



Quarterly Meeting
June 12, 2019



NOTICE OF BOARD MEETING

June 12, 2019

**California Polytechnic State University, San Luis Obispo
1 University Drive, Building 21, KTGy Gallery, Room 105
San Luis Obispo, CA 93407-9000
(805) 459-1353 or (916) 574-7220 (Board)**

Board Members

Sylvia Kwan, President
Tian Feng, Vice President
Nilza Serrano, Secretary
Denise Campos
Pasqual V. Gutierrez
Ebony Lewis
Robert C. Pearman, Jr.
Barry Williams

The California Architects Board will hold its quarterly meeting as noted above.
Action may be taken on any item listed on the agenda.

AGENDA

**8:30 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. Update on the Department of Consumer Affairs (DCA)
- D. 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)).
- E. Public Comment on Design After Disaster – Douglas W. Burdge
- F. Presentation of Octavius Morgan Distinguished Service Award to Robert Kitamura
- G. Presentation on California Polytechnic State University, San Luis Obispo – Margot McDonald, Department Head, College of Architecture and Environmental Design
- H. Review and Possible Action on February 27, 2019 Board Meeting Minutes
- I. Executive Officer's Report – Update on Board's Administration/Management, Examination, Licensing, and Enforcement Programs

(Continued)

- J. Update and Possible Action on 2019 Sunset Review of Board and Landscape Architects Technical Committee (LATC)
- K. Update and Possible Action on Legislation Regarding:
 - 1. Assembly Bill (AB) 476 (B. Rubio, 2019) Department of Consumer Affairs: Task Force: Foreign-Trained Professionals
 - 2. AB 613 (Low, 2019) Professions and Vocations: Regulatory Fees
 - 3. AB 626 (Quirk-Silva, 2019) Conflicts of Interest
 - 4. Senate Bill (SB) 53 (Wilk, 2019) Open Meetings
 - 5. SB 601 (Morrell, 2019) State Agencies: Licenses: Fee Waiver
 - 6. SB 608 (Glazer, 2019) Architects
- L. Review and Possible Action on Executive Committee's Recommended Amendments to Board Member Administrative Manual
- M. National Council of Architectural Registration Boards (NCARB)
 - 1. Review of 2019 NCARB Centennial Annual Business Meeting Agenda
 - 2. Discuss and Take Action on Letter of Credentials for Annual Business Meeting
 - 3. Update on Contract with NCARB for Architect Registration Examination (ARE) Administration to California Candidates
- N. Professional Qualifications Committee (PQC) Report
 - 1. Update on April 18, 2019 PQC Meeting
 - 2. Review and Possible Action on the *Architect Licensure Handbook*
- O. Discuss and Possible Action on Retired License Status for Architects
- P. Update on Contract With Cedars Business Services, LLC for Debt Collection Services to Collect Outstanding Administrative Fines and Cost Recoveries
- Q. Review and Possible Action on Architect Consultant Contract for 2019 - 2022
- R. Update on May 14, 2019 Communications Committee Meeting
- S. LATC Report
 - 1. Update on May 29, 2019 LATC Meeting
 - 2. Review and Possible Action on LATC's Recommendation Regarding Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5 (Requirements for an Approved Extension Certificate Program)
 - 3. Review and Possible Action on 2019-2021 Strategic Plan Objective to Research the Feasibility of Requiring a License Number on All Correspondence and Advertisement Platforms to Inform and Protect Consumers and Proposed Amendments to CCR, Title 16, Division 26, Section 2671 (Public Presentments and Advertising Requirements)
- T. Review of Future Board Meeting Dates
- U. Adjournment

(Continued)

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 plans to webcast the 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: Gabe Nessar

Telephone: (916) 575-7202

Email: gabrial.nessar@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.)

AGENDA ITEM A: 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

Denise Campos

Tian Feng

Pasqual V. Gutierrez

Sylvia Kwan

Ebony Lewis

Robert C. Pearman, Jr.

Nilza Serrano

Barry Williams

**AGENDA ITEM B: 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.

**AGENDA ITEM C: UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS
(DCA)**

A DCA representative will provide the Board with an update on the DCA.

AGENDA ITEM D: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Board at this time.

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.

**AGENDA ITEM E: PUBLIC COMMENT ON DESIGN AFTER DISASTER –
DOUGLAS W. BURDGE**

Douglas W. Burdge will provide comments to the Board regarding designing after a disaster.

AGENDA ITEM F: PRESENTATION OF OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD TO ROBERT KITAMURA

Background Summary

Named after the first president of the California Architects Board, the Octavius Morgan Distinguished Service Award recognizes individuals who have over the years significantly contributed to the Board's mission through their volunteerism. The Board annually selects award recipients. Nominations are accepted from Board members and staff.

The Board relies on volunteers to assist in developing the California Supplemental Examination and to serve on many of its committees. The Board, at its December 13-14, 2018, meeting selected Barry Williams and Robert Kitamura for 2018.

Board President, Sylvia Kwan, will present the award to Mr. Kitamura at today's meeting.

Action Requested

None

Attachment(s)

None

AGENDA ITEM G: PRESENTATION ON CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO BY MARGOT MCDONALD, DEPARTMENT HEAD, COLLEGE OF ARCHITECTURE AND ENVIRONMENTAL DESIGN

Margot McDonald, Department Head of the College of Architecture and Environmental Design, will deliver a presentation on California Polytechnic State University, San Luis Obispo.

AGENDA ITEM H: REVIEW AND POSSIBLE ACTION ON FEBRUARY 27, 2019 BOARD MEETING MINUTES

Background Summary

The Board is asked to review and take possible action on the minutes of the February 27, 2019 Board meeting.

Action Requested

Approval of the February 27, 2019 Board Meeting Minutes.

Attachment(s)

1. February 27, 2019 Board Meeting Minutes (Draft)



DRAFT MEETING MINUTES CALIFORNIA ARCHITECTS BOARD

FEBRUARY 27, 2019
SAN DIEGO

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

On February 27, 2019, Board President, Sylvia Kwan, called the meeting to order at 10:41 a.m. and Board Secretary, Nilza Serrano, called roll.

BOARD MEMBERS PRESENT

Sylvia Kwan, President
Tian Feng, Vice President
Nilza Serrano, Secretary
Pasqual Gutierrez (departed at 3:20 p.m.)
Ebony Lewis
Robert C. Pearman, Jr.
Barry Williams

BOARD MEMBER ABSENT

Denise Campos

GUESTS PRESENT

Nathaniel Berk
Mark Christian, Director of Government Relations, American Institute of Architects (AIA) California
Susan Coddington, Vice President Advocacy, International Interior Design Association (IIDA), CID, LEED AP, CDGLA
Dean R. Grafilo, Director of the California Department of Consumer Affairs (DCA)
Stephanie Gussman
Beth Faber Jacobs, Administrative Law Judge (ALJ) (Present for Agenda Item I and J)
Dr. Mitra Kanaani, Integrated Path to Architectural Licensure (IPAL) Coordinator, NewSchool of Architecture and Design (NewSchool)
Arthur Frank Kent (Present for Agenda Item I)
William Kockler
Marvin Malecha, President and Chief Academic Officer, NewSchool
Karen Nelson, Assistant Deputy Director, Office of Board and Bureau Services, DCA
Lauro Paredes, Deputy Attorney General (DAG) (Present for Agenda Item I)
Katie Toth, Co-Chair Advocacy for IIDA, HP Design Association, Licensed Interior Designer (Florida)
Jon S. Wreschinsky, Landscape Architects Technical Committee (LATC) Member

STAFF PRESENT

Laura Zuniga, Executive Officer (EO)
Vickie Mayer, Assistant EO
Alicia Hegje, Program Manager Administration/Enforcement
Marccus Reinhardt, Program Manager Examination/Licensing
Trish Rodriguez, Program Manager LATC
Tara Welch, Attorney III, DCA
Mike Sanchez, Television Specialist, DCA

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

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

Ms. Kwan provided the members with some announcements and procedural remarks. She 1) announced the meeting is being webcast, 2) thanked the NewSchool of Architecture and Design for allowing the Board to hold its meeting at their facility, 4) welcomed new LATC member Jon Wreschinsky; and 3) instructed all members to repeated motions for the record, and votes on all motions will be taken by roll-call.

C. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA) – DEAN GRAFILO, DIRECTOR

Director of DCA, Mr. Grafilo provided an update to the Board. He highlighted that last year the DCA held nine Licensing and Enforcement Report Group meetings; three Substance Abuse Coordination Committee meetings; four Director's Quarterly meetings; a Pro-Rata Workgroup meeting; and two Director, Board Member, and Advisory Committee meetings. He indicated that these activities promote the DCA to an open dialog among the departments, boards, and bureaus, as well as collaboration to further DCA's mission in protecting California's consumers. He thanked the members and staff that participated in these meetings.

Mr. Grafilo also invited the Board to review DCA's Annual Report for a much more comprehensive view of the Department's achievements. He acknowledged he is honored and excited to be part of the new administrative team with the appointment of Gavin Newsom, 40th Governor of California. He advised the Department has met with the transition team and there were many new and familiar faces that have been appointed to various positions. He added DCA is currently working with the Governor's appointment team on vacancies. Mr. Grafilo informed that the Governor's budget proposes to downsize California's debts, and continue to build robust budget reserves by making significant investments in housing, childcare, healthcare, prescription drugs, preschool, and higher education. Following the budget release, he advised the Department hosted a teleconference with EOs, Bureau Chiefs, and other leadership to discuss the Governor's 2019 proposed budget and to review the proposals specific to the Department.

Mr. Grafilo announced that on February 25, 2019, he hosted the 1st 2019 Director's Quarterly meeting, where the DCA provided an update on its Regulations Unit, EOs' salary study, and several division updates. Mr. Grafilo informed the Board that 2019 is a mandatory sexual harassment prevention training year; therefore, all employees and board members are required to complete the training regardless if they took it last year.

Mr. Grafilo offered that the Department and its Division of Legislative Affairs are available to assist anyone with inquiries regarding Sunset Review.

Ms. Serrano expressed to Mr. Grafilo that she is highly satisfied with the leadership, services, and operations that the Board's staff provides.

Mr. Feng asked if the 11 attorney positions for the Regulations Unit are new or existing and if there would be an opportunity for public comments in regard to the proposal. Mr. Grafilo confirmed the positions are new and there would be an opportunity for public comment. Ms. Zuniga expressed the benefits of these new additions and thanked Mr. Grafilo for the Department's efforts in this regard.

D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Susan Coddington and Kattie Toth representing the IIDA stated they are very pleased that the California Council for Interior Design Certification (CCIDC) provided the Board with a presentation at its last meeting on launching the Commercial Interior Designers' (CID) designation. Mses. Coddington and Toth advised they were unable to attend that meeting and IIDA would like to be a part of the Board's working group session on the issue in the future. Their primary emphasis was on the desire to work together towards understanding the role of the CID in the built environment. Ms. Coddington stated as the Board knows there has been some frustrations with the current situation with the CID stamp not uniformly accepted at building departments throughout the State of California. They indicated they would like to continue the conversation with the Board to work out some of the road blocks and hurdles, so we understand what could be done in the upcoming years to potentially clear up any misunderstandings of what they are trying to accomplish.

Discussion followed as to who should be the leader and included in the working group session. The EO agreed staff could organize the session. It was also agreed it would be beneficial if the Board was provided in advance of the session more detail of the designers' concerns and problems they are having for the Board to better understand the issue.

Barry Williams advised he was recently contacted by a licensee inquiring about the requirements and associated costs to apply for retired architect status. Legal Counsel advised because this issue is not on the agenda the Board should not discuss it and the licensee should contact Board staff for information. The EO advised if the Board wants staff to research what other boards do and charge it can be on a future agenda.

E. PUBLIC COMMENT ON DESIGN AFTER DISASTER – DOUGLAS W. BURDGE

Public comments on this agenda item were not provided as Mr. Burdge was unable to attend the meeting. This item will be considered for a future meeting.

F. PRESENTATION ON NEWSCHOOL OF ARCHITECTURE AND DESIGN'S INTEGRATED PATH TO ARCHITECTURAL LICENSURE (IPAL) PROGRAMS BY DR. MITRA KANAANI, IPAL COORDINATOR

Dr. Mitra Kanaani thanked the Board for its support of IPAL. She informed Board members the NewSchool of Architecture and Design was founded more than 40 years ago by a local practicing architect named Richard Welsh. Dr. Kanaani explained the foundational basis for learning at NewSchool as a system of “learning by doing.” She continued that the mission of NewSchool is one of promoting a culture of provisional practice and clarified that NewSchool uses a practitioner-based model focused on: problem solving, experiential learning, and process-based design. Dr. Kanaani opined that the future of architecture is based upon this philosophy.

Dr. Kanaani informed the Board that NewSchool was accepted into the initial cohort of schools that in 2015 offered an IPAL program. She clarified that while accepted as an IPAL school in 2015, NewSchool postponed the commencement of its program until the fall of the following year because of the accreditation process it was undergoing for the National Architectural Accrediting Board (NAAB). Dr. Kanaani reported that NewSchool is the only institution that offers two masters-level IPAL degree programs. She clarified that the programs are known as “IPAL 4” (M. Arch.) and “IPAL 6” (M.S. in Architecture). Dr. Kanaani explained the operational details for each program and stated there is an option within each path to integrate a masters-level degree in construction management. She then continued to explain the organization of the IPAL degree programs by illustration through the presentation of the respective matrix for each program.

Dr. Kanaani informed the Board that a highlight of the NewSchool IPAL programs is the “shadowing” opportunities afforded students. She elaborated that the shadowing begins with the consortium of 15 firms who provide IPAL students with these opportunities that are very helpful and often transform into internship opportunities.

Dr. Kanaani reported there are three cohorts (totaling 37 students) in the IPAL programs at NewSchool. She provided the Board with a demographical breakdown and noted for Board members there are 12 female and 25 male students; 18 IPAL students are in the 4+3 program (from another degree program) and another 17 are in the 4+2 program (previously earned an undergraduate degree in architecture). Dr. Kanaani added that three students will be graduating from the IPAL programs this year. She concluded her presentation by asking IPAL students Nathaniel Berk, Stephanie Gussman, and William Kockler to briefly speak about their respective experiences in the NewSchool IPAL programs.

After the IPAL students discussed their respective experiences, Dr. Kanaani requested the Board consider an exception to its eligibility requirement for the California Supplemental Examination (CSE) that would allow students who participate in an IPAL program earlier access to the examination.

Marvin Malecha, President and Chief Academic Officer, introduced himself and informed the Board that NewSchool has 540 students with approximately 300 in an architecture program. He added that NewSchool strives for diversity in its student population and reported that approximately 28 percent are international students, with at least 27 percent being from Mexico or of Hispanic ethnicity.

Mr. Malecha in closing informed the Board he was celebrating his 40th year as an architect. He added that a continuation of the NewSchool mission is to inspire citizen architects who understand their responsibility to pay back the greater community. Mr. Malecha then mentioned the “five marks”: 1) accredited education from a rigorous institution; 2) rigorous internship; 3) licensure; 4) membership in a professional organization; and 5) pro-bono activity to assist those who cannot afford architectural services.

Mr. Gutierrez advised the Board and the IPAL students [who previously spoke during the meeting] that he was fortunate enough to be on the National Council of Architectural Registration Boards’ task force that created the IPAL program. He said that many times over its three-year commission he and other members questioned whether they were on the right path. Mr. Gutierrez said the students’ presentation earlier is a demonstration the task force did the right thing in creating IPAL.

**I.* HEARING ON PETITION FOR REINSTATEMENT OF LICENSE –
ARTHUR FRANK KENT**

Administrative Law Judge (ALJ) Beth Faber Jacobs presided over the petition for reinstatement. DAG Lauro Paredes presented the case against Petitioner Arthur Frank Kent. Mr. Kent represented himself and presented his case for license reinstatement. Mr. Kent answered questions from the DAG and members of the Board. ALJ Jacobs closed the hearing.

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

K. RECONVENE OPEN SESSION

The Board reconvened in Open Session.

G. REVIEW AND POSSIBLE ACTION ON DECEMBER 13-14, 2018 BOARD MEETING MINUTES

Ms. Kwan asked for comments concerning the minutes of the December 13-14, 2018 Board meeting.

- **Nilza Serrano moved to approve the December 13-14, 2018 Board meeting minutes.**

Robert Pearman seconded the motion.

Members Feng, Lewis, Pearman, Serrano, Williams, and President Kwan voted in favor of the motion. Members Campos and Gutierrez were absent. The motion passed 6-0.

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

Ms. Zuniga provided a brief update to the Board on its programs:

- Board started accepting credit card payments for license renewals the beginning of February;
- Per request of some members, Architect Registration Examination (ARE) statistics were obtained by accredited and non-accredited schools and will be sent to members next week;
- Collection agency contract which was an objective in the Board's prior Strategic Plan is being finalized; and
- Working with Sunset Review legislative committee to identify any pending regulatory proposals previously approved by the Board that can be included in the Sunset bill to expedite the process.

Ebony Lewis asked if the Board can be provided with a report on licensee demographics, diversity, and military background. Legal counsel will research if the Board may legally obtain the information or if it can be provided voluntarily.

Q. LATC REPORT

4. REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTIONS 2655 SUBSTANTIAL RELATIONSHIP CRITERIA; 2656 CRITERIA FOR REHABILITATION; AND 2680 DISCIPLINARY GUIDELINES; AND LATC'S *DISCIPLINARY GUIDELINES*

DCA Legal Counsel, Tara Welch presented proposed amendments to CCR sections 2655 (Substantial Relationship Criteria); 2656 (Criteria for Rehabilitation); and 2680 (Disciplinary Guidelines); and the LATC's *Disciplinary Guidelines*.

Ms. Welch advised the changes under Assembly Bill (AB) 2138 will be operational July 1, 2020 and are very significant related to applicants' criminal convictions and disciplinary actions taken in other jurisdictions. She informed the bill requires every board to adopt regulations to specify how the board will prove a conviction is substantially related to the practice as included under Agenda Item Q.4 of today's meeting materials. She advised under this agenda item it pertains to the landscape architects; however, the Board will be considering it for architects under Agenda Item R as well. Ms. Welch advised that DCA developed a template for adoption by all boards in order to establish uniformity on how disciplinary matters are being handled by every board. She advised the second significant change is establishing rehabilitation criteria and presented two options for the Board's consideration. She explained that Option 1 allows the Board to review an applicant or licensee's criminal probation to see if they were successful in completing criminal probation and consider other factors to determine whether or not the applicant or licensee is appropriately rehabilitated.

Ms. Welch continued that Option 2 is more limiting to the Board in that the Board would only be able to determine if criminal probation was successfully completed and other factors or explanations would not be able to be considered. Mr. Welch stated that DCA has a preference and that courts have determined that successful completion of criminal probation is not necessarily helpful to determine if an individual is safe to practice their profession. She explained because of criminal probation, criminals are under the purview of the courts, probation officers, and the threat of jail, and therefore able to complete criminal probation more successfully which is not helpful in determining if they are safe to practice.

Ms. Welch recapped what the Board has before them is to determine if they agree with the substantially related revisions and which option, number 1 or 2 for rehabilitation criteria. She advised that the LATC recommended the Board to adopt Option 1 at its February 8, 2019 meeting. Discussion ensued to clarify the options and the LATC's recommendation. Ms. Welch also asked the Board to review the LATC's *Disciplinary Guidelines* to make conforming changes to incorporate the new proposed regulatory language.

Ms. Welch recommended a minor and technical revision to the proposed regulatory language for CCR section 2656 (b)(3) to strike "subsection" and replace with "paragraph" to read: "(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in ~~subsection~~ paragraph (1) or (2)."

- **Nilza Serrano moved to adopt the rulemaking package as recommended for CCR sections 2655 and 2656 with Option 1 and modify the LATC's *Disciplinary Guidelines* as revised.**

Barry Williams seconded the motion.

Members Feng, Lewis, Pearman, Serrano, Williams, and President Kwan voted in favor of the motion. Members Campos and Gutierrez were absent. The motion passed 6-0.

Note: this motion was modified and voted on during Agenda Item R to delegate authority to the EO. Agenda Items Q.1-3 continued until later in the meeting.

R. REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CCR, TITLE 16, DIVISION 2, ARTICLE 2, SECTIONS 110 SUBSTANTIAL RELATIONSHIP CRITERIA AND 110.1 CRITERIA FOR REHABILITATION; SECTION 154 DISCIPLINARY GUIDELINES, AND BOARD'S *DISCIPLINARY GUIDELINES*

Ms. Welch advised this agenda item is the same as previously discussed under Q.4 with the corresponding CCR sections 110 and 110.1 for the Board. She recommended a minor change to the reference sections under the proposed regulatory language for CCR sections 110 and 110.1 to not strike reference sections 475 and 492 as indicated in the meeting packet. Ms. Welch also recommended correcting CCR sections 2655 and 2656 Article 1, Division 26 under section E. Criteria to be Considered of the Board's *Disciplinary Guidelines* to the proper sections CCR 110 and 110.1 and Article 2 (inadvertently described as Article 8) of Division 2.

- **Tian Feng moved to adopt the proposed rulemaking as corrected for CCR sections 110 and 110.1 with Option 1 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 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 and the Board's *Disciplinary Guidelines* as revised.**

Barry Williams seconded the motion.

There were no comments from the public.

Members Feng, Lewis, Pearman, Serrano, Williams, and President Kwan voted in favor of the motion. Members Campos and Gutierrez were absent. The motion passed 6-0.

- **Tian Feng moved to adopt the proposed rulemaking as corrected for CCR sections 2655 and 2656 with Option 1 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 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 and the LATC's *Disciplinary Guidelines* as revised.**

Barry Williams seconded the motion.

There were no comments from the public.

Members Feng, Lewis, Pearman, Serrano, Williams, and President Kwan voted in favor of the motion. Members Campos and Gutierrez were absent. The motion passed 6-0.

L. UPDATE ON 2019 SUNSET REVIEW OF BOARD AND LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) AND POSSIBLE ACTION ON RESPONSES TO BACKGROUND PAPERS

Ms. Zuniga advised the members the Board's Sunset Review hearing is scheduled for March 5, 2019 and a draft of the Background Paper has been provided. Once the paper is finalized before the hearing she will provide the members with a copy. She indicated the paper summarizes the Board's Sunset Review Report and raises new issues the Legislative Committee has identified which includes the Board's consideration to:

1. Add an LATC member to the Board bringing the total to 11 members; and
2. Make technical changes to the Architects Practice Act including allowing continuing education (CE) providers to provide records directly to the Board on the licensee's behalf.

She advised the Legislature is not expecting a verbal response to these issues at the hearing but rather a formal written response is required within 30 days after the hearing. Due to the timing of the next Board meeting, she requested the Board delegate to the Board President to approve the final submittal on behalf of the Board. The Board discussed the pros and cons of adding an LATC member to the Board and suggested the LATC be asked their preference.

Ms. Zuniga continued with the Legislative Committee's new issues for the Board's consideration:

1. Fingerprint applicants;
2. Allow a designee the authority to conduct citation informal conferences;
3. Establish minimum criteria for CE and providers and allow providers to provide records to the Board on the licensee's behalf;
4. Revise written contract requirements in the Business and Professions Code as proposed by the Board; and
5. Continuance of the Board.

The Board discussed the fingerprint requirement and suggested any concerns on how it would be implemented and associated costs be included in the response to the Legislature. Ms. Zuniga advised she hoped to finalize the response this week and send to the members. No action was needed by the Board to delegate authority to the Board President to approve the response to the Legislature as the authority is covered in the Board Member Administrative Manual.

M. REVIEW AND POSSIBLE ACTION ON DRAFT 2019-2021 STRATEGIC PLAN

Ms. Zuniga proposed to the Board the draft Strategic Plan be adopted as a three-year plan. She advised the LATC has already adopted a three-year plan and it is included in the meeting packet. She informed the members the primary reason for extending the plan is due to the unknown impact of the workload associated with Business Modernization and to balance the resources for the extra year. Ms. Zuniga also suggested that Board staff report the status of the objectives annually possibly at the December meetings. She asked for clarification of two of the objectives under the Communications goal area. After discussion, the Board agreed on the following changes to the plan:

1. Objective 3.6 Amended to read: Issue an annual practice brief update on licensee misconduct to increase public and professional awareness.
 2. Objective 3.1 Amended to read: Educate licensees and the public on the penalties for violations of the Architects Practice Act.
 3. Objective 4.1 Add: NAAB
 4. Objective 4.2 Amended to read: Collaborate with high schools to promote the architect profession and promote entry into the profession.
 5. Objective 5.4 Delete: Identify alternative initiatives for a downturn in the economy to establish Board priorities.
 6. Minor technical changes for consistency.
- **Tian Feng moved to approve the draft Board Strategic Plan as revised for three years.**

Ebony Lewis seconded the motion.

There were no comments from the public.

Members Feng, Lewis, Pearman, Serrano, Williams, and President Kwan voted in favor of the motion. Members Campos and Gutierrez were absent. The motion passed 6-0.

N. EXECUTIVE COMMITTEE REPORT

Ms. Kwan advised that the Executive Committee met on January 31, 2019, and the primary items on the agenda were the Board's new logo and the Board Member Administrative Manual. She informed the members based on the Committee's review and comments on the proposed logos, the Board is now considering two variations. Ms. Zuniga advised that initially the Committee reviewed two logos, of which they preferred one over the other and asked for slight variations and color options. Ms. Zuniga directed the Board to the two options for the logo contained in the meeting packet. She provided the members with the color options, DCA's requirements for the new letterhead, and sample letterheads for other DCA boards as a comparison. She advised the letterhead must contain the State seal; Governor's, Agency's and DCA's

name; and the logo if approved by the Board. Members discussed their impressions of the logos and the color options. Ms. Zuniga clarified that color will mostly be used for the logo for Board publications and the members did not need to vote on the colors, only the logo. During the discussion it was determined that most members preferred color scheme A provided in the meeting packet.

- **Ebony Lewis moved to approve logo Option 1.**

Nilza Serrano seconded the motion.

There were no comments from the public.

Members Lewis, Pearman, Serrano, Williams, and President Kwan voted in favor of the motion. Member Feng abstained. Members Campos and Gutierrez were absent. The motion passed 5-0-1.

Ms. Zuniga presented the Executive Committee's recommended revisions to the Board Member Administrative Manual that was previously approved in September 2018. The Board members requested staff obtain clarification on the new language that was added in the "Out-of-State Travel" section about travel to the restricted states. Specifically, the members requested an interpretation of the following sentence:

"The Board is prohibited from requiring any of its employees, officers, or members to travel to a state that, after June 26, 2015, has enacted a law that ..."

The findings of the research will be provided at the next Board meeting.

O. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Ms. Zuniga reminded the Board it would not be attending the 2019 NCARB Regional Summit scheduled for March 8-9, 2019, in Nashville, Tennessee. She added there were candidate materials for the upcoming elections located in the meeting packet. Ms. Zuniga asked members whether they wanted to submit a letter to the other members of Region 6 and express support for the candidates or any opinions. It was also noted that prior Board member, Jon Baker will be a candidate for Secretary of the NCARB Board of Directors for fiscal year 19/20 and candidate materials will be considered at the Board's June meeting.

- **Nilza Serrano moved to send a letter of support for Sylvia Kwan, candidate for the Western Council of Architectural Registration Boards' Executive Committee to all Region 6 members.**

Ebony Lewis seconded the motion.

There were no comments from the public.

Members Feng, Lewis, Pearman, Serrano, and Williams voted in favor of the motion. President Kwan abstained. Members Campos and Gutierrez were absent. The motion passed 5-0-1.

P. REVIEW AND POSSIBLE ACTION ON CONTRACT FOR DEBT COLLECTION SERVICES TO COLLECT OUTSTANDING ADMINISTRATIVE FINES AND COST RECOVERIES

The members were advised a collection agency contract was currently under legal review and will be presented to the Board for ratification at its next scheduled meeting.

Q. LATC REPORT (*CONTINUED*)

- 1. UPDATE ON FEBRUARY 8, 2019 LATC MEETING**
- 2. REVIEW AND POSSIBLE ACTION ON DRAFT 2019-2021 STRATEGIC PLAN**
- 3. REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2603 DELEGATION OF CERTAIN FUNCTIONS**

Program Manager, Trish Rodriguez presented the Board with the LATC's draft Strategic Plan for 2019-2021 and asked for approval.

- **Nilza Serrano moved to approve the draft LATC 2019-2021 Strategic Plan.**

Ebony Williams seconded the motion.

There were no comments from the public.

Members Feng, Lewis, Pearman, Serrano, Williams and President Kwan voted in favor of the motion. Members Campos and Gutierrez were absent. The motion passed 6-0.

Ms. Rodriguez advised that the LATC recommended Board approval to amend proposed language to amend CCR, Title 16, Division 26, Article 1, section 2603 (Delegation of Certain Functions), to align with the Board's to allow the EO to approve settlement agreements for the revocation and surrender of a license.

- **Barry Williams moved to approve the proposed regulatory changes to amend CCR section 2603, 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.**

Nilza Serrano seconded the motion.

There were no comments from the public.

Members Feng, Lewis, Pearman, Serrano, Williams and President Kwan voted in favor of the motion. Members Campos and Gutierrez were absent. The motion passed 6-0.

S. REVIEW OF FUTURE BOARD MEETING DATES

Ms. Kwan reminded members that the remaining Board meetings for 2019 are scheduled for June 12, 2019 in San Luis Obispo; September 11, 2019 in Berkeley; and December 11, 2019 in Sacramento. Ms. Lewis advised she will be in Los Angeles the day before the June meeting and travel arrangements will need to be made for her from that area. Ms. Kwan advised hotel reservations are being made for members to stay the night before the meeting in San Luis Obispo to allow the meeting to commence early. Mr. Williams announced a meeting room has been secured at California Polytechnic State University, San Luis Obispo. Ms. Kwan asked the members if anyone has any scheduling conflicts to let staff know as soon as possible.

T. ADJOURNMENT

The meeting adjourned at 4:55 p.m.

**Agenda items for this meeting were taken out of order to accommodate presenters of items. The order of business conducted herein follows the transaction of business.*

AGENDA ITEM I: EXECUTIVE OFFICER'S REPORT

The Executive Officer, Laura Zuniga, will provide an update on the Board's Administration/Management, Examination, Licensing, and Enforcement programs.

Attachment(s)

1. Executive Officer's Report



MEMORANDUM

DATE	May 1, 2019
TO	Board and Landscape Architects Technical Committee (LATC) Members
FROM	Laura Zuniga, Executive Officer
SUBJECT	Executive Officer Report

The following information is provided as an overview of Board activities and projects as of April 30, 2019.

ADMINISTRATIVE/MANAGEMENT

Board The Board’s next meetings are planned for June 12, 2019, (California Polytechnic State University, San Luis Obispo), September 11, 2019, (Bay Area), and December 11, 2019 (Sacramento).

