms of the California Architects Board California Supplemental Exam (CSE) and establish the passing scores for two new forms.

2. Board agrees to provide the following services:

   See attached: I. Project Plan
   II. Roles and Responsibilities

3. The project representatives during the term of this agreement will be:

Requesting Board:

Name Vickie Mayer
Phone: (916) 574-7222
Fax: (916) 575-7283

Office of Professional Examination Services:

Name: Heidi Lincer
Phone: (916) 575-7240
Fax: (916) 419-1697

Direct all agreement inquiries to:

Department of Consumer Affairs
Contracts Unit:

Address: 1625 N. Market Street, Suite #S-103
Sacramento, CA 95834
Phone: (916) 574-7277
Fax: (916) 574-8658

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70609
PROJECT PLAN
for
CALIFORNIA ARCHITECTS BOARD
CALIFORNIA SUPPLEMENTAL EXAMINATION
WRITTEN EXAMINATION DEVELOPMENT
FISCAL YEAR 2018-19

Project Objectives: ***Develop new items for the California Supplemental Examination, review existing items, construct four new forms of the exam and establish passing score for two forms of the written examination.***

Proposed Completion Date: June 30, 2019

Board Contact(s): Marccus Reinhardt
(916) 575-7217

OPES Contact(s): Tavi G. Popp
(916) 575-7255

MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
1. Item Writing Workshop		
Recruit SMEs for 2-day workshop	May 2018	Board
Provide list of SMEs to OPES	June 2018	Board
Conduct workshop with SMEs	**July 13-14, 2018**	OPES
Perform post workshop activities	July 2018	OPES
2. Item Writing Workshop		
Recruit SMEs for 2-day workshop	May 2018	Board
Provide list of SMEs to OPES	June 2018	Board
Conduct workshop with SMEs	**July 26-27, 2018**	OPES
Perform post workshop activities	August 2018	OPES
3. Item Review Workshop		
Recruit SMEs for 3-day workshop	May 2018	Board
Provide list of SMEs to OPES	July 2018	Board
Conduct workshop with SMEs	**August 2-4, 2018**	OPES
Perform post workshop activities	August 2018	OPES
4. Item Writing Workshop		
Recruit SMEs for 2-day workshop	May 2018	Board
Provide list of SMEs to OPES	July 2018	Board
Conduct workshop with SMEs	**August 16-17, 2018**	OPES
Perform post workshop activities	August 2018	OPES
5. Item Review Workshop		
Recruit SMEs for 2-day workshop	June 2018	Board
Provide list of SMEs to OPES	July 2018	Board
Conduct workshop with SMEs	**August 30-31, 2018**	OPES
Perform post workshop activities	September 2018	OPES
6. Exam Construction Workshop		
Recruit SMEs for 2-day workshop	July 2018	Board
Provide list of SMEs to OPES	August 2018	Board
Conduct workshop with SMEs	**September 21-22, 2018**	OPES
Perform post workshop activities	September 2018	OPES

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70609
PROJECT PLAN
for
CALIFORNIA ARCHITECTS BOARD
CALIFORNIA SUPPLEMENTAL EXAMINATION
WRITTEN EXAMINATION DEVELOPMENT
FISCAL YEAR 2018-19

Project Objectives:	***Develop new items for the California Supplemental Examination, review existing items, construct four new forms of the exam and establish passing score for two forms of the written examination.***
Proposed Completion Date:	June 30, 2019
Board Contact(s):	Marccus Reinhardt (916) 575-7217
OPES Contact(s):	Tavi G. Popp (916) 575-7255

MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
7. Exam Construction Workshop		
Recruit SMEs for 2-day workshop	August 2018	Board
Provide list of SMEs to OPES	September 2018	Board
Conduct workshop with SMEs	**October 5-6, 2018**	OPES
Perform post workshop activities	October 2018	OPES
8. Passing Score Workshop		
Recruit SMEs for 2-day workshop	September 2018	Board
Provide list of SMEs to OPES	October 2018	Board
Conduct workshop with SMEs	**November 9-10, 2018**	OPES
Analyze data, prepare passing score memo	November 2018	OPES
9. Passing Score Workshop		
Recruit SMEs for 2-day workshop	October 2018	Board
Provide list of SMEs to OPES	November 2018	Board
Conduct workshop with SMEs	**December 7-8, 2018**	OPES
Analyze data, prepare passing score memo	December 2018	OPES
10. Publish Examination		
Prepare final copies for four forms of examination	January 2019	OPES
Prepare examination for CBT	January 2019	OPES

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70609

ROLES AND RESPONSIBILITIES for CALIFORNIA ARCHITECTS BOARD

CALIFORNIA SUPPLEMENTAL EXAM WRITTEN EXAMINATION DEVELOPMENT

FISCAL YEAR 2018-19

INTRODUCTION

The Office of Professional Examination Services (OPES) of the Department of Consumer Affairs (DCA) provides psychometric consulting in examination development and occupational analysis to DCA's regulatory entities through Intra-Agency Contract (IAC) agreements.

The purpose of a licensure examination is to identify individuals who have the minimum knowledge and skills to perform job tasks safely and competently. An occupational analysis (OA) of the profession is required to determine the most critical job tasks and knowledge. The OA must be conducted prior to examination development and reviewed every 5-7 years. To ensure legal defensibility, the content of the examination must be based on the results of a current OA.

The examination development process is conducted in several workshops and requires a total of 90 licensed architects to serve as expert consultants known as subject matter experts (SMEs). A minimum of 6 SMEs, with a range of 8-10 SMEs, are needed for each workshop. The SMEs in each workshop should be different to ensure objectivity of the examination development process and to ensure that all aspects of the profession are represented.

The examination development services to be provided will include: item writing, item review, examination construction, and passing score processes.

ROLE OF THE CALIFORNIA ARCHITECTS BOARD

The primary role of the Board is to recruit a representative sample of SMEs for development of the examination. The Board should also inform SMEs about the nature of their participation and the OPES security requirements.

The selection of SMEs critically affects the quality and defensibility of a licensure examination program. The SMEs selected to participate in an examination development workshop panel should:

- reflect the architect profession in terms of geographic location, practice specialty area, ethnicity, and gender;
- be currently working in the field and have up-to-date skills; and
- maintain a license in good standing that is not retired nor inactive.

Additionally, approximately half of all SMEs in each workshop should have received their license within the past 5 years to ensure that an entry-level perspective is maintained. It is essential that the Board representative consult with OPES before beginning SME recruitment.

Due to potential conflict of interest, undue influence, security considerations, or all of the above, board members, committee members, and instructors shall not serve as SMEs for, nor participate in, any aspect of licensure examination development or administration, pursuant to DCA Policy OPES 11-01.

In addition, the Board has the responsibility to acquire any reference materials to be used by the SMEs in the development of examination items.

The nature of the work performed by OPES can result in unanticipated changes. For example, work may be completed ahead of or behind schedule. Flexibility on the part of both parties is essential to the success of the contract.

