



Board Members

Tian Feng, President
Nilza Serrano, Secretary
Malcolm "Brett" Gladstone
Pasqual V. Gutierrez
Ronald A. Jones
Sylvia Kwan
Ebony Lewis
Robert C. Pearman, Jr.
Charles "Sonny" Ward, III

NOTICE OF TELECONFERENCE MEETING

December 11, 2020

The California Architects Board (Board) will meet by teleconference at

10:00 a.m., on Friday, December 11, 2020

NOTE: Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Board will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

To join this meeting, please click on, or copy and paste into a URL field, the link below:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=ec5dd85b93058d12074338c2488ae8cb3>

Event Number: 146 234 0141

Password: CAB121120

Phone: (415) 655-0001

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by December 4, 2020, to cab@dca.ca.gov for consideration.

AGENDA

10:00 a.m. to 2:00 p.m.
(or until completion of business)

Action may be taken on any item listed below.

A. Call to Order / Roll Call / Establishment of a Quorum

(Continued)

- B. President's Procedural Remarks and Board Member Introductory Comments
- C. Update on the Department of Consumer Affairs (DCA) – Carrie Holmes, Deputy Director, Board and Bureau Relations, DCA
- D. Public Comment on Items Not on the Agenda

The Board 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)).

- E. Election of 2021 Board Officers
- F. Discussion and Possible Action on Recommendation Regarding 2020 Octavius Morgan Distinguished Service Awards
- G. Review and Possible Action on September 18, 2020 Board Meeting Minutes
- H. Professional Qualifications Committee (PQC) Report
 - 1. Update from October 30, 2020 PQC Meeting
 - 2. Discussion and Possible Action on Continuing Education Requirements
- I. Regulatory and Enforcement Committee (REC) Report
 - 1. Update from November 5, 2020 REC Meeting
 - 2. Discussion and Possible Action on Business Entity Report Form (BERF)
 - 3. Discussion and Possible Action on Proposed Adoption of California Code of Regulations (CCR), Title 16, Division 2, Article 5, Section 135, Presentment and Advertising Requirements
 - 4. Discussion and Possible Action on Proposed Amendments to CCR, Title 16, Division 2, Article 8, Section 152, Citations
 - 5. Discussion and Possible Action on Proposed Amendments to CCR, Title 16, Division 2, Article 9, Section 160, Rules of Professional Conduct
- J. Update and Possible Action on Legislation Regarding:
 - 1. Assembly Bill (AB) 2113 (Low, Chapter 186, Statutes of 2020) Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process
 - 2. Senate Bill (SB) 878 (Jones, Chapter 131, Statutes of 2020) Department of Consumer Affairs: License: Application: Processing Timeframes
 - 3. SB 1474 (Committee on Business, Professions and Economic Development, Chapter 312, Statutes of 2020) Business and Professions

- K. Update and Discussion of National Council of Architectural Registration Boards (NCARB) Issues
 - 1. Committee Meetings Update
 - 2. Discussion on NCARB's Commitment to Diversity, Remote Proctoring, and Legislative Trends – Mike Armstrong, Chief Executive Officer, NCARB
- L. Update on Implementation of Applicant Fingerprinting Requirements Pursuant to SB 608 (Glazer, Chapter 376, Statutes of 2019) Architects and Landscape Architects
- M. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
- N. Landscape Architects Technical Committee (LATC) Report
 - 1. Update from December 2, 2020 LATC Meeting
 - 2. Discussion and Possible Action on Proposed Amendments to CCR, Title 16, Division 26, Article 1, Sections 2630, Citations and 2630.2, Appeal of Citations
 - 3. Discussion and Possible Action on University of California, Los Angeles (UCLA) Extension Certificate Program Self-Evaluation Report and Curriculum Approval
- O. Review of Future Board Meeting Dates
- P. Closed Session - Pursuant to Government Code Sections 11126(a)(1), (c)(3), and (f)(4) and 11126.1, the Board Will Meet in Closed Session to:
 - 1. Review and Take Action on September 18, 2020 Closed Session Minutes
 - 2. Deliberate and Vote on Disciplinary Matters
 - 3. Perform Annual Evaluation of its Executive Officer
 - 4. Adjourn Closed Session
- Q. Reconvene Open Session
- R. Adjournment – Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.

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. Meeting adjournment may not be webcast if adjournment is the only item that occurs after a closed session.

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 it 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 their 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)).

This meeting is being held via WebEx Events. 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: Kimberly McDaniel
Telephone: (916) 575-7221
Email: kimberly.mcdaniel@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).

HOW TO – Join – DCA WebEx Event



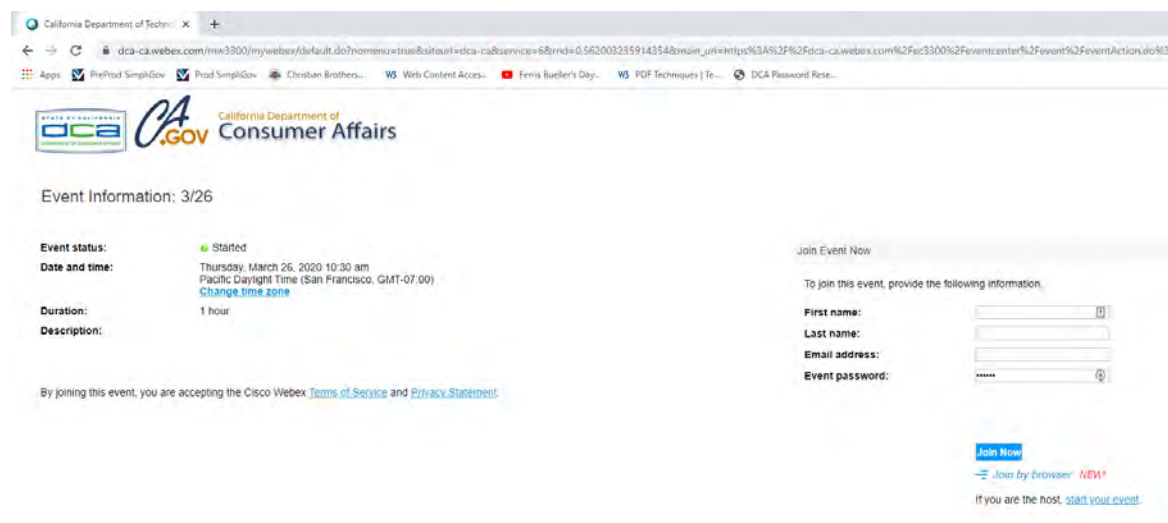
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

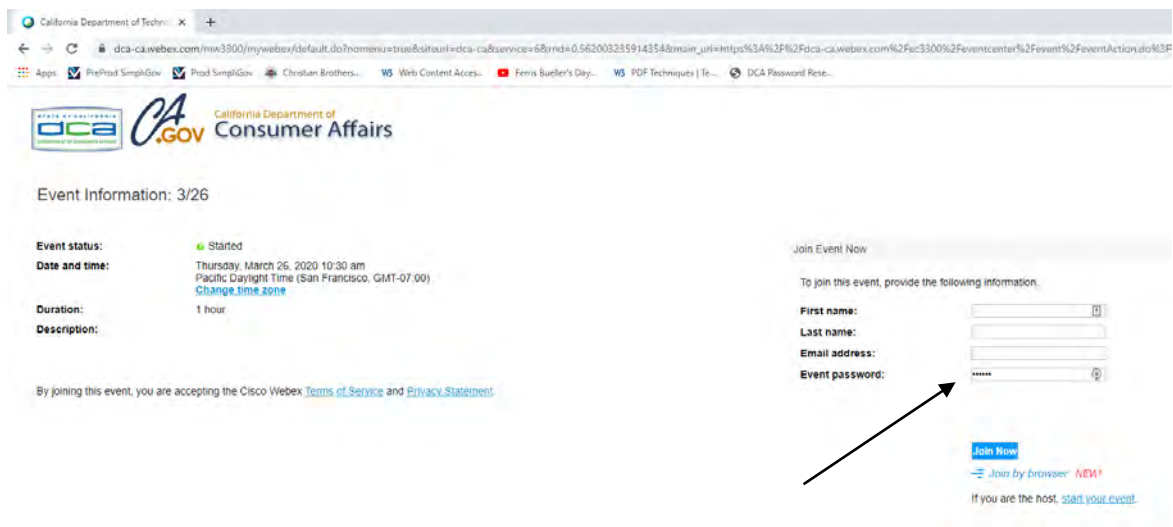
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

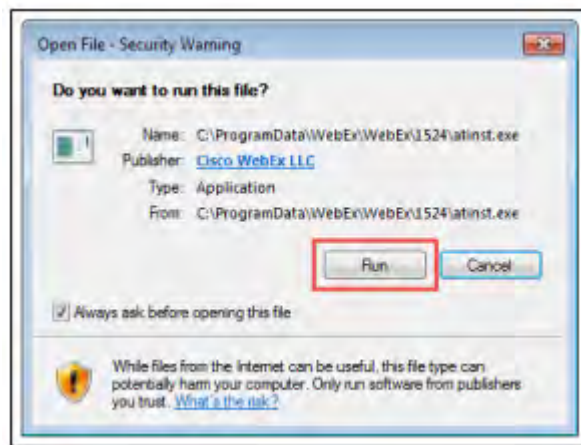
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

HOW TO – Join – DCA WebEx Event

Starting Webex...



