

MINUTES  
BOARD MEETING  
CALIFORNIA ARCHITECTS BOARD  
JUNE 12, 2019  
SAN LUIS OBISPO

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

On June 12, 2019, Board President, Sylvia Kwan, called the meeting to order at 8:47 a.m. and Secretary, Nilza Serrano, called roll.

Board Members Present

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

Board Members Absent

None

Guests Present

Mark Christian, Director of Government Relations, American Institute of Architects, California (AIA California)  
Karen Nelson, Assistant Deputy Director, Office of Board and Bureau Services, Department of Consumer Affairs (DCA)  
Susan Coddington, Vice President Advocacy, International Interior Design Association (IIDA), CID, LEED AP, CDGLA  
Robert Kitamura, The Kitamura Company (Kitamura Architecture)

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 Landscape Architects Technical Committee (LATC)  
Tara Welch, Attorney III, DCA  
Gabrial Nessar, Administration Analyst  
Mike Sanchez, Television Specialist, DCA

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

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

Ms. Kwan made the following announcements: 1) the meeting is being webcast, 2) thanked the California Polytechnic State University (CalPoly) for allowing the Board to hold its meeting on their campus, and 3) all motions will be repeated for the record, and votes on all motions will be taken by roll-call.

F.\* PRESENTATION OF OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD TO ROBERT KITAMURA

Ms. Kwan detailed the over 30-year record of distinguished service provided by Robert Kitamura and presented him with the 2018 Octavius Morgan Distinguished Service Award.

C. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA)

Assistant Deputy Director Karen Nelson provided an update on DCA to the Board. Ms. Nelson stated that on April 19, 2019, the Director of DCA, Dean Grafilo submitted his resignation. She indicated that the Governor's Office is in the process of identifying a successor and the Office of Board and Bureau Services is working with the Governor's Office to ensure a smooth transition. Ms. Nelson also mentioned that DCA retained KH Consulting Group to conduct the EO Salary Study. She advised the Study is aimed to provide an in-depth analysis of the programmatic and operational complexities of all boards as well as salary comparisons with other states.

Ms. Nelson informed the Board about recent Budget Change Proposals. She mentioned that the Legislature has approved additional resources for DCA's Central Administration Services for the following areas:

- Fiscal reconciliation issues;
- Division of Investigation to address current enforcement timelines;
- Office of Professional Examination Services (OPES) to ensure that there are adequate resources for examination development; and
- Legal with respect to the Regulations Unit.

In addition, Ms. Nelson 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.

D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Susan Coddington, representing the IIDA emphasized her interests on working together with the Board, AIA California, the California Council for Interior Design Certification (CCIDC), and other entities who are interested in exploring how Commercial Interior Designers (CID) operate within the built-in environment. She indicated that CID is a complex profession and it is integral to the architectural process, but most architects refuse to perform the necessary duties to complete the CID portion of projects. She added that there have been some frustrations with that the CID stamp is not uniformly accepted at building departments throughout the State of California. Ms. Coddington stated that her long-range vision is to change the language in the Legislature so that

CID are recognized in the State. She addressed that she would like to continue the conversation with the Board to work out some of the road blocks and hurdles, so that an understanding could be determined on what could be done in the upcoming years.

Ms. Coddington expressed her interest in the Board arranging a face-to-face meeting with CCIDC, AIA California, IIDA, California Building Officials (CALBO), and the Board so that a title act can be achieved for CID. Ms. Zuniga shared that she envisioned a large group to participate in the meeting, but a smaller group may be more efficient due to scheduling difficulties. Mr. Gutierrez applauded Ms. Coddington's efforts.

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.

H. REVIEW AND POSSIBLE ACTION ON FEBRUARY 27, 2019 BOARD MEETING MINUTES

Ms. Kwan asked for comments concerning the minutes of the February 27, 2019 Board meeting.

- **Robert Pearman moved to approve the February 27, 2019 Board meeting minutes.**

**Pasqual Gutierrez seconded the motion.**

**Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams and President Kwan voted in favor of the motion. The motion passed 8-0.**

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

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

- In July 2017, DCA implemented FI\$Cal, 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. Staff continuously monitor the Board's budget with the DCA Budget Office. Once the final reports are available, a budget update will be provided at the September Board meeting.
- Business Modernization is in progress. The initial mapping of "As-Is" business processes is being prepared by DCA Office of Change Management for staff review and approval.
- Board and LATC started accepting credit card payments for license renewals.
- Architect Registration Examination (ARE) contract is in process of being finalized.
- ARE contract will run until June 30, 2022 and supersede the current contract set to expire on June 30, 2019.

