



## CALIFORNIA ARCHITECTS BOARD

June 5, 2020  
Teleconference Meeting

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

On June 5, 2020, Board President, Tian Feng, called the meeting to order at 10:45 a.m. and Secretary, Nilza Serrano, called roll.

#### Board Members Present

Tian Feng, President  
Denise Campos, Vice President  
Nilza Serrano, Secretary  
Malcolm "Brett" Gladstone  
Pasqual Gutierrez (connected to WebEx at 11:06 a.m. after experiencing technical difficulties)  
Sylvia Kwan  
Ebony Lewis  
Robert C. Pearman, Jr.  
Charles "Sonny" Ward, III

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

#### Guests Present

Andrew C. N. Bowden, Landscape Architects Technical Committee (LATC) Member  
Mark Christian, Director of Government Relations, American Institute of Architects, California (AIA California)  
Glenn Gall, Professional Qualifications Committee (PQC) Member

#### Staff Present

Laura Zuniga, Executive Officer (EO)  
Vickie Mayer, Assistant Executive Officer  
Alicia Hegje, Program Manager Enforcement  
Marccus Reinhardt, Program Manager Examination/Licensing  
Kim McDaniel, Administration Analyst  
Gabrial Nessar, Administration Analyst

Michael Sganga, Enforcement Analyst  
Karen Halbo, Attorney III, Department of Consumer Affairs (DCA)  
Tara Welch, Attorney III, DCA

**B. PRESIDENT’S PROCEDURAL REMARKS AND BOARD MEMBER INTRODUCTORY COMMENTS**

Mr. Feng announced that 1) the meeting is being webcast and pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, a physical meeting location is not being provided, and 2) Andrew Bowden, LATC member, is in attendance.

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

Laura Zuniga shared the Board did not receive the regular update from DCA as they have been working on Novel Coronavirus (COVID-19) responses as well as office closures this week. Ms. Zuniga will provide additional updates to members as received from DCA.

**D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

There were no comments from the public.

**E. REVIEW AND POSSIBLE ACTION ON FEBRUARY 28, 2020 BOARD MEETING MINUTES**

- **Sylvia Kwan moved to approve the February 28, 2020 Board Meeting Minutes.**

**Nilza Serrano seconded the motion.**

There were no comments from the public.

**Members Campos, Gladstone, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 8-0. Pasqual Gutierrez was absent for vote due to technical difficulties.**

The Board took additional action on this item after Agenda Item J.

**F. DISCUSS AND POSSIBLE ACTION ON ADOPTION OF PROPOSED CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 2, ARTICLE 10, SECTION 165 (CONTINUING EDUCATION)**

Marcus Reinhardt provided members with a brief historical background on the proposed continuing education (CE) regulations specific to the existing required five hours of disability access coursework. Mr. Reinhardt reminded members that

Senate Bill (SB) 608 amended Business and Professions Code (BPC) section 5600.05 and among other things requires the Board to promulgate regulations establishing minimum qualifications for both CE courses and providers by January 1, 2023. He also reminded members the PQC had previously discussed CE, which is assigned as a Strategic Plan objective.

Mr. Reinhardt summarized for members the effects of the proposed language:

- defines new terms in the regulation;
- clarifies the timeline for CE completion;
- establishes minimum qualifications for courses and minimum knowledge and expertise for trainers/educators;
- sets restrictions on self-teaching, self-directed learning, and credit earned for course presentations;
- prescribes requirements for course record documentation; and
- authorizes disciplinary or administrative actions related to noncompliance.

Members inquired whether the CE requirement could be expanded to include other types of coursework. Members were advised that the current regulations relate only to disability access and that expansion would require statutory authority. Members also inquired whether there would be any budgetary impact because of the proposed regulation. Mr. Reinhardt explained there was no expected fiscal impact.

Mr. Feng acknowledged member Pasqual Gutierrez, at 11:06 a.m. joined the meeting after experiencing technical difficulties.