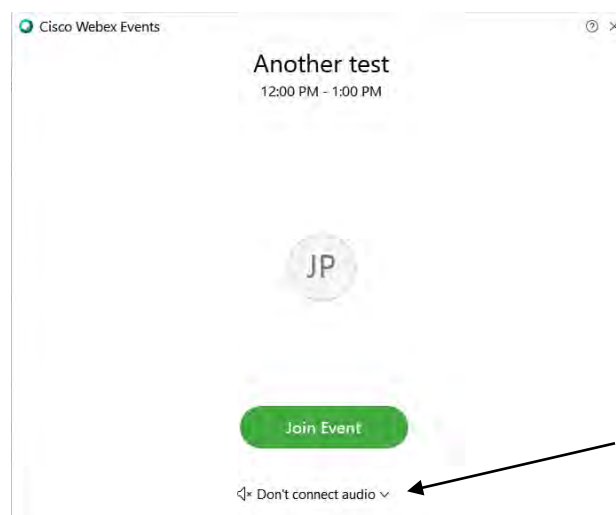
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



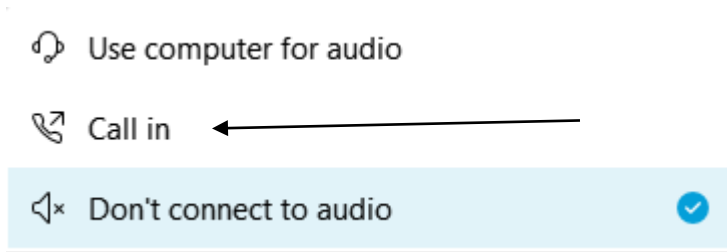
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

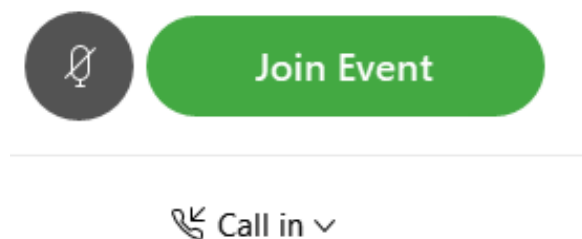


8. When the audio menu appears click 'Call in'.

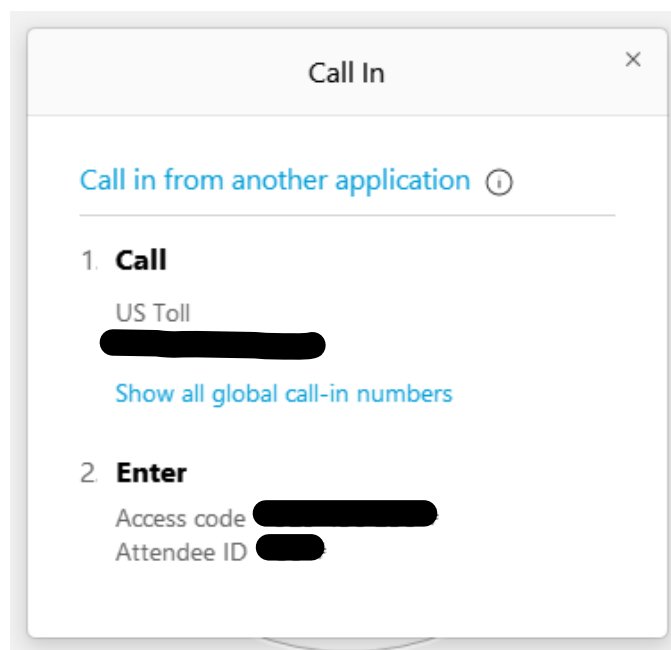
HOW TO – Join – DCA WebEx Event



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

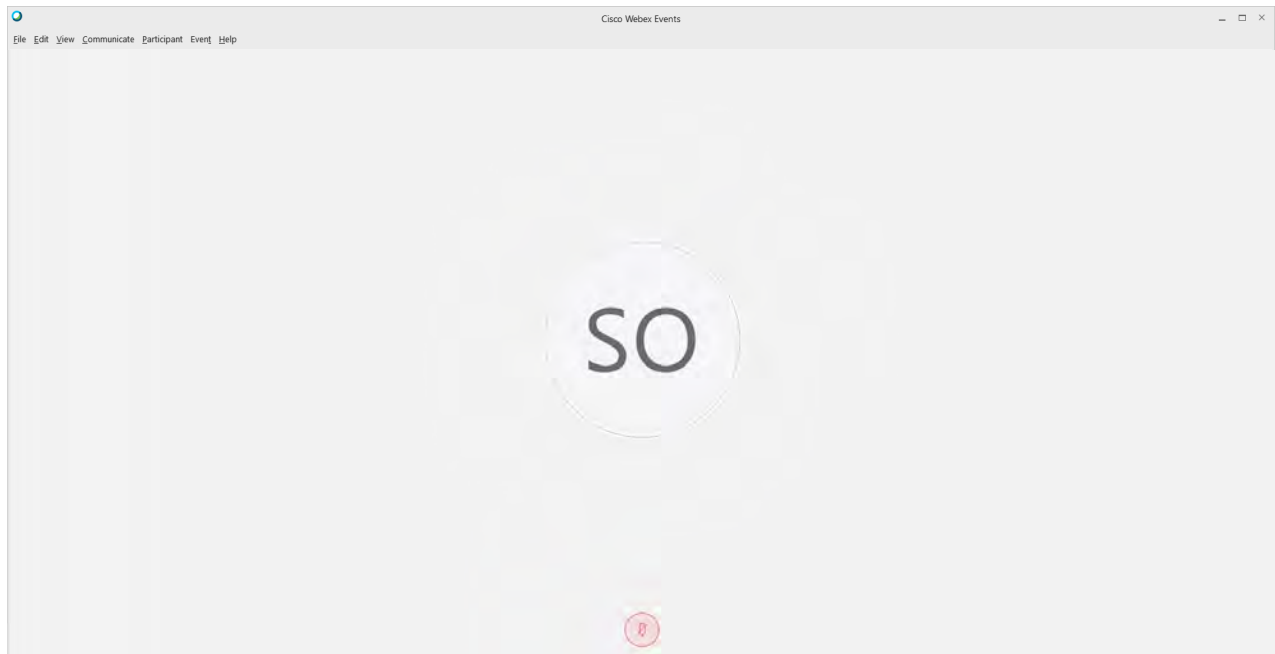


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

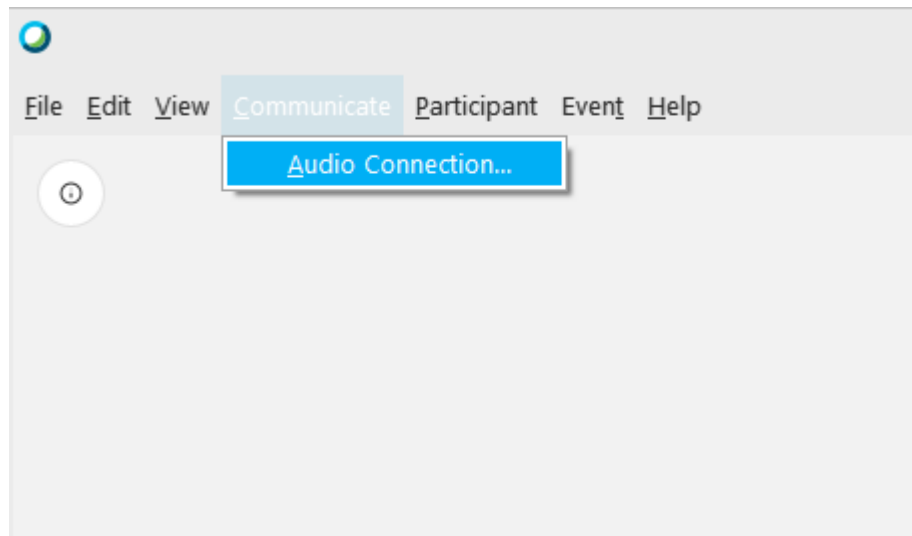


NOTE: Your audio line is muted and can only be unmuted by the event host.