Budget In July 2017, the Department of Consumer Affairs (DCA) implemented the FISCAL system, the statewide system for budgets, accounting, and procurement that the State of California has implemented for all state departments. While DCA has experienced one full fiscal year (FY) using the system and is fast approaching the end of a second year, the transition continues to pose challenges in the reconciliation and closing of FY 2017-18. It was projected that year-end financial statements would start being produced in March 2019; however, additional reconciliation requirements have impacted the estimated timeline. The final financial reports for FY 2017-18 are expected after June 30, 2019. Staff continuously monitor the Board’s budget with the DCA Budget Office staff. Once the final reports are available, a budget update will be provided to the Board.

Business Modernization In December 2017, the Board, in collaboration with the DCA, finalized its Business Modernization Plan (Plan) to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform.

Key elements of the Plan specific to the needs of the Board and LATC include: 1) Business Activities, 2) Project Approval Lifecycle, and 3) System Implementation. 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 initial mapping of “As-Is” business processes is being prepared by DCA Office of Change Management for Board review and approval. The next “Could-Be” business mapping phase commenced in April.

The approach will take time and address the delayed implementation of a new platform. The Board and LATC pursued a stop gap measure to accept online credit card payments for license renewal applications, our highest volume transaction. The acceptance of online credit card payments for license renewal launched on February 5, 2019, for the Board and on April 23, 2019, for LATC. An email announcement was sent to Board licensees on February 28, 2019 advising them of the new payment option. A mailing insert providing the new payment option was included with the Board's renewal notices for licenses expiring on June 30, 2019 and beyond. The Board also made announcements on Facebook and Twitter regarding the additional payment method. The LATC also announced via email to its interested parties list and to licensees for which email addresses were available and due to expire by July, and posted the announcement on Twitter. Mailing inserts will begin to be included with renewal notices in May, for LATC licenses expiring on August 31.

Communications Committee The next Communications Committee meeting is scheduled for May 14, 2019, in Sacramento. At this meeting, the Committee will begin work on its assigned 2019-2021 Strategic Plan objectives.

Executive Committee The Executive Committee held a teleconference meeting on January 31, 2019 at various locations. At this meeting the Committee considered a new Board logo and reviewed the Board Member Administrative Procedure Manual. The Committee's recommendations were considered by the Board at its February meeting. The next Executive Committee meeting has not been scheduled.

Newsletter The *California Architects* newsletter was published on December 19, 2018. The next issue of the newsletter is planned for publication in May 2019.

Sunset Review The Board's and LATC's 2018 Sunset Review Reports were submitted to the Legislature on November 28, 2018. The hearing was held on March 5, 2019. The Board's and LATC's written responses to issues raised by the Legislature were submitted on April 3, 2019.

The Board/LATC's presentation received positive feedback from the committees (the Senate and Assembly policy committees met jointly to conduct the hearing).

Outreach Staff is working with DCA's Office of Publications, Design and Editing to design the *New Licensee Information Guide* for dissemination and inclusion in newly licensed packets to assist architects in understanding the Architects Practice Act (Act) and filing and notification requirements. The *Guide* will be disseminated new licensee packets beginning in May.

On February 15, 2019, the Board's architect consultants made a presentation at the 2019 American Institute of Architects (AIA) San Diego Large Firm Roundtable and discussed how they provide a bridge between the *Architects Practice Act* and real world of practice. The consultants further explained they respond to practice related questions from licensees, candidates building officials, consumers, attorneys, and Board staff; serve as expert witnesses; and assist Deputy Attorneys General in hearings before Administrative Law Judges. On February 28, 2019, Board staff Timothy Rodda, Examination/Licensing Analyst, and Robert Chase, Architect Consultant, also provided a presentation to the AIA, Central Valley Chapter at Cosumnes River College. They explained the Board's licensing requirements and the role of an architect. More than 30 individuals attended both presentations.

This was the 57th annual meeting of the organization. As we have for the past 20 years, the Board sponsored a vendor table as part of the Vendor/Exhibitor’s Program that was held during the key meeting days of the event. The Board’s architect consultants Bob Chase and Bob Carter staffed the Board’s table. This year’s program followed the new shortened format adopted at the 2013 ABM that worked very well for all the vendors.

The official attendance roster listed 270 attendees representing various building departments from throughout the state. In addition, there were service vendors that provide staff and support to various agencies and jurisdictions. The Board had over 25 documented direct contacts that included in depth conversations and numerous quick visits with attendees. Once again, the CALBO leadership came by our table to give us, the Board, a special thank you for participating and continuing our history of support to the organization.

We did not receive formal requests for chapter visitations but discussed the prospect of such with several attendees. There were three requests for a supply of our *Consumer’s Guide to Hiring an Architect* and the *Consumer Tips for Design Projects* for use on their public counters. One box, consisting of 300 each, were requested and sent to each city: Burbank, La Quinta, and Palm Springs.

Personnel Rikki Parks was selected to fill the Supplemental Examination Analyst position. Her first day at the Board was March 13, 2019.

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

Social Media Statistics (As of May 3, 2019)

Platform	Posts	Current Followers	Followers 1Year Prior	Difference
Twitter (launched in 2014)	5	1,240	1,179	5%
Instagram (launched in 2016)	0	541	375	44%
Facebook (launched in 2017)	13*	106	53	100%

* Data for February-April

Website In April, staff posted the notice for the April 18, 2019 Professional Qualifications Committee meeting and updated the California Supplemental Examination (CSE) reference materials for candidates. Staff is also reviewing documents on the Board’s website for compliance with the latest accessibility requirements mandated by Government Code (Gov.) section 11546.7. To assist in the efforts of developing accessible documents for the Board’s website, an initial cohort of staff attended training on the subject. It is anticipated these staff will instruct others in their respective program on how to develop compliant documents.

Examination and Licensing Programs

Architect Registration Examination (ARE) The pass rates for ARE divisions taken by California candidates between March 1–31, 2019, are shown in the following tables:

March 2019 ARE 5.0

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	74	35	47%	39	53%
Practice Management	181	77	43%	104	57%
Programming & Analysis	133	59	44%	74	56%
Project Development & Documentation	143	65	45%	78	55%
Project Management	103	67	65%	36	35%
Project Planning & Design	173	66	38%	107	62%

Pass rates for ARE divisions taken by California candidates during the previous calendar year (January 1, 2018 to December 31, 2018) are shown in the following tables:

2018 ARE 5.0

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	579	380	66%	199	34%
Practice Management	1,198	577	48%	621	52%
Programming & Analysis	890	413	46%	477	54%
Project Development & Documentation	1,159	537	46%	622	54%
Project Management	805	468	58%	337	42%
Project Planning & Design	1,481	585	40%	896	60%

National pass rates for 2018 ARE 5.0 are shown in the following table for comparison with California data:

2018 California - National ARE Performance Comparison

DIVISION	CALIFORNIA		NATIONAL	DIFFERENCE
	Total	Passed	Passed	
Construction & Evaluation	579	66%	51%	+15%
Practice Management	1,198	48%	62%	-14%
Programming & Analysis	890	46%	53%	-7%
Project Development & Documentation	1,159	46%	46%	0%
Project Management	805	58%	53%	+5%
Project Planning & Design	1,481	40%	70%	-30%

CSE On July 5, 2018, a regulatory package related to reducing the mandatory waiting period for candidates who fail the CSE was submitted to DCA for an initial analysis before submission to the Office of Administrative Law (OAL) for noticing – see Regulatory Proposals below. On December 1, 2018, the Board reduced the waiting period for those who fail the CSE. Eligible candidates may now schedule a retake appointment if it has been at least 90 days since their last attempt.

The current Intra-Departmental Contract with the OPES for examination development for fiscal year (FY) 2018/19 expires on June 30, 2019. On February 25, 2019, the current IAC was amended to include additional development workshops. Staff are coordinating the development of the FY 2019/20 contract.

The pass rates for the CSE taken by candidates between March 1 to April 30, 2019, the current FY aggregate, and the prior FY are displayed in the following tables:

March and April 2019 CSE

CANDIDATE TYPE	CANDIDATES PASSED		CANDIDATES FAILED		TOTAL
	Count	Percent	Count	Percent	
Instate First-time	94	73%	35	27%	129
Instate Repeat	42	55%	34	45%	76
Reciprocity First-time	28	58%	20	42%	48
Reciprocity Repeat	11	55%	9	45%	20
Relicensure First-time	0	0%	1	100%	1
Relicensure Repeat	0	0%	2	100%	2
TOTAL	175	63%	101	37%	276

**FY 2018/19 CSE
(as of April 30, 2019)**

CANDIDATE TYPE	CANDIDATES PASSED		CANDIDATES FAILED		TOTAL
	Count	Percent	Count	Percent	
Instate First-time	359	63%	212	37%	571
Instate Repeat	136	55%	111	45%	247
Reciprocity First-time	113	54%	95	46%	208
Reciprocity Repeat	30	54%	26	46%	56
Relicensure First-time	3	30%	7	70%	10
Relicensure Repeat	1	33%	2	67%	3
TOTAL	642	59%	453	41%	1095

FY 2017/18 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
1,144	645	56%	499	44%

NCARB ARE Contract Staff is coordinating with DCA and NCARB to develop a new contract – which is required for ARE administration to candidates – that will run until June 30, 2022 and supersede the current contract set to expire on June 30, 2019.

NCARB Integrated Path to Architectural Licensure (IPAL) On February 27, 2019, Dr. Mitra Kanaani provided an update to the Board on the NewSchool of Architecture and Design IPAL programs. Following the presentation, IPAL students invited by Dr. Kanaani spoke to the Board and detailed their respective experiences in the NewSchool programs.

Professional Qualifications Committee (PQC) The PQC met in Sacramento on April 18, 2019. At the meeting, the PQC discussed 2019-2021 Strategic Plan objectives related to 1) continuing education (CE) requirements for license renewal; 2) opportunities for online submission of CE documentation; 3) conducting an occupational analysis; and 4) proposed amendments to California Code of Regulations (CCR) section 117 and other related regulations reflecting current licensing requirements.

Regulatory Proposals CCR Sections 124 (California Supplemental Examination) and 124.5 (Review of California Supplemental Examination) The Board approved proposed regulatory language to amend CCR sections 124 and 124.5 at its March 1, 2018, meeting and delegated authority to the Executive Officer (EO) to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board’s regulatory proposal for CCR sections 124 and 124.5:

- March 1, 2018 Proposed regulatory language approved by the Board
- June 12, 2018 Proposed regulation submitted to DCA Legal for prereview
- July 2, 2018 DCA Legal concluded prereview
- July 5, 2018 Proposed regulation submitted to DCA Legal for initial analysis
- April 26, 2019 Proposed regulatory language approved by Business, Consumer Services and Housing Agency

CCR Sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation) The Board approved proposed regulatory language to amend CCR sections 110 and 110.1 at its February 27, 2019, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board’s regulatory proposal for CCR sections 110 and 110.1:

Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR sections 110 and 110.1:

February 27, 2019	Proposed regulatory language approved by the Board
March 5, 2019	Proposed regulation submitted to DCA Legal for prereview
March 7, 2019	DCA Legal concluded prereview
March 8, 2019	Proposed regulation submitted to DCA Legal for initial analysis

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 March and April, there were 233 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 83 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 prior Strategic Plans contained an objective to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties and monitor effectiveness. With the assistance of DCA, staff finalized a contract with a collection agency for the period April 9, 2019 through April 8, 2022 through the informal solicitation method to allow the Board to refer unpaid citations and cost recoveries aged beyond 90 days. The collection agency contract will be presented to the Board at its June meeting.

Nilton M. Acosta (South Gate) The Board issued a one-count modified citation that included a \$750 administrative fine to Nilton M. Acosta, dba Property & Home Design, Inc., an unlicensed individual, for alleged violations of Business and Professions Code (BPC) section 5536(a) (Practice Without License or Holding Self Out as Architect) and California Code of Regulations (CCR), title 16, section 134(a) (Use of the Term Architect; Responsible Control within Business Entity). The action alleges Acosta presented his client with a contract, an invoice, and an employee company email signature block that included "ARCHITECTURE+ENGINEERING" in the logo and described the company's services as "Architectural Plans, Engineering, and Title 24." Acosta's business card, letterhead, storefront sign, and banner offered "Architecture Design Engineering" services for residential, commercial, and industrial projects and included "ARCHITECTURE+ENGINEERING" in his company's logo. Acosta advertised with Facebook, LinkedIn, and Yelp profiles wherein he identified himself as an "architect," described his company's services as "architectural," "architectural design," "architecture," and "arquitectura," and categorized his company under "Architects." Acosta also used the business name "Property & Home Design, Inc.," without having an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. Acosta paid the fine, satisfying the citation. The citation became final on February 5, 2019.

Donna Alconcel (Daly City) The Board issued a two-count citation that included a \$2,000 administrative fine to Donna Alconcel, dba Donna Alconcel Designs, an unlicensed individual, for

an alleged violation of Business and Professions Code (BPC) sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Unauthorized Practice). The action alleged that Alconcel executed a Proposal for a Residential Remodel (Proposal) offering to provide professional services for a residence located in San Francisco. The Proposal stated, “3rd Floor: Add bedroom and bathroom on 3rd level” and that the project will include “Two (2) sets of the necessary architectural drawings required for construction and presentation to the Building Department.” The three-story residential project is not an exempt building described in BPC section 5537(a). Alconcel’s preparation of design plans for the non-exempt third-story residence wherein the plans contained a title block stating, “Donna Alconcel Designs” constitutes the practice of architecture as defined in BPC section 5500.1. Alconcel used the business name “Donna Alconcel Design,” which included the term “architectural” in its description of services, without having an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. The citation became final on March 25, 2019.

Millard Arterberry (Sausalito) The Board issued a one-count modified citation that included a \$750 administrative fine to Millard Arterberry, dba Arterberry Design, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect; Misdemeanor) and CCR, title 16, section 134(a) (Use of the Term Architect; Responsible Control within Business Entity). The action alleges Arterberry executed an “Agreement for Services,” which included statements that “Architectural Services Include” and “Arterberry Design agrees to provide all architectural services as described above” for the remodeling of an existing single-family residence located in Sausalito, California. In Arterberry’s Nextdoor profile, he described himself as a “Local Architect” and included the statement, “I am a local architect living in Hurricane Gulch [Sausalito, California],” and provided the title of “Architect.” Arterberry’s two personal LinkedIn profiles included the terms “Architectural Design” and “Architecture” under *Featured Skills & Endorsements*, his Archinect profile included “Architecture” under *Areas of Specialization*; and his Houzz profile under the business name Millard Arterberry Custom Home Design categorized him under “Architects” and included “Architectural Design” and “Architectural Drawings” under *Services Provided*. Arterberry used the business name “Arterberry Design,” which included the term “architectural” in its description of services, without having an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. Arterberry paid the fine, satisfying the citation. The citation became final on February 26, 2019.

Masum Mohammad Aziz (Newport Beach) The Board issued a one-count modified citation that included a \$500 administrative fine to Masum Mohammad Aziz, architect license number C-24129, for an alleged violation of Business and Professions Code (BPC) section 5536.22(a) (Written Contract). The action alleged that on or about June 29, 2015, Aziz failed to execute a written contract with his client prior to commencing professional services for a residential project located in Newport Beach, California. Aziz paid the fine, satisfying the citation. The citation became final on January 24, 2019.

William R. Edwards (Newport Beach) The Board issued a three-count citation that included a \$3,000 administrative fine to William R. Edwards, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect) and California Code of Regulations (CCR), title 16, section 134(a) (Use of the Term Architect). On or about May 31, 2013, Edwards’ architect license number C-18607 expired. The action alleged that while

Edwards' license was expired, he maintained a business card, contract, billing invoices, and website with a business name, "Edwards Architectural Company," and wherein he described his services as "Architecture." Edwards also used the business name "Edwards Architectural Co." without having a California licensed architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. The citation became final on January 24, 2019.

Analiza Fuentes (Commack, NY) The Board issued a one-count citation that included a \$1,000 administrative fine to Analiza Fuentes, dba Studio7, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that on or about August 16, 2018, Fuentes' Levo profile described her as providing "architecture + photography," included the word "architectural" to describe her services and provided the title of "Project Architect." In addition, Fuentes' Buildshop profile was categorized under "Architects" and included "Architects" under Services Offered. Fuentes' Houzz profile was also categorized under "Architects" and her Behance and Poplar profiles were categorized under "Architect." Furthermore, on or about September 5, 2018, Fuentes' LinkedIn profile described her as a "Project Architect," stated she is an "Experienced Architectural Designer and Project Manager with a demonstrated history of working in the architecture & planning industry," and stated her specialties include "Architectural Design," "Architecture," and "Interior Architecture." The citation became final on February 13, 2019.

Eric Lee (Los Angeles) The Board issued a one-count citation that included a \$1,500 administrative fine to Eric Lee, dba Kahn Design & Development, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect) and CCR, title 16, section 134(a) (Use of the Term Architect; Responsible Control within Business Entity). The action alleged that Lee and his company Kahn Design & Development provided a "Work Authorization Agreement" to clients for a single-family residential project located in Los Angeles. The services offered in the agreement included "architectural design and drawing, architectural & structure design review process, prepare architectural and consultation documents with calculations and drawings, and city & permit process of the architectural design review" and included hourly rates provided by the "Principal Architect" and "Project Architect." On or about December 6, 2017, the client provided Lee with a check in the amount of \$3,000 as a retainer fee at the time of the contract for the "existing house reinforce drawing and permit processing," which included architectural design and drawings. Additionally, Lee used the business name "Kahn Design & Development," which included the term "architectural" in its description of services, without having an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. The citation became final on February 14, 2019.

Marios A. Savopoulos (San Clemente) The Board issued a one-count citation that included a \$500 administrative fine to Marios A. Savopoulos, architect license number C-24460, 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 Savopoulos certified false or misleading information on his 2018 License Renewal Application. The citation became final on February 25, 2019.

Stuart A. Royalty (Sherman Oaks) The Board issued a two-count citation that included a \$750 administrative fine to Stuart A. Royalty, architect license number C-25881, for alleged violations

of BPC section 5600.05, subdivisions (a)(1) and (b) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Royalty certified false or misleading information on his 2017 License Renewal Application and failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. Royalty paid the fine, satisfying the citation. The citation became final on March 13, 2019.

Ronald P. Sorce (Arlington Heights, IL) The Board issued a one-count citation that included a \$500 administrative fine to Ronald P. Sorce, architect license number C-13311, 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 Sorce certified false or misleading information on his 2017 License Renewal Application. Sorce paid the fine, satisfying the citation. The citation became final on March 18, 2019.

Sammie Tabrizi (Woodland Hills) The Board issued a one-count citation that included a \$500 administrative fine to Sammie Tabrizi, architect license number C-34954, 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 Tabrizi certified false or misleading information on her 2019 License Renewal Application. Tabrizi paid the fine, satisfying the citation. The citation became final on March 25, 2019.

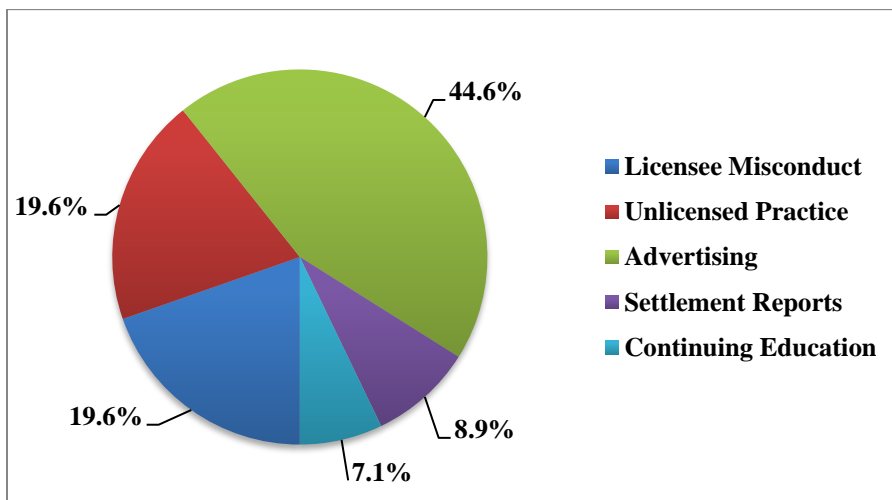
Shawn M. Tibor (Sacramento) The Board issued a one-count citation that included a \$500 administrative fine to Shawn M. Tibor, architect license number C-22284, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Tibor certified false or misleading information on his 2017 License Renewal Application. Tibor paid the fine, satisfying the citation. The citation became final on March 18, 2019.

Timothy Wendell Wuethrich (Sacramento) The Board issued a one-count citation that included a \$750 administrative fine to Timothy Wendell Wuethrich, architect license number C-14415, 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 Wuethrich certified false or misleading information on his 2017 License Renewal Application. Wuethrich paid the fine, satisfying the citation. The citation became final on March 20, 2019.

<u>Enforcement Statistics</u>	<u>Current Month</u> April 2019	<u>Prior Month</u> March 2019	<u>FYTD</u> 2018/19	<u>Prior FY</u> 2017/18
Complaints				
Received/Opened (Reopened):	33 (0)	25 (0)	221 (1)	380 (2)
Closed:	31	27		334
Average Days to Close:	266 days	208 days	days	97 days
Pending:	151	149	*	161
Average Age of Pending:	207 days	141 days	days*	161 days
Citations				
Issued:	5	5	42	65
Pending:	7	11	32*	0
Pending AG: †	0	1	3*	0
Final:	3	6	39	58
Disciplinary Actions				
Pending AG:	6	5	6*	4
Pending DA:	1	0	1*	1
Final:	0	0	1	3
Continuing Education (\$5600.05)**				
Received/Opened:	2	2	16	32
Closed:	0	1	14	30
Pending:	2	1	3*	10
Settlement Reports (\$5588)**				
Received/Opened:	4	1	21	14
Closed:	0	0	19	14
Pending:	12	8	20*	0

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

Types of Complaints Received FYTD 2018/19 (as of April 30, 2019)



Closure of Complaints by FY

Type of Closure	FYTD 2018/19*	FY 2017/18	FY 2016/17
Cease/Desist Compliance	2	9	67
Citation Issued	42	64	30
Complaint Withdrawn	10	8	6
Insufficient Evidence	15	14	8
Letter of Advisement	80	157	99
No Jurisdiction	9	15	13
No Violation	53	40	52
Referred for Disciplinary Action	4	5	4
Other (i.e., Duplicate, Mediated, etc.)	20	25	12

* FYTD reflects data as of April 30, 2019.

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 2018/19 (as of April 30, 2019), 42 citations with administrative fines became final with 58 violations of the provisions of the 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 2018/19*	FY 2017/18	FY 2016/17
BPC § 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect	27.8%	8.1%	38.0%
BPC § 5536.1(c) – Unauthorized Practice	0%	3.2%	0%
BPC § 5536.22(a) – Written Contract	7.4%	1.6%	14.0%
BPC § 5584 – Negligence or Willful Misconduct	5.6%	1.6%	4.0%

BPC § 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements**	38.9%	77.4%†	16.0%
CCR § 160(b)(2) – Rules of Professional Conduct	7.4%	4.8%	6.0%

* FYTD reflects data as of April 30, 2019.

** 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.

Outreach On May 3, 2019, the Board’s enforcement staff will be attending a Senior Scam Stopper meeting in Paradise. The town of Paradise was destroyed in November 2018 by a natural wildfire named Camp Fire and has been declared as the Deadliest Wildfire in California. During this meeting staff will discuss how the community can protect themselves from unlicensed practice and the role of a licensed architect. The Board’s enforcement staff will be disseminating various Board publications such as the: *Consumer’s Guide to Hiring an Architect*, *Consumer Tips for Design Projects*, and other consumer related materials. The meeting is a collaborative effort with the Contractors State License Board.

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. Staff submitted this language for inclusion in Senate Bill (SB) 608, the Board’s sunset bill, rather than proceeding with regulations.

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 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 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.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 as well as proposed changes to CCR sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation) including two options. The Board adopted the proposed recommended changes for CCR section 110 and option 1 of section 110.1 and approved the revised *Disciplinary Guidelines* at its February 27, 2019 meeting. On March 8, 2019, the proposed regulation was submitted to DCA Legal for an initial analysis as part of the regulatory proposal process.

Regulatory and Enforcement Committee (REC) The next REC meeting is scheduled for August 1, 2019, in Sacramento. At this meeting, the REC will begin work on its assigned 2019-2021 Strategic Plan objectives.

Written Contract (BPC section 5536.22) The Board previously approved a legislative proposal to amend 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. The Senate Business, Professions and Economic Development Committee (BP&ED) staff determined that the proposal was substantive and, as such, would need to be included in another bill. The Board subsequently approved a revision to one suggested amendment, as well as an exemption from the written contract requirements for public contracts.

The Board's proposal to amend BPC section 5536.22 was presented to the Legislature for consideration via the "New Issues" section of the Sunset Review Report, and the proposed changes are included in SB 608.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

LATC ADMINISTRATIVE/MANAGEMENT

Personnel Deborah Dulay was hired to fill the Special Projects Analyst position and commenced her new assignment on April 2, 2019.

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

Committee The LATC met on February 8, 2019 at the University of Southern California. The remainder of the meetings planned for 2019 are as follows: May 23 (Campbell City Hall), August 13 (Chula Vista), and November 8 (Sacramento).

Jon Wreschinsky was appointed by the Senate Rules Committee to the LATC, on February 15, 2019. His term ends on June 1, 2022. Mr. Wreschinsky has been a licensed landscape architect since 1990 and is currently employed as a facilities planner with San Diego Unified School District. He has been a member of the American Society of Landscape Architects (ASLA) since 1989, serving in many positions at the chapter, state, and national levels and is currently serving on ASLA National's Policy Committee.

Committee member mandatory trainings must be completed as follows:

- Ethics Orientation – completed within the first six months of appointment and repeat every two years throughout a member's term
- Sexual Harassment Prevention – completed within the first six months of appointment and every two years throughout a member's term
- Board Member Orientation – completed within one year of a member's appointment and reappointment
- Defensive Driver – once every four years

Social Media The LATC maintains a Twitter account that currently has 162 followers. This account largely permits the LATC to have active social media participation with the public and professionals. A series of training was completed to enable all LATC staff to manage the social media account. On April 4, 2019, DCA Office of Public Affairs provided training to staff covering analytics and Hootsuite, a social media management tool.

Training The following employee(s) participated in the indicated training:

4/9/19	QBIRT (Stacy)
4/9/19	Interpersonal Skills for Analysts (Deborah)
4/11/19	QBIRT (Kourtney)
4/16/19	New Employee Orientation (Deborah)

Website The Interim Credit Card Renewal was launched on April 23, 2019 and can be found on the LATC's homepage.

In April, revisions were made to the LATC license search webpage to include a direct link to the Contractors State License Board (CSLB) and its license search system. This would, in return,

allow consumers to easily differentiate between a landscape architect and a landscape contractor (C-27).

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) LATC’s Intra-Departmental Contract with OPES for examination development will expire on June 30, 2019. The FY 2019/20 contract was approved by the LATC at their February 8, 2019 meeting and fully executed by the DCA Budget Office on March 8, 2019.

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 (SME) to participate in examination development workshops to focus on item writing and examination construction.

During the exam development workshops held on August 24-25, 2018 and September 14-15, 2018, OPES facilitated a review of the reference materials used for the CSE. Based on SME findings in these workshops, OPES recommended changes to the reference list which were reflected on the LATC website in February.

CSE Results The pass rates for the CSE taken by candidates during FY 2018/19 (as of April 30, 2019) and prior FYs are shown in the following tables:

FY 2018/19 CSE (as of April 30, 2019)

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
190	153	81%	37	19%

2017/18 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
181	107	55%	89	45%

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) A LARE administration was held April 1-13, 2019, and the candidate application deadline was February 15, 2019. Examination results for all LARE administrations are released by the Council of Landscape Architectural Registration Boards (CLARB) within six weeks of the last day of administration. The next LARE administration will be held August 5–17, 2019, and the application deadline is June 21, 2019.

The pass rates for LARE sections taken by California candidates during the December 10-22, 2018, administration are shown below:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	65	47	72%	18	28%
Inventory and Analysis	65	41	63%	24	37%
Design	67	41	61%	26	39%
Grading, Drainage and Construction	50	33	66%	17	34%

National pass rates for LARE sections taken during the December 10-22, 2018, administration are shown below:

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
Project and Construction Management	65	72%	394	77%	-5%
Inventory and Analysis	65	63%	396	71%	-8%
Design	67	61%	419	70%	-9%
Grading, Drainage and Construction	50	66%	349	65%	1%

National pass rates for LARE sections taken in 2018 are shown below:

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
Project and Construction Management	220	66%	1,187	71%	-5%
Inventory and Analysis	200	62%	1,172	68%	-6%
Design	181	62%	1,169	64%	-2%
Grading, Drainage and Construction	191	69%	1,156	69%	0%

Outreach On April 18, 2019, LATC member Susan M. Landry provided an outreach presentation to approximately 35 students enrolled in a professional practice class at the University of California, Berkeley. The presentation included an overview of the LATC’s mandate, the Landscape Architects Practice Act, the importance of licensure, the examination process, and the various education and training pathways to licensure.

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 the Board approved the regulatory changes at its meeting on December 10, 2015.

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 efficient to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Gov. 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 LATC 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.

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. During this meeting, the Committee expressed concern that the Certification of Experience form may not adequately structure the experience a candidate gains, especially as it would pertain to the proposed experience-only pathway. Following discussion, the Committee directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at the next Committee meeting.

Subsequent to the Committee meeting on May 4, 2018, staff gathered research from other licensing jurisdictions who have detailed experience criteria on their experience verification forms as well as gathered data for California licensees and active candidates who qualify for licensure with one-year of education credit and five years of experience inclusive of examination pass rates, the types of experience gained, and whether enforcement actions were taken. The findings of staff research were presented to the LATC during its meeting on July 20, 2018; at which time the Committee granted approval to staff to move forward with the combined rulemaking file for

CCR sections 2615 and 2620. The Board approved the LATC’s proposed regulatory language at its meeting on September 12, 2018. Staff has submitted the proposed regulatory package to DCA for initial analysis, prior to publicly noticing with the OAL.

Following is a chronology, to date, of the processing of LATC’s regulatory proposal for CCR sections 2615 and 2620:

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 4, 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
July 20, 2018	LATC voted to recommend to the Board to proceed with the combined rulemaking file for CCR sections 2615 and 2620
September 12, 2018	Proposed regulatory language approved by Board
November 1, 2018	Staff preparing regulatory package for DCA Legal review
February 7, 2019	Proposed regulation submitted to DCA Legal for prereview
March 21, 2019	DCA Legal concluded first round of prereview and returned regulation to staff
April 16, 2019	Proposed regulation returned to DCA Legal for additional prereview

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. 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. 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 Gov. section 11349.1, subdivision (a)(1). Gov. section 11349(a) defines “necessity” as demonstrating the need for the regulatory change through evidence not limited to facts, studies, and expert opinion.

