



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MINUTES

PROFESSIONAL QUALIFICATIONS COMMITTEE MEETING

October 18, 2017

Sacramento, CA

Committee Members Present

Tian Feng, Chair
Pasqual Gutierrez, Vice Chair
Raymond Cheng
Betsey Dougherty
Glenn Gall
Sylvia Kwan
Kirk Miller
Michael Zucker

Committee Members Absent

Ebony Lewis
Stephanie Silkwood
Barry Williams

Guests

Mark Christian, Director of Government Relations, The American Institute of Architects, California Council (AIACC)
Jay Hyde, California Building Officials

Board Staff

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Marcus Reinhardt, Manager, Examination and Licensing
Alicia Hegje, Manager, Administration and Enforcement
Timothy Rodda, Examination/Licensing Analyst
Gregory Marker, Continuing Education Program Analyst

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

Committee Chair Tian Feng called the Professional Qualifications Committee (PQC) meeting to order at 10:42 a.m. Vice Chair Pasqual Gutierrez called the roll.

B. CHAIR’S REMARKS AND COMMITTEE MEMBER COMMENTS

Michael Zucker was introduced to the other members because this was his first Committee meeting. Betsey Dougherty stated she would incorporate her comments into the relevant agenda items being considered by the Committee.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Mark Christian informed the Committee that Paul Welch, Executive Vice President, AIACC, would be retiring after nearly four decades of service to the profession. Mr. Christian reminded long-standing members that Mr. Welch previously served as the Board’s Executive Officer. He added that a successor would be named in early 2018.

D. REVIEW AND POSSIBLE ACTION ON JULY 12, 2016, COMMITTEE MEETING MINUTES

Mr. Feng asked members whether there were any comments on or edits to the Minutes for the July 12, 2016, PQC meeting.

Betsey Dougherty made a motion to approve the July 12, 2016, PQC Minutes.

Raymond Cheng seconded the motion.

Committee Chair Feng, members Cheng, Dougherty, Gall, Gutierrez, Kwan, Miller, and Zucker voted in favor of the motion. The motion passed 8-0.

E. DISCUSS AND POSSIBLE ACTION ON THE FOLLOWING 2017-2018 STRATEGIC PLAN OBJECTIVES TO:

1. CONDUCT AN ANALYSIS TO DETERMINE THE EFFECTIVENESS OF THE CONTINUING EDUCATION REQUIREMENT (IDENTIFY ALTERNATIVES AS APPROPRIATE) AND PREPARE A REPORT FOR THE LEGISLATURE AS REQUIRED BY BUSINESS AND PROFESSIONS CODE SECTION 5600.05

Marcus Reinhardt reminded the Committee of the continuing education (CE) requirements for licensees and the changes since it first became mandatory. Mr. Reinhardt briefly explained the process for conducting audits. He reviewed for the Committee data collected in the past several years and informed members the licensee compliance rate is 85%. He reported that of the noncompliant licensees (about 15% of those audited), over 50% received a letter of advisement for the less serious violations regarding their coursework, and approximately 33% received a citation with an administrative fine for the more serious CE-related violations.

Kirk Miller asked whether the license of a noncompliant licensee is suspended until they fulfill the required CE hours. Mr. Reinhardt responded the license is not suspended. Ms. Dougherty asked how much time a licensee is given to comply with the requirement or otherwise satisfy the citation. She then enquired whether a licensee must complete the required hours or simply pay a fine. Vickie Mayer advised the law does not require a licensee complete the hours after failing an audit. Ms. Mayer also advised that the licensee would be required to satisfy the fine prior to the next license renewal or could appeal the citation. Ms. Dougherty opined there should be further consequence and clarification regarding CE noncompliance to maintain fairness.

Glenn Gall recommended the Board develop regulations to clarify the CE requirement. Ms. Mayer said the Committee could make that part of the recommendation to the Board regarding this agenda item if they felt the need to do so.

Raymond Cheng inquired about the feasibility of requiring licensees to submit CE documentation upon renewal. Ms. Mayer replied that this was the process when CE was first implemented; however, due to workload issues and limited staff resources this proved to be too excessive to manage. She explained the Legislature subsequently amended the law to allow for auditing a percentage of licensees (which would assist in managing the workload and improve efficiency of the process) and report the findings. Ms. Mayer added this would be the first measure to assess the effectiveness of the audits.

