



MEETING MINUTES CALIFORNIA ARCHITECTS BOARD

DECEMBER 13-14, 2018

SACRAMENTO

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

On December 13, 2018, Board President, Sylvia Kwan, called the meeting to order at 10:21 a.m. and Board Secretary, Robert Pearman, Jr., called roll.

Board Members Present

Sylvia Kwan, President
Tian Feng, Vice President (arrived at 10:32 a.m.)
Denise Campos
Pasqual Gutierrez
Ebony Lewis
Matthew McGuinness
Robert C. Pearman, Jr.
Nilza Serrano
Barry Williams

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

Guests Present

Mark Christian, Director of Government Relations, The American Institute of Architects, California Council (AIACC)
Jay Hyde, California Building Officials (CALBO)
Brianna Miller, Board and Bureau Services Specialist, Office of Board and Bureau Services, Department of Consumer Affairs (DCA)
Karen Nelson, Assistant Deputy Director, DCA
Roze Wiebe, Executive Director, California Council for Interior Designer Certification (CCDIC)
Pablo X. Manzo, Associate Vice Chancellor of Facilities Management, Los Rios Community College District, Community College Facility Coalition

Staff Present

Laura Zuniga, Executive Officer (EO)
Vickie Mayer, Assistant Executive Officer (AEO)
Alicia Hegje, Program Manager Administration/Enforcement
Marccus Reinhardt, Program Manager Examination/Licensing
Trish Rodriguez, Program Manager Landscape Architects Technical Committee (LATC)
Gabrial Nessar, Administration Technician
Bob Carter, Architect Consultant
Bob Chase, Architect Consultant
Tara Welch, Attorney III, DCA
Mike Sanchez, Television Specialist, DCA

B. PRESIDENT'S PROCEDURAL REMARKS AND BOARD MEMBER COMMENTS

Ms. Kwan made the following remarks: 1) the meeting is being webcast, 2) thanked Cosumnes River College for allowing the California Architects Board to hold its meeting at their facility, and 3) all motions will be repeated for the record, and votes on all motions will be taken by roll-call.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Jay Hyde representing CALBO, addressed the Board on a letter previously sent to the Board offering assistance.

Pablo X. Manzo representing Los Rios Community College District, Community College Facility Coalition provided insights about the projects and programs that they have completed. In addition, he provided a briefing about improving energy consumption for each building individually.

D. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA) – KAREN NELSON, ASSISTANT DEPUTY DIRECTOR, OFFICE OF BOARD AND BUREAU SERVICES

Karen Nelson updated the Board on the Director's quarterly teleconference meeting held in October 2018 which included information on the:

- Division of Investigation Client Satisfaction Survey;
- EO salary study;
- Draft plan to assist boards and bureaus to implement Assembly Bill (AB) 2138 (Chiu, Chapter 995 Statutes of 2018) by July 2020; and
- New video previewed by Office of Public Affairs on the overview of DCA and the boards and bureaus that it regulates.

Ms. Nelson advised they are confirming the 2019 Director's Meeting schedule and will share the dates with the Board when they are available. She also provided an update on the following DCA activities:

- DCA hosted the 2nd Board Member and Advisory Committee Leadership teleconference on December 7, 2018;
- Licensing and Enforcement Work Groups continue to meet monthly to discuss best practices and in October and November Office of Information Services provided a preview of an interactive reporting tool for performance measures to promote openness and transparency;
- Contract awarded with KH Consulting to provide by the Spring 2019 a comprehensive, independent review and assessment of the EO salary levels and evaluate programmatic changes; and
- Kick-off of Future Leadership Development Program with seven individuals participating.

E. REVIEW AND POSSIBLE ACTION ON SEPTEMBER 12, 2018 BOARD MEETING MINUTES

Ms. Kwan asked for comments concerning the minutes of the September 12, 2018 Board meeting.

- **Nilza Serrano moved to approve the September 12, 2018 Board meeting minutes.**

Ebony Lewis seconded the motion.

There were no comments from the public.

Members Feng, Gutierrez, Lewis, McGuinness, Pearman, Serrano, and President Kwan voted in favor of the motion. Members Williams and Campos abstained.