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.

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.

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.

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 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.

At the July 20, 2018 LATC meeting, the Committee reviewed the proposed language to amend CCR section 2620.5 that was rejected by OAL on July 17, 2013. Following discussion, the Committee directed staff to explore options to engage LAAB as well as research private entities regarding the accreditation of extension certificate programs. The Committee requested that staff present their research findings for consideration at the next meeting on December 6-7, 2018.

At the December 6, 2018 LATC meeting, the Committee discussed opportunities to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with the regulation. Following discussion, the Committee directed staff to form a subcommittee comprised of Marq Truscott and Ms. Landregan to work with staff to recommend regulatory changes for LATC's consideration at a later meeting date.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed recommended changes to section 2620.5 and the review/approval procedures for LATC's consideration. At the February 8, 2019 LATC meeting, the Committee reviewed the subcommittee's recommendations and directed staff to prepare a regulatory proposal to amend CCR section 2620.5 for the LATC's consideration at its May 23, 2019 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
July 20, 2018	LATC directed staff to explore options to engage LAAB and private

	entities in the approval process of extension certificate programs
December 6, 2018	LATC directed the formation of a two-person subcommittee to recommend regulatory changes for LATC's consideration
January 17, 2019	LATC staff held a conference call with the subcommittee where together they developed recommended changes for LATC's consideration at its February 8, 2019 meeting
February 8, 2019	LATC directed staff to prepare a regulatory proposal to amend CCR 2620.5 for the LATC's consideration at its May 23, 2019 meeting
May 23, 2019	LATC to consider proposed amendments

CCR Sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) At its meeting on February 8, 2019, LATC recommended to the Board approval of proposed regulatory language to amend CCR sections 2655 and 2656. The Board approved the proposed regulatory language at its February 27, 2019, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the LATC's regulatory proposal for CCR sections 2655 and 2656:

February 8, 2019	Proposed regulatory language approved by LATC
February 27, 2019	Proposed regulatory language approved by the Board
March 7, 2018	Proposed regulation submitted to DCA Legal for prereview
March 8, 2018	DCA Legal concluded prereview
March 12, 2018	Proposed regulation submitted to DCA Legal for initial analysis

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. 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. 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.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed changes to the LATC's *Disciplinary Guidelines* and CCR section 2680 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.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) including two options. On February 8, 2019, the Committee made a recommendation to the Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*. The Board approved the Committee's recommendation at its February 27, 2019 meeting. Staff will proceed with the regulatory proposal process.

<u>Enforcement Statistics</u>	<u>Current Month</u> April 2019	<u>Prior Month</u> March 2019	<u>FYTD</u> 2018/19	<u>5-FY Avg</u> 2013/14- 2017/18
Complaints				
Received/Opened (Reopened):	6 (0)	4 (0)	36 (0)	28 (0)
Closed:	3	0	34	31
Average Days to Close:	127 days	N/A	120 days	247 days
Pending:	18	15	14*	16
Average Age (Pending):	97 days	110 days	127 days*	252 days
Citations				
Issued:	0	0	1*	3
Pending:	1	1	2*	3
Pending AG: †	0	0	0*	1
Final:	0	0	2	3
Disciplinary Actions				
Pending AG:	0	0	1*	1
Pending DA:	0	0	0*	0
Final:	0	0	2	1
Settlement Reports (§5678)**				
Received/Opened:	0	1	3	2
Closed:	0	0	2	2
Pending:	2	2	1*	2

* Calculated as a monthly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations."

CALENDAR OF EVENTS FOR 2019

May

14	Communications Committee Meeting	Sacramento
23	LATC Meeting	Campbell
27	<i>Memorial Day</i>	<i>Office Closed</i>

June

6-8	American Institute of Architects Conference on Architecture 2019	Las Vegas, NV
12	Board Meeting	San Luis Obispo
20-22	NCARB Annual Meeting	Washington, DC

July

4	<i>Independence Day</i>	<i>Office Closed</i>
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August

1	Regulatory and Enforcement Committee Meeting	Sacramento
13	LATC Meeting	Chula Vista

September

2	<i>Labor Day</i>	<i>Office Closed</i>
11	Board Meeting	Bay Area
26-28	Council of Landscape Architectural Registration Boards Annual Meeting	St. Louis, MO

November

8	LATC Meeting	Sacramento
11	<i>Veterans Day</i>	<i>Office Closed</i>
15-18	American Society of Landscape Architects Annual Meeting and Expo	San Diego
28-29	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>

December

11	Board Meeting	Sacramento
25	<i>Christmas Day</i>	<i>Office Closed</i>

AGENDA ITEM J: UPDATE AND POSSIBLE ACTION ON 2019 SUNSET REVIEW OF BOARD AND LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

Summary

The Board and LATC's sunset review hearing was held March 5, 2019, before the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee. Board President Sylvia Kwan, LATC Chair Marq Truscott, Executive Officer Laura Zuniga and Program Manager Trish Rodriguez testified.

Staff submitted responses to the written questions presented by the Committees thirty days after the hearing. Legislation was introduced to extend the sunset date for the Board and the LATC, and to implement changes requested by the Board and LATC, as well as changes proposed by the Legislature. This will be covered in further detail in the Update on Legislation.

Action Requested

None

Attachment(s)

None

AGENDA ITEM K.1: AB 476 (B. RUBIO) DEPARTMENT OF CONSUMER AFFAIRS: TASK FORCE: FOREIGN-TRAINED PROFESSIONALS

Status: Assembly Floor

Summary

This bill:

1. Requires the Department of Consumer Affairs (DCA) to create a task force to study and report on the licensing of foreign-trained professionals with the goal of integrating these professionals into the state's workforce.
2. Specifies that required findings and recommendations include identification of state and national licensing regulations that potentially pose unnecessary barriers to practice for foreign-trained professionals, corresponding changes to state licensing requirements, and opportunities to advocate for corresponding changes to national licensing requirements.
3. Requires the report to be submitted to the Legislature by January 1, 2021.

Comments:

According to the author, "the biggest barrier that those with foreign degrees face is the accreditation process that regulatory agencies have for licensing professionals with experience or education outside the country."

Candidates for an architect's license who receive credit at a foreign college or university must have an education evaluation service approved by the National Association of Credential Evaluation Services or the National Architectural Accrediting Board.

Architects licensed in a foreign jurisdiction may receive certification from the National Council of Architectural Registration Board through one of three methods. Foreign architects are required to complete the Architect Registration Exam.

DCA estimates implementation costs of \$538,000.

Attachment(s)

1. AB 476, introduced 2/12/19

ASSEMBLY BILL

No. 476

Introduced by Assembly Member Blanca Rubio

February 12, 2019

An act to add Section 110.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 476, as introduced, Blanca Rubio. Department of Consumer Affairs: task force: foreign-trained professionals.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law establishes the Bagley-Keene Open Meeting Act, which requires state boards, commissions, and similar state-created multimember bodies to give public notice of meetings and conduct their meetings in public unless authorized to meet in closed session.

This bill, the California Opportunity Act of 2019, would require the Department of Consumer Affairs to create a task force, as specified, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce, as specified. The bill would authorize the task force to hold hearings and invite testimony from experts and the public to gather information. The bill would require the task force to submit the report to the Legislature no later than January 1, 2021, as specified.

The bill also would require the task force to meet at least once each calendar quarter, as specified, and to hold its meetings in accordance with the Bagley-Keene Open Meeting Act. The bill would require each member of the task force to receive per diem and reimbursement for

expenses incurred, as specified, and would require the task force to solicit input from a variety of government agencies, stakeholders, and the public, including, among others, the Little Hoover Commission and the California Workforce Development Board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known as the California
2 Opportunity Act of 2019.

3 SEC. 2. Section 110.5 is added to the Business and Professions
4 Code, to read:

5 110.5. (a) The Department of Consumer Affairs shall create
6 a task force to study, and write the report described in subdivision
7 (c) regarding, the licensing of foreign-trained professionals with
8 the goal of integrating foreign-trained professionals into the state's
9 workforce.

10 (b) The task force shall consist of the following 15 members:

11 (1) The Director of Consumer Affairs, or the director's designee,
12 who shall serve as the chair of the task force.

13 (2) One member appointed by the Governor.

14 (3) One member appointed by the President pro Tempore of the
15 Senate.

16 (4) One member appointed by the Speaker of the Assembly.

17 (5) One member of the Regents of the University of California.

18 (6) One member of the Trustees of the California State
19 University.

20 (7) One member of the Board of Governors of the California
21 Community Colleges.

22 (8) Four members appointed by the Governor who are
23 representatives of the private sector from diverse regions in the
24 state.

25 (9) Four members appointed by the Governor who are
26 representatives of nonprofit organizations that serve the immigrant
27 community from diverse regions in the state.

28 (c) (1) The task force shall write a report of its findings and
29 recommendations regarding the licensing of foreign-trained
30 professionals, that include, but are not limited to, the following:

1 (A) Strategies to integrate foreign-trained professionals and
2 methods of implementing those strategies, including those
3 recommended by the Little Hoover Commission in its October
4 2016 report entitled Jobs for Californians: Strategies to Ease
5 Occupational Licensing Barriers (Report #234).

6 (B) Identification of state and national licensing regulations that
7 potentially pose unnecessary barriers to practice for foreign-trained
8 professionals, corresponding changes to state licensing
9 requirements, and opportunities to advocate for corresponding
10 changes to national licensing requirements.

11 (C) Identification of best practices learned from similar efforts
12 to integrate foreign-trained professionals into the workforce in
13 other states.

14 (2) The task force may include in the report guidelines for full
15 licensure and conditional licensing of foreign-trained professionals.

16 (3) The task force may hold hearings and invite testimony from
17 experts and the public to gather information.

18 (d) The task force shall submit the report described in
19 subdivision (c) to the Legislature no later than January 1, 2021,
20 and in compliance with Section 9795 of the Government Code.

21 (e) The following shall also apply:

22 (1) The task force shall meet at least once each calendar quarter.
23 The task force shall meet at least once in northern California, once
24 in central California, and once in southern California to facilitate
25 participation by the public.

26 (2) A majority of the appointed task force shall constitute a
27 quorum. Task force meetings shall be held in accordance with the
28 Bagley-Keene Open Meeting Act (Article 9 (commencing with
29 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
30 the Government Code).

31 (3) (A) Each member shall receive a per diem of one hundred
32 dollars (\$100) for each day actually spent in the discharge of
33 official duties, and shall be reimbursed for traveling and other
34 expenses necessarily incurred in the performance of official duties.

35 (B) Notwithstanding any other law, a public officer or employee
36 shall not receive per diem salary compensation for serving on the
37 task force on any day when the officer or employee also received
38 compensation for their regular public employment.

- 1 (4) The task force shall solicit input from a variety of
- 2 government agencies, stakeholders, and the public, including, but
- 3 not limited to, the following:
- 4 (A) The Little Hoover Commission.
- 5 (B) The California Workforce Development Board.
- 6 (C) The Department of Industrial Relations.
- 7 (D) In- and out-of-state licensing entities.
- 8 (E) Professional associations.
- 9 (F) Labor and workforce organizations.

AGENDA ITEM K.2: AB 613 (LOW) PROFESSIONS AND VOCATIONS: REGULATORY FEES

Status: Senate Business, Professions and Economic Development Committee

Summary

1. Authorizes a board within the Department of Consumer Affairs (DCA) to increase every four years any authorized fee by an amount not to exceed the increase in the California Consumer Price Index (CPI) for the preceding four years.
2. Specifies the increase is subject to approval of the DCA Director, who shall approve the increase unless any of the following apply:
 - a. The board has unencumbered funds in an amount that is equal to more than the board's operating budget for the next two fiscal years.
 - b. The fee would exceed the reasonable regulatory costs to the board in administering the provisions for which the fee is authorized.
 - c. The Director determines the fee increase would be injurious to the public health, safety, or welfare.
3. Specifies the increase is not subject to the Administrative Procedures Act (APA).
4. Defines "fee" as including any fees authorized by a board for regulatory costs, and specifies that "fee" does not include administrative fines, civil penalties, or criminal penalties.

Comments:

According to the author, currently, a board seeking to increase its fees must either seek legislation or go through the full APA. Because both of these processes are cumbersome, the habit of many boards is to delay addressing revenue shortfalls until their special funds are no longer healthy enough to support ongoing operations. By then, the proposed fee adjustment follows such a prolonged period of time that the resulting increase is significant. This creates substantial uncertainty for licensees and causes even the most necessary fee adjustments to become controversial. By allowing boards to easily adjust fees by an amount that simply conforms with CPI, boards are able to make modest, regularly scheduled changes to what they charge licensees, which will promote healthier fund conditions without the need for formal rulemaking.

Action Requested

The Board submitted a letter of support of this bill to the author in April. Staff recommends approval of the Support position.

Attachment(s)

1. AB 613 (Low) as amended 2/14/19

ASSEMBLY BILL

No. 613

Introduced by Assembly Member Low

February 14, 2019

An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 613, as introduced, Low. Professions and vocations: regulatory fees.

Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 101.1 is added to the Business and
2 Professions Code, to read:

3 101.1. (a) Notwithstanding any other law, no more than once
4 every four years, any board listed in Section 101 may increase any
5 fee authorized to be imposed by that board by an amount not to
6 exceed the increase in the California Consumer Price Index, as
7 determined pursuant to Section 2212 of the Revenue and Taxation
8 Code, for the preceding four years in accordance with the
9 following:

10 (1) The board shall provide its calculations and proposed fee,
11 rounded to the nearest whole dollar, to the director and the director
12 shall approve the fee increase unless any of the following apply:

13 (A) The board has unencumbered funds in an amount that is
14 equal to more than the board’s operating budget for the next two
15 fiscal years.

16 (B) The fee would exceed the reasonable regulatory costs to the
17 board in administering the provisions for which the fee is
18 authorized.

19 (C) The director determines that the fee increase would be
20 injurious to the public health, safety, or welfare.

21 (2) The adjustment of fees and publication of the adjusted fee
22 list is not subject to the Administrative Procedure Act (Chapter
23 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
24 Title 2) of the Government Code.

25 (b) For purposes of this section, “fee” includes any fees
26 authorized to be imposed by a board for regulatory costs. “Fee”
27 does not include administrative fines, civil penalties, or criminal
28 penalties.

O

AGENDA ITEM K.3: AB 626 (QUIRK-SILVA) CONFLICTS OF INTEREST

Status: Assembly Floor

Summary

Existing law, Government Code Section 1090, prohibits elected officers, public officials, and public employees from being financially interested in any contract made by them in their official capacity. This prohibition extends to consultants and contractors hired by the public agency, so that architects, engineers and other design professionals who are hired to work on the preliminary process are not able to bid on or be awarded a contract for the project itself.

This bill:

1. Provides an exemption to the restriction described above for the work of an engineer, geologist, architect, landscape architect, land surveyor or planner in performing services, including master planning, capital improvement planning, entitlement, environmental, assessments, feasibility studies, conceptual analysis, surveying, preliminary design services, preconstruction, or assisting with plans, specifications, or project planning services to any portion or phase of a project when proposing to perform services on any subsequent portion or phase of the project, if the work product for prior phases is readily available.
2. Specifies this exemption does not apply to a design-build contract for a public works project, and that it does not limit the authority of a public agency to establish more restrictive conflict of interest requirements applicable to these services.

Comments:

According to the author, AB 626 seeks to ensure that all phases of all public works projects are delivered by the most qualified engineer or architect, thus delivering for California the safest and most cost-effective project. The bill is co-sponsored by the American Council of Engineering Companies, California and the American Institute of Architects, California. They argue that precluding specific professionals from working on successive phases of a project can force consultants to choose to withhold proposal for early phases of work, resulting in chances that the best solutions or design for a project will be unavailable during the critical early phases of project development.

AB 626 is opposed by several construction associations. They express a concern that it is unclear how liability would be apportioned, to the extent constructability issues arise. They also note that, under this bill, design professionals could tailor pre-construction plans to help them secure the design work, then as the designer, they could tailor plans to help them secure a position as a construction manager.

Action Requested

Staff recommends the Board adopt a “Watch” position on this bill.

Attachment(s)

1. AB 626 (Quirk-Silva) as amended May 13, 2019

AMENDED IN ASSEMBLY MAY 13, 2019
AMENDED IN ASSEMBLY MARCH 21, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 626

Introduced by Assembly Member Quirk-Silva

February 15, 2019

An act to amend Section 1091.5 of the Government Code, relating to conflicts of interest.

LEGISLATIVE COUNSEL'S DIGEST

AB 626, as amended, Quirk-Silva. Conflicts of interest.

Existing law prohibits members of the Legislature, and state, county, district, judicial district, and city officers or employees, from being financially interested in a contract, as specified, made by them in their official capacity or by any body or board of which they are members, subject to specified exceptions. Existing law prohibits an officer or employee from being deemed to have an interest in a contract if the person's interest is one of certain types.

This bill would prohibit an officer or employee from being deemed interested in a contract, as described above, if the interest is that of an engineer, geologist, architect, *landscape architect*, land surveyor, or planner, performing specified services on a project, including preliminary design and preconstruction services, when proposing to perform services on a subsequent portion or phase of the ~~project.~~ *project, if the work product for prior phases is publicly available. This exception to being deemed interested in a contract would not apply to a design-build contract for a public works project. The bill would provide that these provisions do not limit public agencies from establishing*

more restrictive conflict of interest requirements applicable to these services.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1091.5 of the Government Code is
- 2 amended to read:
- 3 1091.5. (a) An officer or employee shall not be deemed to be
- 4 interested in a contract if their interest is any of the following:
- 5 (1) The ownership of less than 3 percent of the shares of a
- 6 corporation for profit, provided that the total annual income to
- 7 them from dividends, including the value of stock dividends, from
- 8 the corporation does not exceed 5 percent of their total annual
- 9 income, and any other payments made to them by the corporation
- 10 do not exceed 5 percent of their total annual income.
- 11 (2) That of an officer in being reimbursed for the officer’s actual
- 12 and necessary expenses incurred in the performance of official
- 13 duties.
- 14 (3) That of a recipient of public services generally provided by
- 15 the public body or board of which the recipient is a member, on
- 16 the same terms and conditions as if the recipient were not a member
- 17 of the body or board.
- 18 (4) That of a landlord or tenant of the contracting party if the
- 19 contracting party is the federal government or any federal
- 20 department or agency, this state or an adjoining state, any
- 21 department or agency of this state or an adjoining state, any county
- 22 or city of this state or an adjoining state, or any public corporation
- 23 or special, judicial, or other public district of this state or an
- 24 adjoining state unless the subject matter of the contract is the
- 25 property in which the officer or employee has the interest as
- 26 landlord or tenant in which event their interest shall be deemed a
- 27 remote interest within the meaning of, and subject to, the provisions
- 28 of Section 1091.
- 29 (5) That of a tenant in a public housing authority created
- 30 pursuant to Part 2 (commencing with Section 34200) of Division
- 31 24 of the Health and Safety Code in which the tenant serves as a
- 32 member of the board of commissioners of the authority or of a
- 33 community development commission created pursuant to Part 1.7

1 (commencing with Section 34100) of Division 24 of the Health
2 and Safety Code.

3 (6) That of a spouse of an officer or employee of a public agency
4 in their spouse's employment or officeholding if their spouse's
5 employment or officeholding has existed for at least one year prior
6 to their election or appointment.

7 (7) That of a nonsalaried member of a nonprofit corporation,
8 provided that this interest is disclosed to the body or board at the
9 time of the first consideration of the contract, and provided further
10 that this interest is noted in its official records.

11 (8) That of a noncompensated officer of a nonprofit, tax-exempt
12 corporation, which, as one of its primary purposes, supports the
13 functions of the body or board or to which the body or board has
14 a legal obligation to give particular consideration, and provided
15 further that this interest is noted in its official records.

16 For purposes of this paragraph, an officer is "noncompensated"
17 even though the officer receives reimbursement from the nonprofit,
18 tax-exempt corporation for necessary travel and other actual
19 expenses incurred in performing the duties of the office.

20 (9) That of a person receiving salary, per diem, or reimbursement
21 for expenses from a government entity, unless the contract directly
22 involves the department of the government entity that employs the
23 officer or employee, provided that the interest is disclosed to the
24 body or board at the time of consideration of the contract, and
25 provided further that the interest is noted in its official record.

26 (10) That of an attorney of the contracting party or that of an
27 owner, officer, employee, or agent of a firm which renders, or has
28 rendered, service to the contracting party in the capacity of
29 stockbroker, insurance agent, insurance broker, real estate agent,
30 or real estate broker, if these individuals have not received and
31 will not receive remuneration, consideration, or a commission as
32 a result of the contract and if these individuals have an ownership
33 interest of less than 10 percent in the law practice or firm, stock
34 brokerage firm, insurance firm, or real estate firm.

35 (11) Except as provided in subdivision (b), that of an officer or
36 employee of, or a person having less than a 10-percent ownership
37 interest in, a bank, bank holding company, or savings and loan
38 association with which a party to the contract has a relationship
39 of borrower, depositor, debtor, or creditor.

1 (12) That of (A) a bona fide nonprofit, tax-exempt corporation
2 having among its primary purposes the conservation, preservation,
3 or restoration of park and natural lands or historical resources for
4 public benefit, which corporation enters into an agreement with a
5 public agency to provide services related to park and natural lands
6 or historical resources and which services are found by the public
7 agency, prior to entering into the agreement or as part of the
8 agreement, to be necessary to the public interest to plan for,
9 acquire, protect, conserve, improve, or restore park and natural
10 lands or historical resources for public purposes and (B) any officer,
11 director, or employee acting pursuant to the agreement on behalf
12 of the nonprofit corporation. For purposes of this paragraph,
13 “agreement” includes contracts and grants, and “park,” “natural
14 lands,” and “historical resources” shall have the meanings set forth
15 in subdivisions (d), (g), and (i) of Section 5902 of the Public
16 Resources Code. Services to be provided to the public agency may
17 include those studies and related services, acquisitions of property
18 and property interests, and any activities related to those studies
19 and acquisitions necessary for the conservation, preservation,
20 improvement, or restoration of park and natural lands or historical
21 resources.

22 (13) That of an officer, employee, or member of the Board of
23 Directors of the California Housing Finance Agency with respect
24 to a loan product or programs if the officer, employee, or member
25 participated in the planning, discussions, development, or approval
26 of the loan product or program and both of the following two
27 conditions exist:

28 (A) The loan product or program is or may be originated by any
29 lender approved by the agency.

30 (B) The loan product or program is generally available to
31 qualifying borrowers on terms and conditions that are substantially
32 the same for all qualifying borrowers at the time the loan is made.

33 (14) That of a party to a contract for public services entered into
34 by a special district that requires a person to be a landowner or a
35 representative of a landowner to serve on the board of which the
36 officer or employee is a member, on the same terms and conditions
37 as if they were not a member of the body or board. For purposes
38 of this paragraph, “public services” includes the powers and
39 purposes generally provided pursuant to provisions of the Water

1 Code relating to irrigation districts, California water districts, water
2 storage districts, or reclamation districts.

3 (15) (A) That of an engineer, geologist, architect, *landscape*
4 *architect*, land surveyor, or planner in performing *its services*,
5 *including, but not limited to, master planning, capital improvement*
6 *planning, entitlement, environmental, assessments, feasibility*
7 *studies, conceptual analysis, surveying, preliminary design*
8 *services, ~~preconstruction services, preconstruction~~, or assisting*
9 *with plans, specifications, or project planning services on any*
10 *portion or phase of a project when proposing to perform services*
11 *on any subsequent portion or phase of the ~~project.~~ project, if the*
12 *work product for prior phases is publicly available.*

13 (B) *This exception shall not apply to a design-build contract*
14 *for a public works project.*

15 (C) *This exception does not limit the authority of a public agency*
16 *to establish more restrictive conflict of interest requirements*
17 *applicable to these services.*

18 (b) An officer or employee shall not be deemed to be interested
19 in a contract made pursuant to competitive bidding under a
20 procedure established by law if their sole interest is that of an
21 officer, director, or employee of a bank or savings and loan
22 association with which a party to the contract has the relationship
23 of borrower or depositor, debtor or creditor.

AGENDA ITEM K.4: SB 53 (WILK) OPEN MEETINGS

Status: Assembly Governmental Organization Committee

Summary

This bill amends the Bagley-Keen Open Meetings Act to require two-member advisory committees of a state body to hold open meetings if at least one member of the advisory committee is a member of the larger state body and the advisory committee is supported by state funds.

Comments:

According to the author, “the ambiguity of Bagley-Keene has for years provided a loophole for state agencies that create two-member committees and claim they are exempt from open meeting requirements as long as they don’t take action on anything.”

Prior, similar legislation was vetoed by Governor Brown. He stated, “I believe strongly in transparency and openness but the more informal deliberation of advisory bodies is best left to current law.”

Action Requested

Staff recommends a “Watch” position.

Attachment(s)

1. SB 53 (Wilk) as amended 3/5/19

AMENDED IN SENATE MARCH 5, 2019

SENATE BILL

No. 53

Introduced by Senator Wilk

~~(Coauthor: Assembly Member Lackey)~~

(Coauthors: Senators Bates, Glazer, Jones, and Portantino)

(Coauthors: Assembly Members Choi, Gallagher, Lackey, Mathis, and Patterson)

December 10, 2018

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11121 of the Government Code is
2 amended to read:

3 11121. As used in this article, “state body” means each of the
4 following:

5 (a) Every state board, or commission, or similar multimember
6 body of the state that is created by statute or required by law to
7 conduct official meetings and every commission created by
8 executive order.

9 (b) A board, commission, committee, or similar multimember
10 body that exercises any authority of a state body delegated to it by
11 that state body.

12 (c) An advisory board, advisory commission, advisory
13 committee, advisory subcommittee, or similar multimember
14 advisory body of a state body, if created by formal action of the
15 state body or of any member of the state body, and if the advisory
16 body so created consists of three or more persons, except as
17 provided in subdivision (d).

18 (d) A board, commission, committee, or similar multimember
19 body on which a member of a body that is a state body pursuant
20 to this section serves in ~~his or her~~ *their* official capacity as a
21 representative of that state body and that is supported, in whole or
22 in part, by funds provided by the state body, whether the
23 multimember body is organized and operated by the state body or
24 by a private corporation.

25 (e) Notwithstanding subdivision (a) of Section 11121.1, the
26 State Bar of California, as described in Section 6001 of the
27 Business and Professions Code. This subdivision shall become
28 operative on April 1, 2016.

29 SEC. 2. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the California Constitution and shall
32 go into immediate effect. The facts constituting the necessity are:

1 In order to avoid unnecessary litigation and ensure the people's
2 right to access the meetings of public bodies pursuant to Section
3 3 of Article 1 of the California Constitution, it is necessary that
4 this act take effect immediately.

O

AGENDA ITEM K.5: SB 601 (MORRELL) STATE AGENCIES: LICENSES: FEE WAIVER

Status: Assembly Desk

Summary

This bill:

1. Authorizes any state agency that issues any business license to reduce or waive any fees required for licensure, renewal of licensure, or the replacement of a physical license for display if a person or business establishes that they were displaced or affected by a proclaimed or declared federal emergency.
2. Specifies that “license” included, but is not limited to, a certificate, registration, or other require document to engage in business.

Comments:

According to the author, “As evidenced by the recent fires that wreaked havoc throughout the state, Californians affected by disasters are severely economically disadvantaged. Anything the state can do to relieve pressure on those affected and ease their transition back to normalcy ought to be of the highest priority.”

As this bill authorizes the waiver, but does to require it, the California Architects Board may need to adopt regulations to authorize the fee waiver.

Action Requested

Staff recommends a “Support” position.

Attachment(s)

1. SB 601 (Morrell) as amended 3/28/19

AMENDED IN SENATE MARCH 28, 2019

SENATE BILL

No. 601

Introduced by Senator Morrell
(Coauthors: Senators Bates, Borgeas, and Nielsen)
(Coauthors: Assembly Members Dahle and Mathis)

February 22, 2019

An act to add Section 11009.5 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 601, as amended, Morrell. State agencies: licenses: fee waiver.

Existing law requires various licenses to be obtained by a person before engaging in certain professions or vocations or business activities, including licensure as a healing arts professional by various boards within the Department of Consumer Affairs.

This bill would authorize any state agency that issues any business license to reduce or waive any required fees for licensure, renewal of licensure, or the replacement of a physical license for display if a person or business establishes to the satisfaction of the state agency that the person or business has been displaced *or affected* by a declared ~~emergency~~, *federal emergency or proclaimed state emergency*, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11009.5 is added to the Government
- 2 Code, to read:

- 1 11009.5. (a) Notwithstanding any other law, a state agency
2 that issues any business license may, within one year of the
3 ~~declaration~~ *proclamation* of an emergency as defined in Section
4 ~~8558, 8558~~ *or a declared federal emergency*, reduce or waive any
5 required fees for licensure, renewal of licensure, or the replacement
6 of a physical license for display if a person or business establishes
7 to the satisfaction of the state agency that the person or business
8 has been displaced *or affected* by the *proclaimed or* declared
9 emergency.
- 10 (b) For purposes of this section, “license” includes, but is not
11 limited to, a certificate, registration, or other required document
12 to engage in business.

AGENDA ITEM K.6: SB 608 (GLAZER) ARCHITECTS

Status: Senate Floor

Summary

This bill extends the sunset date for the California Architects Board (Board) and the Landscape Architects Technical Committee (LATC) and makes the following changes:

For the Board:

1. Amends the written contract requirements to require a description of the project, a description of how contract changes will be accommodated, and a notice that architects are licensed by the Board.
2. Exempts services rendered by an architect to a public agency from the written contract requirements.
3. Requires the Board to adopt regulations to establish qualifications for CE courses and course providers by January 1, 2023.
4. Authorizes a CE provider to submit evidence of coursework completion directly to the Board.
5. Beginning January 1, 2021, requires the Board to fingerprint applicants for licensure. (“Applicant” is limited to an initial applicant who has never been registered or licensed by the Board or to an applicant for a new licensure or registration category).
6. Authorizes the Executive Officer (EO) to delegate to another individual the authority to hold an informal office conference with an individual who has received a citation.
7. Provides that if a citation is affirmed or modified following an informal office conference, the cited individual may submit a written request within thirty days for a formal hearing.