- **Denise Campos moved to approve the proposed regulatory language to adopt CCR section 165, direct the EO to take all steps necessary to initiate the rulemaking process, authorize the EO to make any technical or nonsubstantive 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.**

**Ebony Lewis seconded the motion.**

There were no comments from the public.

**Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.**

**G. UPDATE ON INTRA-DEPARTMENTAL CONTRACTS WITH THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) FOR OCCUPATIONAL ANALYSIS (OA) AND EXAMINATION DEVELOPMENT**

Mr. Reinhardt advised the Board that because of COVID-19, examination development workshops, which are conducted in person, were suspended. He stated that OPES recommended the Board advance its timetable for commencement of the OA. Subsequently, an Intra-Departmental Contract (IDC) was executed with OPES and work on the OA commenced in April.

Mr. Reinhardt also advised members that the current examination development IDC with OPES is set to expire at the end of the month; he said staff are coordinating with OPES to execute a new IDC for fiscal year 20/21 examination development.

Mr. Feng inquired whether the anticipated increase of test takers at testing sites, after having been closed due to COVID-19, would have any budgetary impact. Mr. Reinhardt explained the IDCs for the OA and examination development are separate from the agreement for test administration. He subsequently proceeded to explain the forecasting methodology used to determine the anticipated number of test takers during the length of the contract term and advised members that the methodology allows for reasonable growth rate and is able to address short-term testing surges. At the request of the Board members, Mr. Reinhardt advised members that PSI test centers were open at a reduced capacity and mentioned he could work with OPES to see if there are any changes and then provide an update to the EO for members.

**H. UPDATE AND POSSIBLE ACTION ON LEGISLATION REGARDING:**

**1. Assembly Bill (AB) 1263 (Low) Contracts: Consumer Services: Consumer Complaints**

Ms. Zuniga presented that AB 1263, currently in the Senate Rules Committee, provides that a contract or proposed contract between a consumer and a licensee shall not include a provision limiting a consumer's ability to file a complaint with a licensing board. This bill applies to all of DCA. She shared current law is that settlement agreements between a consumer and a licensed individual cannot prevent the consumer from filing a complaint with a board and this bill extends that provision to proposed contracts for services.

**2. AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions**

Ms. Zuniga provided an update on the status of AB 1616. Currently in the Senate Rules Committee, AB 1616 requires a board within DCA, for licenses that were revoked due to an individual's conviction of a crime to either post a copy of the expungement order if the individual reapplies or has been relicensed, or if the individual is not licensed and does not reapply, the Board would need to remove the initial posting of the revocation from its website. Members inquired about the provision to remove the initial revocation posting from the website and requested clarification in this area. Consequently, Board staff will work with the DCA Office of Legal Affairs on clarification.

### **3. AB 2028 (Aguiar-Curry) State Agencies: Meetings**

Ms. Zuniga presented that AB 2028, amending the Bagley-Keene Open Meetings Act, was amended yesterday and had required that all meeting materials, except those for Closed Session, be made publicly available at least 10 days prior to the meeting date (this is the information reflected in today's Board meeting packet). Yesterday's amendments instead require all meeting materials be posted as soon as available to Board members and at least 48 hours in advance of the meeting.

### **4. AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses**

Ms. Zuniga presented the status of AB 3045 that requires boards under DCA to issue a temporary license to an applicant that is married to or in a domestic partnership with an active duty member of the Armed Forces, if certain conditions are met. She reminded the members that the Board already has a pathway to mobility and that other DCA boards may be more impacted by this bill.

Members sought clarification on how the bill changes the process for partners/spouses of active duty members of the Armed Forces since the bill still requires them to meet all requirements for the license. Ms. Zuniga indicated the legislature may still be working on further amendments to refine the process.