Agenda item continued after item G.

G. PRESENTATION ON CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO – MARGOT MCDONALD, DEPARTMENT HEAD, COLLEGE OF ARCHITECTURE AND ENVIRONMENTAL DESIGN

Barry Williams explained that part of the third-year curriculum at CalPoly includes completion of a two-quarter studio project. He subsequently introduced Katherine Young and Kaleena Klimeck who (along with students from California State University, Chico and Montana State University) worked to propose a redesign of the City of Paradise that was devastated by the November 2018 Camp fire. Mses. Young and Klimeck provided a detailed presentation on the process they undertook with other students to achieve the community service oriented objectives of the project. They informed the Board how the experience influenced their respective outlook on the architecture profession.

I. EXECUTIVE OFFICER'S REPORT – UPDATE ON BOARD'S ADMINISTRATION / MANAGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS (CONTINUED)

Ms. Zuniga continued the update to the Board to include the following:

- Senior Scam Stopper meeting in Paradise
- 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.

Ms. Serrano opined the ARE pass rates were low and explained the basis for her concerns to other members. The Board discussed the matter and requested the information provided be verified by staff; if accurate the Board requested the Professional Qualifications Committee (PQC) meet prior to the September 11, 2019 Board meeting and ascertain the reason(s) for the low pass rates in key ARE divisions. The Board asked that any findings made by the PQC be presented at the September meeting.

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

Ms. Zuniga briefly indicated that the Sunset Review hearing took place before the Legislature. She advised Board President Sylvia Kwan, LATC Chair Marq Truscott testified, and she and Ms. Rodriguez were present to answer questions. No issues were presented by the Legislature.

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

Ms. Zuniga presented this item that requires DCA to appoint a task force with the goal of integrating foreign-trained professionals into the workforce and stated that it was presented for information only and no action was requested. Ms. Serrano commented that she understands the necessity for some professions bringing in foreign trained professionals, but that we have a problem with foreign students taking slots from American students. Mr. Gutierrez suggested this is an ambitious study in scope and timing, and suggested we provide resources such as the Board's *Architect Licensure Handbook* on our requirements to DCA.

2. AB 613 (Low, 2019) Professions and Vocations: Regulatory Fees

Ms. Zuniga presented this item, which authorizes boards within DCA to increase fees according to the increase in the Consumer Price Index, outside of the regulatory process. She stated the Board sent a support letter to the author and requested adoption of the support position.

- **Nilza Serrano moved to approve the recommended support position of AB 613.**

**Ebony Lewis seconded the motion.**

**Members Feng, Gutierrez, Lewis, Serrano, Williams and President Kwan voted in favor of the motion. Members Campos and Pearman abstained. The motion passed 6-0-2.**

3. AB 626 (Quirk-Silva, 2019) Conflicts of Interest

Ms. Zuniga presented this item, which provides an exemption to existing conflict of interest provisions for certain work performed by a variety of professions, including architects. She stated that it was a two-year bill. Mark Christian said there was opposition from contractor groups and building trades, and sponsors did not have an adequate response to those concerns. He further suggested the Board review all outstanding issues with the bill before considering whether to take a position. Ms. Zuniga stated that she would add it to the September Board meeting agenda and provide a more detailed analysis.

4. Senate Bill (SB) 53 (Wilk, 2019) Open Meetings

Ms. Zuniga presented this item, which amends the Bagley-Keene Open Meetings Act to require two-member advisory bodies to hold open meetings, and stated that it was presented for information only and no action was requested.

5. SB 601 (Morrell, 2019) State Agencies: Licenses: Fee Waiver

Ms. Zuniga presented this item, which authorizes boards within DCA to waive certain fees in the event of a declared emergency.

- **Barry Williams moved to approve the recommended support position of SB 601.**

**Tian Feng seconded the motion.**

**Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams and President Kwan voted in favor of the motion. The motion passed 8-0.**

6. SB 608 (Glazer, 2019) Architects

Ms. Zuniga presented this item, which extends the Board and LATC's sunset dates and makes additional changes, including requiring new applicants for licensure to be fingerprinted in order to complete a criminal background check. She stated that the Board submitted a letter of support and requested approval of the support recommendation.