For LATC:

1. Beginning January 1, 2021, requires applicants for licensure to be fingerprinted for a background check.
2. Amends the written contract requirements to require a description of the project, a description of the procedure to accommodate contract changes, and a statement identifying the ownership and use of instruments of service prepared by the landscape architect.
3. Provides that contract requirements do not apply if the client states in writing after full disclosure of the requirements that a written contract is not required.
4. Authorizes the EO to approve settlement agreements for the revocation or surrender of a license.

Comments:

Staff anticipates the author will make additional amendments. These amendments will further define the fingerprint submission requirements and make some technical changes.

Action Requested

Staff recommends approval of the Support position. The Board submitted a support letter in April.

Attachment(s)

1. SB 608 (Glazer) as amended 4/24/19

AMENDED IN SENATE APRIL 24, 2019

AMENDED IN SENATE APRIL 11, 2019

SENATE BILL

No. 608

Introduced by Senator Glazer

February 22, 2019

An act to amend Sections 144, 5510, 5517, 5520, 5536, 5536.22, 5552.5, 5600.05, 5616, 5620, 5621, and 5622, of, and to add Sections 5526.5 and 5620.2 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 608, as amended, Glazer. Architects.

(1) Existing law regulating professions and vocations requires certain designated agencies, within the purview of the Department of Consumer Affairs, to require applicants to furnish their fingerprints for purposes of conducting criminal history record checks.

This bill would, beginning on January 1, 2021, add the California Architects Board to the listed of designated agencies subject to these provisions.

(2) Existing law, the Architects Practice Act, establishes the California Architects Board consisting of 10 members and sets forth its powers and duties over the licensure and regulation of architects. The act permits the board to appoint a person who is exempt from civil service as its executive officer to exercise duties delegated to the officer by the board. Existing law transfers duties previously within the jurisdiction of the California State Board of Landscape Architects to the California Architects Board. Existing law also creates a Landscape Architects Technical Committee within the jurisdiction of the board and authorizes the committee to assist the board in examining candidates

for a landscape architect’s license and, after investigation, evaluate and make recommendations regarding potential violations of the act. Existing law repeals these provisions on January 1, 2020.

This bill would extend the operation of these provisions until January 1, 2024. The bill would also confer specified powers of the board to its executive officer, or, in the executive officer’s absence, to the acting executive officer. These powers would include receiving and filing accusations, issuing notices of hearings, and conducting various other duties in connection with the board’s administrative hearing duties. The bill would additionally delegate to the executive officer of the board the board’s power to evaluate and determine qualifications and approve applicants for examination and determine eligibility for applicants for reciprocity licenses to waive the written examination.

This bill would also make nonsubstantive changes to those provisions related to the renaming of the “State Board of Architectural Examiners” to the “California Architects Board.”

(3) Existing law authorizes boards within the Department of Consumer Affairs, to establish, by regulation, a system for issuing a citation to a licensee in accordance with certain provisions. Under existing law, the system is required to contain, among other elements, information provided to the licensee that if they desire a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 days of the date of issuance of the citation or assessment.

This bill would authorize a cited person subject to the Architects Practice Act, in addition to requesting an administrative hearing as described above, to request an informal conference to review the acts charged in the citation, in accordance with certain procedural requirements and timeframes.

(4) Under existing law, an architect is required to use a written contract when contracting to provide professional services, as specified. Existing law requires that the contract include, among other things, a description of services to be provided and a description of the procedure to be used to accommodate additional services.

This bill would require the written contract to also include a description of the project, a description of the procedure that will be used to accommodate contract changes, the project address, a statement identifying the ownership and use of instruments of service prepared by the architect, and a statement notifying the client that the architect is licensed and regulated by the board located at a specified address.

The bill would provide the written contract requirement does not apply to professional services rendered to a public ~~agency~~. *agency when using that agency's written contract.*

(5) Existing law requires a landscape architect to use a written contract when contracting to provide professional services. Existing law requires that the contract include, among other things, a description of services to be provided, a description of the procedure to be used to accommodate additional services, and a notice that landscape architects are licensed by the State of California.

This bill would require the written contract to also include a description of the project for which the client is seeking services, a description of the procedure that the landscape architect and the client will use to accommodate contract changes, a statement identifying the ownership and use of instruments of service prepared, and a statement notifying the client that the landscape architect is licensed by the Landscape Architects Technical Committee located at a specified address. The bill would revise and recast related provisions governing written contracts for landscape architects. *The bill would provide the written contract requirement does not apply to professional services rendered to a public agency when using that agency's written contract.*

(6) Existing law makes it a misdemeanor ~~punishable as specified~~, for a person to advertise or represent that they are a “registered building designer” or registered or otherwise licensed by the state as a building designer.

This bill would delete the above misdemeanor penalty provision prohibiting a person from advertising or representing that they are a “registered building designer” or registered or otherwise licensed by the state as a building designer.

(7) Existing law requires a person licensed to practice architecture to complete, as a condition of license renewal, a specified amount of coursework regarding disability access requirements that depends on the date of renewal. Existing law requires a licensee to comply with specified recordkeeping requirements to that effect.

This bill would revise and recast those requirements to, among other changes, require a licensee to complete 5 hours of coursework that meets certain requirements, and would require the board to promulgate regulations to establish qualifications for courses and course providers by January 1, 2023. The bill would also make a licensee who provides false or misleading information as it relates to completion of coursework requirements subject to an administrative citation or disciplinary action

by the board and would make specified changes to the recordkeeping requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 144 of the Business and Professions Code
 2 is amended to read:
 3 144. (a) Notwithstanding any other law, an agency designated
 4 in subdivision (b) shall require an applicant to furnish to the agency
 5 a full set of fingerprints for purposes of conducting criminal history
 6 record checks. Any agency designated in subdivision (b) may
 7 obtain and receive, at its discretion, criminal history information
 8 from the Department of Justice and the United States Federal
 9 Bureau of Investigation.
- 10 (b) Subdivision (a) applies to the following:
 11 (1) California Board of Accountancy.
 12 (2) State Athletic Commission.
 13 (3) Board of Behavioral Sciences.
 14 (4) Court Reporters Board of California.
 15 (5) State Board of Guide Dogs for the Blind.
 16 (6) California State Board of Pharmacy.
 17 (7) Board of Registered Nursing.
 18 (8) Veterinary Medical Board.
 19 (9) Board of Vocational Nursing and Psychiatric Technicians.
 20 (10) Respiratory Care Board of California.
 21 (11) Physical Therapy Board of California.
 22 (12) Physician Assistant Committee of the Medical Board of
 23 California.
 24 (13) Speech-Language Pathology and Audiology and Hearing
 25 Aid Dispensers Board.
 26 (14) Medical Board of California.
 27 (15) State Board of Optometry.
 28 (16) Acupuncture Board.
 29 (17) Cemetery and Funeral Bureau.
 30 (18) Bureau of Security and Investigative Services.
 31 (19) Division of Investigation.
 32 (20) Board of Psychology.
 33 (21) California Board of Occupational Therapy.

- 1 (22) Structural Pest Control Board.
- 2 (23) Contractors' State License Board.
- 3 (24) Naturopathic Medicine Committee.
- 4 (25) Professional Fiduciaries Bureau.
- 5 (26) Board for Professional Engineers, Land Surveyors, and
- 6 Geologists.
- 7 (27) Bureau of Cannabis Control.
- 8 (28) California Board of Podiatric Medicine.
- 9 (29) Osteopathic Medical Board of California.
- 10 (30) California Architects Board, beginning January 1, 2021.

11 (c) For purposes of paragraph (26) of subdivision (b), the term
12 "applicant" shall be limited to an initial applicant who has never
13 been registered or licensed by the board or to an applicant for a
14 new licensure or registration category.

15 SEC. 2. Section 5510 of the Business and Professions Code is
16 amended to read:

17 5510. There is in the Department of Consumer Affairs a
18 California Architects Board which consists of 10 members.

19 Any reference in law to the California Board of Architectural
20 Examiners shall mean the California Architects Board.

21 This section shall remain in effect only until January 1, 2024,
22 and as of that date is repealed. Notwithstanding any other law, the
23 repeal of this section renders the board subject to review by the
24 appropriate policy committees of the Legislature.

25 SEC. 3. Section 5517 of the Business and Professions Code is
26 amended to read:

27 5517. The board may appoint a person exempt from civil
28 service who shall be designated as an executive officer and who
29 shall exercise the powers and perform the duties delegated by the
30 board and vested in the executive officer by this chapter.

31 This section shall remain in effect only until January 1, 2024,
32 and as of that date is repealed.

33 SEC. 4. Section 5520 of the Business and Professions Code is
34 amended to read:

35 5520. The board shall adopt a seal for its own use. The seal
36 used shall have the words, "California Architects Board" inscribed
37 thereon.

38 The executive officer shall have the care and custody of the seal.

39 SEC. 5. Section 5526.5 is added to the Business and Professions
40 Code, to read:

1 5526.5. (a) In addition to requesting an administrative hearing
2 as provided for in paragraph (4) of subdivision (b) of Section 125.9,
3 the cited person may request an informal conference to review the
4 acts shared in the citation. The cited person shall make the request
5 for an informal conference in writing, within 30 days of the date
6 of issuance of the citation, to the executive officer.

7 (b) The executive officer or their designee shall hold, within 60
8 days from the receipt of the request, an informal conference with
9 the cited person. The executive officer or their designee may extend
10 the 60-day period for good cause.

11 (c) Following the informal conference, the executive officer or
12 their designee may affirm, modify, or dismiss the citation, including
13 any fine that is levied, order of abatement, or order of correction
14 issued. The executive officer or their designee shall state in writing
15 the reasons for the action and transmit a copy of those findings to
16 the cited person within 30 days after the informal conference.

17 (d) If the citation, including any fine that is levied or order of
18 abatement or correction, is affirmed or modified following the
19 informal conference, the respondent may make a request in writing
20 to the executive officer within 30 days of the affirmed or modified
21 citation, for a formal hearing, which shall be conducted as provided
22 for in paragraph (4) of subdivision (b) of Section 125.9.

23 (e) A cited person shall not request an informal conference for
24 a citation which has been affirmed or modified following an
25 informal conference.

26 SEC. 6. Section 5536 of the Business and Professions Code is
27 amended to read:

28 5536. (a) It is a misdemeanor, punishable by a fine of not less
29 than one hundred dollars (\$100) nor more than five thousand
30 dollars (\$5,000), or by imprisonment in a county jail not exceeding
31 one year, or by both that fine and imprisonment, for any person
32 who is not licensed to practice architecture under this chapter to
33 practice architecture in this state, to use any term confusingly
34 similar to the word architect, to use the stamp of a licensed
35 architect, as provided in Section 5536.1, or to advertise or put out
36 any sign, card, or other device that might indicate to the public
37 that the person is an architect, is qualified to engage in the practice
38 of architecture, or is an architectural designer.

39 (b) It is a misdemeanor, punishable as specified in subdivision
40 (a), for any person who is not licensed to practice architecture

1 under this chapter to affix a stamp or seal that bears the legend
2 “State of California” or words or symbols that represent or imply
3 that the person is so licensed by the state to prepare plans,
4 specifications, or instruments of service.

5 SEC. 7. Section 5536.22 of the Business and Professions Code
6 is amended to read:

7 5536.22. (a) An architect shall use a written contract when
8 contracting to provide professional services to a client pursuant to
9 this chapter. That written contract shall be executed by the architect
10 and the client, or the client’s representative, prior to the architect
11 commencing work, unless the client knowingly states in writing
12 that work may be commenced before the contract is executed. The
13 written contract shall include, but not be limited to, all of the
14 following items:

15 (1) A description of the project for which the client is seeking
16 services.

17 (2) A description of the services to be provided by the architect
18 to the client.

19 (3) A description of any basis of compensation applicable to
20 the contract and the method of payment agreed upon by both
21 parties.

22 (4) The name, address, and license number of the architect, the
23 name and address of the client, and the project address.

24 (5) A description of the procedure that the architect and the
25 client will use to accommodate contract changes, including, but
26 not limited to, changes in the description of the project, in the
27 description of the services, or in the description of the
28 compensation and method of payment.

29 (6) A description of the procedure to be used by either party to
30 terminate the contract.

31 (7) A statement identifying the ownership and use of instruments
32 of service prepared by the architect.

33 (8) A statement in at least 12-point type that reads: “Architects
34 are licensed and regulated by the California Architects Board
35 located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834.”

36 (b) This section shall not apply to any of the following:

37 (1) Professional services rendered by an architect for which the
38 client will not pay compensation.

39 (2) An arrangement as to the basis for compensation and manner
40 of providing professional services implied by the fact that the

1 architect's services are of the same general kind which the architect
2 has previously rendered to and received payment from the same
3 client.

4 (3) If the client knowingly states in writing after full disclosure
5 of this section that a writing which complies with the requirements
6 of this section is not required.

7 (4) Professional services rendered by an architect to a
8 professional engineer registered to practice engineering under
9 Chapter 7 (commencing with Section 6700), or to a land surveyor
10 licensed under Chapter 15 (commencing with Section 8700).

11 (5) Professional services rendered by an architect to a public
12 ~~agency.~~ *agency when using that public agency's written contract.*

13 SEC. 8. Section 5552.5 of the Business and Professions Code
14 is amended to read:

15 5552.5. The board may, by regulation, implement an
16 architectural experience or internship program.

17 SEC. 9. Section 5600.05 of the Business and Professions Code
18 is amended to read:

19 5600.05. (a) (1) As a condition of license renewal, a licensee
20 shall complete five hours of coursework pursuant to paragraph
21 (2).

22 (2) Coursework regarding disability access requirements shall
23 include information and practical guidance concerning
24 requirements imposed by the Americans with Disabilities Act of
25 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state
26 laws that govern access to public facilities, and federal and state
27 regulations adopted pursuant to those laws. Coursework provided
28 pursuant to this paragraph shall be presented by trainers or
29 educators with knowledge and expertise in these requirements.
30 The board shall promulgate regulations to establish qualifications
31 for courses and course providers by January 1, 2023.

32 (b) The board may audit the records of a licensee to verify the
33 completion of the coursework requirements of subdivision (a). A
34 licensee shall maintain records of completion of the required
35 coursework for two years from the date of license renewal,
36 containing the following information: course title, subjects covered,
37 name of provider and trainer or educator, date of completion,
38 number of hours completed, and a statement about the trainer's or
39 educator's knowledge and experience background. A licensee shall
40 make those records available to the board for auditing upon request.

1 A licensee who provides false or misleading information as it
2 relates specifically to the requirements of this subdivision shall be
3 subject to an administrative citation, which may include an
4 administrative fine pursuant to Section 125.9, or to disciplinary
5 action by the board.

6 (c) The board shall audit at least 3 percent of the license
7 renewals received each year to verify the completion of the
8 continuing education requirements of this subdivision.

9 (d) A continuing education provider may submit evidence of
10 coursework to the board directly.

11 SEC. 10. Section 5616 of the Business and Professions Code
12 is amended to read:

13 5616. (a) A landscape architect shall use a written contract
14 when contracting to provide professional services to a client
15 pursuant to this chapter. The written contract shall be executed by
16 the landscape architect and the client, or their representatives, prior
17 to the landscape architect commencing work, unless the client
18 knowingly states in writing that work may be commenced before
19 the contract is executed. The written contract shall include, but
20 not be limited to, all of the following:

21 (1) A description of the project for which the client is seeking
22 services.

23 (2) A description of the services to be provided by the landscape
24 architect to the client.

25 (3) A description of any basis of compensation applicable to
26 the contract, including the total price that is required to complete
27 the contract, and the method of payment agreed upon by both
28 parties.

29 (4) A statement in at least 12-point type that reads:

30 "Landscape architects are licensed by the Landscape Architects
31 Technical Committee located at 2420 Del Paso Road, Suite 105,
32 Sacramento, CA 95834."

33 (5) The name, address, and license number of the landscape
34 architect, the name and address of the client, and project address.

35 (6) A description of the procedure that the landscape architect
36 and client will use to accommodate additional services.

37 (7) A description of the procedure to be used by either party to
38 terminate the contract.

39 (8) A description of the procedure that the landscape architect
40 and the client will use to accommodate contract changes, including,

1 but not limited to, changes in the description of the project, in the
2 description of the services, or in the description of the
3 compensation, total price, and method of payment.

4 (9) A statement identifying the ownership and use of instruments
5 of service prepared by the landscape architect.

6 (b) This section shall not apply to any of the following:

7 (1) Professional services rendered by a landscape architect for
8 which the client will not pay compensation.

9 (2) An arrangement as to the basis for compensation and manner
10 of providing professional services implied by the fact that the
11 landscape architect's services are of the same general kind that the
12 landscape architect has previously rendered to, and received
13 payment for from, the same client.

14 (3) If the client states in writing after full disclosure of this
15 section that a written contract is not required.

16 (4) Professional services rendered by a landscape architect to
17 any of the following:

18 (A) A landscape architect licensed under this chapter.

19 (B) An architect licensed under Chapter 3 (commencing with
20 Section 5500).

21 (C) A professional engineer licensed under Chapter 7
22 (commencing with Section 6700).

23 (D) A contractor licensed under Chapter 9 (commencing with
24 Section 7000).

25 (E) A geologist or geophysicist licensed under Chapter 12.5
26 (commencing with Section 7800).

27 (F) A professional land surveyor licensed under Chapter 15
28 (commencing with Section 8700).

29 (G) A manufacturing, mining, public utility, research and
30 development, or other industrial corporation, if the services are
31 provided in connection with, or incidental to, the products, systems,
32 or services of that corporation or its affiliates.

33 (H) A ~~public agency~~ *agency when using that public agency's*
34 *written contract.*

35 (c) As used in this section, "written contract" includes a contract
36 that is in electronic form.

37 SEC. 11. Section 5620 of the Business and Professions Code
38 is amended to read:

39 5620. The duties, powers, purposes, responsibilities, and
40 jurisdiction of the California State Board of Landscape Architects

1 that were succeeded to and vested with the Department of
2 Consumer Affairs in accordance with Chapter 908 of the Statutes
3 of 1994 are hereby transferred to the California Architects Board.
4 The Legislature finds that the purpose for the transfer of power is
5 to promote and enhance the efficiency of state government and
6 that assumption of the powers and duties by the California
7 Architects Board shall not be viewed or construed as a precedent
8 for the establishment of state regulation over a profession or
9 vocation that was not previously regulated by a board, as defined
10 in Section 477.

11 (a) There is in the Department of Consumer Affairs a California
12 Architects Board as defined in Article 2 (commencing with Section
13 5510) of Chapter 3 of Division 3.

14 Whenever in this chapter “board” is used, it refers to the
15 California Architects Board.

16 (b) Except as provided herein, the board may delegate its
17 authority under this chapter to the Landscape Architects Technical
18 Committee.

19 (c) After review of proposed regulations, the board may direct
20 the examining committee to notice and conduct hearings to adopt,
21 amend, or repeal regulations pursuant to Section 5630, provided
22 that the board itself shall take final action to adopt, amend, or
23 repeal those regulations.

24 (d) The board shall not delegate its authority to discipline a
25 landscape architect or to take action against a person who has
26 violated this chapter.

27 (e) This section shall remain in effect only until January 1, 2024,
28 and as of that date is repealed.

29 SEC. 12. Section 5620.2 is added to the Business and
30 Professions Code, to read:

31 5620.2. (a) The following powers conferred by law upon the
32 board are hereby delegated to and conferred upon the executive
33 officer, or in their absence from the office, to the acting executive
34 officer, as provided below:

35 (1) Receive and file accusations.

36 (2) Issue notices of hearings, statements to respondents, and
37 statements of issues.

38 (3) Receive and file notices of defense.

39 (4) Determine the time and place of hearings under Section
40 11508 of the Government Code.

1 (5) Issue subpoenas and subpoenas duces tecum.

2 (6) Set calendar cases for hearing and perform other functions
3 necessary to the businesslike dispatch of the board in connection
4 with proceedings under Sections 11500 to 11528, inclusive, of the
5 Government Code, before hearing those proceedings.

6 (7) Approve settlement agreements for the revocation or
7 surrender of a license.

8 (8) Certification and delivery or mailing of copies of decisions
9 under Section 11518 of the Government Code.

10 (b) In addition to the powers described in subdivision (a), the
11 following powers are also delegated to and conferred upon the
12 executive officer, as provided below:

13 (1) Evaluate and determine qualifications and approve applicants
14 for examination under Section 5650.

15 (2) Determine which applicants for reciprocity licenses are
16 entitled to waiver of the written examination under Section 5651.

17 SEC. 13. Section 5621 of the Business and Professions Code
18 is amended to read:

19 5621. (a) There is hereby created within the jurisdiction of the
20 board, a Landscape Architects Technical Committee, hereinafter
21 referred to in this chapter as the landscape architects committee.

22 (b) The landscape architects committee shall consist of five
23 members who shall be licensed to practice landscape architecture
24 in this state. The Governor shall appoint three of the members.
25 The Senate Committee on Rules and the Speaker of the Assembly
26 shall appoint one member each.

27 (c) The initial members to be appointed by the Governor are as
28 follows: one member for a term of one year; one member for a
29 term of two years; and one member for a term of three years. The
30 Senate Committee on Rules and the Speaker of the Assembly shall
31 initially each appoint one member for a term of four years.
32 Thereafter, appointments shall be made for four-year terms,
33 expiring on June 1 of the fourth year and until the appointment
34 and qualification of the member’s successor or until one year shall
35 have elapsed, whichever first occurs. Vacancies shall be filled for
36 the unexpired term.

37 (d) No person shall serve as a member of the landscape
38 architects committee for more than two consecutive terms.

39 (e) This section shall remain in effect only until January 1, 2024,
40 and as of that date is repealed.

1 SEC. 14. Section 5622 of the Business and Professions Code
2 is amended to read:

3 5622. (a) The landscape architects committee may assist the
4 board in the examination of candidates for a landscape architect's
5 license and, after investigation, evaluate and make
6 recommendations regarding potential violations of this chapter.

7 (b) The landscape architects committee may investigate, assist,
8 and make recommendations to the board regarding the regulation
9 of landscape architects in this state.

10 (c) The landscape architects committee may perform duties and
11 functions that have been delegated to it by the board pursuant to
12 Section 5620.

13 (d) The landscape architects committee may send a
14 representative to all meetings of the full board to report on the
15 committee's activities.

16 (e) This section shall remain in effect only until January 1, 2024,
17 and as of that date is repealed.

AGENDA ITEM L: REVIEW AND POSSIBLE ACTION ON EXECUTIVE COMMITTEE'S RECOMMENDED AMENDMENTS TO BOARD MEMBER ADMINISTRATIVE MANUAL

Summary

At the September 12, 2018 Board Meeting, the Board approved revisions to the *Board Member Administrative Procedure Manual*. The Executive Committee did not have the opportunity to review the changes, as the updated Manual needed to be included with the Board's Sunset Review Report, which was due to the Legislature December 1st, 2018. The Committee was given an opportunity to review the Manual at its January 31, 2019 meeting. The Committee made recommended edits to the Manual that were considered by the Board on February 27, 2019. The Board members requested staff obtain clarification on the new language that was added in the "Out-of-State Travel" section about travel to the restricted states. Specifically, the members requested an interpretation of the highlighted sections of the following paragraph and bring the matter back to the Board at a future meeting:

"The Board is prohibited from requiring any of its employees, officers, or members to travel to a state that, after June 26, 2015, has enacted a law that 1) has the effect of voiding or repealing existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; 2) authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression; or 3) creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression. The Attorney General maintains on its website (oag.ca.gov/ab1887) a current list of states subject to California's ban on state-funded and state-sponsored travel."

After consultation with the Board's legal counsel, an amendment to the proposed language was suggested to clarify the language as follows:

"The Board is prohibited from requiring or approving a travel request for any of its employees, officers, or members to travel to a state that..."

The attached Manual represents the Executive Committee's and legal counsel's recommended amendments for the Board's consideration (changes shown in strikeout and underline).

Action Requested

At this meeting, the Board is asked to consider the Executive Committee's and legal counsel's recommended amendments to the Board Member Administrative Manual and take possible action.

Attachment(s)

1. Board Member Administrative Procedure Manual (Revised 5/23/19)

California Architects Board Member Administrative Manual

Approved by Board 9/12/18

[Recommended Revisions by Executive Committee 1/31/19](#)

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Chapter 1

Introduction

Overview

The California Board of Architectural Examiners was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. It was renamed the California Architects Board (Board) in 2000. It is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures, and regulations.

The Board is presently composed of 10 members that, by law, 5 are public members, and 5 are architects. The five architect members are all appointed by the Governor. Three of the public members are also gubernatorial appointees; while one public member is appointed by the Assembly Speaker and the other is appointed by the Senate Rules Committee. Board members may serve up to two four-year terms. Board members fill non-salaried positions but are paid \$100 per day for each meeting day or day spent in the discharge of official duties (see section entitled "Salary Per Diem") and are reimbursed travel expenses. [The Board members serve at the pleasure of the Governor and the Legislature, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other state laws applicable to similar boards within the State of California.](#)

This Board Member Administrative Manual is provided to Board members as a reference of important laws, regulations, DCA policies, and Board policies to guide the actions of the Board members and ensure Board effectiveness and efficiency.

Mission	The California Architects Board protects consumers <u>the public health, safety, and welfare</u> by establishing standards for professional qualifications, ensuring competence through examinations, setting practice standards, and enforcing the Architects Practice Act.
Vision	The California Architects Board will be the national leader in the <u>model for excellence for</u> regulation of architectural practice <u>and consumer protection</u> .
Values	Collaborative Professional Innovative Proactive <u>Diversity</u>
General Rules of Conduct	<p>All Board members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Board members serve at the pleasure of the Governor and the Legislature, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.</p> <ul style="list-style-type: none"> • Board members shall not act or speak on the Board's behalf without proper authorization from the Board president. • Board members shall maintain the confidentiality of confidential documents and information. • Board members shall commit the time to prepare for Board responsibilities. • Board members shall recognize the equal role and responsibilities of all Board members. • Board members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public. • Board members shall treat all applicants and licensees in a fair and impartial manner.

- Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.
- Board members shall not use their positions on the Board for personal, ~~familial~~, or financial gain.

Abbreviations

ARE	Architectural Registration Examination
B&P	Business and Professions Code
DCA	Department of Consumer Affairs
EO	Executive Officer
Gov.	Government Code
NCARB	National Council of Architectural Registration Boards
SAM	State Administrative Manual
WCARB	Western Council of Architectural Registration Boards

Chapter 2

Board Meeting Procedures

Bagley-Keene Open Meeting Act

(Gov. Code Section 11120 et seq.)

All meetings are open for public attendance and subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

Public Comment

(Gov. Code Section 11125.7)

Public comment must be allowed on open session agenda items before or during discussion of each item and before a vote.

The Board may accept public comment on an item not on the agenda, provided that the Board takes no action or does not discuss the item at the same meeting. The Board may refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting. The Board cannot prohibit public criticism of the Board's policies or services. The Board president may set reasonable time limitations [for public comment](#).

Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any substantive information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

Closed Session

*(Gov. Code Sections
11125.2, 11126, 11126.1)*

Any general discussion of exams or disciplinary procedures shall be held in public. The Board may meet in closed session to discuss examinations where a public discussion would compromise the integrity of the examination and to deliberate on disciplinary cases. Examples of types of closed session meetings include:

- Discuss and vote on disciplinary or enforcement matters under the Administrative Procedure Act (APA);
- Prepare, approve, or grade examinations;
- Discuss pending litigation; or;
- Discuss the appointment, employment, or dismissal of the EO unless the EO requests that such action be taken in public.

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

No members of the public are allowed to remain in the meeting room for closed sessions. At least one staff member must be present at all closed sessions to record topics discussed and decisions made.

Closed session must be specifically noticed on the agenda (including the topic and legal authority). Before going into closed session, the Board president should announce in open session the general nature of the item(s) to be discussed. If the item involves the EO's employment, appointment, or dismissal, and action is taken in closed session, the Board must report that action and any roll call vote that was taken at the next public meeting.

Frequency of Meetings

(B&P Code Section 5522)

The Board shall meet at least once a quarter for the purpose of transacting such business as may lawfully come before it and may meet more often as it determines necessary.

Meeting Location

(Gov. Code Sections 11123.1 & 11131; B&P Code Section 101.7)

The Board is required to hold its meetings at locations that are easily accessible to the public and individuals with disabilities in compliance the Americans with Disabilities Act (ADA). The Board will hold meetings in different locations throughout the state and is required to hold at least one meeting in Northern California and one meeting in Southern California.

Board Member Attendance at Board Meetings

(Board Policy)

Board members shall attend each meeting of the Board. If a member is unable to attend he/she must contact the Board president or the EO and ask to be excused from the meeting for a specific reason. Should a member miss two consecutive meetings, the Board president may notify the Director of the DCA.

Board Member Participation

(Board Policy)

The Board president may ascertain from members whose level of participation is below standard whether or not the member is no longer able to continue serving as an active member of the Board. In such a case, the Board president may suggest that the member resign. If such resignation is not forthcoming within a reasonable time, the Board, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the Board his/her arguments against the resolution prior to such a resolution being adopted by the Board.

Teleconference Meetings

(Gov. Code Section 11123)

Special rules for notice of teleconference meetings are as follows:

- Same 10-day notice requirement as in-person meetings.
- Notice and agenda must include teleconference locations.
- Every teleconference location must be open to the public and at least one Board member must be physically present at every noticed location.

Board members must attend the meeting at a publicly noticed location.

- Additional locations may be listed on the notice that allow the public to observe or address the Board by electronic means without a Board member present.

Special Meetings

(Gov. Code Section 11125.4)

A special meeting may be called at any time by the Board president, or in his or her absence the vice president or by a majority of the members of the Board and held with 48 hours' notice in specified situations (e.g., consideration of proposed legislation). At the commencement of any special meeting, the Board must make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting would cause a "substantial hardship on the Board or that immediate action is required to protect the public interest." The finding shall be adopted by two-thirds vote of the Board if less than two-thirds members present, a unanimous vote of those members present.

Emergency Meetings

(Gov. Code Section 11125.5)

An emergency meeting may be held after finding by a majority of the Board at a prior meeting or at the emergency meeting that an emergency situation exists due to work stoppage or crippling disaster. [A quorum is required for the Board to meet in the event of emergency, such as a work stoppage or crippling disaster.] Emergency meetings require a one-hour notice.

Quorum

(B&P Code Section 5524)

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 10 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.

Agenda Items

The Board president, with the assistance of the EO, shall prepare the agenda and tentative meeting

(Board Policy)

timeframe. Any Board member may submit items for a Board meeting agenda to the EO 15 days prior to the meeting.