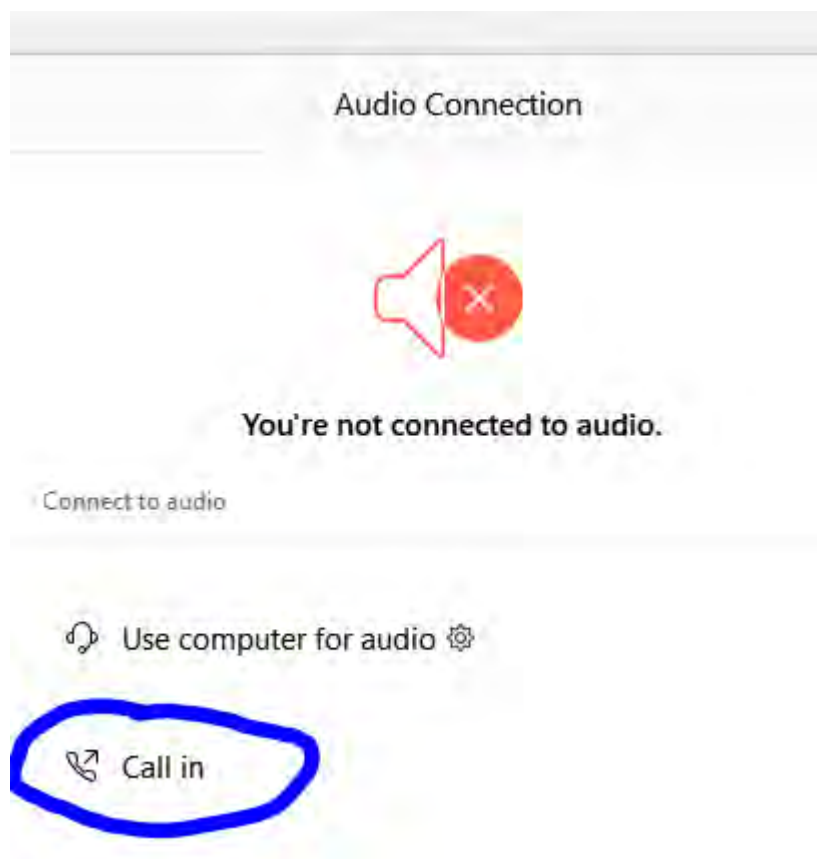
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



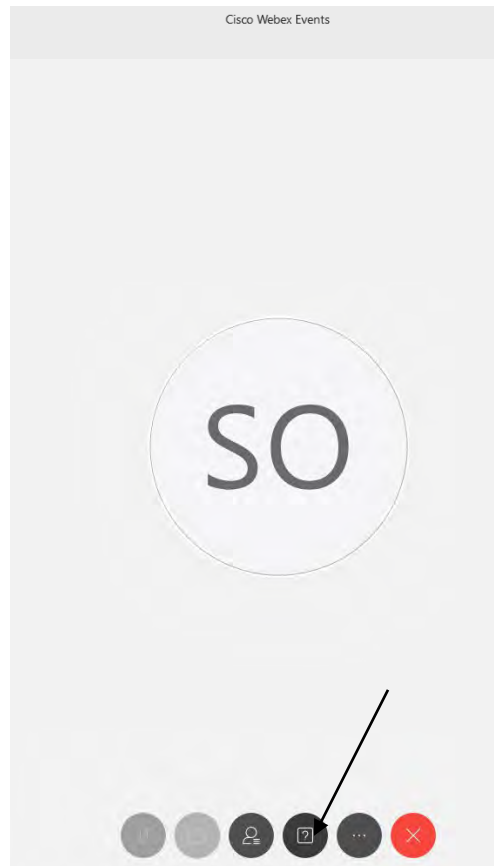
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

Participating During a Public Comment Period

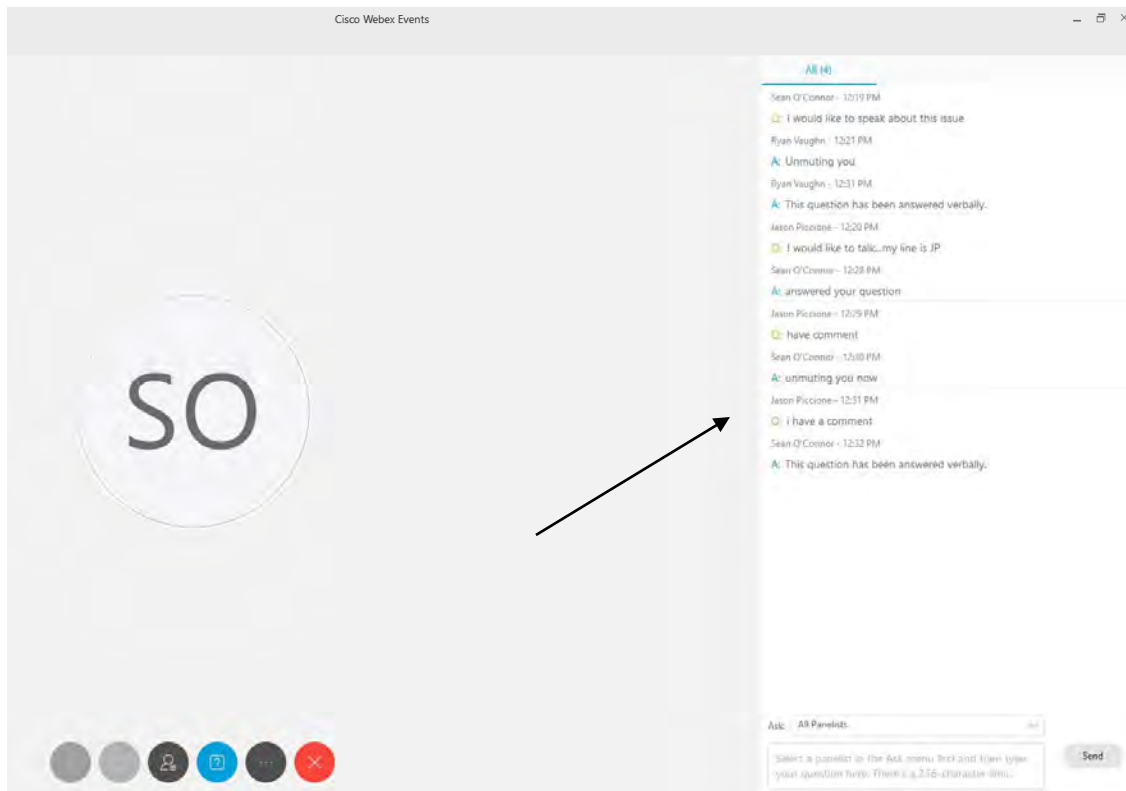
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

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

Tian Feng

Malcolm Gladstone

Pasqual V. Gutierrez

Sylvia Kwan

Ebony Lewis

Robert C. Pearman, Jr.

Ronald A. Jones

Nilza Serrano

Charles Ward, III

AGENDA ITEM E: ELECTION OF 2021 BOARD OFFICERS

Summary

Business and Professions Code section 5518 states:

The Board shall elect from its members a president, vice president, and a secretary to hold office for one year, or until their successors are duly elected and qualified.

The Board Member Administrative Manual provides the following in relation to election of the Board officers:

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.

The Manual also provides for a nomination process as follows:

The Board president shall appoint a Nominations Committee prior to the last meeting of the calendar year and shall consider 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.

Board President Tian Feng appointed Sylvia Kwan and Robert Pearman to serve as members of the Nominations Committee. All Board members were surveyed as to their interest, and the Nominations Committee recommends the following slate of officers for 2021 for the Board's consideration based on the qualifications, recommendations, and interest expressed by the Board members:

Nominations Committee Recommended Slate of Officers for 2021

President – Tian Feng
Vice President – Nilza Serrano
Secretary – Robert Pearman

Action Requested

At this meeting, the Nominations Committee will present the recommended slate of officers to the Board for its consideration. The Board is asked to consider the slate and elect the officers for 2021.

Attachment(s)

None

AGENDA ITEM F: DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2020 OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARDS

Summary

Annually, the Board bestows the Octavius Morgan Distinguished Service Award upon one or more individuals who over time provided outstanding and dedicated service in furtherance of its mission. Nominations may be made by Board and Committee members or staff. Board members use their personal funds to purchase the award for presentation to the recipients. The 2020 nominees will be announced during the meeting.

Action Requested

The Board is asked to approve the 2020 Octavius Morgan Distinguished Service Award nominees.

Attachment(s)

None

AGENDA ITEM G: REVIEW AND POSSIBLE ACTION ON SEPTEMBER 18, 2020 BOARD MEETING MINUTES

Summary

The Board is asked to review and take possible action on the minutes of the September 18, 2020 Board meeting.

Action Requested

Approval of the September 18, 2020 Board Meeting Minutes.

Attachment(s)

September 18, 2020 Board Meeting Minutes (Draft)



DRAFT MEETING MINUTES CALIFORNIA ARCHITECTS BOARD

September 18, 2020
Teleconference Meeting

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

On September 18, 2020, Board President, Tian Feng, called the meeting to order at 10:04 a.m. and Laura Zuniga, Executive Officer (EO), called roll.

Board Members Present

Tian Feng, President
Nilza Serrano, Secretary
Malcolm "Brett" Gladstone (joined late)
Pasqual Gutierrez (joined late)
Ronald A. Jones
Sylvia Kwan
Ebony Lewis
Robert C. Pearman, Jr.
Charles "Sonny" Ward, III (joined late)

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

Guests Present

Frank Bostrom, American Institute of Architects (AIA) California
Mark Christian, Director of Government Relations, AIA California
Debra Gerod, President, AIA California
William (Bill) Leddy, Chair for the Committee on the Environment and
Vice-President for Climate Action, AIA California
Kat Marian
Ryan Perez
Rona Rothenberg
Jon Wreschinsky, Landscape Architects Technical Committee (LATC) Member

Staff Present

Laura Zuniga, EO

Vickie Mayer, Assistant Executive Officer

Jane Kreidler, Program Manager Administration Unit

Trish Rodriquez, LATC Program Manager

Marcus Reinhardt, Program Manager Examination/Licensing

Kim McDaniel, Administration Analyst

Blake Clark, Examination Coordinator

Gabrial Nessar, Administration Analyst

Michael Sganga, Enforcement Analyst

Karen Halbo, Attorney III, Department of Consumer Affairs (DCA)

Carrie Holmes, Deputy Director of Board and Bureau Relations, DCA

Cesar Victoria, Television Specialist, DCA

Tara Welch, Attorney III, DCA

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

Mr. Feng introduced new Board member Ronald A. Jones and announced the meeting is being webcast pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020. Mr. Feng also announced that member Denise Campos' term ended on June 30 and thanked her for her contributions to the Board; and recognized LATC member Jon Wreschinsky for his attendance.