ROLE OF THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES

The primary role of OPES is to develop the written examination. OPES will link the examination to the results of an occupational analysis to ensure the content validity of the examination. During the workshops, OPES will work with the SMEs to develop items, review items, construct an examination, and establish the passing score for two examinations.

Following each workshop, OPES and the Board staff will review the performance of each SME to determine those who should be invited back. The Board agrees to recruit SMEs to build a competent pool of representative, productive participants.

SECURITY

OPES has implemented various controls to ensure the integrity, security, and appropriate level of confidentiality of licensure examination programs. These controls include prohibiting certain items, such as electronic devices and items that could potentially conceal recording devices, in all workshops.

SMEs are required to:

- provide valid photo identification;
- allow for electronic devices to be secured in the reception area during workshops; and
- sign one or more agreements accepting responsibility for maintaining strict confidentiality of licensure examination material and information to which they have access.

Any person who fails to comply with OPES' security requirements will not be allowed to participate in licensure examination workshops. In addition, any person who subverts or attempts to subvert a licensure examination will face serious consequences, which may include loss of licensure, criminal charges per Business and Professions Code section 123, or both.

OPES will notify the Board of any SME whose conduct during a workshop violates policy or whose presence is disruptive. OPES reserves the right to immediately dismiss any SME whose presence poses a security risk. OPES will take steps to manage disruptive behavior; however, if such behavior persists or prevents other SMEs from completing their tasks, or both, OPES may dismiss the person from the workshop.

SUMMARY OF EVENTS

- Board recruits three panels of SMEs to serve as item writers for three workshops.
- OPES works with SMEs to develop new items.
- Board recruits two panels of SMEs to serve as item reviewers for two workshops. The reviewers should be different SMEs than the item writers.
- OPES works with SMEs to review items.
- Board recruits two panels of SMEs to select items to construct new examination forms for two workshops.
- OPES works with SMEs to select items to construct four new forms.
- Board recruits two panels of SMEs to serve as judges in two passing score workshops. The SMEs should be different SMEs than the examination construction participants to ensure objectivity of the passing score ratings.
- OPES works with SMEs to establish the passing scores for two forms of the examination. OPES analyzes the ratings and prepares a passing score memo.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. **Invoicing and Payment**

   A. For services satisfactorily rendered and upon receipt and approval of the invoices, California Architects Board (Board) agrees to compensate the Office of Professional Examination Services (OPES) for services rendered and expenditures incurred.

   B. Invoices shall include the agreement number and shall be submitted on a quarterly basis for the cost of services completed as identified in Exhibit B, Attachment I; any related travel expenses will be billed as actuals. Signed/approved invoices from the Board will be due to OPES fifteen (15) working days from the date of invoice billings. OPES will then submit the approved invoices to the Department of Consumer Affairs for processing and payment. Invoices will be submitted to:

   Vickie Mayer
   California Architects Board
   2420 Del Paso Road, Suite 105
   Sacramento, CA 95834

   C. The Board will reimburse OPES for the partial performance (e.g. workshop preparation, rescheduling) of any services provided by OPES if the board/bureau does not demonstrate in good faith their roles/responsibilities as defined by Attachment II – Roles and Responsibilities.

2. **Budget Contingency Clause**

   A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to OPES or to furnish any other considerations under this Agreement and OPES shall not be obligated to perform any provisions of this Agreement.

   B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to OPES to reflect the reduced amount.

3. **Payment**

   A. Costs for this Agreement shall be computed in accordance with State Administrative Manual Sections 8752 and 8752.1.

   B. Nothing herein contained shall preclude advance payments pursuant to Article 1, Chapter 3, Part 1, Division 3, Title 2 of the Government Code of the State of California.

4. **Cost**

   A. Costs for this Agreement shall be subject to any collective bargaining agreements negotiated in Fiscal Year 2000/2001 or thereafter.

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70609

CALIFORNIA ARCHITECTS BOARD

CALIFORNIA SUPPLEMENTAL EXAMINATION WRITTEN EXAMINATION DEVELOPMENT COSTS

FISCAL YEAR 2018-19

1.	**Item Writing Workshop**	$ 4,744
2.	**Item Writing Workshop**	$ 4,504
3.	**Item Review Workshop**	$ 5,524
4.	**Item Writing Workshop**	$ 4,504
5.	**Item Review Workshop**	$ 4,504
6.	**Exam Construction Workshop**	$ 5,320
7.	**Exam Construction Workshop**	$ 5,320
8.	**Passing Score Workshop**	$ 4,208
9.	**Passing Score Workshop**	$ 4,208
10.	**Publish Examination**	$ 5,392
	Administrative Costs	$ 5,480
	TOTAL	**$53,708**

Index/PCA/Object Code 0600/06000/427.10

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70609
CALIFORNIA ARCHITECTS BOARD
CALIFORNIA SUPPLEMENTAL EXAM
WRITTEN EXAMINATION DEVELOPMENT COSTS
FISCAL YEAR 2018-19

	Test Validation Staff $72.00		Overtime @ $102		Editor $67.00		Support Staff $52.00			
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Totals	GRAND TOTAL
1. Item Writing Workshop										
Workshop preparation	8	$ 576					2	$ 104	$ 680	
Conduct 2-day workshop	8	$ 576	12	$ 1,224					$ 1,800	
Perform post workshop activities	24	$ 1,728			8	$ 536			$ 2,264	
										$ 4,744
2. Item Writing Workshop										
Workshop preparation	8	$ 576					2	$ 104	$ 680	
Conduct 2-day workshop	16	$ 1,152	4	$ 408					$ 1,560	
Perform post workshop activities	24	$ 1,728			8	$ 536			$ 2,264	
										$ 4,504
3. Item Review Workshop										
Workshop preparation	8	$ 576					2	$ 104	$ 680	
Conduct 2-day workshop	16	$ 1,152	14	$ 1,428					$ 2,580	
Perform post workshop activities	24	$ 1,728			8	$ 536			$ 2,264	
										$ 5,524
4. Item Writing Workshop										
Workshop preparation	8	$ 576					2	$ 104	$ 680	
Conduct 2-day workshop	16	$ 1,152	4	$ 408					$ 1,560	
Perform post workshop activities	24	$ 1,728			8	$ 536			$ 2,264	
										$ 4,504
5. Item Review Workshop										
Workshop preparation	8	$ 576					2	$ 104	$ 680	
Conduct 2-day workshop	16	$ 1,152	4	$ 408					$ 1,560	
Perform post workshop activities	24	$ 1,728			8	$ 536			$ 2,264	
										$ 4,504
6. Exam Construction Workshop										
Workshop preparation	16	$ 1,152					2	$ 104	$ 1,256	
Conduct 2-day workshop	8	$ 576	12	$ 1,224					$ 1,800	
Perform post workshop activities	24	$ 1,728			8	$ 536			$ 2,264	
										$ 5,320
7. Exam Construction Workshop										
Workshop preparation	16	$ 1,152					2	$ 104	$ 1,256	
Conduct 2-day workshop	8	$ 576	12	$ 1,224					$ 1,800	
Perform post workshop activities	24	$ 1,728			8	$ 536			$ 2,264	
										$ 5,320
8. Passing Score Workshop										
Workshop preparation	16	$ 1,152					2	$ 104	$ 1,256	
Conduct 2-day workshop	8	$ 576	12	$ 1,224					$ 1,800	
Analyze data, prepare passing score memo	16	$ 1,152							$ 1,152	
										$ 4,208