Notice of Meetings to be Sent to Individuals

(Gov. Code Section 11120 et seq.; B&P Code Section 101.7)

According to the Bagley-Keene Open Meeting Act, meeting notices (including agendas for Board meetings) shall be sent to persons on the Board's mailing or email list at least 10 calendar days in advance. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

Notice of Meetings to be Posted on the Internet

(Gov. Code Section 11125)

Unless the meeting meets the requirements for a special or emergency meeting under the Bagley-Keene Open Meeting Act, notice shall be given and made available on the Internet at least 10 calendar days in advance of the meeting, and shall include the name, address, and telephone number of a staff person who can provide further information prior to the meeting but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the Internet address where notices required by the Bagley-Keene Open Meeting Act are made available.

Mail Ballots

(Gov. Code Section 11500 et seq.)

The Board must approve any proposed decision or stipulated settlement before the formal discipline becomes final and the penalty can take effect. Due to time limitations, mail ballots may be executed. If needed, stipulated settlements and proposed decisions will be mailed to each Board member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A five-calendar day deadline generally is given to complete the ballot and return it to the Board's office.

Record of Meetings

(Board Policy; B&P Section 5521; Gov. Code Sections 11123(c), 11126.1)

The minutes are a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by Board members before the next Board meeting. The minutes must contain a record of how each member present voted for each item on which a vote was taken.

Board minutes shall be approved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting.

Voting on Motions

(B&P Code Section 5524; Gov. Code Sections 11120, 11122, 11123, 87100 et seq.; 68 Ops.Cal.Atty.Gen. 65, 69-70)

As a general rule, all votes must be taken publicly. However, votes taken on closed session matters are not required to be taken publicly. In addition, the APA (disciplinary matters) authorizes mail voting on all questions arising under that act. Secret ballots and proxy votes are prohibited. A majority of the board or committee vote is determined by the votes actually cast. Abstentions are recorded, but not counted, unless a law provides otherwise.

Options for Board members:

- 1) Support / in Favor / Yes / Aye
- 2) Oppose / No / Nay
- 3) Abstain (not counted as a vote)
- 4) Recused (not counted as a vote)

Audio/Visual Recording

(Board Policy)

The meeting may be audio/video recorded and/ or broadcast live via the Internet. Recordings shall be disposed of upon Board approval of the minutes. If a webcast of the meeting is intended, it shall be indicated on the agenda notice.

Chapter 3

Travel & Salary Policies/Procedures

Travel Approval

(DCA Memorandum 96-01)

Board members shall have Board president approval for all travel except for regularly scheduled Board and committee meetings to which the Board member is assigned.

Travel Arrangements

(Board Policy)

Board members are encouraged to coordinate with the EO secretary for any Board-related travel arrangements, including air or train transportation, car rental, and lodging accommodations through Cal Travel Store's online booking tool, Concur.

Board members must also utilize the most economic source of transportation available. For example, if the hotel provides a shuttle from the airport to the

hotel it is not fiscally responsible to rent a car or take a taxi. Reimbursement may be reduced or denied if the most economical sources are not used.

All Board-related travel must be booked using Cal Travel Store's self-service reservation system, Concur, if a Board member seeks reimbursement.

In advance of Board and committee meetings, the EO secretary will provide members information detailing the name and address of the chosen hotel where state rates are available if an overnight stay is required.

Out-of-State Travel

(SAM Section 700 et seq. & [Gov. Code Section 11139.8, subds. \(b\)\(1\), \(2\)](#))

For out-of-state travel, Board members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office. [The Board is prohibited from requiring or approving a travel request for any of its employees, officers, or members to travel to a state that, after June 26, 2015, has enacted a law that 1\) has the effect of voiding or repealing existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; 2\) authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression; or 3\) creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression. The Attorney General maintains on its website \(\[oag.ca.gov/ab1887\]\(http://oag.ca.gov/ab1887\)\) a current list of states subject to California's ban on state-funded and state-sponsored travel.](#)

Travel Reimbursement

(SAM Section 700 et seq. & DCA Memorandum 96-01)

Rules governing reimbursement of travel expenses for Board members are the same as for management level state staff. Board members must submit the originals of all receipts, with the exception of meals, and, when applicable, a copy of the airline itinerary and hotel receipt showing the balance paid, to the EO secretary. All expenses shall be claimed on the appropriate travel expense

claim forms. The EO secretary maintains these forms and completes them as needed. The EO secretary completes travel expense reimbursements in CalATERS Global and maintains copies of these reports and submitted receipts. It is advisable for Board members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, Board members shall follow the procedures contained in DCA Departmental Memoranda that are periodically disseminated by the Director and are provided to Board members on at least an annual basis by the EO secretary.

Salary Per Diem

(B&P Code Section 103)

Each member of a board, commission or committee created in various chapters of Division 3 (commencing with section 5000) is eligible to receive a per diem of \$100 for each day actually spent in the discharge of official duties, unless on any day served, the member also received compensation for their regular public employment. Reimbursement of travel and other related expenses for Board members is also regulated by section 103.

In relevant part, this section provides for the payment of salary per diem for Board members **“for each day actually spent in the discharge of official duties,”** and provides that the Board member **“shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.”**

(Board Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

No salary per diem or reimbursement for travel-related expenses shall be paid to Board members except for attendance in official Board or committee meetings, unless a substantial official service is performed by the Board member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board or committee meetings in which a substantial official service is performed shall be approved in advance

by the Board president. The EO shall be notified of the event and approval shall be obtained from the Board president prior to Board member's attendance.

The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting to the conclusion of that meeting. Where it is necessary for a Board member to leave early from a meeting, the Board president shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

For Board specified work, Board members will be compensated for actual time spent performing work authorized by the Board president. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; NCARB committee work; and travel time on non-meeting days (out-of-state). That work does not include preparation time for Board or committee meetings. Board members cannot claim salary per diem for time spent traveling to and from a Board or committee meeting.

Chapter 4

Board Member Disciplinary Actions

*(Board Policy; Gov. Code
Section 11125.4)*

Removal of Board Members

(B&P Code Sections 106 &

Other Policies/Procedures

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The Board president shall preside over the hearing unless the censure involves the president's own actions, in which case the Board vice president shall preside. In accordance with the Bagley-Keene Open Meeting Act, the censure hearing shall be conducted in open session.

The Governor has the power to remove from office at any time any member of any board appointed by him/her for continued neglect of duties required by

106.5)

law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a board member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

Resignation of Board Members

(Gov. Code Section 1750)

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of DCA, the Board president, and the EO.

Officers of the Board

(B&P Code Section 5518)

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.

Election of Officers

(Board Policy)

The Board shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.

Officer Vacancies

(Board Policy)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the president becomes vacant, the vice president shall assume the office of the president. Elected officers shall then serve the remainder of the term.

Nomination of Officers

(Board Policy)

The Board president shall appoint a Nominations Committee prior to the last meeting of the calendar year and shall give consideration to appointing a public and a professional member of the Board to the Committee. The Committee's charge will be to recommend a slate of officers for the following year. The Committee's recommendation will be based on the qualifications, recommendations, and interest expressed by the Board members. A survey of Board members will be conducted to obtain interest in each officer position. A Nominations Committee

member is not precluded from running for an officer position. If more than one Board member is interested in an officer position, the Nominations Committee will make a recommendation to the Board and others will be included on the ballot for a runoff if they desire. The results of the Nominations Committee's findings and recommendations will be provided to the Board members in the meeting packet prior to the election of officers. Notwithstanding the Nominations Committee's recommendations, Board members may be nominated from the floor at the meeting.

Committee Appointments

(Board Policy)

The Board president shall establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the Board president in consultation with the vice president, and the EO. When committees include the appointment of non-Board members, all impacted parties should be considered. *(See Committee Policy in Appendix B.)*

Attendance at Committee Meetings

(Board Policy; Gov. Code Section 11122.5(c)(6))

If a Board member wishes to attend a meeting of a committee in an official capacity of which he/she is not a member, that Board member shall obtain permission from the Board president to attend and shall notify the committee chair and staff. Board members who are not members of the committee that is meeting cannot vote during the committee meeting and may attend only as observers. If there is a quorum of the Board at a committee meeting, Board members who are not members of the committee must sit in the audience and cannot participate in committee deliberations.

Committees operate at the direction of the Board to fulfill specific goals in the Strategic Plan. Committee chairs shall lead committees' actions toward such goals without undue influence on the part of Board officers or members.

The Board and LATC maintain an ongoing practice of providing regular updates regarding key issues at each other's respective meetings to sustain understanding of each entity's priorities. The Board

appoints an LATC liaison, who attends LATC meetings on behalf of the Board.

Board Staff

(DCA Reference Manual)

Employees of the Board, with the exception of the EO, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by civil service laws, regulations, and collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the EO. Board members shall not intervene or become involved in specific day-to-day personnel transactions or matters.

**Executive Officer
Evaluation**

*(Board Policy; Gov. Code
Section 11126(a)(1))*

Board members shall evaluate the performance of the EO on an annual basis in accordance with DCA's memorandum Process for Annual Performance Evaluations of EO (Appendix D). The evaluation shall be conducted in Closed Session during a meeting of the Board pursuant to Gov. Code section 11126(a)(1).

Board Administration

(DCA Reference Manual)

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the EO.

Consistent with the budget and Strategic Plan, requests by individual Board members that are not directly associated with a committee's goals or have an impact on staff workload, as determined by the president and EO, may be declined. In the event the request is by the president, the vice president shall review the request.

Board Budget

(Board Policy)

The Board vice president shall serve as the Board's budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the Board. Staff will conduct an annual budget briefing with the Board with the assistance of the Board vice

president. The EO or his/her designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

Conflict of Interest

(Gov. Code Section 87100)

No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the EO or the Board's legal counsel. The question of whether or not a member has a financial interest that would present a legal conflict of interest is complex and must be decided on a case-by-case review of the particular facts involved. For more information on disqualifying yourself because of a possible conflict of interest, please refer to the Fair Political Practice Committee's manual on their website: fppc.ca.gov.

Financial Disclosure

(Gov. Code Section 87302(b))

The Conflict of Interest Code also requires Board members to file annual financial disclosure statements by submitting a Form 700 – Statement of Economic Interest. New Board members are required to file a disclosure statement within 30 days after assuming office. Annual financial statements must be filed no later than April 1 of each calendar year.

A "leaving of office statement" must be filed within 30 days after an affected Board member leaves office.

Board members are not required to disclose all of their financial interests. Gov. Code section 87302 (b) explains when an item is reportable:

An investment, interest in real property, or income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment is held, the interest in real property, or the income or

source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

Refer to the Fair Political Practices Commission's website fppc.ca.gov to determine what investments, interests in property, or income must be reported by a member. Questions concerning particular financial situations and related requirements should be directed to DCA's Legal Affairs Division.

Incompatible Activities

(Gov. Code Section 19990)

Following is a summary of the employment, activities, or enterprises that might result in or create the appearance of being inconsistent, incompatible, or in conflict with the duties of state officers:

- Using the prestige or influence of a state office or employment for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- Using state time, facilities, equipment, or supplies for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- Using confidential information acquired by the virtue of state employment for the officer's or employee's private gain or advantage or advantage of another.
- Receiving or accepting money, or any other consideration, from anyone other than the state for the performance of an act which the officer or employee would be required or expected to render in the regular course or hours of his or her state employment or as a part of his or her duties as a state officer or employee.
- Performance of an act other than in his or her capacity as a state officer or employee knowing that such an act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such officer or employee of the agency by which he or she is employed. (This would not preclude an "industry" member of the

Board from performing normal functions of his or her occupation.)

- Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is seeking to do business of any kind with the state or whose activities are regulated or controlled in any way by the state, under circumstances from which it reasonably could be inferred that the gift was intended to influence him or her in his or her official duties or was intended as a reward for any official action on his or her part.

The aforementioned limitations do not attempt to specify every possible limitation on member or employee activity that might be determined and prescribed under the authority of Gov. Code section 19990. DCA's Incompatible Work Activities OHR 10-01 is included in Appendix C.

Ex Parte Communications

(Gov. Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An "ex parte" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

"While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."

Board members are prohibited from an ex parte communication with Board enforcement staff while a proceeding is pending.

Occasionally an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to

directly contact Board members.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the EO.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person that discussion about the matter is not permitted, he or she will be required to recuse him or herself from any participation in the matter, and continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful ex parte communication, he or she should contact the Board's assigned Legal Affairs Division counsel.

**Communications with
Other Organizations/
Individuals**

(Board Policy)

All communications relating to any Board action or policy to any individual or organization including NCARB, WCARB, or a representative of the media shall be made only by the Board president, his/her designee, or the EO. Any Board member who is contacted by any of the above should immediately inform the Board president or EO of the contact. All correspondence shall be issued on the Board's standard letterhead and will be created and disseminated by the Board office.

Board members shall not act on behalf of the Board without Board approval and consensus, including but not limited to meeting or interacting with other professional organizations, governmental entities, educational institutions, architectural associations, intern associations, etc. All actions on behalf of the Board shall be documented and communicated to the EO. The EO will then convey such information to the Board via the monthly report or by other means, as determined necessary.

Legislation

(Board Policy)

In the event time constraints preclude Board action, the Board delegates to the EO the authority to take action on legislation that would change the

Architects Practice Act, impact a previously established Board policy, or affect the public's health, safety, or welfare. Prior to taking a position on legislation, the EO shall consult with the Board president. The Board shall be notified of such action as soon as possible.

Contact with Candidates

(Board Policy)

Board members shall not intervene on behalf of a candidate for any reason. They should forward all contacts or inquiries to the EO or Board staff.

Gifts from Candidates

(Board Policy)

Gifts of any kind to Board members or the staff from candidates for licensure with the Board shall not be permitted.

Request for Records Access

(Board Policy)

No Board member may access a licensee or candidate file without the EO's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office.

Business Cards

(Board Policy)

Business cards will be provided to each Board member upon request with the Board's name, address, telephone, fax number, and website address. A Board member's business address, telephone, and fax number, and e-mail address may be listed on the card at the member's request.

Letterhead

(Board Policy)

Only correspondence that is transmitted directly by the Board office may be printed or written on Board letterhead stationery. Any correspondence from a Board member requiring the use of Board stationary or the Board's logo should be transmitted to the Board office for finalization and distribution.

Chapter 5

Training

Once a Board member is appointed, the EO secretary will send an email containing a list of all the required trainings, their due dates, and instructions about their completion. Board members should send the certificate of completion or signature page to the EO secretary who maintains Board members' records. For additional

information, Board members may refer to DCA's online Board Member Resource Center which may be found at: dca.boardmembers.ca.gov

Board Member Orientation

(B&P Code Section 453)

Newly appointed and reappointed Board members must attend a Board Member orientation training course offered by DCA within one year of assuming office. The orientation covers information regarding required training, in addition to other topics that will ensure a member's success, including an overview of DCA.

Ethics

(Gov. Code Section 11146 et seq.)

State appointees and employees in exempt positions are required to take an ethics orientation within the first six months of their appointment and every two years thereafter. To comply with that directive, Board members may take the interactive course provided by the Office of the Attorney General, which can be found at oag.ca.gov/ethics.

Sexual Harassment Prevention

(Gov. Code Section 12950.1)

Board members are required to undergo sexual harassment prevention training and education once every two years, in odd years. Staff will coordinate the training with DCA.

Defensive Driver

(SAM Section 0751)

All state employees, which includes Board and committee members, who drive a vehicle (state vehicle, vehicles rented by the state, or personal vehicles for state business) on official state business must complete the Department of General Services (DGS) approved defensive driver training (DDT) within the first six months of their appointment and every four years thereafter.

APPENDIX A

Member Position Description

The California Architects Board exists to regulate the practice of architecture in the interest and for the protection of the public health, safety, and welfare. The Board is comprised of ten members, five architects and five public members. To ensure the most effective representation of the interests of both the public and the profession, the Board seeks to have among its members a broad cross-section of architects and consumers of architectural services (e.g., representatives from large and small firms, developers, building officials, educators). Whether a public or a professional member, each member of the Board is responsible first and foremost for public protection.

The Board manages its responsibilities by delegating to a number of committees and task forces and its staff, thereby enabling the Board to more effectively fulfill its mission. The Board appoints an EO to exercise the powers and perform the duties delegated by the Board. The EO manages the Board's staff (currently 29.8 positions including Landscape Architects Technical Committee [LATC] staff positions). With direction from the Board and the Strategic Plan, the Board staff implements the Board's examination, licensing, enforcement, and administration programs.

As a whole, the Board's responsibilities include the following:

- Delineation of the basic professional qualifications and performance standards for admission to and practice of the profession of architecture. The Board accomplishes this objective by setting minimum qualifications for licensure and administering the California Supplemental Examination.
- Establishment and administration of a fair and uniform enforcement policy to deter and prosecute violations of the Architects Practice Act and related regulations.
- Setting policy and procedures for the Board, its committees, task forces, and staff in carrying out the duties of the Board.
- Disseminating information to consumers, licensees, and professional and educational organizations about the Board's services and activities, and rules and regulations governing the profession.

Individual Board member responsibilities include:

- Attendance at Board meetings. (The Board regularly meets quarterly, but may meet more often if necessary. Meetings are generally one-day and are scheduled in locations throughout California. Overnight travel may be necessary. Every two years, the Board meeting includes a Strategic Planning session.)
- Participation on Board committees and task forces. (Time commitment for committees and task forces vary. Most committees meet 1-2 times per year. Meetings are generally one-day and are scheduled in locations throughout

California. Overnight travel may be necessary.)

- Board members are also expected to invest the time to review the "recommended reading" necessary to participate effectively in Board business. Such readings include the Board Member Administrative Procedure Manual, Sunset Review Report, Board and committee packets, recent studies and reports, and related material.
- Acting as a representative of the Board to communicate information to the professional and educational communities. (Board members may be assigned an architectural school and a constituency group with which they act as a liaison.)
- Possible participation in meetings of the National Council of Architectural Registration Boards (NCARB) and Western Council of Architectural Registration Boards' (WCARB) meetings and committees. (Each organization holds at least one meeting per year. NCARB committees typically meet twice per year. Meetings are usually two days, and up to two days travel time may be required, depending on meeting location.)
- Possible participation as a WCARB or NCARB officer or director. (The Board has a goal of exercising more influence on WCARB/NCARB by encouraging its members to participate at officer levels of these two organizations.)

APPENDIX B

Committee Policy

Committees

The standing committees of the Board are the:

- Executive
- Professional Qualifications
- Regulatory and Enforcement
- Communications

Board committees are the deliberative bodies that assist the Board in developing policy. Committees make recommendations for consideration by the Board. All Board members should serve on at least one committee each year. Commencing with the committees for the 2014 Strategic Plan, no committee should have more than nine members.

The committees should meet regularly. At a minimum, once the Board's Strategic Plan is adopted in March, committees should conduct meetings to complete assigned objectives and present them to the Board for consideration, clarification, direction, etc. before the end of the biennial Strategic Plan. New issues that emerge during the course of the year, unless they are critical emergencies, should be referred to the next strategic planning session. Teleconference meetings can be utilized for meetings on urgent or single-subject issues.

In the event that additional new committee members are needed, the Board president shall ask Board and committee members for suggested interested persons; if an insufficient pool exists, the Board may request names from various organizations, including, but not limited to: The American Institute of Architects, California Council; Society of American Registered Architects; Construction Specifications Institute; California Building Officials, etc.

Chairmanships

With the exception of the Executive Committee, each committee chair and vice chair shall be appointed by the Board president (in consultation with the vice president and EO) and shall be a Board member, absent extenuating circumstances (numerous vacancies on the Board). The Executive Committee shall be comprised of the current Board president, vice president, secretary, and the immediate past Board president. Chairs should serve for two to three years, if possible, and in the best interest of the Board. The Board should endeavor to offer opportunities for all Board members to serve as a chair or vice chair during their tenure on the Board. The list of committee members will be reproduced as part of the Strategic Plan every other year so it is memorialized in a centralized location.

Review

Committee chairs should prepare a report for the Board president and president-elect by November 30th each year. The report would consist of a list of committee members, their committee meeting attendance record, and a synopsis of their contributions, as well as a recommendation as to whether they should be reappointed. Staff shall prepare a template for the report with the attendance data. Each chair shall consult with the EO in preparing the report.

Approved by the Board June 14, 2012

Revised and approved by the Board on September 12, 2018

APPENDIX C

DCA Incompatible Work Activities (OHR 14-01)

APPENDIX D

Process for Annual Performance Evaluations of Executive Officer Memorandum
(Dated March 9, 2015)

AGENDA ITEM M.1: REVIEW OF 2019 NCARB CENTENNIAL ANNUAL BUSINESS MEETING AGENDA

Summary

The 2019 National Council of Architectural Registration Boards (NCARB) Centennial Annual Business Meeting invitation-only event will be held in Washington, DC, on June 20-22, 2019. At the meeting, NCARB's board members will have the opportunity to implement NCARB's new Strategic Plan and attendees will participate in discussions regarding key issues facing architectural regulators, as well as elect new NCARB officers.

The meeting will highlight NCARB's celebration of the 100th anniversary of its founding on May 2, 2019. Beginning on January 22, 2019, through the following 100 days, the organization shared highlights from NCARB's 100 years of history. The kick off for this event began with the launch of the NCARB's Centennial website featuring a timeline of important moments and people from NCARB history. The Centennial website will eventually be expanded to include a history of the regulation of architecture.

Action Requested

None

Attachment(s)

1. 2019 NCARB Centennial Annual Business Meeting Agenda

Order of Business

Wednesday, June 19, 2019

- 8 a.m. – Noon..... NCARB Board of Directors Meeting
- 11 a.m. – 6 p.m..... Registration Open
- 12:15 – 1:15 p.m..... Lunch—Past Presidents, Board of Directors, Sr. Staff
- 1:30 – 3:30 p.m..... Past Presidents Council Meeting
- 6 p.m..... Buses Load for Icebreaker Reception
- 6:30 – 9:30 p.m..... Icebreaker Reception—*United States Institute of Peace*
(Transportation Provided)

Thursday, June 20, 2019

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. – 12:30 p.m. First Business Session
- *District of Columbia Board Welcome*
 - *Call to Order & Opening Remarks*
 - *Dedication to Kim Garrison*
 - *Introduction of Past Presidents*
 - *In Memoriam*
 - *President's Medalists*
 - *Keynote Presentation*
 - *Keynote Q&A*
 - *Election Procedures & Candidate Speeches*
- 12:30 – 1:30 p.m..... Lunch & Community Center Open
- 1:30 – 2:05 p.m..... First Business Session (cont.)
- *Futures Task Force Update*
 - *NCARB 2019 Refreshed Strategic Plan*
- 2:15 – 3:15 p.m..... Breakout Session: One New Idea
- 3:15 – 3:30 p.m..... Community Center Open
- 3:30 – 4:30 p.m..... Workshop Session 1 (Pick One)
- *Back to Basics*
 - *Exploring Model Law*
 - *Preparing for AR Forum '19*

Thursday, June 20, 2019 (cont.)

4:30 – 5 p.m. Community Center Open

7:15 p.m. Regional Dinners

Friday, June 21, 2019

Community Center will be open during breaks throughout the day.

7 a.m. – 5 p.m. Registration Open

7:30 – 8:45 a.m. Delegate/Guest Breakfast

7:30 – 8:45 a.m. Community Center Open

9 – 10:45 a.m. Second Business Session

- Welcome & Introductions
- AIAS Freedom by Design Report
- Treasurer's Report
- Remarks of the CEO
- Remarks of the President
- Town Hall

10:45 – 11:15 a.m. Community Center Open

11:15 a.m. – 12:15 p.m. Workshop Session 2 (Pick One)

- Back to Basics
- Exploring Model Law
- Preparing for AR Forum '19

12:30 – 5 p.m. Regional Meetings With Lunch

5:30 p.m. Buses Load for Reunion Barbeque

6 – 9 p.m. NCARB Reunion Barbeque—AIA Headquarters (Transportation Provided)

Saturday, June 22, 2019

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

Saturday, June 22, 2019 (cont.)

8:30 – 9:30 a.m. Workshop Session 3 (Pick One)

- *Back to Basics*
- *Exploring Model Law*
- *Preparing for AR Forum '19*

9:45 a.m. – Until Done ... Third Business Session

- *Opening Remarks*
- *Elections*
- *Remarks of the President-elect*
- *Centennial History Discussion*
- *Past Presidents Recognition*
- *Closing Reflections and Events*
- *Invitation From the Texas Board*
- *Adjournment*

2 – 4 p.m. NCARB Open House

6 – 7 p.m. President's Reception

7 p.m. – Midnight Annual Banquet

Sunday, July 23, 2019

10 a.m. – Noon NCARB Board of Directors Meeting

AGENDA ITEM M.2: DISCUSS AND TAKE ACTION ON LETTER OF CREDENTIALS FOR ANNUAL BUSINESS MEETING

Summary

The *National Council of Architectural Registration Boards (NCARB) Bylaws* require each Member Board to submit a list of board members who will attend the 2019 NCARB Annual Business Meeting as their board's official delegates. This list, referred to as the "letter of credentials," must indicate the board's voting delegate (only one) and be signed on behalf of the board by any duly authorized person (board officer or board executive). The letter was due to NCARB June 2, 2019. Staff submitted a draft version and will submit a final version of the letter after the Board meeting.

Action Requested

Authorize President Sylvia Kwan and Vice President Tian Feng to serve as the Board's official delegate and alternative official delegate for the 2019 NCARB Annual Business Meeting.

Attachment(s)

1. NCARB Letter of Credentials

To: Knox H. Tumlin, FCSI, CDT, AIA
FY19 NCARB Credentials Committee Chair

From: **Laura Zuniga**
BOARD CHAIR/EXECUTIVE
California Architects Board
BOARD NAME

Date: **May 15, 2019**

RE: Letter of Credentials

Dear Chairman Tumlin,

The **California Architects Board** [BOARD NAME] is pleased to submit the following names for official delegate and alternate official delegate for the 2019 Annual Business Meeting. Both individuals are duly appointed members of the board.

Official Delegate: **Sylvia Kwan** [BOARD MEMBER FULL NAME]
Position on Board: **President**
Term Expiration Date: **June 30, 2019**

Alternate: **Tian Feng** [BOARD MEMBER FULL NAME]
Position on Board: **Vice President**
Term Expiration Date: **June 30, 2021**

The board acknowledges that the official delegate is authorized to cast a vote on its behalf during the Annual Business Meeting. Furthermore, the board understands that in order to replace its official delegate and alternate, a new letter of credentials must be issued and returned to the Credentials Committee Chair prior to Saturday of the Annual Business Meeting.

The undersigned has been duly authorized by the vote of the board to execute and deliver to NCARB this document on its behalf.

Signature

Laura Zuniga, Executive Officer

Type or Print Name & Title

AGENDA ITEM M.3: UPDATE ON CONTRACT WITH NCARB FOR ARCHITECT REGISTRATION EXAMINATION (ARE) ADMINISTRATION TO CALIFORNIA CANDIDATES

Summary

The Board is required to enter into a contract with NCARB for administration of the ARE to California candidates. The current contract with NCARB expires on June 30, 2019. Staff is working with DCA to execute a new contract that will be operative until June 30, 2022.

Action Requested

None

Attachment(s)

None

AGENDA ITEM N.1: UPDATE ON APRIL 18, 2019 PQC MEETING

The PQC met on April 18, 2018 in Sacramento (see the attached Notice of Meeting).
Pasqual Gutierrez, Chair of the Committee will provide an update to the Board on the meeting.

Attachment(s)

1. PQC April 18, 2019 Notice of Meeting



NOTICE OF MEETING

PROFESSIONAL QUALIFICATIONS COMMITTEE

April 18, 2019

**Sequoia Room
2420 Del Paso Road, Suite 109A
Sacramento, CA 95834
(916) 574-7220 (Board office)**

**Professional Qualifications
Committee Members**

Pasqual Gutierrez, Chair
Barry L. Williams, Vice Chair
Raymond Cheng
Betsey Olenick Dougherty
Tian Feng
Glenn Gall
Kirk Miller
Stephanie Silkwood

The Professional Qualifications Committee (PQC or Committee) will hold a meeting as noted above.

AGENDA

**10:00 a.m. to 5:00 p.m.
(or until completion of business)**

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

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. Chair’s Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda
The Committee may not discuss or act 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. Review and Possible Action on October 25, 2018 PQC Meeting Minutes
- E. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives to:
 - 1. Amend Existing Law Regarding Continuing Education Requirements for License Renewal to Reflect the Evolving Practice
 - 2. Provide Licensees the Opportunity to Submit Continuing Education Documentation Online to Increase Efficiency in License Renewal

(Continued on reverse side)

3. Conduct an Occupational Analysis of the Profession to Reflect Current Practice
4. Review and Amend California Code of Regulations (CCR), Title 16, Division 2, Article 3, Section 117 (Experience Evaluation) and Related Regulations to Reflect Current Licensing Requirements

F. 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 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. The Committee plans to webcast the meeting on its website at www.cab.ca.gov. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties.. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at 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 it 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 their 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 to participate in the meeting may make a request by contacting:

Person: Timothy Rodda

Telephone: (916) 575-7217

Email: timothy.rodde@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).

AGENDA ITEM N.2: REVIEW AND POSSIBLE ACTION ON THE ARCHITECT LICENSURE HANDBOOK

Background Summary

The Board had an objective in its 2017-2019 Strategic Plan to revise the *Candidate Handbook* and reduce candidate confusion regarding the licensure process.

The *Candidate Handbook*, last updated in 2007, was developed by the Board to provide an overview of the architectural licensing process in California. It contained general information regarding the Board, the requirements for licensure, available pathways to licensure, and other relevant information. The *Candidate Handbook* was compiled from sources such as the Board's regulations and the National Council of Architectural Registration Boards' (NCARB) *Architect Registration Examination (ARE) Guidelines* and *Architectural Experience Program (AXP) Guidelines*. It is obsolete because of the many programmatic changes made by NCARB over the past several years and those made by the Board.

The Professional Qualifications Committee (PQC) provided direction and support for the reimagining of the publication at its October 18, 2017 meeting. The PQC, at its October 25, 2018 meeting, provided additional input on the draft of the now renamed *Architect Licensure Handbook (Handbook)*. At its December 13-14, 2018 meeting, the Board reviewed the PQC recommendations and suggested further edits and clarification be made to the *Handbook*. Subsequently, the draft *Handbook* was peer reviewed by The American Institute of Architects Emerging Professionals (AIAEP) and approved by the Department of Consumer Affairs (DCA) Legal Division (Legal).

Attached is the final draft of the *Handbook* based upon the input received from the PQC, Board, AIAEP, and DCA Legal. Links to external documents and websites are identified as normal hyperlinks; sidebar content is identified in highlights. The graphical timelines are included at the end of the *Handbook* for consideration by the Board and contain recommended changes suggested by the Board.

Action Requested

The Board is asked to approve the attached draft of the *Architect Licensure Handbook*.

Attachment(s)

1. *Architect Licensure Handbook (Draft)*

ARCHITECT LICENSURE HANDBOOK

California Architects Board
June 2019

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WHAT IS THE CALIFORNIA ARCHITECTS BOARD?