### **6.\*SB 1474 (Business, Professions and Economic Development Committee) Business and Professions**

Ms. Zuniga presented SB 1474, an omnibus bill that contains provisions for different boards within DCA. This bill contains provisions for both the Board and LATC that the Board approved at its December 2019 meeting. This bill allows the holder of a retired license who last renewed into active status less than five years ago to reinstate that license to active status without applying for a new license. For LATC, the bill contains language to implement the

fingerprint requirements contained in SB 608. Mr. Feng inquired about the status of the Board's implementation of fingerprinting and Ms. Zuniga shared staff are currently working on processes and will provide an update at the next Board meeting.

**Denise Campos moved for the Board to support SB 1474.**

**Nilza Serrano seconded the motion.**

There were no comments from the public.

**Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.**

## **5. Senate Bill (SB) 1168 (Morrell) State Agencies: Licensing Services**

Ms. Zuniga provided an update on SB 1168, currently in the Senate Appropriations Committee. This bill requires agencies issuing any business license to establish a process for an individual experiencing economic hardship because of an emergency caused by a virus to submit an application so that an agency may grant a deferral of fees. The bill also requires establishing a process to expedite licensing services for individuals displaced by an emergency.

Legal counsel shared the definition of a license in the bill requires clarification as the Board provides a professional license to engage in a profession, not necessarily a business license. Ms. Zuniga will get clarification around this point.

### **I. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)**

#### **1. Review of 2020 NCARB Annual Business Meeting Agenda**

Ms. Zuniga shared that the NCARB Annual Business meeting this year will be held online for a half-day on June 19, 2020 and members should have already received an invitation from NCARB. All Board members were encouraged to register for this no-cost meeting and consequently the presenter offered to resend the meeting invitation. Unlike other NCARB Regions, Region 6, which California is a member, will not be meeting. Ms. Kwan, a member of the Region 6 Executive Committee shared there were no urgent issues for the region to take up other than electing the National Board of Directors.

## **2. Discuss and Take Action on Letter of Credentials for Annual Business Meeting**

Ms. Zuniga presented the Letter of Credentials that authorized the Board to appoint Board President Feng to serve as the Board's official delegate for the 2020 NCARB Annual Business Meeting.

**Ms. Campos moved to authorize the Board to appoint Mr. Feng to serve as the Board's official delegate for the 2020 NCARB Annual Business Meeting.**

**Ms. Kwan seconded the motion.**

There were no comments from the public.

**Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.**

Mr. Feng shared there are two NCARB Board of Directors positions that have multiple candidates and sought input from Board members.

Sonny Ward requested confirmation that California's Board is 1 of 55 NCARB jurisdictions with only one vote and Ms. Zuniga confirmed. Mr. Ward inquired that as one of the more diverse of the 55 jurisdictions, if there is something else the Board, as a large and diverse contingency can do to impact NCARB. In addition, he commented on NCARB's election process suggesting its possible impact on the organization's diversity. Mr. Gutierrez shared his opinion that the electoral process for NCARB jurisdictions is balanced and fair because each gets one vote, and this prevents larger boards from dominating.

Board members engaged in discussion and topics included:

1. Apply to membership on NCARB committees.

Ms. Kwan advised that she is a member of NCARB's new Diversity Committee and expressed concern with the pace of the work. She shared an experience where a Board member was excluded from their meeting to observe. Ms. Kwan indicated that she planned to reach out to NCARB's Chief Executive Officer about the incident. A member inquired about the protocol for the Board to communicate with NCARB and Ms. Kwan shared three options for communication 1) Board EO, 2) Board President, and 3) Region 6 Director.

Mr. Gutierrez affirmed that joining NCARB committees presents an opportunity to bring California's voice to that committee and provided an example. He shared with the Board that NCARB committee members are appointed by the NCARB president and that there has been a line of succession among the Board of Directors, and that Board members interested in joining NCARB committees can reach out to the First Vice President, Second Vice President, Treasurer and Secretary to share their interests in serving on a committee.

Mr. Ward encouraged the Board to explore opportunities outside of the committee structure to impact NCARB.