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70609
CALIFORNIA ARCHITECTS BOARD
CALIFORNIA SUPPLEMENTAL EXAM
WRITTEN EXAMINATION DEVELOPMENT COSTS
FISCAL YEAR 2018-19

	Test Validation Staff $72.00		Overtime @ $102		Editor $67.00		Support Staff $52.00		Totals	GRAND TOTAL
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost		
9. Passing Score Workshop										
Workshop preparation	16	$ 1,152					2	$ 104	$ 1,256	
Conduct 2-day workshop	8	$ 576	12	$ 1,224					$ 1,800	
Analyze data, prepare passing score memo	16	$ 1,152							$ 1,152	
										$ 4,208
10. Publish Examination										
Prepare final copies for four forms of examination	36	$ 2,592			16	$ 1,072			$ 3,664	
Prepare examinations for CBT	24	$ 1,728							$ 1,728	
										$ 5,392
Administrative Support										
Technical oversight (40 hours @ $76/hour)									$ 3,040	
Cost oversight (40 hours @ $61/hour)									$ 2,440	
										$ 5,480
TOTAL	**468**	**$ 33,696**	**86**	**$ 8,772**	**72**	**$ 4,824**	**18**	**$ 936**	**$ 53,708**	**$ 53,708**

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **Approval:**

   This Contract is not valid until signed by both parties.

2. **Payment:**

   Costs for this Contract shall be computed in accordance with State Administrative Manual Section 8752 and 8752.1.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **Mutual Cooperation**

   The Office of Professional Examination Services (OPES) is entering into a partnership where mutual cooperation is the overriding principle.

2. **Evaluation**

   The OPES and the California Architects Board (Board) reserve the right to evaluate progress, make midcourse corrections as needed, and to negotiate changes to the agreement as necessary to ensure a high quality examination program. This may affect the cost of the analysis.

3. **Examination Criteria**

   The primary responsibility of OPES is to develop examinations that are psychometrically sound, legally defensible and job related.

4. **Good Faith Agreement**

   In good faith, OPES believes the project steps accurately describe the work to be performed and that the costs are reasonable. This agreement will remain in effect until the work is completed.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

1. Update on May 4, 2018 LATC Meeting

2. Review and Possible Action on LATC's Recommendation Regarding Proposed Amendments to LATC's *Disciplinary Guidelines* and California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2680 (Disciplinary Guidelines)

UPDATE ON MAY 4, 2018 LATC MEETING

The LATC met on May 4, 2018, in Sacramento. Attached is the meeting notice. LATC Program Manager, Brianna Miller, will provide an update on the meeting.

Attachment:
May 4, 2018 Notice of Meeting

NOTICE OF MEETING
Landscape Architects Technical Committee

LATC MEMBERS
Patricia Trauth, Chair
Marq Truscott, Vice Chair
Andy Bowden
David Allen (DJ) Taylor, Jr.

May 4, 2018

Action may be taken on any item listed on the agenda.

2420 Del Paso Road
Sequoia Conference Room, Suite 109
Sacramento, CA 95834
(916) 575-7230

The Landscape Architects Technical Committee (LATC) will hold a meeting, as noted above.

Agenda
9:30 a.m. – 3:00 p.m.
(or until completion of business)

A. Call to Order – Roll Call – Establishment of a Quorum

B. Chair's Procedural Remarks and LATC Member Introductory Comments

C. Public Comment on Items Not on the Agenda
The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

D. Review and Possible Action on November 2, 2017 LATC Meeting Minutes

E. Program Manager's Report - Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs

F. Review and Possible Action on Proposed Amendments to California Code of Regulations (CCR) Title 16, Division 26, Article 1, Section 2615 (Form of Examinations) and Proposed Amendments to CCR Section 2620 (Education and Training Credits)

G. Discuss and Possible Action on LATC's Certification of Experience Form to Incorporate Proposed Amendments to CCR, Title 16, Division 26, Article 1, Section 2620 (Education and Training Credits)

H. Review and Possible Action to Approve 2018-19 Intra-Departmental Contract With Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development

I. Discuss and Possible Action on 2017-2018 Strategic Plan Objectives to:
   1. Revamp the LATC's Website to be More User-Friendly for Consumers
   2. Prepare for Sunset Review Process to Demonstrate the LATC's Effectiveness

J. Review and Possible Action on Proposed Amendments to LATC's *Disciplinary Guidelines* and CCR, Title 16, Division 26, Article 1, Section 2680 (Disciplinary Guidelines)

K. Review of Future LATC Meeting Dates

L. Adjournment

The notice and agenda for this and other meetings of the LATC can be found on the LATC's website: latc.ca.gov. For further information regarding this agenda, please see below, or you may contact Tremaine Palmer at (916) 575-7233.

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public. This meeting may be webcast. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend the physical location.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting:

Person: Tremaine Palmer
Telephone: (916) 575-7233
Email: tremaine.palmer@dca.ca.gov
Telecommunication Relay Service: Dial 711

Mailing Address:
Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the LATC in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5620.1).

REVIEW AND POSSIBLE ACTION ON LATC'S RECOMMENDATION REGARDING PROPOSED AMENDMENTS TO LATC'S *DISCIPLINARY GUIDELINES* AND CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2680 (DISCIPLINARY GUIDELINES)

The Landscape Architects Technical Committee's (LATC) Strategic Plan contains an objective to amend regulations to incorporate the updated *Disciplinary Guidelines* to maintain consistent decisions in disciplinary cases. The LATC's *Disciplinary Guidelines* were last updated in 2000. The California Architects Board's (Board) Strategic Plan similarly contains an objective to update its *Disciplinary Guidelines*. The Board and LATC have been collaborating their efforts to complete the objectives to increase efficiencies.

At its March 1, 2018 meeting, the Board approved its *Disciplinary Guidelines* with proposed changes, including additional language for citations, fines, and civil penalties and authorized staff to proceed with a regulatory amendment. Following this meeting, LATC staff reviewed the approved changes to the Board's *Disciplinary Guidelines* and determined that corresponding changes should also be made to the LATC's *Disciplinary Guidelines*.