- **Ebony Lewis moved to approve the recommended support position of SB 608.**

**Barry Williams seconded the motion.**

**Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams and President Kwan voted in favor of the motion. The motion passed 8-0.**

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

Ms. Mayer presented this agenda item. She advised the members that the *Board Member Administrative Manual* was previously presented to the Board at its February meeting with recommended edits made by the Executive Committee. She added the Board requested a clarification of a sentence in the Out-of-State Travel section, specifically "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 ..."

Ms. Mayer advised after consultation with the Board's legal counsel, a suggestion was made to add "or approving a travel request for" after "requiring" so the sentence would read "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..." Ms. Mayer suggested the recommended edit may clarify the sentence in question. She asked the Board to consider all of the tracked changes recommended by the Executive Committee and legal counsel.

Ms. Welch informed the sentence in the manual is quoting the statute which prohibits the Board from requiring or approving a travel request to a banned state which may appear on the surface to allow such travel if the members traveled on their own. She advised the members should take heed to the intent language of the statute which is California must take action to avoid supporting or financing discrimination against lesbian, gay, bisexual, and transgender people. With that intent language, she advised the Legislature does not want the Board to travel to the banned states.

Mr. Pearman requested clarification on page 23 of Appendix B related to the composition of the Executive Committee. Specifically, he referred to the immediate past Board president being appointed to the Committee if the past president was no longer a Board member and gave Matt McGuinness as an example. The Board agreed to amend the sentence in Appendix B to read, "The Executive Committee shall be comprised of the current Board president, vice president, secretary, and past Board president or officer."

- **Tian Feng moved to approve the recommended revisions to the *Board Member Administrative Manual* including the composition of the Executive Committee in Appendix B.**

**Pasqual Gutierrez seconded the motion.**

**Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams and President Kwan voted in favor of the motion. The motion passed 8-0.**

M. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Ms. Zuniga stated that the 2019 NCARB Centennial Annual Business Meeting will be held in Washington, DC, on June 20-22, 2019. She added that the Board must submit a "letter of credentials." She advised the letter 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). She further advised the letter was due to NCARB June 2, 2019 and staff submitted a draft version and will submit a final version of the letter after the Board meeting.

- **Robert Pearman moved to approve the NCARB letter of credentials.**

**Barry Williams seconded the motion.**

There were no comments from the public.

**Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams and President Kwan voted in favor of the motion. The motion passed 8-0.**

## N. PROFESSIONAL QUALIFICATIONS COMMITTEE (PQC) REPORT

Mr. Gutierrez summarized the 2019-2021 Strategic Plan objectives that were discussed by the PQC at its April 18, 2019 meeting along with an overview of the resultant outcomes (see the Minutes for the April 18, 2019 PQC meeting for more details). The Plan objectives discussed by the Committee were:

1. Amend existing law regarding continuing education (CE) requirements for license renewal to reflect the evolving practice;
2. Provide licensees the opportunity to submit CE documentation online to increase efficiency in license renewal;
3. Conduct an occupational analysis (OA) of the profession to reflect current practice; and
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.

The Board discussed the PQC objective related to CE and asked how it would pursue amending the requirements in the existing law. Ms. Zuniga advised the Board it would need to seek sponsorship of a bill by any member of the Legislature. She also advised that the Board would need to consider at a future meeting the impacts of any PQC recommendation to effect changes to the requirements. Mark Christian advised the Board that the California Commission on Disability Access (CCDA) was created by the existing law and opined that the CCDA may provide the best path to assist in amending the existing law and requirements. Mr. Christian said he could research the matter and provide more information to the Board at a future meeting.

Marccus Reinhardt advised the Board that in the packet was the final draft of the *Architect Licensure Handbook (Handbook)* for its consideration. He added that input from the Committee and collateral entities, such as The American Institute of Architects Emerging Professionals was incorporated into the final draft under consideration. Mr. Reinhardt explained the *Handbook* would be a living document that would remain in alignment with the evolving profession. Ms. Campos requested data be collected regarding downloads of the *Handbook* after it is published on the Board's website. Mr. Gutierrez requested the information regarding the *Handbook* be included in the Annual Brief sent to licensees.