The California Architects Board was created by the Legislature and later approved by Governor Henry Gage on March 23, 1901, through “An Act to Regulate the Practice of Architecture.” The mission of the Board is to protect the public health, safety, and welfare by regulating architectural practice. The Board is under the purview of the [Department of Consumer Affairs](#), which is responsible for consumer protection and regulation of professional licensure in California.

The Board is composed of [10 members](#) (5 architects and 5 public members) who are appointed by the Governor, the Speaker of the Assembly, and the Senate Rules Committee.

WHAT WE DO

The Board’s mission is protecting the health, safety, and welfare of the public through the regulation of the practice of architecture in California. The Board fulfills its mission by establishing the qualifications and regulations for the licensing of individuals who want to practice architecture in California and maintaining the records of those individuals throughout candidacy and licensure. Individuals interested in becoming a licensed architect must apply with the Board, which issues architect licenses in California. Candidates must possess and maintain an active National Council of Architectural Registration Boards (NCARB) Record at the time they apply with the Board.

Candidates and licensees should be familiar with and adhere to the statutes and regulations of the [Architects Practice Act](#).

PRACTICE OF ARCHITECTURE

California law defines the practice of architecture as the planning of sites, and the design, in whole or in part, of buildings or groups of buildings and structures. Any person who uses the title of “architect” (or any term confusing similar) or advertises to provide architectural services in California must be licensed as an architect by the Board. The Board has a helpful [Design Limitations Chart for Professionals](#) available on its website that specifies the types of projects that may be designed by an unlicensed individual. It also specifies the limitations placed on other licensed design professionals.

UNLICENSED PRACTICE

Unlicensed individuals, which includes licensure candidates, should be aware it is a misdemeanor punishable by fine, imprisonment, or both to:

- Practice architecture;
- Represent oneself as an architect;
- Use any term similar to the word “architect;”
- Use the stamp of a licensed architect;

- Advertise or put out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer;
- Affix a stamp or seal that bears the legend “State of California” or words or symbols that represent or imply that the person is so licensed by the state to prepare plans, specifications, or instruments of service; or
- Advertise or represent that he or she is a “registered building designer” or is registered or otherwise license by the state as a building designer.

Contact Us

- Phone: (916) 574-7220
- Fax: (916) 575-7283
- Email cab@dca.ca.gov
- Office hours are 8 a.m. to 5 p.m., Monday through Friday, excluding state holidays
- Information, downloadable forms, and more are available on the Board’s [website \(cab.ca.gov\)](http://cab.ca.gov).

WHO IS NCARB?

The National Council of Architectural Registration Boards ([NCARB](http://ncarb.org)) is a nonprofit organization made up of the architectural licensing boards for 55 US states and territories and has three strategic goals: facilitate licensure; foster collaboration; and centralize credential data. The California Architects Board works collaboratively with NCARB to achieve its goals and fulfill its mission of protecting consumers. NCARB provides services to the Board that are required as components of licensure.

Among the requirements a candidate must complete are the [Architectural Experience Program \(AXP\)](#) and the [Architect Registration Examination \(ARE\)](#) to receive a California license. The AXP is the program that provides a framework for gaining professional experience, and the ARE is the nationally recognized architectural licensing examination. Both the AXP and ARE are NCARB-administered programs and two of the many services it provides the Board.

Additionally, NCARB offers its Certificate to licensees. The [NCARB Certificate](#) indicates a licensee has met the national licensure standard and facilitates reciprocal licensure for candidates wishing to practice in other member jurisdictions. Reciprocal licensure candidates who apply and request a transmittal of their NCARB Certificate are immediately eligible for the California Supplemental Examination (CSE). California does not require licensees to maintain an NCARB Certificate as a condition of licensure.

HOW DO I BECOME AN ARCHITECT?

Overview

California’s examination and licensure requirements to become an architect are more flexible than most other jurisdictions. Although each candidate’s path to licensure may differ, all will

complete the process with the necessary knowledge, skills, and ability to be a licensed architect who practices in a way that protects the health, safety, and welfare of Californians.

No single aspect can accurately measure whether an individual is qualified to be licensed to practice architecture in California. The Board considers three separate aspects of an individual's architectural development – [education](#), [experience](#), and [examination](#) – when assessing the knowledge, skills, and abilities required to competently perform the services required of an architect.

A candidate who provides evidence of having completed the following requirements is eligible to receive a license to practice architecture:

- Be at least 18 years of age or the equivalent of a graduate from high school;
- Five years of architectural educational experience or the equivalent as specified in the Board's regulations;¹
- Architectural Experience Program (AXP) or the Canadian Provincial Internship in Architecture Program (IAP);^{1, 2}
- All divisions of the Architect Registration Examination (ARE); and
- California Supplemental Examination (CSE).

It is important to note that each candidate may have different education and training backgrounds, and it is not possible to describe each education and experience background in this Handbook. An individual whose background is not discussed here should directly contact the Board to learn how to fulfill the requirements.

A complete step-by-step licensure process chart is located at the end of the Handbook.

¹ When combined, will total the eight years of architectural training and education experience required for licensure – see Business and Professions Code (BPC) section [5552](#).

² Candidates who meet the exemption requirements specified in the Board's regulations may substitute work experience in lieu of AXP.

Education

To be eligible for the ARE and begin the licensure process, a candidate must furnish evidence of completing the required education or training experience in architectural work (or the equivalent). Candidates may possess an accredited degree, graduate from an Integrated Path to Architectural Licensure (IPAL) program, possess a nonaccredited degree, or solely document work experience. A description of each path (option) is provided below.

TIMELINES WILL BE INSERTED HERE

Accredited Degree Path

A professional degree from a program accredited by the [National Architectural Accrediting Board](#) (NAAB) earns the most architectural educational experience credit (five years) and fulfills

the Board's eligibility requirement for the [ARE](#). The NAAB-accredited degree is required for Certification by NCARB and for licensure in most US jurisdictions.

Integrated Path to Architectural Licensure (IPAL)

IPAL is an option available for candidates pursuing licensure in California. IPAL integrates the experience and examination aspects with a NAAB-accredited professional degree program. Candidates can complete the licensure requirements while earning an accredited degree. IPAL programs provide a structured approach to complete the AXP and take each division of the [ARE](#) before graduation.

A candidate enrolled in an IPAL degree program may fulfill all three aspects of licensure in less time than it typically takes candidates to complete the licensure process. There are prerequisites specific to each school that must first be met before admission is accepted by the respective program. Contact the respective program for more details about it.

After a candidate is awarded their degree in an IPAL program and completes the ARE, they will be eligible to take the [CSE](#).

Candidates interested in pursuing this path should visit the [IPAL portal](#) for more information.

Nonaccredited Degree Path

The Nonaccredited Degree Path affords the most flexibility for architecture license candidates as it permits them to combine any field of study with architectural training experience. The amount of architectural training experience required varies depending upon the specific degree awarded and field of study or the number of postsecondary units earned for those without a degree. A candidate fulfills the education aspect when they document five years of training and educational experience in architectural work on an [Employment Verification Form \(EVF\)](#).

Candidates with foreign degrees may receive credit for education at foreign colleges and universities. A [Board-approved educational evaluation service](#) must evaluate certified original transcripts and diplomas from the foreign school(s) and equate the degree to a comparable US degree for credit to be granted. The service must submit the original recommendation report along with transcripts directly to the Board. The candidate is responsible for any cost of evaluation. Candidates should request that an original "short" or "general" report be submitted directly to the Board along with a copy of the original transcripts. It should be noted that NCARB only accepts foreign degrees evaluated by the NAAB [Education Evaluation Services for Architects](#) (EESA) for NCARB Certification.

Work Experience Only Path

A fourth path for receiving ARE eligibility in California is the Work Experience Only Path. Candidates who select this path work full time for five years (40 hours per week) under the direct supervision of an architect licensed to practice in the US in lieu of earning a degree. The training experience earned, documented on an EVF, fulfills the education aspect for licensure and meets the Board's ARE eligibility requirements.

Some architectural training experience may be granted credit for work performed beyond 40 hours in a week. [Contact the Board](#) for more details.

Experience

All candidates seeking licensure must complete a three-year equivalent work experience requirement in addition to the five-year education requirement for a total eight years of experience needed to receive a license. Candidates may concurrently complete the education and experience aspects immediately upon high school graduation (or the equivalent).

The requirement must be fulfilled through completion of either NCARB's AXP or the Canadian Architectural Licensing Authorities' (CALA) Intern Architect Program (IAP).

Candidates who use work experience under an architect as an educational substitute **may not** also submit the same work experience for earning AXP/IAP credit hours.

NCARB offers another option (the [AXP Portfolio](#)) for candidates who may have placed their licensure goals on hold due to career, personal, or economic reasons. The AXP Portfolio is specifically designed for unlicensed individuals who need to complete AXP for initial licensure. Complete information regarding the AXP Portfolio is available on the NCARB website. The Board accepts this pathway as the equivalent of three years of documented experience.

AXP: Overview

Many aspects of architectural practice are best learned through hands-on experience. For this reason, NCARB developed the AXP, which is designed to provide candidates exposure to the broad range of practice involved in architecture.

AXP is the nationally recognized experience program for licensure candidates that provides a framework for gaining and recording your professional experience. It requires the compilation and maintenance of a record of activity reflecting development of competency in key tasks performed in architectural practice. AXP is administered and maintained by NCARB. The AXP:

- Defines tasks of architectural practice in which licensure candidates should be able to competently perform upon licensure;
- Encourages additional experience in the broad aspects of architectural practice;
- Offers quality information and advice about education, experience, and professional issues and opportunities; and
- Provides a uniform system for documentation and periodic assessment of experience activity.

A maximum of five years of education or work experience credit is granted to individuals who have completed AXP. To obtain credit for completion of AXP, a candidate must have their AXP Record transmitted by NCARB directly to the Board for evaluation. Most jurisdictions require completion of AXP for initial licensure, and NCARB requires AXP for NCARB Certification.

Candidates should refer to the [AXP Guidelines](#) for more detailed information regarding the program.

IAP: Overview

CALA represents the eleven architectural regulators in Canada. The eleven provincial and territorial regulatory bodies are responsible for setting the standards for entry in to the profession and for issuing registration/licenses to those who meet established standards of qualifications and practice. The IAP is developed by CALA and is considered equivalent to completion of AXP.

IAP has the following objectives to:

- Define and document areas of architectural practice in which professional knowledge and skills must be gained in a structured, supervised, and mentored environment;
- Provide a uniform system for documentation and periodic assessment of internship activities;
- Provide feedback and guidance to the Intern; and
- Involve the members of the profession in the development and training of future members.

Candidates should refer to the [IAP Guidelines](#) for more detailed information regarding the program.

Work Experience Credit

Work experience is evaluated based upon a 40-hour work week. Credit is granted for both part-time and full-time work experience, and overtime may be considered. Work experience credit is granted toward fulfilling the Board's experience requirements as follows:

- 100% credit for work experience under the direct supervision of US licensed architects.
- 50% credit for work experience under the direct supervision of architects licensed in [qualifying foreign countries](#) up to a maximum of seven years of credit.

Credit may also be granted for work experience obtained under the authority of or on the property of the US federal government when the experience is under the direct supervision of a US licensed architect or engineer.

Candidates may receive credit for work experience obtained under the direct supervision of professionals other than licensed architects **only** after they fulfill the educational aspect. If such experience is obtained prior to fulfilling the educational aspect, the credit is deferred until fulfillment of the educational aspect (described in a previous section). Credit for work experience obtained under other licensed professionals applies as follows:

- 50% credit for work experience under the direct supervision of US registered civil or structural engineers and US licensed landscape architects up to a maximum of two years of credit.

- 50% credit for work experience under the direct supervision of California licensed general building contractors or California certified building officials up to a maximum of one year of credit.

Important Note: All candidates must earn and verify at least one year of credit under the direct supervision of an architect licensed in a US jurisdiction or two years of experience under the direct supervision of an architect registered in a Canadian province prior to CSE eligibility and licensure. Completion of AXP fulfills this requirement.

Documenting Work Experience

The following guidelines apply to the Employment Verification Form ([EVF](#)):

- Each EVF must contain: the dates of employment; hours worked per week; name and address of the company; and the supervising professional's name, license number, license issue date/expiration date, original signature, and date;
- EVF may not contain any alterations or corrections; and
- All signatures on the EVF must be original.

The Board recommends candidates should stay current on their submissions of EVFs and submit one at least every six months.

Pursuant to the Rules of Professional Conduct (California Code of Regulations, title 16, section 160), California licensed architects must represent a candidate's training and experience accurately when completing an EVF or providing other information in connection with the candidate's application for licensure.

When the Board receives an EVF, an evaluation is performed, and a notice is mailed to the candidate advising the current application status and credit granted. Candidates may request an update of their status at any time, by calling or emailing the Board.

Examination

Architect Registration Examination (ARE)

The ARE, developed by NCARB, is the national architectural licensing examination that consists of six divisions. The ARE assesses candidate knowledge, skills, and abilities related to the practice of architecture. A candidate must successfully complete each ARE division and may elect to do so in any order for their convenience. Complete information can be found in the [ARE 5.0 Guidelines](#).

Candidates may apply at any time for ARE eligibility evaluation. To be eligible for the ARE, a candidate must apply with the Board, possess an active NCARB Record, and document five years of postsecondary education and training experience in architectural work, or the equivalent as determined by the Board's regulations, or be enrolled in and meet an IPAL program's requirements.

Once the Board determines a candidate is eligible to begin taking the ARE, authorization will be granted to take the various divisions through the NCARB Record. Candidates will be sent an email from NCARB and the Board notifying them of their eligibility.

A candidate's testing eligibility remains valid provided they are active in the examination process. To remain active, a candidate must take an examination within five years from the date of the Board's determination that the candidate is eligible to begin taking the ARE or the date the candidate last took a division of the ARE. Testing eligibility may only be maintained in one jurisdiction at a time as NCARB does not allow multiple eligibilities.

Divisions

The ARE is administered and graded by computer. ARE 5.0 consists of six divisions:

- [Practice Management](#)
- [Project Management](#)
- [Programming and Analysis](#)
- [Project Planning and Design](#)
- [Project Development and Documentation](#)
- [Construction and Evaluation](#)

Candidates are encouraged to visit the [NCARB website](#) or read the [ARE Guidelines](#) for the latest detailed information.

Fees

Candidates pay the fee to take the ARE directly to NCARB or its authorized representative. Payment information is described in the ARE Guidelines.

Scheduling Procedures

The ARE is administered year-round, Monday through Saturday, at computer testing centers throughout the US and at select locations across the world. Eligible candidates may take the ARE at a testing center in any participating jurisdiction; scores are reported to the Board regardless of where a candidate takes a division.

Scheduling information is included in the ARE Guidelines. There is no set schedule for the administration of the divisions. After eligibility has been established, candidates may schedule appointments for their desired division(s) by logging into their NCARB Record.

References and Study Materials

NCARB's [ARE 5.0 Handbook](#) includes a list of specifications, suggested references, and sample questions for each division. NCARB developed practice programs for the ARE, which can be accessed through a candidate's NCARB Record. Additionally, NCARB created a video test preparation series and an ARE Community, which allows candidates to ask questions, reach out

to each other for study information, and offers a direct link to NCARB staff should there be any questions.

In an effort to assist candidates, NCARB has an [Approved Test Prep Provider](#) program that lists providers that meet NCARB's standards.

Results

ARE results are reported as pass or fail and can be found in a candidate's NCARB Record approximately one to two weeks after taking the division. Candidates receive an email notification when the score report is available.

As stated in the ARE Guidelines, the ability of a candidate to request review of an ARE division, challenge multiple-choice questions, or appeal an ARE division result is available to a candidate **only** if permitted by a board of architecture. However, the Board's regulations do not permit such review, challenge, or appeal of an ARE result.

Rolling Clock (Expiration)

After passing an ARE 5.0 division, the score remains valid for five years from the date of that exam; this is known as the ARE Rolling Clock. If the remaining ARE divisions are not completed before the [ARE Rolling Clock](#) period for a division ends, the passing score for that division will expire, and it must be retaken.

NCARB allows for limited extensions to the ARE Rolling Clock for reasons including birth of a child, serious medical condition, or active duty military service. Requests for an extension must be made prior to a division expiring. More information, including the corresponding [request form](#), can be found on NCARB's website.

Transferring Scores

A candidate who has completed all or some of the ARE in another jurisdiction and wants to complete the examination process and become licensed in California should contact that jurisdiction to have a certified record of the examination scores sent to the Board. Copies of examination scores will not be accepted directly from the candidate.

The Board will send a certified record of examination scores to another jurisdiction or Canada upon written request from the candidate.

California Supplemental Examination (CSE)

The Board administers a supplemental examination to ensure that candidates have the necessary architectural knowledge and skills to respond to the characteristic conditions specific to California.

Prior to taking the CSE, candidates must complete all other licensure requirements, including education, experience, and examination.

The CSE is based upon a test plan that consists of the critical task and knowledge associated with entry-level practice of architecture. The intent of the CSE is not to duplicate coverage of general areas of practice already addressed in the ARE, but rather focus on California-specific aspects of practice. It is therefore neither comprehensive nor representative of the full-scope of architectural practice. The tasks are organized into four categories:

- General Practice
- Programming/Design
- Development/Documentation
- Bidding/Construction

The CSE is a computer-based multiple-choice examination that lasts approximately 3.5 hours. Candidates are required to demonstrate at least entry-level competence in the areas outlined in the [CSE Test Plan](#). A competent entry-level architect can perform the responsibilities incumbent upon them in providing professional architectural services to the public. In addition, candidates must understand the integration of architectural practice and their responsibilities as they relate to architectural practice in California.

The CSE consists of individually timed sections and may include general multiple-choice items and project scenario related items pertaining to the content within the Test Plan and the applicable knowledge and ability statements. Candidates should refer to the [CSE Handbook](#) for detailed information regarding scheduling and taking the CSE. Examination results are provided to a candidate at the testing site after completing the examination.

[References and Study Materials](#)

The CSE Test Plan and [reference materials](#) are available on the Board's website.

Third-party vendors may offer CSE preparatory material to candidates. Please be aware that the Board does not contribute to or endorse any supplemental examination study guide or training seminar. Providers of such study material are not given any information beyond what is available on the Board's website.

[Final Steps in Securing a License](#)

When a candidate passes the CSE, an Application for Licensure is provided at the test site. Candidates submit the completed application to the Board along with the appropriate licensing [fee](#). The license is typically issued within three to four weeks after the Board receives a complete application.

[Reciprocity](#)

Reciprocity candidates are individuals who possess an active license or registration in another US jurisdiction or foreign country (with an NCARB Certificate) and submit a [California Architect Reciprocity Application](#). Individuals who apply for a reciprocal license must meet the same requirements as an initial licensure candidate.

Reciprocal candidates who document three or more years of post-licensure experience are not required to document completion of AXP. Submittal of a valid NCARB Certificate will satisfy Board requirements for CSE eligibility.

POSTLICENSURE

California architect licenses expire at midnight on the last day of the licensee's birth month in odd-numbered years and must be renewed every two years.

Architects must fulfill the following requirements to renew a license:

- Complete continuing education (CE) coursework on disability access requirements within the previous two years as mandated by BPC section [5600.05](#) (see coursework audits below);
- Complete an Architect License Renewal Application;
- Pay license renewal fee; and
- Mail signed original application and fee to the Board with a postmark on or before the license expiration date.

Renewing a license on time is critical. Renewal notices are sent to the licensee's address of record approximately 60 days prior to the expiration date. Architects may not submit an application and payment more than 60 days before their current license period ends.

Allow up to eight weeks for processing. The most frequent cause of delay in renewal processing is an incomplete application. The Architect License Renewal Application is available on the Board's website if one is not received in the mail.

Licenses who have complied with the license renewal requirements (i.e., complete application, signature, correct fee, certification of completed CE, etc.) prior to its expiration may engage in legal practice of their profession until receipt of the renewed license if the delay was not the fault of the licensee (BPC section [121](#)). This provision does not apply to delinquent or incomplete renewal applications.

Continuing Education (CE)

As a condition of license renewal, architects must:

- Complete five hours of coursework on disability access requirements within the previous two years. The coursework must be presented by trainers or educators with knowledge and experience in the disability access requirements.
- Certify on the renewal application completion of the required coursework and sign the application.
- Maintain records documenting completion of the required coursework for two years from the date of license renewal.
- Provide, upon request, coursework records to the Board for auditing.

Licensees are encouraged to complete these requirements timely to avoid a delay in the processing of their license renewal. Those who fail to complete the required coursework cannot renew their license nor practice architecture until they have fulfilled these requirements. The renewal requirement to complete the coursework applies to licensees regardless of the length of time the license is held prior to renewal. Individuals applying for their initial license should consider the length of time remaining until they must renew their license.

Continuing Education Coursework Audits

The Board conducts audits of continuing education coursework. Licensees who are selected for an audit will be required to submit coursework documentation confirming that they have fulfilled the requirement. Licensees must keep records of their coursework documentation for at least two years from the date of their license renewal (BPC section [5600.05](#)). Records must include the following:

1. Course title;
2. Subjects covered;
3. Name of provider;
4. Name of educator or trainer;
5. Date of completion;
6. Number of hours completed; and
7. Statement about the trainer's or educator's knowledge and experience background.

Important: Licensees who submit false or misleading information or fail to respond to the Board's request for documentation will be subject to an administrative citation, which may include an administrative fine or disciplinary action (BPC section 5600.05).

MISCELLANEOUS INFORMATION

Military Expedite

The Board will expedite the licensure process for current members or former members of the US Armed Forces who were honorably discharged. Current and former members of the military may possess transferrable skills that help them meet the minimum experience requirements required of all candidates. The Board may assist these individuals by:

- Expediting the application process once the Certificate of Release or Discharge from Active Duty (DD-214) is received by the Board; and
- Evaluating college transcripts to verify education credit.

Please submit a [Military Expedite Request Form](#) along with the application.

Are All Candidates Required to Complete an Internship Program?

The AXP/IAP requirement affects candidates who apply for examination eligibility on or after January 1, 2005, and candidates who were previously eligible but have not taken an examination as a Board candidate for five or more years. Candidates who were eligible for the ARE on or before December 31, 2004 and who remain active in the examination process are exempt from the AXP requirement.

Reasonable Testing Accommodations

The Board has a procedure for granting reasonable testing accommodations to candidates with impairments as outlined under the Americans with Disabilities Act and state law. Candidates with impairments who require reasonable testing accommodations should inquire with the Board at the time they initially apply for eligibility evaluation to obtain current information. Reasonable accommodation request forms for the ARE and CSE are available on the Board's [website](#) in the corresponding section.

Name and Address Changes

Once a candidate has filed an application with the Board, all name and address changes must be submitted to the Board in writing. Name change request forms must be accompanied by appropriate legal documentation. Candidates and licensees are responsible for keeping the Board always informed of their current address. The [Name Change Request](#) and [Change of Address](#) forms and instructions are available on the Board's website.

Note: Name and address changes made in your NCARB Record are **NOT** updated with the Board. Candidates must submit these changes to both entities separately.

Inactive Candidates and Retention of Application Files

The record of a candidate who has not taken an examination for five or more years becomes inactive. The Board purges inactive files.

Transcripts, foreign evaluations, and each [EVF](#) submitted by individuals who have not also submitted an [Application for Eligibility Evaluation](#) are retained for two years; and then purged.

An inactive candidate whose file has been purged and who later wishes to resume the examination process must reapply to the Board by submitting the appropriate application, the current eligibility review fee, and the supporting documentation. The candidate will be evaluated according to the licensure requirements operative at the time of reapplication.

Licensure in Another State

Candidates seeking licensure outside of California may request in writing that the Board send a certification of examination scores to another state board. Because every state has its own requirements, the Board recommends candidates directly contact the specific state board or NCARB for details.

Social Security Number (SSN) / Individual Taxpayer Identification Number (ITIN)

Collection of a candidate's Social Security Number (SSN) is mandatory and is authorized by BPC section [30](#) and Public Law 94-455 [[42 U.S.C. § 405\(c\)\(2\)\(C\)](#)]. BPC section [5550.5](#) authorizes the Board to accept an Individual Taxpayer Identification Number (ITIN) in lieu of an SSN. The SSN/ITIN is used exclusively for purposes of establishing the identification of persons affected by state tax laws, compliance with any judgment or order for family support in accordance with Family Code section [17520](#), measuring employment outcomes of students who participate in career technical education programs offered by the California Community Colleges, and verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state.

While a SSN/ITIN may not be required for a candidate to legally work in California, it is required to obtain and maintain a professional license. BPC section 30 prohibits the Board from processing any application for an original license unless the applicant provides their SSN/ITIN where required on the application.

Notice on Collection of Personal Information

The Board collects the personal information requested on the application form as authorized by BPC sections [30](#), [5526](#), [5550](#), [5550.5](#), [5552](#), [5558](#), and CCR sections [104](#) and [109](#). The Board uses this information principally to identify and evaluate applicants for licensure, issue and renew licenses, and enforce licensing standards set by statute and regulation. Submission of the requested information is mandatory. The Board cannot consider an application for examination, licensure, or renewal unless all requested information is provided.

Possible Disclosure of Personal Information

The Board makes every effort to protect the personal information candidates provide. The information provided may be disclosed in the following circumstances:

- In response to a [Public Records Act](#) request (Government Code section [6250 et seq.](#)), as allowed by the [Information Practices Act](#) (Civil Code section [1798 et seq.](#));
- To another government agency as required by state or federal law; and
- In response to a court or administrative order, a subpoena, or a search warrant.

Public Notices and Information

The Board uses a [subscriber list](#) service to notify individuals who are interested in receiving email alerts about important Board and licensure updates. Public notices regarding various changes to the regulations and upcoming meetings are provided to individuals on the Board's emailing list and are referenced on the Board's website.

Collateral Organizations

- [The American Institute of Architects \(AIA\)](#)
1735 New York Ave NW
Washington, DC 20006
(800) 242-3837
- [The American Institute of Architects, California Council \(AIACC\)](#)
1931 H Street
Sacramento, CA 95811
(916) 448-9082
- [The American Institute of Architecture Students \(AIAS\)](#)
1735 New York Ave, NW
Washington, DC 20006
(202) 808-0075
- [The National Architectural Accrediting Board \(NAAB\)](#)
1735 New York Ave, NW
Washington, DC 20006
(202) 783-2007
- [The National Council of Architectural Registration Boards \(NCARB\)](#)
1401 H Street, NW, Suite 500
Washington, DC 20005
(202) 879-0520

STEP-BY-STEP LICENSURE PROCESS CHECKLIST

Candidates for licensure must complete the following:

1. Establish an NCARB Record

- Select California as the testing jurisdiction

2. Complete an [Application for Eligibility Evaluation](#)

- Application must contain an original signature
- Include application fee (check or money order)
- Mail to California Architects Board

3. Complete one of the following for ARE eligibility:

- Earn a degree from a program accredited by NAAB
- Earn a degree and document work experience under an architect licensed to practice in a US jurisdiction
- Document five years of work experience under an architect licensed to practice in a US jurisdiction
- Transmit transcripts directly to the Board from the college/university or be visible through the NCARB Record
- Document work experience on an EVF and with the supervising architect's original signature

4. Complete the ARE

- Pass each division within the five year Rolling Clock period:
 - Practice Management
 - Project Management
 - Programming and Analysis
 - Project Planning and Design
 - Project Development and Documentation
 - Construction and Evaluation

5. Complete AXP or IAP

- Request transmittal of the completed AXP/IAP record to California after the ARE has been completed

6. Complete the CSE

- Submit a completed CSE application¹ and fee to the Board
- Examination results are provided at site and either a license application or a retest application is provided to candidate

7. Complete an Application for Licensure

- Application must contain the applicant's original signature
- Include application fee (check or money order)
- Mail to California Architects Board

¹ The CSE application is only available to eligible candidates as determined by the Board in accordance with the relevant laws and regulations. **The CSE application will be automatically sent to an eligible candidate** and is unavailable for download.

DRAFT

NAAB-Accredited Degree

Years:	1	2	3	4	5	ARE	CSE
Education							
AXP							

IPAL

Years:	1	2	3	4	5	6	CSE
Education							
AXP							
ARE							

Non-NAAB Degree

Years:	1	2	3	4	5	ARE	CSE
Education							
AXP							
Experience							

Experience Only

Years:	1	2	3	4	5	ARE	CSE
Experience							
AXP							

AGENDA ITEM O: DISCUSS AND POSSIBLE ACTION ON RETIRED LICENSE STATUS FOR ARCHITECTS

Summary

At the February 27, 2019 Board meeting, members requested information on how the Board compares with other Department of Consumer Affairs entities respective to whether they have a “retired” license status and the cost to retire a license. Staff compiled the attached table that indicates which boards/bureaus have a “retired” status and the associated cost for retirement of the license.

Action Requested

None

Attachment(s)

1. Retired Status by DCA Board/Bureau

Retired Status by DCA Board/Bureau

Board/Bureau	Retired License Status	Fee	Restrictions	Restorable
Accountancy	Yes	\$75	No practice; must use "retired" in title	Yes; \$50 fee, can only retire once more
Acupuncture	Inactive only		No practice; must still renew license every two years	Yes; \$10 fee for printing new license
Architects	Yes	\$300	No practice; must use "retired" in title	Yes; regular renewal fees
Automotive Repair	Inactive only		No work under STAR or CAP	Yes
Barbering & Cosmetology	No			
Behavioral Sciences	Yes	\$40	No practice or supervision; must use "retired" in title	Yes; only within 3 years of retirement
Cannabis Control	No			
Cemetery & Funeral	No			
Chiropractic	Inactive only			Yes; regular renewal fees
Contractors	Inactive only		No practice or bidding	Yes
Court Reporters	No			
Dental	Retired status only available for dentists; others have inactive only		If retired active, can only charge nominal fees. If retired inactive, no practice. (Retired status for Dental only means reduced renewal fees for dentists of retirement age.)	Only from inactive status
Dental Hygiene	Inactive only		No practice	Yes
Engineers, Land Surveyors, & Geologists	Yes	\$63	No practice or consulting	Yes; must retake exams
Household Goods & Services	No			
LATC	No			
Medical	Yes	\$0	No practice, evaluations or ownership	Yes; regular renewal fees
Naturopathic Medicine	Inactive only			Yes
Occupational Therapy	Yes	\$25	No practice; must use "retired" in title	Yes; regular renewal fees, can only retire once more
Optometry	Yes	\$25	No practice; must use "retired" in title	Yes
Osteopathic	No			
Pharmacy	Yes	\$45	No practice; must use "retired" in title	Yes; must retake exam
Physical Therapy	Yes	\$0	None currently, working on legislation	Yes
Physician Assistant	Yes	\$0	No practice	Yes
Podiatric Medicine	Unknown			
Private Postsecondary Education	No			
Professional Fiduciaries	No			
Psychology	Inactive only		No practice	Yes; regular renewal fees
Real Estate Appraisers	No			
Registered Nursing	Inactive only		No practice	Yes
Respiratory Care	Yes	\$0	No practice	No, must reapply
Security & Investigative Services	No			
Speech-Language Pathology &c.	Inactive only		No practice	Yes
Structural Pest Control	No			
Veterinary Medical	Inactive only		No practice	Yes
Vocational Nursing & Psychiatric Technicians	Inactive only		No practice	Yes

AGENDA ITEM P: UPDATE ON CONTRACT WITH CEDARS BUSINESS SERVICES, LLC FOR DEBT COLLECTION SERVICES TO COLLECT OUTSTANDING ADMINISTRATIVE FINES AND COST RECOVERIES

Summary

The Board's 2017-2018 Strategic Plan contained an objective to "measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers" and the LATC's 2017-2018 Strategic Plan contained an objective to "contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals." As a result of these Strategic Plan objectives, the Board and LATC have combined efforts to contract with an agency to provide debt collection services to collect outstanding administrative fines and cost recoveries.