Staff consulted with legal counsel and identified changes to the LATC's *Disciplinary Guidelines* based on those which were approved for the Board's. The Board proposed the addition of civil penalty provisions authorized by Business and Professions Code (BPC) sections 125.9 and 148, in which the LATC has one statute within the Landscape Architects Practice Act that provides authority to assess an administrative penalty or fine through discipline:

> BPC section 5678(e) states that any licensee who fails to report a civil action judgement, settlement, or arbitration award of $5,000 or greater against the licensee to the LATC within 30 days may be subject to a civil penalty of not less than $100 and not more than $1,000, or up to $20,000 for knowingly and intentionally failing to report as required, as an additional intermediate sanction in lieu of revoking the license.

In addition to the civil penalty provisions, a new section was also added to the LATC's *Disciplinary Guidelines* under General Considerations to provide information regarding the citation authority, and changes were made to the descriptions of BPC sections 5667, 5670, 5671, 5672, 5673, 5675.5, and 140 to accurately reflect the nature of the violations.

In preparing for the LATC meeting on May 4, 2018, it was discovered that the proposed changes to the LATC's *Disciplinary Guidelines* were being made using an outdated version of the *Guidelines* and not the latest Office of Administrative Law approved version. Therefore, all proposed changes have now been made in the most current version of the *Guidelines.*

At its May 4, 2018 meeting, the Committee reviewed and discussed the recommended highlighted revisions to its *Disciplinary Guidelines*. During the meeting legal counsel proposed additional revisions to the *Disciplinary Guidelines*. The Committee voted to recommend to the Board approval of all revisions to its *Disciplinary Guidelines* (Attachment 1) and authorize staff to proceed with the required regulatory change to amend CCR section 2680 (Attachment 2) in order to incorporate the revised *Disciplinary Guidelines* by reference.

The Board is asked to consider the LATC's recommendation and take possible action to approve the highlighted revisions to the LATC's *Disciplinary Guidelines* and authorize staff to proceed with the required regulatory change to amend CCR section 2680.

Attachments:
1. LATC's *Disciplinary Guidelines* with Recommended Revisions
2. Proposed Regulatory Language, Title 16, California Code of Regulations Section 2680

Start Face Page:

Landscape Architects Technical Commmittee Disciplinary Guidelines

(Revised 2018)

Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Phone: (916) 575-7230
www.latc.ca.gov

End Face Page

TABLE OF CONTENTS

I. INTRODUCTION 3

II. GENERAL CONSIDERATIONS 3

A. Citations 3

~~A~~B. Proposed Decisions 5

~~B~~C. Stipulated Settlements 5

~~C~~D. Cost Reimbursement 5

~~D~~E. Factors to be Considered 5

~~E~~F. Substantial Relationship Criteria 6

~~F~~G. Criteria for Rehabilitation 6

III. DEFINITION OF PENALTIES 7

IV. DISCIPLINARY GUIDELINES 8

A. Business and Professions Code 8

B. General Provisions of Business and Professions Code ... 13

C. California Code of Regulations 15

D. Violation of Probation 17

V. MODEL DISCIPLINARY ORDERS 17

A. Licensee 17

B. Petition for Reinstatement 18

C. Petition to Revoke Probation 19

D. Applicant 19

VI. CONDITIONS OF PROBATION 20

A. Standard Conditions 20

B. Optional Conditions 22

~~VI. REHABILITATION CRITERIA .....~~

ATTACHMENT A: QUARTERLY PROBATION REPORT 26

California Architects Board
Landscape Architects Technical Committee

DISCIPLINARY GUIDELINES

I. INTRODUCTION

To establish consistency in disciplinary penalties for similar offenses on a statewide basis, the California Architects Board (Board~~CAB~~), Landscape Architects Technical Committee (LATC) has adopted these uniform disciplinary guidelines for particular violations. This document, designed for use by Administrative Law Judges, attorneys, landscape architects, others involved in the disciplinary process, and ultimately the Board, ~~shall~~may be revised from time to time and will be distributed to interested parties upon request.

These guidelines include general factors to be considered, probationary terms, and guidelines for specific offenses. The guidelines reference the statutory and regulatory provisions for specific offenses~~ are referenced to the statutory and regulatory provisions~~.

For purposes of this document, terms and conditions of probation are divided into two general categories: (1) Standard Conditions are those conditions of probation which will generally appear in all cases involving probation~~ as a standard term and condition~~; and (2) Optional Conditions are those conditions which address the specific circumstances of the case and require discretion to be exercised depending on the nature and circumstances of a particular case.

The Board~~ (CAB)~~ recognizes ~~that~~ these recommended penalties and conditions of probation are merely guidelines, and ~~that~~ mitigating or aggravating circumstances ~~and~~ or other factors~~,~~ may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken.

Additional copies of this document may be obtained by contacting the LATC~~CAB~~ at its office in Sacramento, California. There may be a charge assessed sufficient to cover the cost of production and distribution of copies.

II. GENERAL CONSIDERATIONS

A. Citations

The Board may issue a citation pursuant to Section 125.9 or 148 of the Business and Professions Code, and in accordance with Section 2630 of Article 1 of Division 26 of Title 16 of the California Code of Regulations, as an alternate means to address relatively minor violations not necessarily warranting discipline.

Citations are not disciplinary actions, but are matters of public record. The citation program increases the effectiveness of the Board's consumer protection process by providing a method to effectively address less egregious violations.

Citations shall be in writing and shall describe the particular nature and facts of the violation, including a reference to the statute or regulation allegedly violated. In assessing a fine, the Board shall give due

consideration to the factors enumerated in subdivision (b) of Section 2630.1 of Article 1 of Division 26 of Title 16 of the California Code of Regulations.

Citations that include an assessment of an administrative fine are classified according to the nature of the violation as follows:

1) Class "A" violations are violations that involve an unlicensed person who has violated Business and Professions Code section 5640, including, but not limited to, acting in the capacity of a landscape architect or engaging in the practice of landscape architecture. A class "A" violation is subject to an administrative fine in an amount not less than $750 and not exceeding $2,500 for each and every violation.

2) Class "B" violations are violations that involve a person who, while engaged in the practice of landscape architecture, has violated a statute or regulation relating to the practice of landscape architecture and which has caused physical damage to a structure or building or to real property or monetary damage to a client or member of the public, or a person who has committed a class "C" violation and has one or more prior, separate class "C" violations. A class "B" violation is subject to an administrative fine in an amount not less than $1,000 and not exceeding $2,500 for each and every violation.

3) Class "C" violations are violations that involve a person who, while engaged in the practice of landscape architecture, has violated a statute or regulation relating to the practice of landscape architecture and which has not caused either the death or bodily injury to another person or physical damage to a structure or building or to real property or monetary damage to a client or a member of the public. A class "C" violation is subject to an administrative fine in an amount not less than $250 and not exceeding $1,000 for each and every violation.

Notwithstanding the administrative fine amounts listed above, a citation may include a fine between $2,501 and $5,000 if one or more of the following circumstances apply:

1) The citation involves a violation that has an immediate relationship to the health and safety of another person.

2) The cited person has a history of two or more prior citations of the same or similar violations.

3) The citation involves multiple violations that demonstrate a willful disregard of the law.

4) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.