- **Robert Pearman moved to approve the *Architect Licensure Handbook* as presented to the Board.**

**Denise Campos seconded the motion.**

**Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams, and President Kwan voted in favor of the motion. The motion passed 8-0.**



O. DISCUSS AND POSSIBLE ACTION ON RETIRED LICENSE STATUS FOR ARCHITECTS

Mr. Reinhardt reminded members that at its February 27, 2019 meeting, the Board requested staff research whether other DCA entities have a retired license status and the associated cost, if any, for a retiring a license. He explained the process licensees follow to retire their license. Mr. Reinhardt subsequently advised the title “retired architect” is protected and to use the term requires an individual apply for a retired license. Otherwise, he said it would be a violation of the *Architects Practice Act*. Mr. Reinhardt added that applying for a retired license is not a requirement for any other reason – solely use of the term “retired architect.” Ms. Mayer further explained that to apply for the retired license an individual must possess a renewable license and be in good standing with the Board. Mr. Reinhardt detailed the process when a retired licensee decides to return to practice before the license is nonrenewable. Ms. Zuniga advised the Board that if it considers a reduction or elimination of the fee, staff must assess the impact to the budget and whether it would affect other fees. The Board requested staff to research reducing or eliminating the fee for a retired license and determine its impact upon the Board’s budget and processes.

P. UPDATE ON CONTRACT WITH CEDARS BUSINESS SERVICES, LLC FOR DEBT COLLECTION SERVICES TO COLLECT OUTSTANDING ADMINISTRATIVE FINES AND COST RECOVERIES

Ms. Hegje provided an update on the Board’s contract with Cedars Business Services, LLC, for debt collection services. She informed the Board this bid was sent to seven California small business debt collection vendors and three vendors responded with quotes. She added the contract was awarded to the lowest bidder and in accordance with small business preference guidelines. She advised the contract is a combined effort with LATC to collect outstanding administrative fines and cost recoveries. She informed the Board the contract was approved on April 9, 2019 and is effective through April 8, 2022. Ms. Hegje stated that Board staff continue to work with Cedars to clarify expectations outlined in the contract and receive training on the collection portal.

Ms. Kwan questioned if the maximum amount of the agreement is \$54,000. Ms. Hegje responded that the maximum amount would be revisited and confirmed this was the maximum amount based upon percentage of fines collected.

Ms. Campos questioned how the three firms that submitted proposals were vetted—based upon success rate of collections or solely upon lowest bid. Ms. Mayer stated she would verify; however, to her knowledge, the contract was awarded based solely on low-cost bidder. She further said the Request for Proposal (RFP) was modeled after other proposals prepared by DCA boards. Mr. Feng reiterated that it was his opinion that strength of collection amounts should have been considered.

Ms. Hegje asserted that Board staff would continue to refine the reports received by Cedar. She further stated that staff would gather data on uncollected citations, receive training on the collection agency portal, and continually monitor collection efforts.

Ms. Hegje informed Board members that updates on the effectiveness of the collection efforts would be provided at future Board meetings.

Q. REVIEW AND POSSIBLE ACTION ON ARCHITECT CONSULTANT CONTRACT FOR 2019 – 2022

Ms. Zuniga provide an overview of the Board's architect consultant contract for 2019 - 2022. She explained the Board employs two architect consultants and one contract is due to expire on June 30, 2019, with the remaining contract expiring on January 31, 2020. She advised due to the expiration of the contract an RFP for consultant services for three years (July 1, 2019 through June 30, 2022) was released that invited architects that met eligibility criteria to submit a proposal.

Ms. Zuniga informed the Board that the release of the RFP announcement raised considerable public comments and questions; therefore, the RFP advertisement was removed from the eProcure website. She further explained that staff would work on a modified RFP and explore Subject Matter Expert (SME) contracts for the technical enforcement cases that is used for examination development. She indicated the SME contract process has some benefits to the Board including: three-year contract terms and up to a \$50,000 encumbrance; contracts would be used on case-by-case basis; and SME contracts are easier to execute than the former RFP contracts. Ms. Zuniga stated a notification process would be initiated to recruit SME contractors. Additionally, she shared the Board would be updated on the modified RFP and SME process as the end of the three-year contract will lapse on June 30, 2019.