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

Carrie Holmes introduced herself as DCA's new Deputy Director for Board and Bureau Relations, shared her professional background, and announced other appointees of DCA's new leadership team. She welcomed new Board member Mr. Jones and provided the following update:

- In July, the Budget Office and the Office of Information Services launched four new budget expenditure and revenue reports and are working on three additional reports.
- To improve timelines and transparency for regulations, the Office of Legal Affairs developed a Regulations Unit that will assist boards/bureaus with regulation packages.
- A new online system to manage and track regulations was implemented and DCA will continue with a phased implementation.

- In March, all DCA offices closed to the public due to the COVID-19 pandemic and reopened on June 15, 2020. Ms. Holmes expressed gratitude to the Board and staff for their flexibility during these transitions and noted that DCA has implemented telework plans, physical distancing, and other preventive measures.
- Board members were encouraged to attend DCA's Board Member Orientation on October 21st and 28th by registering on the DCA board member webpage.

Mr. Feng opened the meeting to questions and comments.

Mr. Jones provided a statement thanking Governor Gavin Newsom for recently appointing him to the Board, thanked staff for providing guidance through the administrative process, and President Feng and Board members for their outreach.

D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Ms. Campos, Board member since 2014, thanked former Senator Darrell Steinberg and Speaker of the California State Assembly Anthony Rendon for the appointment and re-appointment to the Board. She also thanked Board members and staff. Ms. Campos reflected on her time while serving on the Board and shared that she plans to continue her engagement on national architectural issues with the National Council of Architectural Registration Boards (NCARB).

Mr. Feng acknowledged that Ms. Campos' term on the Board expired, recognized her contributions, and thanked her for serving. Many other members expressed their gratitude for Ms. Campos' service to the Board.

E. PRESENTATION BY AMERICAN INSTITUTE OF ARCHITECTS CALIFORNIA ON A PROPOSED CONTINUING EDUCATION REQUIREMENT ON CLIMATE ACTION/DECARBONIZATION – BILL LEDDY, FAIA

Bill Leddy, Chair for the Committee on the Environment and Vice President for Climate Action, AIA California, gave a presentation on AIA's proposal for continuing education (CE) in Zero Net Energy Design.

He advised that AIA California is pursuing legislation in 2021 to require architects to obtain five hours of CE in zero net energy design every two years as a condition of license renewal, beginning with the 2023 renewal cycle.

The presentation provided background information on the topic and highlighted current efforts to decrease carbon dioxide emissions statewide including California code and grassroot efforts such as Building Electrification Action Plans and Architecture 2030's Zero Code for California.

Mr. Feng requested Board staff to conduct a meeting of the Professional Qualifications Committee (PQC) with AIA's CE proposal on the agenda and then report to the full Board.

An inquiry was made requesting information about California's current CE requirements. Ms. Zuniga clarified that there is currently a specific CE requirement and that new requirements can be viewed as a burden on licensure and require justification.

Ms. Kwan shared her support and expressed urgency in terms of timelines and requested that staff report on the PQC meeting at the next meeting of the Board.

In response to a question about AIA's proposal that AIA make courses available for free, it was clarified that the proposal applies to all California architects and not just members of AIA.

Debra Gerod, President AIA California, expressed support for Mr. Leddy's presentation and shared that AIA's goals are to help architects in anticipation for when California codes change and to help people with licensure. Ms. Gerod shared that they have found that new licensees are interested in climate action and learning about it; AIA thinks adding the proposed CE is making licensure relevant and not a burden.

Pasqual Gutierrez provided a recap on efforts regarding CE and explained that early attempts were not driven by knowledge to serve the consumer and did not warrant providing any CE. Eventually the current CE on accessibility was established. Recently, the PQC has revisited CE requirements. A Board Occupational Analysis due in December 2020 and NCARB's Analysis of Practice due in Spring 2020 may not provide defensible information to modify the CE requirement, although AIA's proposal could be offered as an education tool and not as a mandate. Mr. Gutierrez will forward questions to AIA in preparation for the PQC meeting.

F. REVIEW AND POSSIBLE ACTION ON JUNE 5, 2020 BOARD MEETING MINUTES

Sylvia Kwan moved to approve the June 5, 2020 Board Meeting Minutes. Nilza Serrano seconded the motion.

There were no comments from the public.

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

G. UPDATE ON JULY 29, 2020 EXECUTIVE COMMITTEE MEETING

Mr. Feng and Ms. Zuniga shared that NCARB's President, Chief Executive Officer, First Vice President, and lead staff on issues of diversity, participated in the Board's July Executive Committee meeting. During the meeting NCARB acknowledged the need for structural changes and expressed they would like to see progress through NCARB's membership and the new Diversity Committee. It was shared that NCARB is open to changes in its regional and board structure and acknowledged it takes a long time to advance to leadership positions through the existing structure, which can discourage people. Ms. Kwan shared that NCARB has discussed numerous ideas including expanding its board, eliminating the second vice president position, and combining the secretary and treasurer positions.

An inquiry was made about filling the Board's vice president and Executive Committee positions vacated by Ms. Campos. The officer position will remain vacant for now and during the December Board meeting members will vote on new officers for 2021.

Sonny Ward inquired about the economics of NCARB and what NCARB is doing to serve California's diverse constituency in a fair and equitable way. It was shared that California pays NCARB annual dues (\$6,500) and that each jurisdiction pays the same amount. Mr. Ward shared his experience with an NCARB committee where the threshold for involvement was more than 40 volunteer hours; consequently, he declined the committee appointment.

The Board requested that staff compile the regional demographic data for NCARB's presidents for the last 15 years as well as their board member stipend amounts. A suggestion was made to invite NCARB to make a presentation to the full Board at a future meeting.

Mr. Gutierrez reminded the Board that NCARB votes on issues arising from committees; therefore, not participating on committees makes it difficult to get California's voice heard to shape the content of initiatives that will eventually be voted on.

There were no comments from the public.

H. UPDATE AND POSSIBLE ACTION ON LEGISLATION REGARDING:

1. Assembly Bill 2028 (Aguiar-Curry) State Agencies: Meetings

Ms. Zuniga advised that the Legislature has adjourned for the year and Assembly Bill 2028, which imposed additional requirements on the Open Meeting Act, is not moving forward this year.

2. Senate Bill 1474 (Business, Professions and Economic Development Committee) Business and Professions

Ms. Zuniga presented Senate Bill 1474, which clarifies procedures for holders of a retired license to reinstate to active status and would have allowed LATC to implement the new fingerprint requirement along with the Board on January 1, 2021. The fingerprint requirement for LATC is delayed for one year until January 2022.

There were no comments from the public.

I. UPDATE AND DISCUSSION OF NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) COMMITTEE MEETINGS

Board members shared information about the NCARB committees on which they participate.

Ms. Zuniga serves on the Member Board Executive Committee which is currently working on quality assurance of NCARB's audit of license records. She is also working with the Professional Conduct Committee on discipline. Jurisdictions define discipline differently and are encouraged to provide data for the NCARB Disciplinary Database. California does not report very much because actions are not considered disciplinary, but rather, administrative actions.

Ms. Kwan is a member of several NCARB groups:

- Regional Leadership Committee – comprising of chairs from NCARB regions;
- Region 6 Board, Chair - meets once per year in-person and once per year via teleconference;
- Licensing Advisors Committee - helps with different aspects of licensing for people who have questions in California;
- Diversity Collaborative Taskforce - working toward becoming a committee; and,
- Policy Advisory Committee - reviews NCARB resolutions and removes ones that are no longer relevant.

Mr. Feng is a member of two NCARB groups:

- Certification Alternative Review Team; and,
- Education Committee.

Mr. Gutierrez is a member of two NCARB groups:

- Certification Alternative Review Team – reviews credential portfolios compared to NCARB educational standards for individuals who are seeking NCARB certificates but have taken alternative pathways to licensure; training has been completed for this team and they will soon receive portfolios for review; and,
- Responsible Charge Taskforce – researches how to further define the concept of responsible charge as it relates to practicing architects.

Ms. Serrano is a member of one NCARB group:

- Diversity Collaborative Taskforce

There were no comments from the public.

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

Ms. Zuniga summarized the Executive Officer’s Report and shared highlights including:

- Next Board meeting will be held on December 11, 2020 and the election of officers will be on the agenda
- PQC’s next meeting is scheduled for October 30, 2020
- Regulatory and Enforcement Committee’s next meeting is scheduled for November 5, 2020
- 30% of licensees are renewing online by credit card
- Coleen Galvan, Communications Analyst, is on loan for contact tracing

A member inquired about NCARB’s new option for remote proctoring of the examination and Ms. Zuniga shared that by the December Board meeting it will have been implemented. Updates will be provided to the Board at the next Board meeting.

There were no comments from the public.

K. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

1. Update on September 4, 2020 LATC Meeting

Ms. Rodriguez announced that LATC held its meeting September 4, 2020 and presented highlights. She informed the members that LATC Chair

Marq Truscott's term ended, and the Governor's appointed position is currently vacant.

Ms. Rodriguez provided details on LATC's regulations packages. She mentioned that the Council of Landscape Architectural Registration Boards (CLARB) presented an overview of proposed changes to uniform standards including education and experience requirements, a standardized application, and initiation of the licensure process for CLARB versus member board jurisdictions. She explained that LATC is following the proposed changes. Also, CLARB will be conducting its 2021 Job Task Analysis and LATC is currently undergoing a similar Occupational Analysis. DCA's Office of Professional Examination Services will conduct a Linkage Study between the Occupational Analysis and CLARB's Job Task Analysis in early 2021.