Kirk Miller made a motion to have a regulation put in place (or necessary legislative change) that a licensee who has not complied with the CE requirement have their license suspended until compliance is proved.

Mr. McCauley commented in response to Mr. Miller's motion that improvements to CE enforcement will be noted in the Board's letter to the Legislature as mandated in Business and Professions Code section 5600.05(d) and upcoming Sunset Report. He also explained the feasibility of amending the law versus developing corresponding regulations.

Kirk Miller amended his motion to take action under the direction of the Board's Executive Officer.

The motion was not seconded.

Mr. McCauley explained to members that licensees cannot renew their license until they pay the fine associated with the citation. Mr. Miller expressed his displeasure that a licensee can retain their license without consequence of losing their license until the next renewal. Mr. McCauley explained that the amount of time required to take action against a license can potentially be the same as a renewal cycle. Ms. Mayer said licensees who falsely state on the renewal application their completion of CE are issued a citation in accordance with the law.

Ms. Dougherty opined the Board's current requirement of retaining and submittal of paper documentation is outdated. She added that the Board should utilize technology and allow for electronic payments and document submittals. Mr. McCauley responded saying the Department of Consumer Affairs (DCA) is utilizing a business management system named

BreEZe. He added that the Board is among the final group of DCA entities to commence project development.

Mr. Christian asked if the selection of licensees to be audited is random, and if those who fail an audit are automatically selected again to be audited adding that it serves as an incentive for them to comply with the requirement. Mr. Gutierrez indicated the automatic reaudit is part of the staff recommendation. Ms. Mayer added that the Board previously indicated their position to have the audit be completely random, but said it could be reconsidered for the people who have been cited.

Mr. Gutierrez stated the Board had its highest level of compliance the first year of the audits; he indicated the process seemed to be working and had not declined. He asked for an explanation of the break point between advisement and citation. Mr. Reinhardt explained the determination would depend upon the totality of the circumstances and provided a couple of examples including non-responsiveness to an audit and mistakenly taking the incorrect coursework. Ms. Dougherty inquired whether there is a percentage of licensees who are retired or deceased and do not respond to an audit notification. Ms. Mayer responded there was no specific percentage and then clarified that such cases are handled on a case-by-case. She explained that intent is a factor considered when determining the disposition for a noncompliant licensee and stated that the majority of the citations issued are to licensees who did not complete the required coursework until notified they were selected for an audit.

Mr. Gall asked about the length of time between license renewal and selection for an audit. Ms. Mayer responded there is a two-month period from when a licensee renews their license before they are sent an audit letter. Mr. Reinhardt added that the audit process is continuous and licensees are selected each month.

Mr. Miller inquired whether compliance is higher among members of The American Institute of Architects (AIA). Ms. Mayer responded that the Board does not maintain that information and is not permitted to inquire whether a licensee is a member.

Mr. Reinhardt explained the breakdown of the data supporting the basis for noncompliance of those audited and subsequent determination of issuing a letter of advisement or a citation. Ms. Dougherty asked if carry over of excess CE hours is allowed during the two-year period. She mentioned AIA members are allowed to carry over CE hours. Ms. Mayer explained this is not permitted in the law and CE hours must be completed within the previous two years prior to submitting the renewal.

Ms. Dougherty asked whether information regarding the CE requirement is provided to candidates who pass the California Supplemental Examination (CSE), so they are fully informed of all renewal requirements when submitting the license application. Mr. Reinhardt responded that candidates, upon passing the CSE, are provided a congratulatory letter containing information regarding the CE requirement. He clarified that the letter informs candidates they must complete the CE requirement regardless of the length of time licensed before renewal. Ms. Dougherty expressed concern that candidates may not see this information and not understand that they must do CE regardless the length of time licensed. She suggested additional information be presented in a clear format for these newly licensed,

and Board contact information be provided. Ms. Mayer said there is a Strategic Plan objective to develop a check list for requirements upon licensure. Mr. Reinhardt added there is an objective to be discussed under Agenda Item E.3 where staff could add the information.

Mr. Reinhardt explained the staff recommendations to the CE program that enhance information provided to new licensees, increase penalties for subsequent violations, automatically audit licensees who previously failed an audit, and reassess penalties for non-compliance. Mr. Gall added compliance should include the requirement of completing the hours required and not only a penalty.