Ms. Serrano inquired if women and minority are recruited through this process. Ms. Zuniga stated the small business and Disabled Veteran Business Enterprise (DVBE) process was followed.

Mr. Christian requested clarification of the new contract requirement that proposers need to provide evidence of liability insurance. He stated the RFP requested the state as an additional insurer and he brought forward a concern that he believes it is not possible to obtain and, therefore, the insurance requirement could not be met.

Ms. Kwan asked if there would be difficulties in outreach with a SME outside the office. Ms. Hegje said that in the past staff relied heavily on the consultants, but over the last several months the enforcement staff are transitioning workload in-house and use consultants as resources and documenting information obtained during this time. She further stated that two seasoned retired annuitant staff are working part-time which greatly assists with maintaining the Board's enforcement knowledge.

R. UPDATE ON MAY 14, 2019 COMMUNICATIONS COMMITTEE MEETING

Ms. Campos, Chair of the Communications Committee, provided an update on a meeting held on May 14, 2019. She expressed that she would like to see the Committee meet more than once a year. Ms. Campos explained the Committee had six objectives to accomplish and felt that meeting once a year may not allow for completion of these objectives.

Ms. Campos complimented Board staff for their work provided for the Communications Committee meeting. She advised Board staff are working with DCA, Office of Public Affairs, Cheri Gyuro, previously television news journalist who provided an informational presentation that demonstrated ways to create a more robust social media presence and communication plan for the Board. In addition, Ms. Campos stated that social media does not require a budget and opportunities exist using earned media.

Ms. Kwan inquired if other committee chairs would like to meet more than once a year to reach deliverables, as it is very ambitious. Ms. Zuniga suggested she would reach out to committee chairs to discuss additional committee meetings.

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)

Trish Rodriguez informed the Board that the LATC met on May 29, 2019 and recommended approval of two regulatory proposals provided within the meeting materials for the Board's consideration. She explained that the first regulatory proposal would amend CCR section 2620.5 which outlines the requirements for an approved extension certificate program. Ms. Rodriguez added that in 2010 the LATC extended certification approval of the University of California, Berkeley and University of California, Los Angeles extension programs until a planned site review could be conducted in 2012. She further explained the LATC previously worked to identify procedures for the approval process through regulation; however, those regulations were denied by the Office of Administrative Law (OAL) in 2013. She informed the Board that the LATC appointed an Extension Certificate Program Subcommittee to identify an appropriate review process and set of requirements for approving the extension certificate programs. She added that the Subcommittee's recommendations were incorporated within the proposed regulatory language approved by the LATC at its meeting on May 29, 2019. She advised the Board that the Subcommittee's recommendations, as well as the current proposed regulatory language, were provided in the Board meeting packet for review and possible approval. She noted that input, provided by DCA Legal Counsel, on the proposed changes was also included in the meeting materials for reference. She clarified that the presented regulatory proposal includes determinations made at the last Committee meeting and additional changes, in line with what was discussed by the LATC, as suggested by DCA Legal Counsel Tara Welch. Ms. Rodriguez shared that the Board received approximately 21 public comments in support of the changes from various organizations including the American

Society of Landscape Architects (ASLA), the Association of Professional Landscape Designers (APLD), landscape architecture faculty, and students.

Ms. Welch directed the Board members to the included proposed regulatory language and explained that the changes indicated in yellow highlight were not reviewed by the LATC. She explained that most of these changes are minor apart from the proposed revisions on page three addressing a potential financial conflict of interest regarding individuals who may be designated by the Board to perform a site inspection or review of an education program. Ms. Welch explained that the proposal would establish a site visit review team of Board designees made up of three members that would travel to the extension certificate programs to evaluate whether they are providing appropriate education to the students. She explained that the Subcommittee initially proposed including a faculty member of an education program accredited by the Landscape Architectural Accreditation Board (LAAB); however, because LAAB-accredited programs are in competition with the extension certificate programs, she advised against including that requirement in the proposal. She argued that a faculty member of an LAAB-accredited program should not be involved in these types of site reviews because they could potentially sway a negative recommendation to their direct competition. She expanded that the LATC's reasoning behind suggesting an LAAB faculty member was that they might have experience with the accreditation process. Ms. Welch added that because extension certificate programs are not currently accredited by the LAAB, the provided regulatory proposal aims to develop an appropriate way to review and approve these programs as they are necessary in California for the landscape architect students who can only attend night school and need this kind of alternative education.