Payment of a fine with or without an informal conference or administrative hearing does not constitute an admission of the violation charged, but represents a satisfactory resolution of the citation for purposes of public disclosure.

After a citation is issued, the person may:

1) Pay the fine/comply with any order of abatement and the matter will be satisfactorily resolved.

2) Request an informal conference. Following the informal conference, the citation may be affirmed, modified, or dismissed, including any fine levied or order of abatement issued.

3) Request an administrative hearing to appeal the citation regardless of whether or not an informal conference was held.

Failure to pay a fine, unless the citation is being appealed, may result in disciplinary action. Where a citation is not contested and a fine is not paid, the fine shall be added to the fee for renewal of the license.

~~A~~B. Proposed Decisions

The Board requests ~~that~~ Proposed Decisions following administrative hearings include the following:

a. Specific code sections violated, along with their ~~definitions.~~descriptions.

b. Clear description of the underlying facts demonstrating the violation committed.

c. Respondent's explanation of the violation if he or ~~/~~she is present at the hearing.

d. Findings regarding aggravation, mitigation, and rehabilitation where appropriate.

e. When suspension or probation is ordered, the Board requests that the disciplinary order include terms within the recommended guidelines for that offense unless the reason for departure from the recommended terms is clearly set forth in the findings and supported by the evidence.

~~B~~C. Stipulated Settlements

The Board will consider agreeing to stipulated settlements to promote cost-effective consumer protection and to expedite disciplinary decisions. The respondent should be informed that in order to stipulate to a settlement with the Board, he or she may be required to admit to the violations set forth in the accusation or statement of issues. All proposed stipulated settlements must be accompanied by a memorandum from the Deputy Attorney General addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

~~C~~D. Cost Reimbursement

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including, but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

~~D~~E. Factors to be Considered

In determining whether revocation, suspension, or probation is to be imposed in a given case, factors such as the following should be considered:

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.
2. Actual or potential harm to any consumer, client, or the general public.
3. Prior disciplinary record.
4. Number and/or variety of current violations.
5. ~~Mitigation evidence.~~ Aggravating evidence.
6. Mitigating evidence.

~~6~~7. ~~Rehabilitation~~ E~~e~~vidence~~.~~, if any, of rehabilitation submitted by the respondent~~licensee~~.

~~7. In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.~~

~~8. Overall criminal record.~~

~~9~~8. Time passed since the act(s) or offense(s) occurred.

~~10~~9. Any financial benefit to the respondent from his or her misconduct.

10. Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.

11. Recognition by the respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.

~~E~~F. Substantial Relationship Criteria

California Code of Regulations, Title 16, Division 26, Article 1, section 2655 states:

For the purpose of denial, suspension, or revocation of the license of a landscape architect pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a landscape architect if to a substantial degree it evidences present or potential unfitness of a landscape architect to perform the functions authorized by his or her license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:

(a) Any violation of the provisions of Chapter 3.5 of Division 3 of the Business and Professions Code.

~~F~~G. Criteria for Rehabilitation

(For cases involving an applicant, the conviction of a crime, the reinstatement of licensure, or the reduction of penalty)

California Code of Regulations, Title 16, Division 26, Article 1, section 2656 states:~~, Criteria for Rehabilitation states:~~

(a) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code, the ~~b~~Board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the ~~b~~Board, in evaluating the rehabilitation of such person and his or her present eligibility for a license~~,~~ will consider the following criteria:

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

(2) Total criminal record.

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

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

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

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of the license of a landscape architect, the ~~b~~Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

III. DEFINITION OF PENALTIES

Revocation: Loss of a license as the result of any one or more violations of the Landscape Architects Practice Act. Revocation of a license is permanent, unless the respondent takes affirmative action to petition the Board for reinstatement of his~~/~~ or her license and demonstrates to the Board's satisfaction that he or ~~/~~she is rehabilitated.

***Suspension*:** Invalidation of a license for a fixed period of time, not to exceed a period of one year.

***Stayed Revocation*:** Revocation of a license, held in abeyance pending respondent's compliance with the terms of his or ~~/~~her probation.

***Stayed Suspension*:** Suspension of a license, held in abeyance pending respondent's compliance with the terms of his or ~~/~~her probation.

***Probation*:** A period during which a respondent's sentence is suspended in return for respondent's agreement to comply with specified conditions relating to improving his or ~~/~~her conduct or preventing the likelihood of a reoccurrence of the violation.

Public Reproval: A condition of probation whereby the respondent is required to appear before the Board to review in public the violation which he or she was determined to have committed and the penalties imposed.

IV. DISCIPLINARY GUIDELINES

The offenses are listed by ~~statute~~section number in the Business and Professions Code or California Code of Regulations. The standard terms of probation as stated herein shall be included for all probations. The optional conditions of probation as stated herein are to be considered and imposed along with any other optional conditions if facts and circumstances warrant. The number(s) in brackets ~~listed after each condition of probation~~ refers to the specific standard or optional conditions of probation~~listed on pages XX – XX~~.

A. Business and Professions Code ~~Sections~~

Section 5616: Landscape Architecture Contract – Contents, Notice Requirements

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Cost reimbursement [#16]

b. Restitution [#17] (if applicable)

Section 5640: Unlicensed Person Engaging in Practice - Sanctions

~~Applicant~~ **Maximum**: Revocation or ~~D~~denial of ~~application for a~~ license application
~~Applicant~~ **Minimum**: ~~Ninety (90) days actual suspension~~Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-#7]~~Ethics course [#14]
b. Cost reimbursement [#16]

c. Restitution [#17] (if applicable)

Section 5642: Partnership, Corporation – Unlicensed Person

Maximum: Revocation
Minimum: Stayed ~~R~~revocation, 90 days' actual suspension [#11], and ~~probation for~~ 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~
~~b~~a. Cost reimbursement [#~~11~~16]

Section 5659: Inclusion of License Number – Requirement

Maximum: Revocation
Minimum: Stayed revocation and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Cost reimbursement [#16]

c. Restitution [#17] (if applicable)

Section 5666: Practice in Violation of Chapter Provisions

The appropriate penalty depends on the nature of the offense.