She also advised a presentation was given by Brandon Roosenboom from the State Water Resources Control Board on Qualified Stormwater Pollution Prevention Plan Developer certification requirements and training.

2. Discussion and Possible Action on LATC's Proposed Changes to the 2019 California Architects Board *Building Official Information Guide*

Ms. Rodriguez shared that one of LATC's Strategic Plan objectives is to educate jurisdictional agencies about landscape architectural licensure and its regulatory scope of practice. At times, landscape architects have issues with acceptance of their stamp by some local jurisdictions. The solution was to revise the Landscape Architects section of the Board's *Building Official Information Guide (Guide)*. Ms. Rodriguez requested Board approval for the revisions to the *Guide*.

Sylvia Kwan moved to approve the revisions to the *Building Official Information Guide*.

Nilza Serrano seconded the motion.

There were no comments from the public.

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

L. REVIEW OF FUTURE BOARD MEETING DATES

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.

There were no comments from the public.

The Open Session recessed at 12:34 p.m.

M. 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 June 5, 2020 Closed Session Minutes**
- 2. Deliberate and Vote on Disciplinary Matters**
- 3. Adjourn Closed Session**

N. RECONVENE OPEN SESSION

The Board reconvened in Open Session at 1:55 p.m. with the following members present:

Tian Feng, President
Nilza Serrano, Secretary
Malcolm "Brett" Gladstone
Pasqual Gutierrez
Ronald A. Jones
Ebony Lewis
Robert C. Pearman, Jr
Charles "Sonny" Ward, III

O. ADJOURNMENT

The meeting adjourned at 1:56 p.m.

AGENDA ITEM H.1: UPDATE FROM OCTOBER 30, 2020 PQC MEETING

Summary

The Professional Qualifications Committee (PQC) held a teleconference on October 30, 2020 (see attached Notice of Teleconference Meeting). During the meeting, Bill Leddy, Chair for the Committee on the Environment and Vice President for Climate Action, American Institute of Architects (AIA) California, provided a presentation on the AIA proposal for mandatory continuing education on Zero Net Energy Design. Members considered the proposal and approved a motion to recommend the Board support it. The Committee also approved the minutes from its January 23, 2020 meeting.

PQC Chair, Pasqual Gutierrez, will provide Board members with additional information from the meeting.

Action Requested

None.

Attachment(s)

PQC October 30, 2020 Notice of Teleconference Meeting



Committee Members

Pasqual Gutierrez, Chair
Tian Feng, Vice Chair
Raymond Cheng
Betsey Olenick Dougherty
Glenn Gall
Malcom "Brett" Gladstone
Kirk Miller
Steve Sands
Stephanie Silkwood
Charles "Sonny" Ward, III

NOTICE OF TELECONFERENCE MEETING

Professional Qualifications Committee

October 30, 2020

The Professional Qualifications Committee (Committee) of the California Architects Board (Board) will meet by teleconference at

2:00 p.m., on Friday, October 30, 2020

NOTE: Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Committee will hold a public meeting via Webex Events. To participate in the Webex meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e7a7da5edf8e70a1aa14b32d96737211f>

Event/Meeting Number: 146 019 6414

Password: CAB103020

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by October 23, 2020, to cab@dca.ca.gov for consideration.

AGENDA

2:00 p.m. to 5:00 p.m.
(or until completion of business)

Action may be taken on any item listed below.

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee Member Introductory Comments

(Continued)

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 January 23, 2020 Committee Meeting Minutes

E. Presentation by American Institute of Architects California on a Proposed Continuing Education Requirement on Climate Action/Decarbonization - Bill Leddy, FAIA

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 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. The meeting will not be cancelled if webcast is not available.

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 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)).

This meeting is being held via Webex Events. 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: Darren Dumas
Telephone: (916) 575-7217
Email: darren.dumas@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 and its committees 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 H.2: DISCUSSION AND POSSIBLE ACTION ON CONTINUING EDUCATION REQUIREMENTS

Summary

The American Institute of Architects California (AIACA) will pursue legislation in 2021 requiring architects to obtain five hours of Continuing Education (CE) in Zero Net Carbon Design every two years as a condition of license renewal, beginning with the 2023 renewal cycle. The AIACA Board of Directors (BOD) overwhelmingly supported this effort at its July 2020 meeting.

The AIACA BOD is seeking this change to state law for a variety of reasons including to:

- Educate all architects in California about the urgency of rapid carbon reduction in the build environment and provide simple, cost-effective Zero Net Carbon Design strategies and tools to get there;
- Prepare all architects for rapidly changing building codes and a marketplace shifting toward advanced energy efficiency, carbon neutrality, and long-term resilience; and
- Mobilize the profession to take leadership in accelerating statewide decarbonization to protect the health, safety, and welfare of all Californians in the face of the mounting climate crisis.

Bill Leddy, FAIA, Vice President of Climate Action, provided the Board with a presentation on the proposal at its September 18, 2020 meeting. The Board, while supportive of the proposal, referred it to the Professional Qualifications Committee (PQC) for consideration because one of the 2019-2021 Strategic Plan objectives for the Committee relates to the evolution of the Board's CE requirement. The PQC at its October 30, 2020 meeting considered the proposal and recommended the Board support it.

Action Requested

The Board is asked to consider the PQC recommendation to support the AIA proposal.

Attachment(s)

None.

AGENDA ITEM I: REGULATORY AND ENFORCMENT COMMITTEE REPORT

Summary

The Regulatory and Enforcement Committee met on November 5, 2020 via teleconference (see attached Notice of Teleconference Meeting). The Committee discussed architects' duties to exercise responsible control and management control in various relationships with unlicensed individuals and business entities. Staff presented proposals to update business entity reporting requirements, add license numbers to advertising, increase the number of practice act violations that unlicensed individuals can be cited for, and clarify some Rules of Professional Conduct.

The Committee Chair, Robert Pearman, will provide an update to the Board on the meeting.

Action Requested

1. Discussion and Possible Action on Business Entity Report Form (BERF)
2. Discussion and Possible Action on Proposed Adoption of California Code of Regulations (CCR), Title 16, Division 2, Article 5, Section 135, Presentment and Advertising Requirements
3. Discussion and Possible Action on Proposed Amendments to CCR, Title 16, Division 2, Article 8, Section 152, Citations
4. Discussion and Possible Action on Proposed Amendments to CCR, Title 16, Division 2, Article 9, Section 160, Rules of Professional Conduct

Attachments

1. Regulatory and Enforcement Committee November 5, 2020 Notice of Teleconference Meeting
2. Updated BERF
3. Proposed CCR Title 16, Division 2, Article 5, Section 135, Presentment and Advertising Requirements
4. Proposed Amended CCR 152 Title 16, Division 2, Article 8, Section 152, Citations
5. Proposed Amended CCR, Title 16, Division 2, Article 9, Section 160, Rules of Professional Conduct



Committee Members

Robert C. Pearman, Jr. Chair
Sylvia Kwan, Vice Chair
Fred Cullum
Cheryl DeMarco
Robert Ho
Ronald A. Jones
Sheran Voigt

NOTICE OF TELECONFERENCE MEETING

November 5, 2020

The Regulatory and Enforcement Committee (Committee) of the California Architects Board (Board) will meet by teleconference at

10:00 a.m., on Thursday, November 5, 2020

NOTE: Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Committee will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e548538d90f5178d6ad702e2816c3d4df>

Event/Meeting Number: 146 857 0497

Password: REC110520

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by October 31, 2020, to cab@dca.ca.gov for consideration.

AGENDA

10:00 a.m. to 2:00 p.m.
(or until completion of business)

Action may be taken on any item listed below.

A. Call to Order / Roll Call / Establishment of a Quorum

(Continued)

- 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 August 1, 2019 Committee Meeting Minutes
- E. Enforcement Program Update
- F. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives:
 - 1. Responsible Control Within Design-Build and Development Firms
 - 2. Management Control Within the Design-Build Model
 - 3. Restricting Advertisement of Architectural Services by Unlicensed Entities:
Proposed Adoption of California Code of Regulations (CCR), Title 16, Division 2, Article 5, Section 135 to Require Architect License Number in Advertising
- G. Discuss and Possible Action on Proposed Amendments to Regulations
 - 1. CCR, Title 16, Division 2, Article 8, Section 152, Citations
 - 2. CCR, Title 16, Division 2, Article 9, Section 160, Rules of Professional Conduct
- H. Update on the California Secretary of State Requirements for Naming Professional and General Stock Corporations
- I. 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 the Board's website at www.cab.ca.gov. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties.

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)).

This meeting is being held via WebEx Events. 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: Katie Wiley

Telephone: (916) 575-7208

Email: katie.wiley@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).