Mr. Feng inquired about the possibility of withholding their license if a licensee fails the audit. Ms. Mayer clarified the audit occurs after renewal, so subsequent renewal is held until the fine is paid. Mr. Feng expressed concern that the licensee retains their license even though they do not meet the renewal requirement. Ms. Mayer further clarified the law does not allow for actions to suspend the license. Mr. Gutierrez expressed support for the recommendation of automatically reauditing those licensees who fail the audit. Ms. Mayer added the Board may impose a fine, up to \$1,500, to those licensees who fail the audit.

Ms. Mayer requested PQC members clarify their recommendation and whether it includes that licensees must fulfill the CE requirement if determined by the Board to be noncompliant or suspension of the license. Ms. Dougherty expressed concern regarding suspension of the license and Mr. Feng clarified there is staff discretion regarding the consequence for non-compliance. Mr. McCauley added that staff follows a matrix when assessing the appropriate disposition of violation while Ms. Mayer suggested including an Order of Abatement in the citation requiring completion of the CE hours. Mr. Cheng opined that it would be unfair to suspend a license potentially because of mistake like forgetting when coursework was actually taken.

Mr. Gutierrez proposed a series of reminder letters regarding CE be issued to licensees prior to renewal. He suggested the letters be January, June, and November. Ms. Mayer expressed concern regarding the cost of mailing the letters to licensees. She clarified that licensees should receive the renewal notice approximately 75 days prior to the expiration date; the renewal form includes the CE requirement. Additionally, she noted the CE requirement has been included in Board newsletters and is on the Board's website. Mr. Gutierrez supported continuation of newsletter articles regarding CE and renewal.

Ms. Mayer asked for clarification regarding the PQC recommendation for suspension of a license. Mr. Cheng expressed support for requiring the CE completion and citation with the possibility of license suspension. Mr. McCauley stated that license suspension remains on a licensee's record for 100 years while a citation remains 5 years. The PQC agreed that 100 years is excessive for CE and indicted its preference for the use of citations.

Kirk Miller made a motion to recommend to the Board to include the following methods to improve the CE process in the letter to the Legislature in accordance with BPC section 5600.05(d): 1) enhance the information provided to new licensees, 2) increase the penalties for subsequent violations, 3) automatically audit licensees who previously failed an audit, 4) reassess penalties for noncompliance

with the CE requirement; 5) require noncompliant licensees complete deficient CE hours; and 6) periodically send CE requirement reminders to licensees.

Betsey Dougherty seconded the motion.

Committee Chair Feng, members Cheng, Dougherty, Gall, Gutierrez, Kwan, Miller, and Zucker voted in favor of the motion. The motion passed 8-0.

Mr. Miller inquired about the status of the Board requiring general health, safety, and welfare (HSW) CE. Mr. McCauley responded the topic periodically arises and there has been recent discussion at the national and state level about CE being an unwarranted barrier to licensure or maintaining a license. He said the climate is very unlike it has ever been before and there is an intense scrutiny regarding professional licensure and the associated requirements. Mr. McCauley stated there is a skeptical view of CE in the Legislature and it is primarily viewed as a moneymaker for the associations. Mr. Miller suggested HSW CE be proposed at the next Strategic Planning session and the objective be assigned to PQC.

2. COLLABORATE WITH AND SUPPORT EXISTING AND EMERGING INTEGRATED PATH TO ARCHITECTURAL LICENSURE (IPAL) PROGRAMS TO PROMOTE THEIR SUCCESS

Mr. Reinhardt advised the Committee the Board has demonstrated its support of the IPAL programs through the sponsoring of legislation, sending of letters to Los Angeles and San Diego firms, inviting IPAL schools to present at Board meetings, and featuring IPAL programs in newsletter articles.

Ms. Dougherty asked if there were any statistics regarding the IPAL program, as it is difficult to assess the successfulness of programs. Ms. Kwan postulated it would be several years before any meaningful data would be available since the programs only just began. Mr. Reinhardt added the National Council of Architectural Registration Boards (NCARB) is tracking candidate information and is coordinating with the IPAL programs.

Mr. Feng inquired what the Committee can do to show support for these programs. Mr. Gutierrez suggested providing tools, such as the Emerging Professional's Companion (EPC), to private practice. He added those candidates who are new to the program may need additional guidance the EPC provides. He further suggested the PQC recommend the Board write a letter encouraging NCARB to revive the EPC and modify how it was originally established.