Staff worked collaboratively with the Department of Consumer Affairs' Business Services Office to develop a scope of work to be performed by the debt collection agency that fits our needs. Additionally, a breakdown of the estimated administrative fines, cost recoveries, and potential litigation services were provided for bidding purposes.

A Request for Quote with an invitation to bid was sent to seven California small business debt collection vendors on the Department of General Services approved vendor list. Three vendors responded with quotes and the lowest bidder, Cedars Business Services, LLC was selected according to small business preference guidelines. The collection agency contract is a combined contract in which the agency will be providing debt collection services for both LATC and the Board. The contract was approved and is effective April 9, 2019 through April 8, 2022 (see attachment).

Staff are working with Cedars to clarify the expectations as outlined in the contract, receive training on the collection agency portal, and provide all required data for outstanding accounts. The Board will be provided future updates on the effectiveness of the collection efforts.

Action Requested

None

Attachment(s)

1. Collection Agency Contract with Cedars Business Services, LLC

STD213 (Rev. 10/2018)

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

Department of Consumer Affairs, California Architects Board and Landscape Architects Technical Committee

CONTRACTOR NAME

Cedars Business Services LLC

2. The term of this Agreement is:

START DATE

March 15, 2019, or upon approval, whichever is later

THROUGH END DATE

March 14, 2022

3. The maximum amount of this Agreement is:

\$54,104.00 (fifty-four thousand one hundred four dollars and zero cents)

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 Agreement.

EXHIBITS	TITLE	PAGES
Exhibit A	Scope of Work	11
ExhibitB	Budget Detail and Payment Provisions	4
ExhibitC*	General Terms and Conditions (GTC 04/2017)	*
Exhibit D	Special Terms and Conditions	1
ExhibitE	Additional Terms and Conditions	3

Items shown with an asterisk(), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.dgs.ca.gov/ols/resources/standardcontradlanguage.aspx*

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

CONTRACTOR

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

Cedars Business Services LLC

CONTRACTOR BUSINESS ADDRESS
5230 Las Virgenes Road, Suite 210

CITY	STATE	ZIP
Calabasas	CA	91302

PRINTED NAME OF PERSON SIGNING

TITLE

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

Department of Consumer Affairs, California Architects Board and Landscape Architects Technical Committee

CONTRACTING AGENCY ADDRESS
1625 N. Market Blvd., Suite 5-103

CITY	STATE	ZIP
Sacramento	CA	95834

PRINTED NAME OF PERSON SIGNING

Steve Del Rio

TITLE

Procurement and Contracting Officer

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

AGREEMENT NUMBER 00000000000000000000000035495	PURCHASING AUTHORITY NUMBER (if applicable)
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CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION, IF APPLICABLE

EXHIBIT A

SCOPE OF WORK

1. CONTRACTED PARTIES:

- A. Cedars Business Services LLC, hereafter referred to as Contractor, agrees to provide Debt Collection Services (as defined in Section 6) to the Department of Consumer Affairs (DCA), California Architects Board (CAB) and Landscape Architects Technical Committee (LATC), pursuant to the terms and conditions of the Agreement.

2. SERVICE LOCATIONS:

- A. The services shall be performed at Contractor's location at 5230 Las Virgenes Road, Suite 210, Calabasas, CA 91302.

3. SERVICE HOURS:

- A. The services shall be provided on an "as needed-basis", when requested by CAB and/or LATC. The contractor shall provide toll-free communication and assistance to CAB and/or LATC during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. Pacific Standard Time, excluding State and Federal Holidays.

4. PROJECT COORDINATORS:

- A. The project coordinators during the term of this Agreement shall be:

Department of Consumer Affairs

California Architects Board

Attn: Alicia Hegje

Address: 2420 Del Paso Rd., Ste 105
Sacramento, CA 95834

Phone: (916) 575-7216

Fax: (916) 575-7283

Email: alicia.hegje@dca.ca.gov

Cedars Business Services, LLC

Name: Dell Holden

Address: 5230 Las Virgenes Rd., Ste. 210
Calabasas, CA 91302

Phone: (818) 936-6257

Fax: (818) 224-3939

Email: dholden@cedarfinancial.com

Department of Consumer Affairs

Landscape Architects Technical Committee

Attn.: Stacy Townsend

Address: 2420 Del Paso Rd., Ste 105
Sacramento, CA 95834

Phone: (916) 575-7235

Fax: (916) 575-7283

Email: stacy.townsend@dca.ca.gov

Direct all agreement inquiries to:

Department of Consumer Affairs
Contracts Unit

Attn.: Rebecca Mark
Address: 1625 N. Market St., S-103
Sacramento, CA 95834
Phone: (916) 574-7287
Fax: (916) 574-8658
Email: rebecca.mark@dca.ca.gov

Cedars Business Services, LLC

Attn.: Dell Holden
Address: 5230 Las Virgenes Rd., Ste. 210
Calabasas, CA 91302
Phone: (818) 936-6257
Fax: (818) 224-3939
Email: dholden@cedarfinancial.com

Either party may make changes to the contact names or information above by giving written notice to the other party. Said changes shall not require an amendment to this Agreement.

5. SUMMARY OF WORK TO PERFORMED:

- A. CAB and LATC have an estimated projection of \$220,000.00 and \$30,300.00 in outstanding fines and cost recovery, respectively. Contractor shall collect the outstanding fines and cost recovery in a timely manner and file legal actions to collect outstanding fines when attachable assets have been identified.
- B. Contractor shall provide services as outlined in this Agreement. Contractor shall be responsible to fulfill the requirements of the Agreement and shall incur expenses at its own risk and invest time and capital to fulfill the obligations as contained herein.

6. CONTRACTOR RESPONSIBILITIES:

- A. The Contractor shall provide debt collection services as described below:
 - 1. Perform skip-tracing abilities at the state level;
 - 2. Possess credit report accounts nationwide;
 - 3. File legal action on accounts;
 - 4. Possess a valid California business license;
 - 5. Maintain a principal office (headquarters) in California;
 - 6. Report to CAB/LATC any disciplinary actions taken against them by any state agencies or government entities; and
 - 7. Maintain current certificates of insurance covering professional liability and worker's compensation. Upon request from CAB and/or LATC, the Contractor shall provide certificates of coverage.

- B. Within fourteen (14) business days after the fully executed Agreement is distributed to the Contractor, Contractor shall provide CAB and LATC a list identifying the names and classifications of all collection agents (including which agents are assigned to each account) who are providing services under this Agreement.
1. This list shall also indicate whether the collection agent is employed in a full-time or part-time capacity. A part-time agent is recognized as an employee who works less than forty (40) hours per week.
 2. The Contractor shall notify CAB and/or LATC of any changes to the assigned personnel within ten (10) business days of a change in assignment.
- C. Contractor shall perform services in accordance with all applicable state and federal laws which include, but are not limited to: Fair Credit Billing Act; Federal Equal Credit Opportunity Act; and Regulation B, as amended, of the Consumer Credit Protection Act.
- D. Contractor shall provide full service collection to include, but not be limited to, written correspondence and telephonic means of collection.
- E. Contractor shall provide fully computerized office services, not merely an account card service which shall include:
1. Reporting to credit bureaus electronically;
 2. Using an automated direct dialersystem;
 3. Storage of all documents on a computer;
 4. Backing up data to a secure server; and
 5. Working directly from the computerized system.
- F. In collaboration with CAB and LATC, Contractor shall establish a secure, timely, and efficient transfer of account information. Any electronic exchange of information shall be via an approved method mutually agreed upon by the DCA and the Contractor.
- G. Contractor shall maintain a database accessible to CAB and LATC with real-time information and data regarding collection accounts.
1. The database shall be formatted in such a manner that the screens are printable and the data is exportable.
 2. The Contractor shall notify CAB or LATC of any changes to IT accessibility and/or compatibility within ten (10) business days.
- H. Contractor shall not release personal information and shall safeguard the information from disclosure. The Contractor is liable and shall be held accountable by CAB and LATC for inappropriate use or disclosure of personal information.
- I. The Contractor shall implement the following debt collection processes when providing services under this Agreement:

1. Collection Process:

- a. After the initial telephone contact or attempt, the account is transferred to a collector with an automatically generated credit report, based upon pre-determined account criteria. Reports may be hard copy and/or electronically transferred to the collector.
 - i. Credit reports shall be generated based on CAB's and LATC's criteria and account balances preset and delivered to the collection agent, upon receipt of the assigned account.
- b. Collectors shall make contact attempts approximately every three (3) business days until contact is made. If no contact is made, skip-tracing begins. If no phone number is available (within CAB's or LATC's media/data), skip-tracing begins immediately after assignment in order to contact the debtor.
- c. Credit reports are reviewed and utilized for additional employment contacts, recent creditor inquiries, repayment ability, and assets. Additionally, databases, including real property ownership, criss-cross phone and address directories, corporate status, Fictitious Business Filings, Board of Equalization (BOE), DCA, Uniform Commercial Code (UCC) Filing, General and Limited Partnerships, and marriage/divorce records, are queried for debtor's information.
- d. When contact is made, the Contractor shall request that the debtor make a payment towards the full balance. If the debtor is unable to pay the amount owed, all demographics and financial history are updated to determine ability to pay.
- e. When assets, account balance and jurisdiction support legal action, the account is considered and reviewed for legal action by the Contractor's management staff, who then forwards the request to CAB or LATC for written approval.

2. Skip-Tracing Process:

- a. The Contractor shall perform skip-tracing, employment and income verification, and property search services. The Contractor's services shall include, but are not limited to, the following:
 - i. The Contractor shall utilize standard tools, such as credit reports from all three (3) major credit bureaus (Equifax, Experian, and Trans-Union), criss-cross books, reconciling information from cable companies, and other entities, as well as matching it to the Contractor's debtor account database.
 - ii. The Contractor shall have and retain records which include information on debtors' property ownership, marriages, divorces, probates, name changes, and criminal indexes.
 - iii. The Contractor shall update current database(s) quarterly. Updated information shall include the following:

- A. Real Estate by Situs & Alpha for specific states;
- B. UCC Filings;
- C. Fictitious files;
- D. Criss-Cross phone and address for the continental United States;
- E. Corporate Status; and
- F. BOE

3. Cancellations:

- a. After extensive collection activities and all skip-tracing efforts have been exhausted, the account will be given a final management review by the Contractor. The Contractor's management staff will review all accounts, in order to verify that every effort has been made and the debtor has no assets to justify a lawsuit. The Contractor's management staff may return the account to the Contractor's collection staff after the instructive management review where the collector will continue to perform additional specific work, if necessary.
- b. The Contractor shall immediately cease efforts on recalled accounts, upon request of CAB or LATC. The Contractor shall cancel and pull the account from the collection process and submit a "Client Cancellation Acknowledgement Report" electronically to CAB or LATC.
- c. The Contractor shall continue to skip-trace inactive accounts monthly in order to re-establish contact or locate assets. The Contractor shall possess computer systems adequate for the storage and retrieval of all accounts (both active and inactive).
- d. At the time of closure, the Contractor shall return all debt collection files to CAB or LATC, unless otherwise instructed by CAB or LATC, and remove the delinquent account from national credit reporting. Once a debtor's account has been cancelled, CAB or LATC may choose, after review, to re-activate and continue collection efforts.

4. Procedures and Timelines Used to Process Claims:

- a. Once CAB or LATC has made its referrals and supplied the necessary account information to the Contractor, excluding the debtor's social security number (SSN), the Contractor shall use its federally mandated first notice, which shall be sent to each debtor. Media/data format from CAB or LATC may be hard copy or electronic download. An initial telephone call and/or telephone contact shall be made for each delinquent account as a first attempt for a possible quick resolution. Between one (1) to five (5) calendar days after CAB or LATC has made its referral, each referred account shall have a minimum of one (1) notice and one (1) telephone call contact or attempted contact.

5. Outline of Account Treatment Process:

a. Day 1:

- i. CAB's and/or LATC's account assignment information is electronically transferred to the Contractor. Accounts are then assigned to collectors based upon the following criteria:
 - A. Accounts with balances under five-hundred dollars and no cents (\$500.00) are assigned to small claims collectors, whereas accounts with balances of five-hundred dollars and no cents (\$500.00) or over shall be assigned to larger claim collectors.
 - B. Notice of Assignment is mailed.
 - C. First telephone contact is attempted.
 - D. Reports are made to nationwide Credit Reporting Agencies (which include, but are not limited to, Equifax, Experian, and Trans-Union).
 - E. In the event the account is assigned and immediately determined to be a "Skip Account" (as defined by an account where mail has been returned and/or there is no valid telephone number), the skip-tracing process shall immediately begin. The skip-tracing shall be performed by the Contractor's skip-tracing department, where the department shall locate and research valid information pertaining to each account/claim. Once the skip-tracing department has successfully located the necessary information, the department shall forward the account to the assigned collection agent.

b. Days 2 through 5:

- i. Searches are performed on all new assignments for possible matches based on the debtor's name, and other criteria to locate any other accounts against CAB or LATC. Positive matches are then packed together, in order to work on the accounts simultaneously.
- ii. All "Can Be Reached" (CaR) telephone numbers are dialed to locate or establish contact for the delinquent account.
- iii. In the event an account's CBR number is busy, all busy lines will be redialed within five (5) to fifteen (15) minutes.

c. Days 6 through 13:

- i. All CBR numbers are dialed or retried, if prior payment arrangements were not established or if no contact has been made. A stronger second demand letter from the Contractor shall be sent (via regular U.S. mail) by the thirteenth (13th) day, in order to motivate payment from each debtor. All valid CBR numbers are redialed at least two (2) times per week for maximum effect.

d. Days 14 through 30

- i. At least one-third (1/3) of all accounts/claims assigned to the Contractor's collectors shall be randomly reviewed by their supervisors every seven (7) to eight (8) days to ensure quality, performance expectations, and account resolution in as short of a time frame as possible. In the event there is no contact within fourteen (14) calendar days, the skip-tracing process will begin.
 - ii. In addition, the Contractor shall review and utilize credit reports (based on predetermined value systems) for additional information, in order to assist the collector in making direct contact with the debtor (additional information includes, but is not limited to, banking relationships, recent creditor inquiries, employers, spouses, and location of real and personal property and assets). Furthermore, the Contractor shall utilize databases to search for additional valuable personal and business information, which includes but is not limited to, criss-cross phone and address directories, corporate status, Fictitious Business Filings, BOE, DCA, UCC Filings, General and Limited Partnerships, California real estate property ownership, and marriage/divorce records.
- e. Days 31 or More
- i. The Contractor shall redial all previously established valid telephone numbers for delinquent accounts on a weekly basis. Letters are mailed out, in order to determine the feasibility of instituting legal action. In the event a debtor makes a commitment to make payment on the delinquent account and the debtor does not fulfill his/her commitment, the Contractor shall conduct a follow-up call on the date in which payment by the debtor was required. The Contractor shall report all unpaid accounts to Credit Reporting Agencies (including, but not limited to, Equifax, Experian, and Trans-Union) ninety (90) days after the date of assignment.
 - f. When assets, account balance, and jurisdiction support legal action, the account is considered and reviewed for legal action by the Contractor's management staff, who then forwards the request to CAB or LATC for written approval.

J. Required Reports:

1. Contractor shall provide reports that capture information as described below and combine all accounts into one (1) cumulative list. Reports shall not include debtors' SSN.
 - a. Monthly Activity Report: The Contractor shall provide monthly activity reports to CAB and LATC. The monthly activity report shall provide information including, but not limited to, an account's assignment date, balance, date last worked, geography, area code, time zone, and a variety of other additional information (as requested by CAB and/or LATC).
 - b. Performance Statistics: Upon CAB's or LATC's request, the Contractor shall submit monthly Performance Statistics, which capture information on account summaries by age and statistical overview by status codes, etc.
Acknowledgement Report: Upon CAB's and/or LATC's request, the

Contractor shall confirm (in writing) all accounts/claims referred by CAB or LATC where an account number has been assigned. The Acknowledgement Report shall include the debtor's name, date assigned, Contractor's account number, total dollars, and number of accounts assigned for the six (6) month write-off period.

- c. Inventory Listing: Upon CAB's or LATC's request, the Contractor shall furnish an inventory listing to CAB and/or LATC. The Contractor shall submit the listing either monthly or quarterly (as required by CAB and/or LATC), which captures information including debtor's name, account number, assigned amount, payments to date, outstanding balance, and the Contractor's recovery statistics.
- d. Cancellation Report: The Contractor shall submit monthly, to CAB and LATC, a Cancellation Report containing an itemization and summary of all accounts returned to CAB and/or LATC. The Cancellation Report shall include the account number, debtor's name, balance owing, and reason(s) for cancellation.
- e. History Report: Upon CAB's or LATC's request, the Contractor shall provide History Reports to CAB or LATC, which are cumulative reports reflecting the amount of dollars collected during the current statement period against the month in which they were assigned.
- f. Dispute-Resolution Report: The Contractor shall notify CAB or LATC, in the event a debtor disputes all or part of the outstanding fine or cost recovery. The disputed accounts will remain suspended until additional information is obtained relative to the dispute and instructions are given by CAB or LATC to proceed, cancel, etc.

K. Legal Action:

- 1. In order to file legal actions to collect outstanding fines and cost recovery, the Contractor shall utilize the following services within and/or associated with their organization:
 - a. The Contractor shall obtain prior written approval from CAB or LATC, on an account-by-account basis, for all lawsuits, where CAB or LATC shall have the final authority and confirm each final bill. This Agreement does not obligate CAB or LATC to use Contractor's services for legal actions; nothing in this Agreement precludes CAB or LATC from utilizing the services of state employees for legal actions.
 - b. In order to initiate legal action against an account, the Contractor shall confirm, verify, and secure one (1) or more of the following:
 - i. For Companies:
 - A. Bank Accounts;
 - B. Accounts Receivables;

- C. Deposits on Leases;
 - D. Real Estate;
 - E. Rolling Stock;
 - F. Work in Process;
 - G. Certificates of Deposits; and/or
 - H. Prepaid Deposits.
- ii. For Individuals
- A. Stable Employment;
 - B. Income;
 - C. Bank Balances;
 - D. Homeownership;
 - E. Self-employed with attachable assets; and/or
 - F. Other- verified and leviabale assets.
- iii. The Contractor shall provide CAB and LATC with access to their attorney when filing legal actions against delinquent accounts. The Contractor warrants and guarantees that their attorneys (who will be providing services in connection to this Agreement) shall have the following minimum qualifications:
- A. Sufficient knowledge of debt collection laws in each state where he or she practices;
 - B. Is capable of handling the Contractor's collection account volume efficiently;
 - C. Is skilled in computer programs in order to maintain and update correspondence between the Contractor and the attorney;
 - D. Is experienced in preparing, presenting, and being successful in debt collection trial appearances;
 - E. Stays abreast of current account information and actions three (3) times per week; and
 - F. Is licensed by the California Bar Association with no disciplinary action by the Bar Association or other regulatory/law enforcement agency.

- L. The Contractor shall:
1. Not charge CAB or LATC for services rendered, until the outstanding fine or cost recovery is collected, whether partially or completely;
 2. Not settle any account without CAB's or LATC's written authorization;
 3. Bear all costs for court and legal fees;
 4. Not forward accounts to another collection agency for collection without written permission from CAB or LATC;
 5. Not compromise settlements on claims, which have been assigned to the Contractor, without the written authorization from CAB or LATC; and
 6. Not make any false or misleading statements or use threatening language that violates the law.
 7. Employ all lawful methods to collect the outstanding fines and cost recovery, accept payments received from debtors, and forward debtors' payments to CAB or LATC, as required.
- M. The Contractor and its subcontractors shall procure and keep in full force and effect during the term of this Agreement all permits, registrations and licenses necessary to accomplish the work specified in this Agreement, and shall give all notices necessary and incident to the lawful prosecution of the work. The Contractor shall provide proof of any such license(s), permit(s), and certificate(s) upon request by CAB or LATC.
- N. The Contractor shall provide services as outlined in this Agreement. The Contractor shall be responsible to fulfill the requirements of the Agreement and shall incur expenses at its own risk and invest a sufficient amount of time and capital to fulfill the obligations as contained herein.
- O. The Contractor and any subcontractors shall keep informed of, observe, comply with, and cause all of its agents and employees to observe and comply with all prevailing Federal, State, and local laws, rules, and regulations which in any way affect the conduct of the work of this Agreement. If any conflict arises between provisions of the plans and specifications and any such law above referred to, then the Contractor shall immediately notify CAB and LATC in writing.
- P. CAB or LATC may terminate the Agreement pursuant to section 7 of Exhibit C if the Contractor or its subcontractors fails to comply with a federal, state or local law and the noncompliance, based on the facts and circumstances, would constitute a material breach of this Agreement under California law.
- Q. At or prior to the termination or expiration of this contract, the Contractor shall provide to CAB and LATC all current data and/or debtor account activity reports, certifying to the accuracy and completeness of the material supplied. CAB and LATC shall retain the authority to designate the manner and method by which the data and material shall be transferred.

- R. The Contractor shall confer with CAB and LATC on a time for the transfer of the data, prior to the expiration of the contract, to enable any successor Contractor to be fully operational on or before the expiration of the contract.
- S. All records, reports, papers, tabulations, or other documents pertaining to CAB and LATC debt collection services in this agreement and any contract pursuant to this agreement are and shall remain the property of the State. This applies, but is not limited to, all account records and documents presented to the Contractor at the beginning of the contract term, and all those records and documents (complete or incomplete) obtained, maintained, and/or developed by the Contractor during the contract term.

7. CAB AND LATC RESPONSIBILITIES

A. CAB and LATC shall:

1. Write authorizations for settlements on claims.
2. Provide written approval for legal action when assets, account balance and jurisdiction support legal action and the account is considered and reviewed for legal action by the Contractor.
3. Provide the Contractor with a list of outstanding fine and cost recovery accounts.
4. Provide referrals and supply the necessary account information to the Contractor **(excluding SSN)**.
5. Notify the Contractor if cease effort is needed on accounts that are recalled.
6. Notify Contractor to reactivate and continue collection efforts.
7. Request inventory listing, cancellation reports, history reports and dispute-resolution reports.

B. Rights of CAB and LATC to Perform Quality Assurance and Financial Audits/Reviews

1. CAB and LATC may routinely evaluate the work performance of the Contractor, Contractor's personnel, subcontractors, or other parties associated with the Contractor to determine if CAB's and LATC's standards and departmental policies and procedures are being maintained. If it is found that any party fails to perform or is physically or mentally incapable of providing services as required by the Agreement, then that party shall not perform services for CAB and LATC.
2. CAB and LATC may monitor and evaluate services provided in fulfillment of the requirements of this Agreement, as detailed in Exhibit A. Such monitoring and evaluation may occur on a regular cycle or as deemed necessary by the Contracts Manager. CAB and LATC retain sole and absolute discretion in determining any such evaluation schedule.
3. Inspections may be conducted by CAB and LATC staff at any time during the Agreement term to check on the quality of work. Payment shall not be provided for services deemed unacceptable by the Contract Manager and/or their designee.

4. CAB and LATC may audit and examine Contractor's records and accounts which pertain, directly or indirectly, to services performed under this Agreement. CAB and LATC may hire third parties to perform the audit and examination, including but not limited to, accountants, consultants, or service providers in the applicable field. Contractor shall cooperate fully with the audits and examinations.
5. If, as a result of an audit and examination, CAB or LATC is informed of underpayments or overpayments, CAB or LATC shall notify Contractor of the need for payment or reimbursement. Upon receipt of a final audit report, Contractor has thirty (30) days to reimburse any overpayment or to dispute or challenge the report. Contractor and CAB or LATC shall confer and negotiate in good faith with respect to any disputed portion of the final audit report to reach agreement with respect to adjustments, payments, and reimbursements.
6. CAB or LATC shall submit its findings to Contractor and establish a deadline for correcting any deficiencies in fulfilling the obligations set forth in this section. Failure by the Contractor to timely correct deficiencies shall be reason for termination of services under this Agreement.

8. AMENDMENTS:

- A. Should additional funding or time be warranted, an amendment to the terms and conditions of the original agreement shall be completed. To be binding, amendment(s) must be in writing and signed by both parties. Certain types of contract amendments will require the Department of General Services, Office of Legal Services approval.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. INVOICING AND PAYMENT:

- A. Contractor shall submit all invoices not more frequently than monthly in arrears.
- B. For services satisfactorily rendered and upon receipt and approval of invoices submitted as described herein, the State agrees to compensate the Contractor based upon all funds collected in accordance with the rates specified in section 5, Budget Detail.
- C. DCA is not responsible for services performed by Contractor outside of this Agreement, nor for services performed other than as outlined in Exhibit A, Scope of Work.
- D. DCA makes no guarantee, either written or implied, as to the actual amount of funds that will be expended under this Agreement.

2. INSTRUCTIONS TO CONTRACTOR:

- A. It is required that all funds collected on behalf of CAB or LATC be directed to specific trust accounts. The funds in the trust accounts must be forwarded to CAB or LATC directly on a monthly basis by check. The Contractor cannot take their fee out of these funds and then send CAB or LATC the remaining amount. The Contractor will receive their percentage after CAB or LATC receives the collected funds and after the Contractor has provided a correct and comprehensive accounting and an invoice for their services. The Contractor will bill CAB or LATC monthly for the percentage identified in Section 5, Budget Detail below. Debtor payment will be submitted to CAB or LATC monthly at the following address:

Department of Consumer Affairs
California Architects Board (CAB) / Landscape Architects Technical Committee (LATC)
Attention: Alicia Hegje
Agreement Number: 0000000000000000000035495
P.O. Box 980518
West Sacramento, CA 95798-0518

- B. Contractor shall type, not handwrite, each invoice on company letterhead. DCA may provide an invoice template, if requested, which may be used in lieu of company letterhead.
- C. Contractor shall clearly note Contractor's name and address on each invoice. The name on the invoice must match the Payee Data Record (Std. 204) and the name listed on this Agreement.
- D. Contractor shall list and itemize in accordance with section 5, Budget Detail, all services or deliverables provided on each invoice.
- E. Contractor shall include the following on each submitted invoice:

1. Date(s) during which the services or deliverables were provided and the date in which the invoice was generated;
2. Agreement number, which can be found on the Standard Agreement Form (Std. 213):
3. Small Business certification number, if applicable:
4. Professional license number, if applicable:
5. Invoice total; and
6. Written proof of DCA's approval as required by this Agreement for those services requiring pre-approval.

3. 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 no longer be in full force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.
- B. If funding for any Fiscal Year (FY) 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 Contractor to reflect the reduced amount.

4. PROMPT PAYMENT CLAUSE:

- A. Payment will be made in accordance with, and within the time specified in, Government Code section 927, et seq.

5. BUDGET DETAIL:

California Architects Board			
Product Description	Percentage (%) on Collected Debt	Estimation of Outstanding Debt	Total
A. Debt Collection Services	15%	\$220,000.00	\$33,000.00
B. Litigation Services (if applicable)	25%	\$55,000.00	\$13,750.00
Landscape Architects Technical Committee			
Product Description	Percentage (%) on Collected Debt	Estimation of Outstanding Debt	Total
C. Debt Collection Services	18%	\$30,300.00	\$5,454.00
D. Litigation Services (if applicable)	25%	\$7,600.00	\$1,900.00
Additional Comments: The above amounts are not a guarantee. The amounts to be collected and the amounts for litigation services may be more or less than what is listed above.			

Total Contract Amount (A+B+C+D): \$54,104.00

- A. DCA does not expressly or by implication agree that the actual amount of work will correspond with any estimation provided in this Agreement and reserves the right to omit portions of the estimated amount of work as may be deemed necessary or advisable by DCA. The estimates listed above are a good faith estimate and are not a guarantee of business and is subject to change depending on need. The amounts indicated above will be used solely for the purposes of encumbering funds. DCA makes no guarantee, expressed or implied for actual amount of work to be performed. However, the rates contained in Exhibit B shall be binding for the term of this Agreement.
- B. Should DCA determine, in its sole discretion, that the estimated amount of work is insufficient to meet the needs of the DCA, the parties may amend this Agreement by adding additional funds or additional time at the same rates. Any amendment shall be in writing and signed by both parties, and be approved by the Department of General Services, if such approval is required.
- C. Contractor must submit all invoices within a reasonable time but, no later than twelve (12) months from the date that services were provided. If Contractor fails to provide invoices within twelve (12) months of the date services are rendered, DCA may elect to reject the invoices for payment as untimely and Contractor will be deemed to have waived any right to payment of the late invoices.

D. Contractor shall not be reimbursed for any travel-related expenses. All travel shall be at the expense of Contractor.

6. COST BREAKDOWN:

A. The Contractor shall submit 100% of all collected debt to the CAB or LATC. The CAB or LATC will reimburse the Contractor according to the percentage rates listed in Section 5, Budget Detail.

Multiple Fiscal Years (March 15, 2019–March 14, 2022)		
Fiscal Year (FY)		FY Total
2018/2019	(March 15, 2019–June 30, 2019)	\$5,260.12
2019/2020	(July 1, 2019–June 30, 2020)	\$18,034.68
2020/2021	(July 1, 2020–June 30, 2021)	\$18,034.68
2021/2022	(July 1, 2021–March 14, 2022)	\$12,774.52
Total Agreement Amount:		\$54,104.00

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. LIABILITY FOR NONCONFORMING WORK:

- A. Contractor will be fully responsible for ensuring that the completed work conforms to the agreed upon terms. If nonconformity is discovered prior to the Contractor's deadline, the Contractor will be given a reasonable opportunity to cure the nonconformity. If the nonconformity is discovered after the deadline for the completion of project, the State, in its sole discretion, may use any reasonable means to cure the nonconformity. The Contractor shall be responsible for reimbursing the State for any additional expenses incurred to cure such defects.