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Cost reimbursement [#16]

b. Restitution [#17] (if applicable)

Section 5667: Fraud, Misrepresentation - Obtaining License

Maximum~~/Minimum~~: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Cost reimbursement [#16]

Section 5668: Impersonating Landscape Architect – Practice Under Assumed Name

~~Licensee~~ **Maximum:** Revocation
~~Licensee~~ **Minimum:** Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b~~a. ~~Continuing education courses~~Ethics course [#~~10~~14]

~~c~~b. Cost reimbursement [#~~11~~16]

~~d~~c. Restitution [#~~12~~17] (if applicable)

Section 5669: Aiding, Abetting - Unlicensed Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b~~a. ~~Continuing education courses~~Ethics course [#~~10~~14]

~~c~~b. Cost reimbursement [#~~11~~16]

~~d~~c. Restitution [#~~12~~17] (if applicable)

Section 5670: Fraud, Deceit in Practice

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

a. ~~All standard conditions of probation [#1-#7]~~Ethics Course [#14]
b. Continuing education courses [#~~10~~15]

c. Cost reimbursement [#~~11~~16]

d. Restitution [#~~12~~17] (if applicable)

Section 5671: Negligence~~, Willful Misconduct in Practice~~

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~d~~a. Continuing education courses [#~~10~~15]

~~e~~b. Cost reimbursement [#~~11~~16]

~~f~~c. Restitution [#~~12~~17] (if applicable)

Section 5671: Willful Misconduct in Practice

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Continuing education course [#15]

c. Cost reimbursement [#16]

d. Restitution [#17] (if applicable)

Section 5672: Gross Incompetence in Practice

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b. Written examination [#109]~~
~~b~~a. California Supplemental Examination [#12]

~~c~~b. Continuing education courses [#~~10~~15]

~~d~~c. Cost reimbursement [#~~11~~16]

~~e~~d. Restitution [#~~12~~17] (if applicable)

Section 5673: False Use of Signature

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b~~a. ~~Continuing education courses~~Ethics course [#~~10~~14]

~~c~~b. Cost reimbursement [#~~11~~16]

~~d~~c. Restitution [#~~12~~17] (if applicable)

Section 5675: Felony Conviction - Sanctions

Maximum: Revocation ~~or denial of license application~~
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b. Continuing education courses [#10]~~

~~c~~a. Cost reimbursement [#~~11~~16]

~~d. Restitution [#12]~~

~~e~~b. Criminal Probation Reports [#~~13~~18]

Section 5675.5: ~~**Disciplinary Action by a**~~ **Public Agency – Disciplinary Action**

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b~~a. Continuing education courses [#~~10~~15]

~~c~~b. Cost reimbursement [#~~11~~16]

~~d~~c. Restitution [#~~12~~17] (if applicable)

Section 5676: ~~**Plea of Nolo Contendere –**~~ **Criminal Conviction - Sanctions**

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

~~a. All standard conditions of probation [#1-7]~~

~~b. Continuing education courses [#10]~~

~~c~~a. Cost reimbursement [#~~11~~16]

~~d. Restitution. [#12]~~

~~e~~b. Criminal Probation Reports [#~~13~~18]

Section 5678: Report of Settlement or Arbitration Award – Licensee

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional condition:

a. Cost reimbursement [#16]

Civil Penalty: In lieu of revocation, assess civil penalty of not less than $100 and not more than $1,000. If knowing and intentional failure to report, in lieu of revocation, assess civil penalty up to $20,000.

B. General Provisions of Business and Professions Code

Section 125.6: Discrimination by Licensee

Maximum: Revocation
Minimum: Stayed revocation, 60~~90~~ days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~and the following optional condition~~s~~:

~~a. All standard conditions of probation [#1-#7]~~

~~b~~a. Cost reimbursement [#~~11~~16]

Section 140: Failure to Record and Preserve Cash Transactions Involving Employee Wages or Failure to Make Those Records Available to Board Representative

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional condition:

a. Cost reimbursement [#16]

Section 141: Effect of Disciplinary Action Taken by Another State or the Federal Government

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Continuing education courses [#15]

b. Cost reimbursement [#16]

c. Restitution [#17] (if applicable)

Section 143.5 Provision Prohibited in Settlement Agreements; Adoption of Regulations; Exemptions

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Cost reimbursement [#16]

Section 480 (a): **Applicant's Grounds for Denial~~ of Licenses~~**

An applicant's application may be denied for (1) conviction of a crime substantially related to the qualifications, functions, or duties of the practice of landscape architecture; (2) any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; (3) any act ~~which~~that if done by a licensee would be grounds for suspension or revocation of license; or (4) knowingly making a false statement of fact required to be revealed in the application for such license.

Maximum~~/Minimum~~: Denial of license application

Minimum: Issue initial license, stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Continuing education courses [#15]

c. Cost reimbursement [#16]

d. Restitution [#17] (if applicable)

Section 490: **Conviction of Crime; Suspension, Revocation – Grounds**

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Cost reimbursement [#16]

b. Criminal Probation Reports [#18]

Section 496: **Subversion of Licensing Examinations or Administration of Examinations**

Maximum~~/Minimum~~: Revocation or denial of license application

Minimum: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Continuing education courses [#15]

c. Cost reimbursement [#16]

d. Restitution [#17] (if applicable)

Section 499: False Statement in Support of Another Person's Application; Grounds

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Cost reimbursement [#16]

C. California Code of Regulations
Division 2, Title 16, Chapter 26, Article 1. General Provisions

Section 2670: Rules of Professional Conduct

(a) Competence

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

a. California Supplemental Examination [#12]

b. Continuing education courses [#~~10~~15]

c. Cost reimbursement [#~~11~~16]

d. Restitution [#~~12~~17] (if applicable)

(b) Willful Misconduct

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Continuing education courses [#15]

c. Cost reimbursement [#16]

d. Restitution [#17] (if applicable)

(~~b~~c) Full Disclosure

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-#7]~~ Ethics course [#14]

~~b. Continuing education courses [#10]~~

~~c~~b. Cost reimbursement [#~~11~~16]

~~d~~c. Restitution [#~~12~~17] (if applicable)

(~~c~~d) Informed Consent

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b~~a. Continuing education courses [#~~10~~15]

~~c~~b. Cost reimbursement [#~~11~~16]

~~d~~c. Restitution [#~~12~~17] (if applicable)

(~~d~~e) Conflict of Interest

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-#7]~~ Ethics course [#14]

~~b. Continuing education courses [#10]~~

~~c~~b. Cost reimbursement [#~~11~~16]

~~d~~c. Restitution [#~~12~~17] (if applicable)

(~~e~~f) Copyright Infringement

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-#7]~~Ethics course [#14]

b. Continuing education courses [#~~10~~15]

c. Cost reimbursement [#~~11~~16]

d. Restitution [#~~12~~17] (if applicable)

~~V.~~D. Violation of Probation

Maximum Penalty

Actual suspension; vacate stay order and reimpose penalty that was previously stayed; and/or revoke, separately and severally, for violation of probation and/or for any additional offenses.

Minimum Penalty

Actual suspension and/or extension of probation.

The maximum penalty is appropriate for repeated similar offenses, or for probation violations indicating a cavalier or recalcitrant attitude. If the probation violation is due in part to the commission of additional offense(s), additional penalties shall be imposed according to the nature of the offense; and the probation violation shall be considered as an aggravating factor in imposing a penalty for those offense~~(s)~~.

V. MODEL DISCIPLINARY ORDERS

A. Licensee

Revocation of License

Landscape Architect License No. _____, issued to respondent _____, is revoked.

Respondent shall relinquish and forward or deliver his or her license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision. Respondent may not reapply or petition the Board for reinstatement of his or her revoked license for ~~three (3) years~~one (1) year from the effective date of this Decision.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of $_____ within thirty (30) days of the effective date of this Decision.