Ms. Kwan asked for further explanation of what would occur under the EPC. Mr. Gutierrez explained the EPC covered all five practice categories that are in the Architect Registration Examination (ARE) and Architectural Experience Program (AXP) and would give exercises and activities to satisfy the learning objective. He added the EPC was not successful on a national level and was sunsetted but could potentially be brought back under the IPAL banner.

Ms. Mayer reminded the PQC a motion would need to be made to provide a recommendation to the Board. Based on the Committee's discussion, she suggested the motion include the

recommendation to encourage resurrection of the EPC and to obtain statistical data on the effectiveness of the EPC.

Pasqual Gutierrez made motion to revive the EPC as a tool to offer an accomplished practice-based learning relative to the AXP and obtain IPAL program data from California schools.

Mr. Gutierrez clarified he is proposing NCARB acquire the EPC from the AIA, enhance it for their use, and place it under the IDP banner, which is under its purview.

Ms. Dougherty seconded the motion.

Committee Chair Feng, members Cheng, Dougherty, Gall, Gutierrez, Kwan, Miller, and Zucker voted in favor of the motion. The motion passed 8-0.

3. REVISE THE CANDIDATE HANDBOOK TO REDUCE CANDIDATE CONFUSION

Mr. Reinhardt explained the history of the Board's *Candidate Handbook*, and that current content is presently available on the Board's website. He stated staff is recommending transitioning from a physical handbook to a digital format such as a .pdf with an HTML equivalent on the website, incorporating contemporaneously relevant material and create a living document. He proposed using the approach and format employed by NCARB with the ARE and AXP *Guidelines*.

Mr. Gutierrez suggested clarifying the roles of NCARB and the Board, and adding postlicensure criteria, a description of IPAL, and the portfolio method for completion of AXP. Mr. Reinhardt advised the Committee staff will also reference NCARB documents such as the AXP and ARE *Guidelines* in drafting the handbook.

Mr. Zucker inquired of the present method used to communicate information to candidates and Mr. McCauley responded that staff currently collaborate with NCARB at schools and AIA locations to convey information. He added that the Board can provide this document or links to the online version at these events. Mr. Reinhardt suggested creating a card with information and a QR code that directs candidates to the online handbook.

Mr. Zucker opined the information will need to be modified depending on the audience. Mr. McCauley agreed, noting there is a Strategic Plan objective to connect with emerging professionals and convey relevant information. PQC members agreed that an online document would be preferable as it would be easily updated and accessible.

Mr. Feng inquired when the handbook would be completed. Mr. Reinhardt replied that it is anticipated the handbook would be completed in late 2018. Ms. Dougherty suggested the handbook be reviewed by emerging professionals to ensure clarity.

Betsy Dougherty made motion to support staff recommendations for revising the Candidate's Handbook, bring progress to the Board, have California emerging professionals provide a peer review, clarify the roles of the Board and NCARB, add

postlicensure requirements, and include information regarding IPAL and the portfolio method for completion of AXP.

Raymond Cheng seconded the motion.

Mr. Miller suggested inclusion of language regarding the rigor of licensure. Mr. McCauley advised the Committee that it would be best to avoid using terms like rigorous as it may imply a process that requires more than what is permitted by law.

Committee Chair Feng, members Cheng, Dougherty, Gall, Gutierrez, Miller, and Zucker voted in favor of the motion. The motion passed 7-0. Member Kwan was absent at time of vote.

Ms. Dougherty discussed the pass rate of the CSE and the mandatory wait time after a failed attempt. Mr. Miller expressed his supported of reducing the mandatory wait from six months to two months and asked Mr. Reinhardt the rationale for the current wait period. Mr. Reinhardt explained to the members the Board's psychometric vendor determined the appropriate length of the wait time required after a failed attempt. Mr. Gall briefly explained to the other members the nature of the examination development process. Ms. Mayer added staff is exploring the possibility of reducing the wait time with the Board and it will be discussed at the next Board meeting. Mr. Gutierrez stated the PQC's position is in support of staff analysis to reduce the CSE retake wait time. PQC members voiced approval.

Ms. Dougherty voiced support for improving Board information technology (IT) systems. Ms. Kwan provided a brief update on BreZE. Mr. McCauley stated the Board begun the progress of updating its systems. Ms. Mayer added relationships between the Board's IT system and outside systems will be analyzed.

Mr. Miller requested school ARE pass rates and CSE data be provided in future meeting packets, and an analysis be performed regarding the pass rates of the oral CSE and those for the computer-delivered format.

F. ADJOURNMENT

The meeting adjourned at 1:20 p.m.