Ms. Welch explained that the current regulation is insufficient for several reasons including that it does not specify expiration of the Board approval period. She added that the LATC determined three Board designees should conduct each site visit with at least one designee being an LATC member. She directed the Board members to the provided regulatory proposal and clarified that the current proposed language specifies that the Board designees shall include one member of the Committee and no more than one individual affiliated with the educational program under review, meaning any prior or current faculty member of the educational program or an individual who has taken courses at the educational program.

Ms. Welch explained that after the Board meeting materials were printed she prepared a revised proposal that would prohibit any individual with a current financial interest related to the recommendation of the extension certificate program from serving on a site visit review team. She presented the members with her proposed revisions to CCR section 2620.5(c). Ms. Campos asked if there was a general rule that Board and Committee members must recuse themselves if they have any kind of conflict of interest. Ms. Welch responded that this provision would refer to the possible financial interest of an individual designated by the Board to conduct a site review. She added that this provision would exclude any individual with a financial conflict such as an LAAB

faculty member trying to eliminate the competition, a current faculty member of the extension certificate program, or a current student of the extension certificate program. Mr. Feng questioned how the Committee could enforce such a high level financial conflict of interest clause without clarifying each possible scenario in regulation. He asked if it would be better to default to the general Board member training. Ms. Welch clarified that the Board designees in question would not necessarily receive the same Board member orientation. She expanded that the proposal would also add reference to section 87100 of the Government Code that further clarifies how the Board designees are subject to conflict of interest prohibitions. Ms. Mayer questioned if the OAL could approve the previously considered proposal that did not outline a possible conflict of interest. Ms. Welch explained that it would be difficult for Board staff to justify using the previous proposal in the rulemaking package; therefore, she recommends referencing the existing conflict of interest statute as proposed.

- **Denise Campos moved to approve the proposed regulatory changes, as modified, to CCR section 2620.5.**

**Nilza Serrano seconded the motion.**

Mr. Feng shared that at the May 29, 2019 LATC meeting, at least one Committee member felt very strongly that the site visit review team should include an expert from the faculty of an LAAB-accredited program. He expressed concern that by voting on the proposal as presented the Board may contradict the LATC's preference. Ms. Kwan opined that faculty of an LAAB-accredited program should be impartial and that the regulation should not preclude such individuals from serving on a site visit review team. Mr. Feng asked how a financial conflict of interest could exist as such individuals would not personally gain anything by participating in the site review. Ms. Welch clarified that it could be considered a conflict of interest if the site visit review team makes a negative recommendation because the program with which the Board designee is affiliated could thrive if the extension certificate program closes. Ms. Serrano added that the Board must consider that there is the possibility that a Board designee could sway the recommendation for personal benefit and that she supports the staff recommendation. Mr. Pearman questioned how the Board designees would be determined. Ms. Welch responded that Board and Committee staff could work together to either generate a notice to the public so that individuals could effectively apply to be a Board designee, or alternatively, a knowledgeable Board staff person could be assigned to the site visit review team. Ms. Rodriguez added that in the past the Committee has recommended appointees to the site visit review teams. Mr. Pearman questioned if a retired LAAB faculty member would be considered to have a financial conflict of interest. Ms. Welch replied that a retired faculty member may not have a current conflict of interest as they would no longer have a personal association with the program.

Ms. Welch suggested Ms. Campos consider modifying the motion.

- **Denise Campos amended her motion to approve the proposed regulatory changes, as modified, to CCR section 2620.5, 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 amended motion.**

**Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams, and President Kwan voted in favor of the motion. The motion passed 8-0.**

Ms. Rodriguez presented a second regulatory proposal that would amend CCR section 2671 to expand all public presentments to include a license number. She added that this proposal is part of an LATC Strategic Plan objective and 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.

- **Tian Feng moved to approve the proposed regulatory changes to CCR section 2671, 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.**

**Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams, and President Kwan voted in favor of the motion. The motion passed 8-0.**

**T. REVIEW OF FUTURE BOARD MEETING DATES**

Ms. Zuniga indicated that the future Board meeting dates are in the packet and an update will be sent regarding the December 11, 2019 Board meeting location.

**U. ADJOURNMENT**

The meeting adjourned at 12:44 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.*