Option: As a condition precedent to reinstatement of his or her revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of $ _____. Said amount shall be paid in full prior to the reinstatement of his or her license unless otherwise ordered by the Board.

Revocation Stayed and License Placed on Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed and respondent is placed on probation for _____years on the following terms and conditions:

Public Reproval

Landscape Architect License No. _____, issued to respondent _____, is publicly reproved. This reproval constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

Surrender License

Respondent _____ surrenders Landscape Architect License No. _____ as of the effective date of this Decision. Respondent shall relinquish and forward or deliver his or her license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision.

The surrender of respondent's license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against respondent. This Decision constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

B. Petition for Reinstatement

Grant Petition with No Restrictions on License

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be fully restored.

Grant Petition and Place License on Probation

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and the petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Grant Petition and Place License on Probation After Completion of Conditions Precedent

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be fully reinstated upon the following conditions precedent:

Upon completion of the conditions precedent above, petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Deny Petition

The petition for reinstatement filed by petitioner _____ is hereby denied.

C. Petition to Revoke Probation

Revocation of Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked.

Extension of Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed, and respondent is placed on probation for an additional _____ year(s) on the following terms and conditions:

D. Applicant

(in cases where a Statement of Issues has been filed)

Grant Application with No Restrictions on License

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees.

Grant Application and Place License on Probation

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect license shall be issued to respondent upon successful completion of all licensing requirements, including payment of all fees. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Grant Application and Place License on Probation After Completion of Conditions Precedent

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect license shall be issued to respondent upon the following conditions precedent:

Upon completion of the conditions precedent above and successful completion of all licensing requirements, including payment of all fees, respondent shall be issued a landscape architect license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Deny Application

The application filed by respondent _____ for initial licensure is hereby denied.

VI. ~~STANDARD~~ CONDITIONS OF PROBATION

A. Standard Conditions

(T~~t~~o be included in all cases of probation)

Severability Clause

Each condition of probation is a separate and distinct condition. If any condition of this Decision and Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all other applications thereof, shall not be affected. Each condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. Obey All Laws

Respondent shall obey all federal, state, and local laws and regulations ~~governing the practice of landscape architecture in California~~ and comply with all conditions of probation.

2. Submit Quarterly Reports

Respondent, within 10 days of completion of the quarter, shall submit quarterly written reports to the Board ~~on~~using the Board's ~~a~~ Quarterly Probation Report ~~of Compliance~~ form (~~10/98~~Rev. 5/2018) obtained from the Board (Attachment A).

3. Personal Appearances

Upon reasonable notice by the Board, ~~the~~ respondent shall report to and make personal appearances at times and locations as the Board may direct.

4. Cooperate During Probation

Respondent shall cooperate fully with the Board, and with any of its agents or employees in their supervision and investigation of his~~/~~ or her compliance with the terms and conditions of this probation. Upon reasonable notice, ~~the~~ respondent shall provide the Board, its agents or employees, with the opportunity to review all plans, specifications, and instruments of service prepared during the period of probation.

5. Maintain Active and Current License

Respondent shall maintain an active and current license to practice landscape architecture in California for the length of the probation period. Failure to pay all renewal fees prior to respondent's license expiration date shall constitute a violation of probation.

6. Notification of Changes to Address and/or Telephone Number

Respondent shall notify the Board in writing of any and all changes to his or her address of record and telephone number within 10 calendar days of such change.

~~5~~7. Tolling for Out-of-State Practice, Residence or In-State Non-Practice

Respondent shall provide a list of all states, United States territories, and elsewhere in the world where he or she has ever been licensed as a landscape architect or held any landscape architecture related professional license or registration within 30 calendar days of the effective date of this Decision. Respondent shall further provide information regarding the status of each license and registration and any changes in the license or registration status within 10 calendar days, during the term of probation. Respondent shall inform the Board if he or she applies for or obtains a landscape architectural license or registration outside of California within 10 calendar days, during the term of probation.

In the event respondent should leave California to reside or to practice outside the State or for any reason stop practicing landscape architecture in California, respondent shall notify the Board or its designee in writing within 10 ~~ten~~ days of the dates of departure and return, or the dates of non-practice or the resumption of practice within California. Respondent's probation is tolled, if and when he or she ceases practicing in California. Non-practice is defined as any period of time exceeding 30~~thirty~~ days in which respondent is not engaging in any activities defined in Section 5615 of the Business and Professions Code. ~~All provisions of probation other than the quarterly report requirements, examination requirements, and education requirements, shall be held in abeyance until respondent resumes practice in California. All provisions of probation shall recommence on the effective date of resumption of practice in California.~~ Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period. Respondent shall not be relieved of the obligation to maintain an active and current license with the LATC. It shall be a violation of probation for Respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total of five years.

All provisions of probation other than the quarterly report requirements, examination requirements, cost reimbursement, restitution, and education requirements, shall be held in abeyance until respondent resumes practice in California. All other provisions of probation shall recommence on the effective date of resumption of practice in California.

~~6~~8. Violation of Probation

If respondent violates probation in any respect, the Board, after giving respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that ~~which~~ was stayed. If an accusation or a petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction ~~until the matter is final,~~ and the period of probation shall be extended until the matter is final.

9. License Surrender While on Probation

During respondent's term of probation, if he or she ceases practice due to retirement or health reasons, or is otherwise unable to satisfy any condition of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and exercise its discretion in determining whether to grant the request, or take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the

conditions of probation. All costs incurred (i.e., cost reimbursement) are due upon reinstatement or relicensure.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board.

~~7~~10. Completion of Probation

Upon successful completion of probation, respondent's license will be fully restored.

~~VII. OPTIONAL CONDITIONS OF PROBATION~~
B. Optional Conditions

~~8~~11. Suspension

Respondent is suspended from the practice of landscape architecture for _____ days beginning on the effective date of ~~the~~this Decision.

12. California Supplemental Examination

Option 1 (Condition Subsequent)
Within six months of the effective date of this Decision, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board.

If respondent fails to pass said examination within six months, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or ~~/~~she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)
Prior to resuming or continuing practice, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she may resume practice. Respondent is responsible for paying all costs of such examination.

~~9~~13. Written Examination

Option 1 (Condition Subsequent)
Within one year of the effective date of this Decision, ~~R~~respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (L~~.~~A~~.~~R~~.~~E~~.~~).

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he

or ~~/~~she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. ~~Failure to pass the required examination no later than one year100 days prior to the termination of probation shall constitute a violation of probation.~~ Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)
Prior to resuming or continuing practice, respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (LARE) within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she may resume practice. Respondent is responsible for paying all costs of such examination.

14. Ethics Course

Within 30 days of the effective date of this Decision, respondent shall submit for prior Board approval a course in ethics that will be completed within the first year of probation.

Failure to satisfactorily complete the required course as scheduled or failure to complete same within the first year of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board for its approval the specifics of the course required by this condition, and for paying all costs of said course.