Architect's Business Entity Report Form

Business and Professions Code (BPC) section 5558 of the Architects Practice Act requires every person holding an architect license to file with the California Architects Board (CAB) the name and address of the business entity (individual, firm, corporation, or limited liability partnership) through which he or she provides architectural services. **CAB must be notified immediately of any and all changes in your Business Entity Report by submitting a new report.** Please print your responses and mail this report form to CAB at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834.

| | |
|----------------------------------------------|----------------|
| INDIVIDUAL'S NAME AS LICENSED (PLEASE PRINT) | LICENSE NUMBER |
| | C - |

- I do not currently provide architectural services, but I am aware that when I do I am required to provide a Business Entity Report to CAB immediately upon change in status.
- I provide architectural services through the following business entity (Multiple entities: If you provide architectural services through more than one entity, please copy this form and provide the name and address of each separate entity):
- I **no longer** provide architectural services through the following business entity, and wish to disassociate from it (Multiple entities: If you wish to disassociate from more than one entity, please copy this form and provide the name and address of each separate entity):

Business Entity Name and Address

NAME OF BUSINESS ENTITY (INDIVIDUAL, FIRM, CORPORATION, OR LIMITED LIABILITY PARTNERSHIP)

Note: Name and address of the business entity should be the exact business name and address through which services are offered and provided.

STREET ADDRESS OF BUSINESS ENTITY

| | | |
|------|-------|----------|
| CITY | STATE | ZIP CODE |
| | | |

| | |
|----------------------------------------------------------------|-----------------------------------------------------------------|
| DATE OF INITIAL LICENSED AFFILIATION WITH THIS BUSINESS ENTITY | DATE OF DISASSOCIATION FROM THIS BUSINESS ENTITY, IF APPLICABLE |
| | |

| | |
|-----------|------------------|
| AREA CODE | TELEPHONE NUMBER |
| | |

PRIOR TO SIGNING THIS FORM, REVIEW ALL INFORMATION.

Original signature required. I certify and declare under penalty of perjury under the laws of the State of California that all of my representations on this form are true, correct, and contain no material omissions of fact to the best of my knowledge and belief.

SIGNATURE

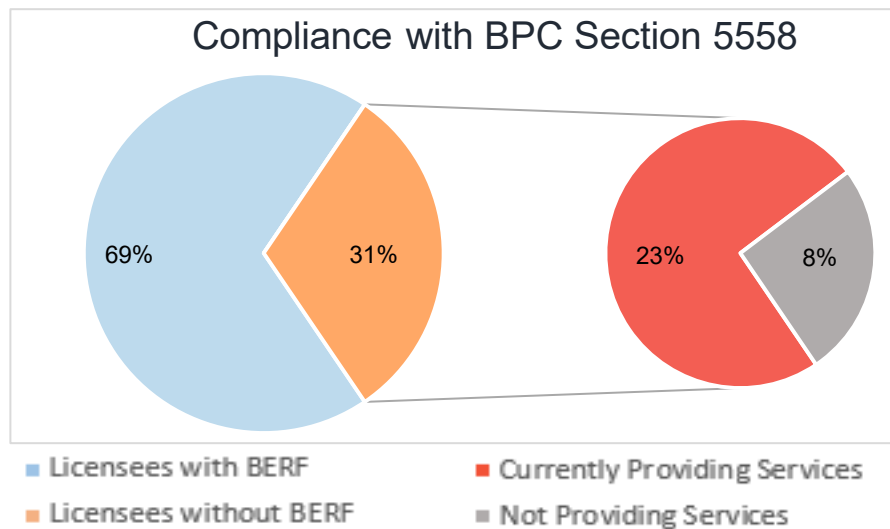
DATE OF SIGNATURE

Remember to keep your Address of Record current. If you have recently moved or wish to change your Address of Record, contact CAB for a Change of Address form at (916) 574-7220 or on the Web site www.cab.ca.gov.

Business Entity Report Form

An Informational Bulletin from the California Architects Board (Board) Regarding Compliance with Business and Professions Code (BPC) section 5558 & Updates to the Business Entity Report Form (BERF).

The Board performed a review of licensee records and found that around 23% of current licensees appear to be providing professional services without a BERF on file. Of those non-compliant licenses, approximately 74% were issued after 2003, when BPC section 5558 was already in effect, and approximately 57% were issued after 2010. According to a report of Board records dated July 2020, the total numbers are 21,934 current licensees, and 15,602 BERFs filed.



All licensees who provide architectural services whether they are sole proprietors, owners, employees or independent contractors of a business entity providing architectural services are required to comply with this provision of the Act. The Board must also be immediately notified of any and all changes in your BERF by submitting a new report after any change.

Failure to comply with this requirement is a violation of BPC section 5558 and California Code of Regulations (CCR), title 16, section 104 and can result in a citation with an administrative fine of up to \$1,000 or disciplinary action by the Board.



History of BPC section 5558:

BPC section 5558 was established through statute in 2001, and became effective January 1, 2002. It states:

“Each person holding a license to practice architecture under this chapter shall file with the board his or her current mailing address and the proper and current name and address of the entity through which he or she provides architectural services. For purposes of this section, “entity” means any individual, firm, corporation, or limited liability partnership.”

If you are currently providing professional services in California, you must have a BERF on file.

New and Improved BERF in 2021

Ensure you are in compliance with BPC section 5558 Requirements

Effective January 1, 2021, the BERF has been updated with new fields and options. Carefully review the updated BERF and submit a new form to the Board if any changes need to be made to your record.

Updates to the BERF include: an option to disassociate from a single entity and a line for disassociation date, an optional check box to acknowledge that the licensee provides management control of that entity's professional services (required if the entity is advertising architectural services based on the licensee), and a statement that signing of the form is under penalty of perjury.

These new options will provide more information to consumers and assist the Board with the investigation of those who unlawfully practice architecture without a license.

Advertising Architectural Services

If a business includes in its name or description of its services the term "architect," "architecture," or "architectural," or any abbreviation or confusingly similar variation thereof, that business must have a licensed architect who provides management control of the professional services that are offered and provided by the business and who is also an owner, part-owner, officer, or an employee of the business (CCR § 134, subs. [a]).

Furthermore, all of the professional services offered by that business must be offered and provided by or under the responsible control of a licensed architect (CCR § 134, subs. [b]). This includes structures, such as single-family residences, that would otherwise be exempt from licensing requirements under BPC § 5537.



Need a Copy?

If you need a copy of the BERF or have any questions about this bulletin, you can download a copy of the form from the Licensee Information page of the Board's website at www.cab.ca.gov or call the Board at (916) 574-7220. The Board must be notified immediately of any and all changes in your BERF by submitting a new report after any change. Please print, sign, and mail the updated BERF to the Board at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834.

CALIFORNIA ARCHITECTS BOARD
PROPOSED REGULATORY LANGUAGE

Article 5. Miscellaneous

Changes to the original language are shown in single underline for new text and single for deleted text.

Adopt Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations as follows:

§135. Presentment and Advertising Requirements.

(a) An architect shall include their name and license number in all forms of advertisement solicitation, or other presentments to the public in connection with the rendition of architectural services for which a license is required by the Architects Practice Act, including, but not limited to, any advertisement, card, letterhead, telephone listing, Internet Web site, written solicitation to a prospective client or clients, or contract proposal.

(b) For purposes of a business entity that contains or employs two or more architects, the requirements of subsection (a) shall be deemed satisfied as to such business entity if the advertisements, solicitations, or presentments to the public include the name and license number of at least one architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, or an employee of the business entity. Advertisements for individual architects within a business entity may use the license number of the individual architect at the business entity.

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 137, Business and Professions Code.

CALIFORNIA ARCHITECTS BOARD
PROPOSED REGULATORY LANGUAGE
ARTICLE 8. Disciplinary Proceedings

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend Section 152 of Article 8 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 152. Citations.

(a) The Board's executive officer is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to sections 125.9 or 148 of the code against an architect or an unlicensed person who has committed any acts or omissions which are in violation of the Architects Practice Act or any regulation adopted pursuant thereto.

(b) A citation shall be issued whenever any order of abatement is issued or any fine is levied. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statutes or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

(c) Where citations include an assessment of an administrative fine, they shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows:

- (1) Class "A" violations are violations which the executive officer has determined involve an unlicensed person who has violated Business and Professions Code sections 5536, 5536.1, 5536.4, and 5536.5, and California Code of Regulations section 134, including but not limited to, acting in the capacity of or engaged in the practice of architecture. A class "A" violation is subject to an administrative fine in an amount not less than seven hundred and fifty dollars (\$750) and not exceeding two thousand five hundred dollars (\$2,500) for each and every violation.
- (2) Class "B" violations are violations which the executive officer has determined involve either a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has caused physical damage to a structure or building or to real property or monetary damage to a client or member of the public or a person who has committed a class "C" violation and has one or more prior, separate class "C" violations. A class "B" violation is subject to an administrative fine in an amount not less than one thousand dollars (\$1,000) and not exceeding two thousand five hundred dollars (\$2,500) for each and every violation.

(3) Class "C" violations are violations which the executive officer has determined involve a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has not caused either the death or bodily injury to another person or physical damage to a structure or building or to real property or monetary damage to a client or a member of the public. A class "C" violation is subject to an administrative fine in an amount not less than two hundred and fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) for each and every violation.

(d) In assessing the amount of an administrative fine, the executive officer shall consider the following criteria:

- (1) The good or bad faith exhibited by the cited person.
- (2) The nature and severity of the violation.
- (3) Evidence that the violation was willful.
- (4) History of violations of the same or similar nature.
- (5) The extent to which the cited person has cooperated with the board's investigation.
- (6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.
- (7) Such other matters as justice may require.