2. SETTLEMENT OF DISPUTES:

- A. In the event of a dispute, Contractor shall file a "Notice of Dispute" with Department of Consumer Affairs, Director or his/her designee within ten (10) days of discovery of the problem. Within ten (10) days, the Director or his/her designee shall meet with the Contractor and Project Manager for purposes of resolving the dispute. The decision of the Director or his/her designee shall be final.
- B. In the event of a dispute, the language contained within this agreement shall prevail over any other language including that of the bid proposal.

3. AGENCY LIABILITY:

- A. The Contractor warrants by execution of this Agreement, that no person or selling agency has been employed or retained to solicit or secure this Agreement upon agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the State shall, in addition to other remedies provided by law, have the right to annul this Agreement without liability, paying only for the value of the work actually performed, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

4. IMPRACTICABILITY OF PERFORMANCE:

- A. This Contract may be suspended or cancelled, without notice at the option of the Contractor, if the Contractor's or State's premises or equipment is destroyed by fire or other catastrophe, or so substantially damaged that it is impractical to continue service, or in the event the Contractor is unable to render service as a result of any action by any governmental authority.

5. LICENSES AND PERMITS:

- A. The Contractor shall be an individual or firm licensed to do business in California and shall obtain at his/her expense all license(s) and permit(s) required by law for accomplishing any work required in connection with this Agreement.

- B. In the event the Contractor fails to keep in effect at all times all required license(s) and permit(s), the State may, in addition to other remedies it may have, terminate this Contract upon occurrence of such event.

EXHIBIT E

ADDITIONAL TERMS AND CONDITIONS

1. RIGHT TO TERMINATE:

- A. Unless otherwise specified, this Agreement may be canceled at any time by DCA, in writing, with thirty (30) days advance notice. If canceled, payment shall be made only for the provision of services expressly authorized by this Agreement until the date of cancellation and only at the rates set forth in Exhibit B, Budget Detail. In the case of early termination, a final payment will be made to Contractor upon receipt of an invoice covering all authorized costs, at the rates set forth in Exhibit B, incurred prior to the date of cancellation or termination. DCA shall not be responsible for unamortized costs, overhead or capital costs or any other related costs, including but, not limited to costs incurred in connection with the cancellation of leases or contracts pertaining to facilities, equipment or supplies, labor and employee benefits costs, and expenditures incurred after the date of notice of cancellation.
- B. If DCA determines that the Contractor has breached a material term of the Agreement and has not cured the breach or ended the violation within the time specified by DCA, DCA may terminate the contract by providing notice to the Contractor.

2. LIABILITY FOR LOSS AND DAMAGES:

- A. Any damages by the Contractor, their personnel, subcontractors, and other service providers through this Agreement to the State's facility, including equipment, furniture, materials or other State property shall be repaired or replaced by the Contractor to the satisfaction of the State at Contractor's expense. The State may, at its option, repair any such damage and deduct the cost thereof from any sum due Contractor under this Agreement.

3. CONFIDENTIALITY OF DATA:

- A. No reports, information, inventions, improvements, discoveries, or data obtained, repaired, assembled, or developed by the Contractor pursuant to this Agreement shall be released, published, or made available to any person (except to the State) without prior written approval from the State.
- B. The contractor by acceptance of this Agreement is subject to all of the requirements of California Civil Code Sections 1798, et seq., regarding the collections, maintenance, and disclosure of personal and confidential information about individuals.

4. POTENTIAL SUBCONTRACTORS:

- A. Nothing contained in this Agreement or otherwise shall create any contractual relation between the State and any subcontractors, and no subcontract shall relieve the Contractor of its responsibilities and obligations hereunder. The Contractor agrees to be as fully responsible to the State for the acts and omissions of its

subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Contractor. The Contractor's obligation to pay its subcontractors is an independent obligation from the State's obligation to make payments to the Contractor. As a result, the State shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.

5. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE):

- A. In the event the Contract is amended to increase the amount, the Contractor shall be required to comply with the State's DVBE participation requirements for the amended amount.

6. RULES/REGULATIONS:

- A. The Contractor shall observe and comply with all Federal, State, City, and County laws, rules or regulations affecting the work. Any work done that does not comply with any laws, rules, or regulations will be remedied at the Contractor's expense.

7. INFORMATION SECURITY:

- A. Information security is defined as the preservation of the confidentiality, integrity, availability, authenticity and utility of information. The Contractor will provide a level of security and information integrity that complies with requirements of state or federal laws.

8. AUTHENTICATION REQUIREMENTS:

- A. The Contractor must affirmatively authenticate CAB and LATC users prior to allowing user access to Contractor data. Authentication credentials and subsequent data communications must be encrypted using methods in conformance with the Federal Information Processing Standards (FIPS 140-2). The Contractor will protect the CAB and LATC user credentials at all times and, if compromised the Contractor will notify the CAB and LATC within 24 hours.

9. INCIDENT REPORTING:

- A. All unauthorized or suspected unauthorized access; uses and/or disclosures (incidents) involving CAB and LATC data will be reported to the CAB and LATC immediately upon discovery of the incident. The incident report will contain the following: date, time, employee name, description of the incident or circumstances, means of discovery, and names of all debtors involved. The CAB and LATC will make the appropriate notification to affected California Resident's pursuant to the requirements of California Civil Code 1798.29.

10. DESTRUCTION OF RECORDS:

- A. All records received from the CAB and LATC and any database created, copies made, or files attributed to the records received will be destroyed when they are no longer needed for the business purpose for which they were obtained. The records will be destroyed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained. Upon destruction of the records, the Contractor will notify the CAB and LATC of the completed destruction.

11. LEGAL AGREEMENTS:

- A. In accordance with Public Contract Code Section 10353.5, the Contractor shall:
1. Agree to adhere to legal cost and billing guidelines designated by the State.
 2. Adhere to litigation plans designated by the state agency.
 3. Adhere to case phasing of activities designated by the state agency.
 4. Submit and adhere to legal budgets as designated by the state agency.
 5. Maintain legal malpractice insurance in an amount not less than the amount designated by the state agency.
 6. Submit to legal bill audits and law firm audits if requested by the state agency. The audits may be conducted by employers and designees of the state agency or by any legal cost control providers retained by the state agency for purpose.
 7. Submit to a legal cost and utilization review, as determined by the state agency.

12. PROFESSIONAL LIABILITY:

- A. Contractor shall maintain Professional Liability insurance covering any damages caused by an error, omission, or any negligent acts. Contract shall maintain limits of not less than \$1,000,000 per claim and \$2,000,000 aggregate.

AGENDA ITEM Q: REVIEW AND POSSIBLE ACTION ON ARCHITECT CONSULTANT CONTRACT FOR 2019 THROUGH 2022

Background Summary

The Board currently employs two architect consultants; one consultant contract is due to expire on June 30, 2019, and the other contract is due to expire on January 31, 2020. A Request for Proposals (RFP) for consultant services for the next three years [July 1, 2019 (or upon approval) through June 30, 2022] was released on May 20, 2019. The RFP invites licensed architects meeting certain eligibility criteria, including but not limited to, a minimum five years' experience in architecture practice, no history of enforcement or administrative actions, and experience preparing courtroom testimony or testifying in architectural related matters to submit a proposal.

The RFP announcement was published May 20th on the Board's website and on its social media accounts. Additionally, the Board sent an email to each of California's approximately 21,000 licensed architects using the Board's e-subscriber email list serve, as well as announced the RFP opportunity with the AIA California, Asian American Architects and Engineers Association, and National Organization of Minority Architects. The RFP was also advertised and administered through the state contract procurement portal, Cal eProcure.

The proposals received by the June 10, 2019 deadline are being evaluated and awarded technical points based on selection criteria detailed in the RFP. Proposals receiving an overall technical score of 30 or more points from the first phase evaluation will proceed to the second phase of the evaluation, the oral interview to be conducted June 18-19, 2019. The evaluation and interviews will be conducted by Board staff and managed by the Department of Consumer Affairs (DCA) Contracts Unit.

A Notice of Intent to Award announcing the consultant selected will be posted, as required by law, in the Board's office on June 21, 2019. The DCA Contracts Unit will then prepare a contract based on the winning proposal which will be forwarded to the Department of General Services for approval.

Action Requested

No action requested at this time.

Attachment(s)

None

AGENDA ITEM R: UPDATE ON MAY 14, 2019 COMMUNICATIONS COMMITTEE MEETING

Background Summary

The Communications Committee met on May 14, 2019 to commence work on its 2019-2021 Strategic Plan objectives. Attached is the Notice of Meeting. Denise Campos, Chair of the Committee will provide an update on the meeting.

Attachment(s)

1. Communications Committee May 14, 2019 Notice of Meeting



NOTICE OF MEETING
COMMUNICATIONS COMMITTEE

May 14, 2019

Sequoia Room
2420 Del Paso Road, Suite 109A
Sacramento, CA 95834
(916) 574-7220 (Board Office)

Communications
Committee Members

Denise Campos, Chair
Ebony Lewis, Vice Chair
Cynthia Easton
Jack Paddon
Ted Pratt
Ronald Ronconi
Rona Rothenberg

The Communications Committee (Committee) will hold a meeting as noted above.

AGENDA

1:30 p.m. to 4:00 p.m.

(or until completion of business)

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

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda
The Committee may not discuss or act 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. Review and Possible Action on December 19, 2017 Meeting Minutes
- E. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives to:
 1. Educate licensees and the public on the penalties for violations of the *Architects Practice Act*.
 2. Increase the use of social media outlets to better communicate with new licensees and consumers.
 3. Collaborate with the Department of Consumer Affairs (DCA) Communications Office to improve communications with all stakeholders.

4. Develop an information exchange with related professionals of DCA to better educate the professionals of the duties, needs, and pitfalls of each discipline.
5. Expand outreach to community colleges and schools of architecture, including Board meetings on campuses to increase public and professional awareness.
6. Issue an annual practice brief update on licensee misconduct to increase public and professional awareness.

F. Discussion on *California Architects* Newsletter

G. 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 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 will not be webcast. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at 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 it 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 their 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 to participate in the meeting may make a request by contacting:

Person: Coleen Galvan

Telephone: (916) 575-7205

Email: coleen.galvan@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).

AGENDA ITEM S.1: LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

The LATC met on May 29, 2019, in Campbell. Attached is the meeting notice. LATC Program Manager, Trish Rodriguez, will provide an update on the meeting.

Attachment(s)

1. LATC May 29, 2019 Notice of Meeting



**NOTICE OF MEETING
Landscape Architects Technical Committee**

LATC MEMBERS

Marq Truscott, Chair
Andy Bowden, Vice Chair
Susan M. Landry
Patricia Trauth
Jon Wreschinsky

May 29, 2019

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

**Campbell City Hall
Council Chambers
70 North 1st Street
Campbell, CA 95008
(408) 866-2182
LATC (916) 575-7230**

The Landscape Architects Technical Committee (LATC or Committee) will hold a meeting, as noted above.

Agenda

**10:30 a.m. – 3:30 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. Update on Department of Consumer Affairs (DCA)
- D. 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)).
- E. Review and Possible Action on February 8, 2019 LATC Meeting Minutes
- F. Program Manager's Report - Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs

(Continued)

- G. Review and Discuss 2019 Legislation
 - 1. Assembly Bill (AB) 312 (Cooley) State Government: Administrative Regulations: Review
 - 2. AB 476 (B. Rubio) Department of Consumer Affairs: Task Force: Foreign-Trained Professionals
 - 3. AB 544 (Brough) Professions and Vocations: Inactive License Fees and Accrued and Unpaid Renewal Fees
 - 4. AB 613 (Low) Professions and Vocations: Regulatory Fees
 - 5. AB 1076 (Ting) Criminal Records: Automatic Relief
 - 6. Senate Bill (SB) 53 (Wilk) Open Meetings
 - 7. SB 601 (Morrell) State Agencies: Licenses: Fee Waiver
 - 8. SB 608 (Glazer) Architects
- H. Discuss and Possible Action on the California Department of Water Resources, Model Water Efficient Landscape Ordinance (MWEL0)
- I. Discuss and Possible Action on 2019-2021 Strategic Plan Objective to Research the Feasibility of Requiring a License Number on All Correspondence and Advertisement Platforms to Inform and Protect Consumers and Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Section 2671 Public Presentments and Advertising Requirements
- J. Review and Possible Action on Assessment of Initial Landscape Architect License Fee
- K. Review and Possible Action on the University of California Extension Certificate Program Subcommittee's Recommendation to Amend CCR, Title 16, Division 26, Section 2620.5 Requirements for an Approved Extension Certificate Program
- L. Review and Ratification of Contract With Cedars Business Services, LLC for Debt Collection Services to Collect Outstanding Administrative Fines and Cost Recoveries
- M. Review of Future LATC Meeting Dates
- N. Adjournment

(Continued)

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. The LATC plans to webcast the meeting on its website at latc.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.

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 to participate in the meeting may make a request by contacting:

Person: Blake Clark

Telephone: (916) 575-7236

Email: Blake.clark@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).

AGENDA ITEM S.2: REVIEW AND POSSIBLE ACTION ON LATC'S RECOMMENDATION REGARDING PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2620.5 (REQUIREMENTS FOR AN APPROVED EXTENSION CERTIFICATE PROGRAM)

Background Summary

The University of California, Los Angeles (UCLA) and University of California, Berkeley (CAL) Extension Programs were established in 1976 and 1982 respectively. As part of the University of California, both Extension Programs are governed by their respective university policies and academic standards. As provided in CCR section 2620, examination and licensure applicants are granted two years of educational experience for completion of an approved extension certificate only or four years of educational experience for completion of an approved extension certificate and a degree which consists of a four-year curriculum. As required by Business and Professions Code (BPC) section 5650, applicants for licensure as a landscape architect must demonstrate a total of six years of qualifying training and educational experience to establish eligibility.

In November 1991, the Board of Landscape Architects (BLA) adopted CCR section 2620.5, formally establishing requirements for Board approval of extension certificate programs, based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB).

In 2009, the LAAB implemented changes to its accreditation standards which prompted the LATC to pursue changes to CCR section 2620.5. For the past several years the LATC has considered different variations of proposed regulatory changes to CCR section 2620.5 and requested staff to conduct various research. Part of the research conducted included the Department of Consumer Affairs (DCA) Legal Counsel's review which revealed that CCR section 2620.5 does not currently require the LATC to perform extension certificate program site visits or establish site visit procedures to evaluate the program's adherence to requirements it sets forth. Rather, the regulation specifies the necessary components and documentation required for extension certificate program approval. In addition, CCR section 2620.5 does not establish an expiration of the Board's approval (pursuant to BPC section 5630) of a program or extensions of time for reapproval, and information and documentation submitted by an extension certificate program received in a Self-Evaluation Report often contains information not required by the regulation.

More recently, in September 2018, LATC staff contacted LAAB Accreditation and Education Programs Manager, Kristopher Pritchard, regarding the accreditation of extension certificate programs and was informed that LAAB's scope of accreditation is limited to "professional programs at the bachelor's or master's level."

At its meeting on December 6, 2018, the LATC appointed a subcommittee comprised of Marq Truscott and Stephanie Landregan to consider the current regulation and determine what changes are necessary at this time.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed recommended changes to CCR section 2620.5 and the review/approval procedures for LATC's consideration (see Attachment 1).

At its meeting on February 8, 2019, the LATC reviewed the subcommittee's recommendations and directed staff to prepare proposed regulatory language to amend CCR section 2620.5 that reflects the subcommittee's recommended changes, without the specified change to instructional personnel requirements. Following the meeting, staff consulted with DCA Legal Counsel to prepare the attached regulatory proposal (see Attachment 2).

At its meeting on May 29, 2019, the LATC voted to recommend to the Board approval of the proposed regulatory language to amend CCR section 2620.5 (see Attachment 2). This proposal would establish criteria for the following: 1) program approval as well as expiration, renewal, and extensions of said approval; 2) program denial and appeal of said denial; 3) the process to conduct site reviews; and 4) the information that shall be provided by the extension certificate program to evaluate the program's compliance with this regulation.

Action Requested

At today's meeting, the Board is asked to review the proposed regulatory language to amend CCR section 2620.5 and take possible action.

Attachment(s)

1. Extension Certificate Program Subcommittee Recommendations - January 17, 2019
2. Proposed Regulatory Language to Amend CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program)
3. DCA Legal Comments Pertaining to Proposed Amendments to CCR Section 2620.5

Extension Certificate Program Subcommittee Recommendations

On December 6, 2018, the Landscape Architects Technical Committee (LATC) appointed a subcommittee comprised of Marq Truscott and Stephanie Landregan to consider California Code of Regulations (CCR) section 2620.5 and determine what changes are necessary at this time. On January 17, 2019, staff held a conference call with the subcommittee where together they developed the following recommended changes to CCR section 2620.5 or the review/approval procedures for LATC's consideration:

Curriculum Requirements

- Expand the current list of required curriculum areas outlined in CCR section 2620.5 subsection (i) to include “current California regulation covering the environment, landscape architecture, and water conservation”

Instructional Personnel Requirements

- Amend the instructional personnel requirements outlined in CCR section 2620.5 subsection (m)(1) to allow an approved extension certificate in landscape architecture

Submittal Requirements for Board Approval/Renewal of Approval

- Specify in regulation the submittal requirements for Board approval, and renewal of approval, of an extension certificate program
- Require programs to apply for renewal of Board approval every six years by submitting a self-evaluation report to the Board detailing conformance with CCR section 2620.5 requirements
- Specify in either regulation or future extension certificate program site review/approval procedures, that, following submittal of a program's self-evaluation report, the report shall be agendized at the next regular meeting of the LATC and that upon review of the report the Board may: 1) recommend renewal of the program for an additional six years; 2) request additional information to consider the request for renewal; or 3) recommend a shorter period of renewal of the program stating reasons of non-conformance to be addressed within a specified timeframe

Site Visit Requirements

- Conduct one-day site visits prior to granting Board approval or renewal of approval
- Site visit teams should be comprised of one LATC member, one faculty member from an LAAB-accredited program located in California, and one licensed landscape architect
- Site visits should focus on confirming accuracy of information provided in the program's submitted self-evaluation report
- Site visits may include meetings with the school administrator, program director, department director, program faculty, students, and/or alumni

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
PROPOSED REGULATORY LANGUAGE**

Changes to the original language are shown in single underline for new text and single ~~strikethrough~~ for deleted text.

Amend Section 2620.5 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2620.5. Requirements for an Approved Extension Certificate Program.

(a) An educational program offering an extension certificate ~~program~~ in landscape architecture shall apply to the Board for approval and shall meet the following requirements:

~~(1a)~~ The educational program shall be established in an educational institution ~~which~~that has a four-year educational curriculum and either is approved under ~~Section 94900~~Article 6 (commencing with Section 94885) of Chapter 8 of Part 59 of Division 10 of the Education Code or is an institution of public higher education as defined by Section 66010 of the Education Code.

~~(2b)~~ There shall be a written statement of the program's philosophy and objectives ~~which~~that serves as a basis for curriculum structure. Such statement shall take into consideration the broad perspective of values, missions, and goals of the profession of landscape architecture. The program objectives shall provide for relationships and linkages with other disciplines and public and private landscape architectural practices. The program objectives shall be reinforced by course inclusion, emphasis, and sequence in a manner ~~which~~that promotes achievement of program objectives.

~~The program's literature shall fully and accurately describe the program's philosophy and objectives.~~

~~(3e)~~ The program shall have a written plan for evaluation of the total program, including admission and selection procedures, attrition and retention of students, and performance of graduates in meeting community needs.

~~(4d)~~ The program shall be administered as a discrete program in landscape architecture within the institution with which it is affiliated.

~~(5e)~~ There shall be an organizational chart ~~which~~that identifies the relationships, lines of authority, and channels of communication within the program and between the program and other administrative segments of the institution with which it is affiliated.

~~(6f)~~ The program shall have sufficient authority and resources to achieve its educational objectives.

~~(7g)~~ The program's director shall be a California licensed landscape architect.

(8h) The faculty shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing, and evaluating all aspects of the program. The faculty shall be adequate in type and number to develop and implement the program approved by the Board.

(9i) The program curriculum shall provide instruction in the following areas related to landscape architecture:

- (A) History, art, and communication;
- (B) Natural, cultural, and social systems;
- (C) Design as a process in shaping the environment;
- (D) Plant material and their application;
- (E) Construction materials and techniques;
- (F) Professional practice methods;
- (G) Professional ethics and values;
- (H) Computer systems and advanced technology; and

(I) Current California statutes and regulations covering the environment, landscape architecture, and water conservation.

(10) The program's curriculum shall not be revised until it has been approved by the Board or must be revised to correct deficiencies identified by the Board.

(11j) The program shall consist of at least 90 quarter units or 60 semester units.

(12k) The program shall maintain a current syllabus for each required course which that includes the course objectives, content, and the methods of evaluating student performance.

(13l) The curriculum shall be offered in a timeframe which that reflects the proper course sequence. Students shall be required to adhere to that sequence, and courses shall be offered in a consistent and timely manner in order that students can observe these requirements.

(14m) A program shall meet the following requirements for its instructional personnel:

(A1) At least one half of the program's instructional personnel shall hold a professional degree in landscape architecture.

(B2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects.

(b) To apply for Board approval, six months prior to the date of anticipated site visit date provided required in subdivision (c), the program shall apply for Board approval by submitting a self-evaluation report that shall detail the program's compliance with this section.

(c) A Board designee(s), who shall not be personally affiliated with the educational program, shall complete an inspection or review of the educational program prior to granting Board

approval or renewal of approval. The Board designee(s) may include one member of the Landscape Architects Technical Committee (Committee) and one faculty member from a California school accredited by the Landscape Architectural Accreditation Board (LAAB). If both a Committee member and an LAAB school faculty member perform the site inspection or review, the Committee member shall not be personally affiliated with the LAAB school that employs the faculty member. A minimum of three (3) Board designees shall perform a site inspection or review of the educational program. The Board designees shall include one member of the Committee and no more than one individual affiliated with the educational program. For purposes of this subdivision, "affiliated" means a prior or current faculty member of the educational program or individual who has taken courses at the educational program. Site visits may include meetings with the educational institutional administrator, the educational program director and faculty, and educational program students and alumni.

(d) The Board designees shall evaluatereview the educational program's self-evaluation report and site inspection or other review of the educational program and submit to the Committee a written report, which shall contain findings as to whether the educational program's application, supporting documentation, and site inspection comply program has complied with the approval requirements set forth in subdivision (a), and make a recommendation regarding approval.

(e) The Committee shall review the recommendation of the Board designees, the application of the educational program, and the self-evaluation report for approval at a public meeting and may:

- (1) Recommend to the Board approval of the educational program;
- (2) Request additional information from the educational program;
- (3) Recommend provisional approval by stating the reasons of non-conformance to be addressed by the educational program within a specified time frame; or
- (4) Recommend denial of the application.

(f) Upon recommendation by the Committee of the educational program, the Board shall review the Committee's recommendation and educational program application at a public meeting. The Board shall consider the application, writtenself-evaluation report, and recommendation regarding approval, and may approve, provisionally, approve, or deny the application, defined as followstake one of the following actions:

- (1) "Approval" is granted when all requirements are met, or when one or more requirements are met with recommendation, and continued overall program quality and conformance to requirements are judged likely to be maintained.
- (2) "Provisional approval" is granted when one or more requirements are met with recommendation, and the cited deficiencies are such that continued overall program quality or conformance to requirements is uncertain. Provisional approval may be granted up to two (2) years to permit the program time to correct those deficiencies identified. This status shall not be granted more than twice without an intervening period of approval. A provisional

approval to operate shall expire at the end of its stated period, and the request for approval shall be deemed denied, unless the deficiencies are corrected prior to its expiration and an approval to operate has been granted before that date, or the provisional approval to operate has been extended for a period not to exceed twenty-four (24) months if the Board is satisfied that the program has made a good faith effort and has the ability to correct the deficiencies. Provisional status is not deemed to be an adverse action and is not subject to appeal.

(3) “Denial” results when one or more requirements are not met. This determination is subject to appeal.

(g) Programs shall be notified in writing by the Board of any actions taken regarding their application.

(h) Within 90 days of the date of the written notification of the Board’s denial of an application, the educational program may submit to the Committee an appeal of the Board’s decision to the Committee that shall include a report of deficiencies that have been corrected. The Committee shall review the report and may request the Board designees perform an additional site inspection or review of the educational program pursuant to subdivision (d). The appeal and report of corrected deficiencies shall be reviewed in accordance with subdivisions (e) and (f).

(i) The Board approval period of any educational program shall be for a term of six (6) years, unless otherwise specified pursuant to subdivision (f)(2).

(j) To renew Board approval, six months prior to the date of expiration of the Board approval, the educational program shall apply for approval renewal by submitting a self-evaluation report, which that shall detail the educational program’s compliance with this section. The educational program’s renewal application and self-evaluation report and educational program shall be reviewed in accordance with are subject to review pursuant to subdivisions (c) through (f).

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, Business and Professions Code.

**DCA LEGAL COMMENTS PERTAINING TO PROPOSED AMENDMENTS TO
CCR SECTION 2620.5**

Section 2620.5	Comments
(a)(1)	Repealed and added as new section pertaining to private postsecondary recordkeeping.
(a)(2)	“The program’s literature shall fully and accurately describe the program’s philosophy and objectives” - Unclear what this provision is intended to add and the placement is confusing. Recommend deleting this provision because it is potentially covered under subdivision (b), first sentence. Otherwise, clarify this requirement, e.g., that the program’s literature provided to students shall fully and accurately describe the program’s philosophy and objectives.
(a)(9)(I)	2/8/19 LATC Mtg, request for Curriculum Requirements.
(a)(10)	Revised to accommodate an appeal of an application denial.
(b)	2/8/19 LATC Mtg, request for Submittal Requirements, bullets one and two.
(c)	<p>2/8/19 LATC Mtg, request for Site Visit Requirements, bullets one, two, and four. Note: bullet three, “site visits should focus on confirming accuracy of information provided” in self-evaluation report is unnecessary in regulation and instruction to Board designee performing site visit.</p> <p>Unsure why a “one-day site visit” is necessary; the certificate program needs to be inspected or reviewed; the regulation does not need to specify that it must be a one day inspection because then that direction must be followed even though the inspection may not take that long.</p> <p>This list of reviewers may be difficult to justify since the “licensed landscape architect” could be the LATC member, who is affiliated with the LAAB school that may not want extension certificate programs to take away students from the LAAB school. Another option is BVNPT uses “board representative” for inspections of psych tech schools. 16 CCR 2581.</p>
(e)	2/8/19 LATC Mtg, request for Submittal Requirements, bullet three.
(e)(4)	Added to provide for application denial.
(h)	Added to provide appeal process.

AGENDA ITEM S.3: REVIEW AND POSSIBLE ACTION ON 2019-2021 STRATEGIC PLAN OBJECTIVE TO RESEARCH THE FEASIBILITY OF REQUIRING A LICENSE NUMBER ON ALL CORRESPONDENCE AND ADVERTISEMENT PLATFORMS TO INFORM AND PROTECT CONSUMERS AND PROPOSED AMENDMENTS TO CCR, TITLE 16, DIVISION 26, SECTION 2671 (PUBLIC PRESENTMENTS AND ADVERTISING REQUIREMENTS)

Background Summary

The Landscape Architects Technical Committee's (LATC) 2019-2021 Strategic Plan contains an objective to "research the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers."

LATC enforcement staff reviewed several non-healing arts board's and bureau's Practice Acts to identify language, if applicable, requiring license numbers to be included on all advertisements to determine if similar language could be added to LATC's CCR section 2671 (Public Presentments and Advertising Requirements). Staff found that the Bureau of Security and Investigative Services and Contractors State License Board Practice Acts require their licensees to include license numbers on all forms of advertisements, as well as the Regulations Relating to the Practices of Geology and Geophysics for the Board for Professional Engineers, Land Surveyors, and Geologists which also requires licensees include license numbers on all advertisements for geologic or geophysical services.

Currently, CCR section 2671 requires that a landscape architect only include their name and the words "landscape architect" in all forms of advertising or public presentments. In an effort to better inform and protect California consumers, the proposed changes of the LATC's current advertising requirements will expand to include license numbers in all forms of advertising.

At its meeting on May 29, 2019, the LATC voted to recommend to the Board approval of the proposed regulatory amendments to CCR section 2671 Public Presentments and Advertising Requirements (see Attachment).

Action Requested

At today's meeting, the Board is asked to review the proposed amendment to CCR section 2671 and take possible action.

Attachment(s)

Proposed Language to Amend California Code of Regulations Section 2671

CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
PROPOSED REGULATORY LANGUAGE

Changes to the original language are shown in single underline for new text and single ~~strikethrough~~ for deleted text.

Amend Section 2671 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2671. Public Presentments and Advertising Requirements.

(a) A landscape architect shall include his or her name, license number, and the words “landscape architect” in all forms of advertisements or presentments made to the public in connection with the rendition of landscape architectural services for which a license is required by the Landscape Architects Law, including, but not limited to, any advertisement, card, letterhead, or contract proposal.

(b) For purposes of a group practice ~~which~~that contains or employs two or more landscape architects, the requirements of subsection (a) of this section shall be deemed satisfied as to such group practice if the name and license number of the landscape architect who is a partner, principal, officer, or employee of the group practice and the words “Landscape Architect” are included in its advertisements or presentments made to the public.

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 137, Business and Professions Code.

AGENDA ITEM T: REVIEW OF FUTURE BOARD MEETING DATES

Background Summary

An updated schedule of meetings and events for the remainder of 2019 are provided to the Board.

<u>Date</u>	<u>Meeting</u>	<u>Location</u>
June 12	Board Meeting	San Luis Obispo
June 20-22	National Council of Architectural Registration Boards Centennial Annual Business Meeting	Washington, DC
<i>July 4</i>	<i>Independence Day</i>	<i>Office Closed</i>
August 1	Regulatory and Enforcement Committee Meeting	Sacramento
August 13	Landscape Architects Technical Committee (LATC) Meeting	Chula Vista
<i>September 2</i>	<i>Labor Day</i>	<i>Office Closed</i>
September 11	Board Meeting	Bay Area
September 26-28	Council of Landscape Architectural Registration Boards Annual Meeting	St. Louis, MO
November 8	LATC Meeting	Sacramento
<i>November 11</i>	<i>Veterans Day</i>	<i>Office Closed</i>
November 15-18	American Society of Landscape Architects Conference on Landscape Architecture	San Diego
<i>November 28-29</i>	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>
December 11	Board Meeting	Sacramento
<i>December 25</i>	<i>Christmas Day</i>	<i>Office Closed</i>