The motion passed 7-0-2.

Pasqual Gutierrez provided additional clarification of his prior comments reflected in the September meeting minutes under Agenda Item D related to the Integrated Path to Architectural Licensure (IPAL) and Emerging Professional Companion (EPC):

1. The challenge is accomplishing work experience in alignment with IPAL curriculum order and designated sequence in experience area categories students are required to complete.
2. EPC is an AIA program no longer in use or recognized by the National Council of Architectural Registration Boards (NCARB) as an acceptable alternative to limited accomplishment of the Architectural Experience Program (AXP).
3. A similar EPC format may serve to offset a considered risk management issue of interns executing assignments in designated areas of experience, such as construction administration or program management.
4. A similar format to the EPC would allow for mentoring in an AXP environment by allowing firms to use active projects as learning tools.

F. ELECTION OF BOARD OFFICERS 2019

Ms. Kwan referred this agenda item to the Nominations Committee members, Barry Williams and Ebony Lewis. Mr. Williams presented the Committee's recommended slate of officers for 2019 and advised that Mr. Gutierrez also expressed an interest in serving as Secretary:

Nominations Committee Recommended Slate of Officers for 2019

Sylvia Kwan – President

Tian Feng – Vice President

Nilza Serrano – Secretary

Mr. Williams asked the Board to consider extending the officer one-year term thereby allowing Ms. Kwan and Mr. Feng to serve another year if elected. The Board members discussed the pros and cons of extending the officer positions and officer relationships with professional organizations such as NCARB and attending their meetings.

Mr. Gutierrez added that if the Board decides to extend the term, he would respectfully withdraw his name as a candidate for an officer position.

Tara Welch referred to Business and Professions Code section 5518 that states, "The board shall elect from its members a president, a vice president, and a secretary to hold office for one year, or until their successors are duly elected and qualified." She indicated since section 5518 was amended in 1985, it is difficult to state with certainty if they intended the office to be held for one year until someone else was elected or for at least one year so that elections are conducted once per year. Vickie Mayer advised that the Board Member Administrative Procedure Manual, states the Board President may serve more than one term and if the member's term ends while serving in office, the individual will be able to serve in his/her grace period. She added that prior Board member, Jon Baker is an example of serving more than one officer term.

Ms. Welch clarified with the Board their discussion was whether or not to re-elect the same members for two terms rather than electing someone to serve for two years. The Board agreed they were considering whether or not to re-elect the same members for two terms.

Ms. Kwan sought clarification about NCARB funding to attend annual meetings. Laura Zuniga explained for each annual meeting, NCARB funds a certain number of members. She advised for the June 2019 annual meeting in Washington DC, NCARB is planning to fund the EO, two Board members, and one public member to attend the meeting. She added the possibility of California funding an additional member, would be difficult to obtain approval. The Board discussed benefits to have involvement at NCARB meetings and prior practices to choose who should attend each meeting.

Ms. Welch recommended that the Board maintain the annual election of officers so that public Board members have the opportunity to participate at the executive level.

Ms. Mayer advised the Board Member Administrative Procedure Manual states an officer may be re-elected and serve more than one term.

- **Robert Pearman moved to elect Sylvia Kwan for President, Tian Feng for Vice President, and Nilza Serrano for Secretary for 2019.**

Ebony Lewis seconded the motion.

There were no comments from the public.

Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams, and President Kwan voted in favor of the motion. Member McGuinness was opposed.

The motion passed 8-1-0.

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

Ms. Zuniga provided the Board with the following updates to its programs:

- Staff is working with DCA on the acceptance of credit card payments for license renewals and is expected to launch later this month, members will be notified when it is officially launched, and an update on the usage and fees collected will be provided to the Board at the June meeting;
- Sunset Review Report was submitted to the Legislature;
- *New Licensee Information Guide* will be disseminated to new licensees with their license and posted on the Board's website in December 2018;
- Lead Enforcement Analyst, Kristin Walker accepted a promotion at the Board of Chiropractic Examiners;
- Number of posts per month will be added to the Social Media section of the monthly report per a member's request;
- DCA Office of Professional Examination Services (OPES) will give a presentation to the members tomorrow on the factors that contribute to examination pass rates;
- More than 400 students are enrolled in the 17 IPAL programs and 5 graduated in May and received their license;
- Staff is preparing the regulatory package to change the California Supplemental Examination (CSE) retest wait time from 180 to 90 days which was implemented on December 1, 2018;
- DCA is reviewing the required documents to initiate a collection agency contract to increase the Board/LATC's collection rate of unpaid administrative fines;
- Letter to planning departments was sent in October 2018 educating them on the Act and requesting they verify licensure on nonexempt projects submitted for their review to prevent unlicensed activity; and
- Staff is preparing the regulatory package to allow the EO to delegate authority to another staff person to hold an informal conference as well as the Board's

Disciplinary Guidelines as a result of AB 2138 (Chiu, Chapter 995 Statutes of 2018) which will require the Board's approval.

H. DISCUSS AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2018 OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARDS

Ms. Zuniga explained the history of the Octavius Morgan Distinguished Service Award and reported that staff nominated two recipients for 2018 for the Board's approval: Barry Williams and Robert Kitamura.

- **Tian Feng moved to approve that Barry Williams and Robert Kitamura be awarded the Octavius Morgan Distinguished Service Award for 2018.**

Denise Campos seconded the motion.

There were no comments from the public.

Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams, McGuinness, and President Kwan voted in favor of the motion.

The motion passed 9-0-0.

I. PRESENTATION BY THE CALIFORNIA COUNCIL FOR INTERIOR DESIGN CERTIFICATION (CCIDC) EXECUTIVE DIRECTOR, ROZE WIEBE, ON CCIDC ACTIVITIES AND COMMERCIAL DESIGNATION

Ms. Wiebe introduced herself to the Board as the new Executive Director for the CCIDC and remarked that she replaced Doug Stead, who had been in the same position with the CCIDC for more than 20 years. She advised the Board the CCIDC underwent its sunset review process between 2016 and 2017. Ms. Wiebe summarized the more important current issues from the CCIDC Sunset Review. She provided members with a handout that included the specific issues: 1) acceptance of certified interior design plans by local jurisdictions; 2) status of the CCIDC Strategic Plan; and 3) development of a new certification category for commercial interior designers.

Ms. Wiebe stated that despite an exemption within the Architects Practice Act (Act) specifically permitting unlicensed individuals (which includes those authorized by statute to use the Certified Interior Designer [CID] title) to prepare drawings for nonstructural and nonseismic projects, local jurisdictions still often refuse to accept plans prepared by a CID and not stamped by an architect. Ms. Wiebe indicated that to address the issue, the CCIDC decided to hold a stakeholder meeting and included the Board, California Building Officials (CALBO), and the AIACC. She said during the meeting a proposal was made to clarify the definition of CID within the relevant statutes of the CCIDC title act in the hopes of resolving the problem – unfortunately this effort did not result in success.

Ms. Wiebe added that the CCIDC returned to the proverbial drawing board to formulate and explore other measures to effect the desired change. She said during the meeting, stakeholders considered a proposal for a new commercial designation that would require an individual to fulfill the following: 1) passage of the National Council for Interior Design Qualification Examination; 2) passage of a supplemental examination testing knowledge of the California Building Code; and 3) annual continuing education sanctioned by CALBO (agreeable to the interior design profession). Ms. Wiebe reminded the Board that building officials are the final authority (within their respective jurisdiction) to determine whether a licensed design professional is required for a project. She explained to Board members the issue confronting CCIDC centers on building officials accepting CID plans for commercial work based upon a concern for building safety, which is often broadly interpreted by officials.

Ms. Wiebe clarified the statutory authority and limitations for the CCIDC, the general scope of practice permitted by CIDs within the Act, and the relevant provisions of the Business and Professions Code. She advised the Board the CCIDC is seeking to partner with its key stakeholders, including the Board and AIACC, to address the commercial practice issues.