2. Agendize NCARB committee work updates during Board meetings.
3. Conduct research on NCARB succession and bylaws.
4. Develop a resolution from the Board to NCARB.
5. Compile a list of Board members serving on NCARB committees.
6. Determine which NCARB committees still have openings, how to access those opportunities, and who is eligible to apply.
7. Support candidates for NCARB elected offices.

Members expressed their opinions about current candidates based on their experiences. There were two candidates for Agenda Item I.3 that would support diversity and potentially bring a different perspective should the Board vote for them.

8. Develop a plan with well-defined objectives.

It was established that the Board's Executive Committee would begin the process of defining the NCARB message(s) for the Board and to discuss strategies.

### **3. Consider and Take Action on Candidates for 2020 NCARB Board of Directors**

Mr. Feng solicited additional input on NCARB Board of Directors candidates from the Board. There were no additional comments. Tara Welch, legal counsel, indicated the Board had deliberative conversation and Mr. Feng now had direction on how to vote.



## **Public Comment**

Glenn Gall shared that the NCARB website refers those interested in participating on committees to check with their state board. He asked for clarification if non-board members can serve on NCARB committees. The Board will conduct research on this topic.

## **J. EXECUTIVE OFFICER'S REPORT – UPDATE ON BOARD'S ADMINISTRATION / MANGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS**

Ms. Zuniga thanked Board staff, most of whom are teleworking and have experienced a lot of changes in a short amount of time, because of COVID-19. She summarized the EO report and shared highlights including:

- PQC's next meeting is scheduled for October 30, 2020;
- Business Modernization process has been put on hold because of changes to the state budget; and
- LATC canceled their meeting that would have taken place last month and as a result there is no new information other than their next meeting is scheduled later in the year.

## **K. REVIEW OF FUTURE BOARD MEETING DATES**

Board members reviewed remaining meeting dates for the year. Ms. Zuniga shared that if the Governor's order is in place, meetings will be conducted in the same online format as today's meeting. Mr. Feng checked to determine if any Board members objected to meeting in this format and there were no objections. Mr. Ward inquired if accessibility is the same online, specifically for public comment. Ms. Welch indicated that through her work with another DCA board, she has seen an increase in public participation.

Mr. Gutierrez requested to return to Agenda Item E for a correction to the February 28, 2020 Board Meeting Minutes, as he was not able to participate for that item discussion and vote due to technical difficulties. Ms. Welch provided direction that the Board must vote to reopen Agenda Item E, and then vote to approve the amended meeting minutes.

**Nilza Serrano moved for the Board to reopen Agenda Item E.**

**Pasqual Gutierrez seconded the motion.**

There were no comments from the public.

**Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.**

Mr. Gutierrez described the edit for his motion to amend the February 28, 2020 Board Minutes which was clarified by Ms. Welch. After discussion, Mr. Gutierrez withdrew the requested amendment. Ms. Welch recommended the Board revote on approving the minutes with no amendment.

**Tian Feng moved to approve the February 28, 2020 Board Meeting Minutes with no amendments.**

**Pasqual Gutierrez seconded the motion.**

There were no comments from the public.

**Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 9-0.**

The meeting recessed and went into Closed Session. Meeting adjournment (Agenda Item O) immediately followed Closed Session, and there were no other items of business discussed.

Recessed the Open Session at 1:11 p.m.

**L. CLOSED SESSION - PURSUANT TO GOVERNMENT CODE SECTIONS 11126(c)(3) AND (f)(4) AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:**

- 1. Review and Take Action on February 28, 2020 Closed Session Minutes**
- 2. Deliberate and Vote on Disciplinary Matters**
- 3. Adjourn Closed Session**

**M. ADJOURN CLOSED SESSION**

**N. RECONVENE OPEN SESSION**

The Board reconvened in Open Session with the following members present:

Tian Feng, President  
Denise Campos, Vice President  
Malcolm "Brett" Gladstone  
Pasqual Gutierrez  
Ebony Lewis  
Robert C. Pearman, Jr  
Charles "Sonny" Ward, III

## **O. ADJOURNMENT**

The meeting adjourned at 2:01 p.m.