~~10~~15. Continuing Education Courses

Respondent shall successfully complete and pass professional education courses, approved in advance by the Board or its designee, directly relevant to the violation as specified by the Board. The professional education courses shall be completed within a period of time designated by the Board, which timeframe shall be incorporated as a condition of this probation.

Failure to satisfactorily complete the required courses as scheduled or failure to complete same no later than one year~~100 days~~ prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board for its approval the specifics of each course required by this condition, and for paying all costs of such courses.

~~11~~16. Cost Reimbursement

Respondent shall reimburse the Board $ _____ for its investigative and prosecution costs. The payment shall be made within _____ days/months of the effective date ~~the Board's~~ of this ~~d~~Decision ~~is final~~.

Option: The payment shall be made as follows: _____(specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

~~12~~17. Restitution

Within _____ days of the effective date of this Decision, respondent shall make restitution to _____ in the amount of $_____ and shall provide the Board with proof from _____ attesting that the full restitution has been paid. In all cases, restitution shall be completed no later than one year before the termination of probation.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

~~13~~18. Criminal Probation Reports

~~In the event of conviction~~If respondent is convicted of any crime, ~~R~~respondent shall provide the Board with a copy of the standard conditions of the criminal probation, copies of all criminal probation reports, and the name of his or ~~/~~her probation officer.

~~**14. Relinquish License and Wall Certificate**~~
~~Respondent shall relinquish and shall forward or deliver the license to practice and the wall certificate to the Board within 10 days of the effective date of this decision and order.~~

~~15~~19. Notification to Clients/Cessation of Practice

In orders which provide for a cessation or suspension of practice, within 30 days of the effective date of this Decision, respondent shall ~~comply with procedures provided by the Board regarding notification to, and management of,~~provide all clients with whom he or she has a current contractual relationship in the practice of landscape architecture with a copy of the Decision and Order of the Board and provide the Board with evidence of such notification, including the name and address of each person or entity required to be notified.

20. Civil Penalty

Respondent shall pay to the Board a civil penalty in the amount of $ _____ [not less than $100 and not more than $1,000; if knowing and intentional failure to report, assess civil penalty up to $20,000] pursuant to Business and Professions Code section 5678. Respondent shall make the payments as follows: _____.

[Term only applicable to Business and Professions Code section 5678 violations and used in lieu of revocation.]

~~*VIII. REHABILITATION CRITERIA*~~

~~**California Code of Regulations,** Title 16, Division 26, Section 2656, Criteria for Rehabilitation states:~~

~~(a) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his present eligibility for a license will consider the following criteria:~~

~~(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.~~

~~(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.~~

~~(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).~~

~~(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.~~

~~(5) Evidence, if any, of rehabilitation submitted by the applicant.~~

~~(b) When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license, will consider the following criteria:~~

~~(1) Nature and severity of the act(s) or offense(s).~~

~~(2) Total criminal record.~~

~~(3) The time that has elapsed since commission of the act(s) or offense(s).~~

~~(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.~~

~~(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.~~

~~(6) Evidence, if any, of rehabilitation submitted by the licensee.~~

~~(c) When considering a petition for reinstatement of the license of a landscape architect, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).~~

~~CALIFORNIA ARCHITECTS BOARD~~
~~LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE~~
~~400 R Street, Suite 4000~~
~~Sacramento, CA 95814~~ ~~State of California~~
~~Phone: (916) 445-4954 Fax: (916) 324-2333~~ ~~Department of Consumer Affairs~~
~~E-mail: latc@dca.ca.gov Web: latc.dca.ca.gov~~ ~~Gray Davis, Governor~~

DEPARTMENT OF CONSUMER AFFAIRS
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
CALIFORNIA ARCHITECTS BOARD
Public Protection through Examination, Licensure, and Regulation

Governor
Edmund G. Brown Jr.

Attachment A

QUARTERLY PROBATION REPORT ~~OF COMPLIANCE~~

1. NAME: _____ TELEPHONE #: ( ) _____
~~(Last/First/Middle)~~ ~~(Residence)~~

~~RESIDENCE~~ ADDRESS OF RECORD: _____

CITY: _____ STATE: _____ ZIP CODE: _____

2. NAME OF FIRM: _____ YOUR TITLE: _____

FIRM ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE #: ( ) _____

3. On the ~~back~~second page of this form detail your landscape architectural activities for the probation period beginning: ~~beginning~~ _____ and ending _____
Mo. Day Year Mo. Day Year

4. ~~Site~~List any other activities related to the practice of landscape architecture:

ACTIVITY ***DATE***

_____

_____

5. I declare under penalty of perjury under the laws of the State of California that the information contained in this quarterly report regarding my professional practice is true and correct.

Signature: _____

Date: _____

DATE: _____ QUARTER: _____ YEAR: _____

CLIENT NAME: _____ TELEPHONE #: ( ) _____
~~(Last/First/Middle)~~

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: ( ) _____
~~(Last/First/Middle)~~

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: ( ) _____
~~(Last/First/Middle)~~

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

(Rev. 5/2018)

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

Title 16. Professional and Vocational Regulations
Division 26. Landscape Architects Technical Committee

PROPOSED REGULATORY LANGUAGE

Changes to the existing regulation are shown in single underline for new text and ~~single strikeout~~ for deleted text.

~~**Article 1. General Provisions**~~

Amend Section 2680 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

Section 2680. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" ~~[(Rev.~~Revised 2018~~7/2017~~2000~~)]~~ which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 5622~~,~~ and 5630, ~~and 5662,~~ Business and Professions Code; and Section ~~11425.50(e)~~11400.20, Government Code. Reference: Sections 125.3, 125.6, 140, 141, 143.5, 480(a), 490, 496, 499, 5616, 5640, 5642, 5659, 5660, 5662, 5666, 5667, 5668, 5669, 5670, 5671, 5672, 5673, 5675, 5675.5, ~~and~~ 5676, and 5678, Business and Professions Code; and sections 11400.20, ~~11400.21, 11425,~~ 11425.50, and 11425.50(e), Government Code.

DRAFT

REVIEW OF FUTURE BOARD MEETING DATES

June		
13	Board Meeting	Sacramento
21-23	American Institute of Architects Conference on Architecture 2018	New York City, NY
27-30	National Council of Architectural Registration Boards Annual Meeting	Detroit, MI
July		
4	*Independence Day*	*Office Closed*
20	Landscape Architects Technical Committee (LATC) Meeting	Southern California
September		
3	*Labor Day*	*Office Closed*
12	Board Meeting	Bay Area
27-29	Council of Landscape Architectural Registration Boards Annual Meeting	Toronto, Ontario
November		
12	*Veterans Day Observed*	*Office Closed*
15-16	LATC Meeting & Strategic Planning Session	Sacramento
22-23	*Thanksgiving Holiday*	*Office Closed*
December		
13-14	Board Meeting & Strategic Planning Session	Sacramento
25	*Christmas Day*	*Office Closed*

ADJOURNMENT

Time: _____