J. PROFESSIONAL QUALIFICATIONS COMMITTEE (PQC) REPORT

Mr. Feng, Chair of PQC advised the Board there were several items the PQC discussed at its October 25, 2018 meeting. He said there was one item of great importance to highlight relative to revising the Candidate Handbook and asked Marccus Reinhardt to update the Board on the PQC's activities.

Mr. Reinhardt advised the Board that within the meeting packet was the latest revision of the Architect Licensure Handbook prepared by staff based upon input received from PQC members. He also advised that during the PQC meeting staff compared the now out-of-print Candidate Handbook with the new Architect Licensure Handbook to clarify the differences between the two publications for Committee members. Mr. Reinhardt explained the revised organizational structure of the new handbook to Board members and provided details on the PQC recommendations. He reviewed the graphical timelines and explained the rationale used in the formulation of them. The Board provided suggested edits to the handbook and recommended clarifications be made to the graphical timelines. Ms. Serrano, on a related note, recommended members consider visiting studyarchitecture.com, which she opined would be a great resource for individuals seeking an architectural education.

Mr. Reinhardt advised members the Architect Licensure Handbook would be provided to emerging professionals for a peer review and then forwarded to DCA Legal Office for review.

K. UPDATE ON DECEMBER 6-7, 2018 LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) MEETING

Program Manager, Trish Rodriguez provided the Board with the following updates for the LATC:

- Business Modernization process mapping and review has been completed for enforcement and examination/licensing programs and administration and cashiering will be conducted next;
- Recruitment has begun to fill the Special Projects Analyst position previously held by Tremaine Palmer;
- New LATC website format launched in October 2018 which included the new Consumer's Guide to Hiring a Landscape Architect and the license look up conversion is expected to launch in December;
- LATC met on December 6-7, 2018, no action items for the Board's consideration at this time;
- Model Water Efficient Landscape Ordinance (MWELo) was on the meeting agenda in anticipation of proposed revisions and will be on future meeting agendas as an ongoing discussion item;
- Members were not approved to attend the CLARB Annual Meeting in Toronto, Canada;
- Updated LATC Member Administrative Procedure Manual was presented to members;
- LATC followed the Board's decision on whether to require fingerprinting;
- Work Group (two person) appointed to propose revisions to California Code of Regulations (CCR) section 2620.5 regarding the extension certificate programs;
- Marq Truscott was elected as Chair and Andrew Bowden as Vice Chair for 2019;
- LATC conducted a strategic planning session to update its plan and identified 19 objectives which will be provided to the LATC and Board for approval; and
- Next meeting is scheduled for February 8, 2019 preferably at a school with a landscape architecture program.

L. REVIEW OF FUTURE BOARD MEETING DATES

Ms. Zuniga reviewed future Board and LATC meeting dates. Based on members' availability, the dates and locations below were tentatively identified for Board meetings in 2019. Members will be sent a notification once the dates have been confirmed.

- February 27 - San Diego (NewSchool of Architecture and Design)
- June 12 - San Luis Obispo (California Polytechnic State University, San Luis Obispo)
- September 11 - Bay Area (University of California, Berkeley)
- December 11 - Sacramento (TBD)

Note: East Los Angeles College possible meeting location for the future.

M. CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(C)(3), 11126(F)(4), AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:

- 1. REVIEW AND POSSIBLE ACTION ON JUNE 13, 2018 CLOSED SESSION MINUTES**
- 2. DELIBERATE AND VOTE ON DISCIPLINARY MATTERS**
- 3. ADJOURN CLOSED SESSION**

The Board went into Closed Session to:

1. Review and possible action on June 13, 2018 Closed Session Minutes; and
2. Deliberate and vote on disciplinary matters.

N. RECONVENE OPEN SESSION

The Board reconvened in Open Session.

O. RECESS

The meeting recessed at 3:00 p.m.

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

On December 14, 2018, Ms. Kwan called the meeting to order at 8:56 a.m. and Mr. Pearman called roll.