(e) Notwithstanding the administrative fine amounts specified in subsection (c), a citation may include a fine between \$2,501 and \$5,000 if one or more of the following circumstances apply:

- (1) The citation involves a violation that has an immediate relationship to the health and safety of another person.
- (2) The cited person has a history of two or more prior citations of the same or similar violations.
- (3) The citation involves multiple violations that demonstrate a willful disregard of the law.
- (4) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.

(f) The sanction authorized under this section shall be separate from, and in addition to, any other civil or criminal remedies.

Note: Authority cited: Sections 125.9 and 5526, Business and Professions Code.
Reference: Sections 125.9, 148, 149, 5510.1 and 5560, Business and Professions Code.

CALIFORNIA ARCHITECTS BOARD
PROPOSED REGULATORY LANGUAGE
ARTICLE 9. Professional Conduct

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend Section 160 of Article 9 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 160. Rules of Professional Conduct.

A violation of any rule of professional conduct in the practice of architecture constitutes a ground for disciplinary action. Every person who holds a license issued by the Board shall comply with the following:

(a) Competence:

(1) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(2) In designing a project, an architect shall have knowledge of all applicable building laws, codes, and regulations. An architect may obtain the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations and shall not knowingly design a project in violation of such laws, codes and regulations. ~~Willful misconduct is intended to address intentional wrongful or improper acts.~~

(b) ~~Competence~~Standard of Care:

(1) ~~In addition to subsection (a)(1) above, w~~When practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in this state under similar circumstances and conditions. ~~A failure to fulfill the duty of care is negligence. A breach of the duty of care is determined by reference to whether the individual departed from standard practice, the custom of the profession, or a statute which establishes a particular standard.~~

(b) Willful Misconduct:

(1) In designing a project, an architect shall have knowledge of all applicable building laws, codes, and regulations. An architect may obtain the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the

~~intent and meaning of such laws, codes, and regulations and shall not knowingly design a project in violation of such laws, codes and regulations.~~

(c) Timely Response to Board:

(1) Whenever the Board is conducting an investigation, an architect or a candidate for licensure shall respond to the Board's requests for information and/or evidence within 30 days of the date mailed to or personally delivered on the architect or a candidate for licensure.

(de) Conflict of Interest:

(1) An architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all such parties.

(2) If an architect has any business association or financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or financial interest. If the client(s) or employer(s) object(s) to such association or financial interest, the architect shall either terminate such association or interest or offer to give up the project or employment.

(3) An architect shall not solicit or accept payments, rebates, refunds, or commissions whether in the form of money or otherwise from material or equipment suppliers in return for specifying their products to a client of the architect.

(4) An architect shall not engage in a business or activity outside his or her capacity as an officer, employee, appointee, or agent of a governmental agency knowing that the business or activity may later be subject, directly or indirectly to the control, inspection, review, audit, or enforcement by the architect.

(5) When acting as the interpreter of construction contract documents and the judge of construction contract performance, an architect shall endeavor to secure faithful performance of all parties to the construction contract and shall not show partiality to any party.

(ed) Full Disclosure:

(1) An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with projects or services for which he or she is claiming credit.

(2) An architect shall respond in writing within 30 days to any request from the Board for information solicited in connection with a candidate's application for a license to practice architecture. When providing information in connection with a candidate's application for a license to practice architecture, an architect shall accurately report the candidate's training or experience for the period of time that the architect had direct supervision of the candidate.

| (fe) Copyright Infringement:

(1) An architect shall not have been found by a court to have infringed upon the copyrighted works of other architects or design professionals.

| (gf) Informed Consent:

(1) An architect shall not materially alter the scope or objective of a project without first fully informing the client and obtaining the consent of the client in writing.

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Sections 5526 and 5578, Business and Professions Code.

AGENDA ITEM J.1: ASSEMBLY BILL (AB) 2113 (LOW, CHAPTER 186, STATUTES OF 2020) REFUGEES, ASYLEES, AND SPECIAL IMMIGRANT VISA HOLDERS: PROFESSIONAL LICENSING: INITIAL LICENSURE PROCESS

Status: Chapter [186](#), Statutes of 2020

Summary

This bill requires a board within the Department of Consumer Affairs (DCA) to expedite, and authorize it to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are a refugee, have been granted asylum, or have a special immigrant visa.

Background:

Under existing law, each DCA licensing program is required to expedite the licensure process for applicants that served as active duty members of the Armed Forces and were honorably discharged, as well as for spouses and domestic partners of those on active duty in the Armed Forces. This bill would add individuals who are refugees, asylees, and holders for special immigrant visas as eligible for expedited licensure.

Eligibility for refugee status is determined through interviews conducted by immigration officers in the United States Citizenship and Immigration Services (USCIS). Generally, admittance is based upon demonstrating that the person is legitimately fleeing persecution and has no other options available – but this does not guarantee that an applicant will be admitted in the United States. Once admitted as a refugee, and upon passing a security screening and health check, refugees are then resettled across various states through the federal Office of Refugee Resettlement. According to data from the federal refugee processing center, approximately 6,339 refugees resettled in California since 2017.

Asylum is protection granted to foreign nationals already in the United States or at its borders and who meet the definition of refugee. If granted asylum, an asylee does not have to return to their home country and is generally authorized to work in the United States.

Special immigrant visas are for Iraqi and Afghan nationals who provided translation, interpretation, transportation and security services during American military involvement in Iraq and Afghanistan. Recipients are granted permanent legal status.

Comments:

The bill authorizes boards to adopt regulations to implement its provision. DCA is assisting boards with implementation.

Action Requested

None.

**AGENDA ITEM J.2: SENATE BILL (SB) 878 (JONES, CHAPTER 131,
STATUTES OF 2020) DEPARTMENT OF CONSUMER
AFFAIRS: LICENSE: APPLICATION: PROCESSING
TIMEFRAMES**

Status: Chapter [131](#), Statutes of 2020

Summary

Beginning July 1, 2021, requires each board within the Department of Consumer Affairs (DCA) that issues licenses to prominently display on its internet website, on at least a quarterly basis, either the current average timeframes for processing initial and renewal license applications or the combined current average timeframe for processing both initial and renewal license applications

Background:

This bill was supported by a variety of professional associations, who indicated they believe it will increase transparency by ensuring application processing timeframes are easily available to applicants and employers seeking to verify licenses.

Action Requested

None.

AGENDA ITEM J.3: SB 1474 (COMMITTEE ON BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT, CHAPTER 312, STATUTES OF 2020) BUSINESS AND PROFESSIONS

Status: Chapter [312](#), Statutes of 2020

Summary

This bill, as it pertains to the California Architects Board (Board) and Landscape Architects Technical Committee (LATC):

1. Further defines the procedure for the holder of a retired license to reinstate that license to active status.
2. Delays, until January 1, 2022, the fingerprint requirement for LATC.

Background:

The Architects Practice Act (Act) authorizes the issuance of a retired license. Business and Professions Code (BPC) section 5600.4 establishes the retired license and specifies how the holder of a retired license can reinstate their license to active status. However, it specifies that to reinstate, the individuals should comply with BPC section 5600.3. That section only applies to licenses that have not been renewed for more than five years and requires individuals in those circumstances to reapply for a new license. BPC section 5600.2 defines the renewal process for a license that is expired but for not more than five years. Individuals meeting these circumstances are able to renew their license and are not required to apply for a new one. Senate Bill 1474 amends BPC section 5600.4 to add a reference to BPC section 5600.2, so that the holder of a retired license, who last renewed it to active status less than five years ago, can reinstate their license to active status without applying for a new license.

Senate Bill (SB) 608 (Glazer, Chapter 376, Statutes of 2019) requires the Board and LATC to begin fingerprinting new applicants for licensure, beginning January 1, 2021. SB 608 contained language to further define the implementation for the Board but did not add similar language to LATC's statute. SB 1474 did previously add this language to the Landscape Architects Practice Act, modeled on the language SB 608 added to the Architects Practice Act. However, it was removed from the bill late in the legislative session, due to the need for technical changes raised by the Department of Justice. Board and LATC staff will work with legislative committee staff in the Fall to revise the language and introduce it again next year.

Action Requested

None.

AGENDA ITEM K: UPDATE AND DISCUSSION OF NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) ISSUES

Summary

1. Committee Meetings Update
2. Discussion on NCARB's Commitment to Diversity, Remote Proctoring and Legislative Trends - Mike Armstrong, Chief Executive Officer, NCARB

Action Requested

None

Attachment(s)

None

Agenda Item L: UPDATE ON IMPLEMENTATION OF APPLICANT FINGERPRINTING REQUIREMENTS PURSUANT TO SB 608 (GLAZER, CHAPTER 376, STATUTES OF 2019) ARCHITECTS AND LANDSCAPE ARCHITECTS

Summary

SB 608 (Glazer, Chapter 376, Statutes of 2019) requires the Board and LATC to begin fingerprinting new applicants for licensure, beginning January 1, 2021. SB 608 contains language to further define the implementation for the Board but did not add similar language to LATC's statute. SB 1474 added language to the Landscape Architects Practice Act, modeled on the language of SB 608. The fingerprint requirement for LATC is delayed for one year until January 1, 2022.

A [Frequently Asked Questions document](#) has been posted to the website to address common questions related to the new fingerprinting requirement. A new webpage was created and will be posted mid-December to facilitate the fingerprinting process for new licensees and make it easier for them to access fingerprint hard cards. Information was posted to Twitter, Facebook and Instagram to inform consumers. Additionally, communication was sent to candidates who are in the testing process, and fingerprinting information was added to the letter that PSI test centers send to candidates who will test for the California Supplemental Exam.