Board Members Present

Sylvia Kwan, President
Tian Feng, Vice President
Denise Campos
Pasqual Gutierrez (arrived at 8:58 a.m.)
Ebony Lewis
Matthew McGuinness
Robert C. Pearman, Jr.
Nilza Serrano
Barry Williams

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

Guests Present

Mark Christian, Director of Government Relations, The American Institute of Architects, California Council (AIACC)
Elizabeth Coronel, Strategic Planner & Facilitator, DCA SOLID
Heidi Lincer Ph.D., Chief, DCA OPES

Tavi Popp, Research Manager II, DCA OPES
Lusine Sarkisyan, Strategic Planner & Facilitator, DCA SOLID

Staff Present

Laura Zuniga, EO
Vickie Mayer, AEO
Alicia Hegje, Program Manager Administration/Enforcement
Marccus Reinhardt, Program Manager Examination/Licensing
Trish Rodriguez, Program Manager LATC
Lily Dong, Examination Analyst
Gabrial Nessar, Administration Technician
Tara Welch, Attorney III, DCA

Q. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no comments from the public.

R. PRESENTATION BY THE DCA OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) REGARDING EXAMINATION PERFORMANCE STATISTICS FOR THE ARCHITECT REGISTRATION EXAMINATION (ARE) AND CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)

Tavi Popp, from OPES, provided the Board with a presentation to explain factors that contribute to examination pass rates. She reminded the members that the foremost important mission of DCA and the Board is public protection. Ms. Popp added, however, that OPES' examinations also aim at not creating artificial barriers to licensing. OPES strives at striking a balance between public protection and the licensure of minimally competent candidates.

Ms. Popp provided members with a general overview of the examination development process. She advised the Board that state law requires an occupational analysis (OA) be conducted every five to seven years to ensure examinations are relevant to current professional practices; she said the law also requires the use of subject matter experts for development of items and the establishment of the passing score. Ms. Popp reminded members that the OA serves as the basis for future examination development.

Specifically addressing the contributing factors, Ms. Popp explained to members that literature on the topic of pass rates points to numerous factors that can affect candidate performance. She said that most factors are outside the control of the Board. Ms. Popp provided a comparison for members clearly showing that candidates who attended an accredited program in architecture were more likely to be successful than those who did not attend such a program. She said the data provided by NCARB supports this conclusion. Ms. Popp addressed the performance disparity between ARE 4.0 and ARE 5.0 which was launched in 2016. She and Heidi Lincer, OPES Chief, explained it is normal for pass rates to decline after the launch of a new examination and it should not be considered problematic. Mses. Popp and Lincer said it is typical for the pass rates to

gradually increase over time as candidates become more familiar with the new examination format. Ms. Lincer advised the Board that it is normal for professions with multiple paths to have lower performance on licensing examinations. Ms. Popp said that research points to factors such as: college grade point average (GPA); pre-licensing practice test; study habits; college admission and retention policies; advance degrees; high school class size; high school class rank; scholastic aptitude test (SAT) score; and focus and determination that could influence examination performance.

Ms. Popp said that to further increase fairness to candidates, there are a few additional things OPES is planning on doing: 1) make public a sample of items that would be retired from the examination; and 2) review and revise the study material to be more focused. Ms. Popp explained that work for the new contract with OPES starts in March 2019. The first two workshops for that contract will cover those two topics. Subject matter experts will (1) help OPES to select a set of questions that can be released to the public and (2) revise the Reference Material currently provided to candidates to be more focused on the topics specifically tested on the examination.

Mr. Feng asked whether staff could research and provide information to the Board regarding the supply of architects in the marketplace. Mr. Williams asked whether data exists regarding the number of architects that do not renew during economic downturns. Mr. Gutierrez requested that the information regarding marketplace needs requested by Mr. Feng be channeled to high school counselors, so they know what the trend is in the profession.

At a future meeting, OPES will provide the Board with an overview of the OA, examination development process, and ARE review (linkage study).

S. STRATEGIC PLANNING SESSION

Elizabeth Coronel and Lusine Sarkisyan from SOLID facilitated the Board's strategic planning session and lead the Board through its review of accomplishments for 2017-2018; its mission, vision, values; and strategic goals which assisted members in developing objectives for 2019-2020.

SOLID will update the Strategic Plan with changes made during this session, and the Board will review and finalize the plan at its next meeting.

T. ADJOURNMENT

The meeting adjourned at 3:35 p.m.