Action Requested

None.

Attachment(s)

- Frequently Asked Questions (FAQ) on Fingerprinting Requirement September 2020

Frequently Asked Questions (FAQs) on Fingerprinting Requirement

September 2020

Pursuant to California law ([Bus. & Prof. Code § 5552.1](#)), all new applicants for licensure by the California Architects Board (Board) are required to submit a full set of fingerprints for the purpose of conducting a federal and state criminal history record check. Fingerprints are compared to the records of the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to determine if the applicant has a criminal history.

Q. When does the fingerprint requirement begin?

A. Starting January 1, 2021, all new applicants for licensure must be fingerprinted.

Q. Who is required to get fingerprinted?

A. All new applicants who submit an initial application for licensure to the Board on or after January 1, 2021, must be fingerprinted. The fingerprint requirement does not apply to license renewal applications.

Q. What happens with the results of the fingerprinting process?

*A. Your criminal history records, if any, from the DOJ and FBI will be reviewed by the Board prior to the issuance of an architect license. If you have a criminal conviction history, the Board may deny the license. For more information on the Board's review of criminal conviction history, see the FAQ below, **What happens if I have a criminal record?***

Q. How can I get fingerprinted if I reside in California?

A. After an applicant becomes eligible to take the California Supplemental Examination (CSE), the applicant must fill out and complete the "[Request for Live Scan Service](#)" form and submit the form to the nearest Live Scan site. Live Scan is a system for the electronic submission of fingerprints for criminal background checks. Pursuant to Penal Code Section 11077.1, fingerprints must be submitted to the DOJ electronically via Live Scan unless Live Scan service is regionally unavailable.

Live Scan services are available at most local police and sheriff departments and many United Parcel Service stores. A complete list of Live Scan locations is available at: <https://oag.ca.gov/fingerprints/locations>.

Print three copies of your completed Request for Live Scan Service form. The Live Scan operator taking your fingerprints will keep the first copy of your completed Request for Live Scan Service form, and you should retain the second copy for your records.

You must submit the third copy of the completed Request For Live Scan Service form to the Board via email at cab@dca.ca.gov or by sending to the following address:

*California Architects Board
Attention: Licensing Unit
2420 Del Paso Road, Suite 105
Sacramento, CA 95834-9673*

Q. Can I use Live Scan fingerprinting services outside of California?

A. No. State governments do not allow for the transmission of fingerprinting results across state borders.

Q. How can I get fingerprinted if I am from out-of-state?

A. Out-of-state applicants may either submit hard copy fingerprint cards (FD-258) or travel to California to use the Live Scan system.

Applicants can request fingerprint hard cards (FD-258) from the Board beginning in December 2020 by completing a form on the Board's website. The applicant must complete two fingerprint hard cards and send them with a check in the amount of \$49 directly to the DOJ. The check should be made out to the CA Department of Justice and mailed with the fingerprint hard cards to the following address:

*CA Department of Justice
P.O. Box 903387
Sacramento, CA 94203-3870*

Q. How much does fingerprinting cost?

A. Applicants who are fingerprinted in California through the electronic Live Scan process will pay a \$49 processing fee (\$32 for DOJ and \$17 for FBI) paid directly to the Live Scan operator, in addition to any fees the Live Scan site may charge to provide the service. Because each Live Scan site sets its own service fees, your total cost may vary. The Board does not set the cost.

Out-of-state applicants must submit the \$49 processing fee (\$32 for DOJ and \$17 for FBI) directly to the DOJ.

Q. What happens if I have a criminal record?

A. *Conviction of a crime does not preclude applicants from becoming licensed. The Board will decide whether to issue the license or deny the application based on the type of crime, the amount of time that has passed since criminal conviction, and any documented rehabilitation efforts. Denial of a professional or vocational license is permitted if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made. (See Bus. & Prof. Code §§ [480](#), [5560](#), and [5577](#).) The Board applies its substantial relationship criteria to determine whether the crime is substantially related to the qualifications, functions, or duties of an architect. (See Bus. & Prof. Code §§ [481](#), [5577](#); [Cal. Code Regs., tit.16, § 110](#).) The Board also evaluates the applicant's rehabilitation since criminal conviction. (See Bus. & Prof. Code § [482](#); [Cal. Code Regs., tit. 16, § 110.1](#)).*



MEMORANDUM

| | |
|----------------|-------------------------------------------------------------------|
| DATE | November 1, 2020 |
| 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 October 31, 2020.

Administrative/Management

The Board met on September 18, 2020 via teleconference. The final meeting for this year will be held on December 11, 2020.

Professional Qualifications Committee (PQC) The PQC met via teleconference on October 30, 2020. At this meeting the Committee discussed the American Institute of Architects, California (AIA CA) proposal for five hours of mandatory continuing education focused upon Zero Net Carbon Design. The next meeting of the Committee has not been scheduled but is tentatively planned for January or February 2021.

Regulatory and Enforcement Committee (REC) The Committee met on November 5, 2020 via teleconference and discussed architects’ duties to exercise responsible control and management control in various relationships with unlicensed individuals and business entities. Staff presented proposals to update business entity reporting requirements, add license numbers to advertising, increase the number of practice act violations that unlicensed individuals can be cited for, and clarify some Rules of Professional Conduct.

Communications Committee The next Communications Committee meeting has not yet been scheduled.

Budget The Board was providing monthly cost estimates associated with Novel Coronavirus (COVID-19) related activities to the Department of Consumer Affairs (DCA) but began reporting weekly cost estimates in September.

The Business Modernization project was estimated to commence by January 2021 and be completed by July 2022. However, the funding for the project that was planned for Fiscal Year (FY) 20/21 was deferred from the proposed Budget, and DCA will pursue funding for FY 21/22.

The Board and LATC implemented online credit card payments for license renewal applications in 2019. As of October 31, 2020, 6,261 Board and 1,303 LATC licensees renewed online with a credit card payment.

Coronavirus (COVID-19) Legislation passed into law on September 17, 2020, requiring monthly attendance reporting and establishing details when reporting staff who have tested positive for COVID-19. Most staff continue to telework part-time.

Newsletter The last issue of 2020 of the *California Architects* newsletter is in production.

Outreach Barry Williams, former architect consultant for the Board and current subject matter expert, and Marccus Reinhardt, Licensing Manager, gave a virtual presentation on October 22, 2020 about the Board. It was viewed by candidates and licensees.

Executive Officer Laura Zuniga and Jane Kreidler, Administration Manager, met with Joe Loyer from the California Energy Commission (CEC) to discuss its new certification program for nonresidential buildings and upcoming outreach efforts. The Board provided licensee contact information to assist CEC when it reaches out next year to architects, contractors and others in the building industry regarding the training.

Executive Officer Laura Zuniga participated in outreach events NCARB conducted with California State University (CSU) Pomona and CSU San Luis Obispo, and Ms. Zuniga and Marccus Reinhardt, Licensing Program Manager, participated in a NCARB outreach event with California Baptist University.

Outreach communication regarding the new fingerprinting requirement was sent to candidates who are in the testing process. In addition, fingerprinting information was added to the letter that PSI test centers send to candidates who will test for the California Supplemental Exam.

Personnel Jesse Bruinsma promoted to the Continuing Education Staff Services Analyst position in the Examination/Licensing Unit. Board liaison Gabe Nessar accepted a promotional position at the Department of Transportation. His last day at the Board was October 15, 2020. Recruitment efforts are underway to fill both positions. Assistant Executive Officer Vickie Mayer retired at the end of October.

Regulatory Proposals ***California Code of Regulations (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 Board's regulatory proposal for CCR sections 110 and 110.1:

| Date | Action Taken |
|-------------------|----------------------------------------------------------------------------|
| February 27, 2019 | Proposed regulatory language approved by the Board |
| March 5, 2019 | Proposed regulation submitted to DCA Legal Affairs Division for pre-review |
| March 7, 2019 | DCA Legal concluded prereview |

| Date | Action Taken |
|--------------------|------------------------------------------------------------------------------------------------------|
| March 8, 2020 | Proposed regulation submitted to DCA Legal Affairs Division for initial analysis |
| September 13, 2019 | Proposed regulation submitted to Agency |
| December 27, 2020 | Notice of Proposed changes in the Regulations published by Office of Administrative Law (OAL) |
| February 28, 2020 | Proposed modified language approved by the Board |
| March 24, 2020 | Approved for review by the Regulations Unit – Pending Legal and Budget review of Final Phase Package |
| June 25, 2020 | Rulemaking package approved by Agency and DCA for submission to OAL |
| July 2, 2020 | Proposed rulemaking package submitted to OAL for approval |

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 AIA CA 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 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 Assembly Bill (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. The regulatory package was submitted to DCA Legal Affairs Division on September 19, 2019. Staff has addressed DCA Legal Affairs Division’s concerns and is awaiting approval.

CCR Section 144 (Fees) After discussing the fee associated with retiring an architectural license at its February, June and September 2019 meetings, the Board approved proposed regulatory language to amend CCR section 144 to set the fee at \$40 at its December 11, 2019 meeting. They delegated the authority to the Executive Officer (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. Staff continues to work with DCA Legal Affairs Division in developing the regulatory package, which includes the ISR, Notice of Proposed Changes and Economic and Fiscal Impact Statement.

CCR Section 165 (Continuing Education) This is a regulatory proposal to establish requirements for continuing education courses and providers. Staff worked with DCA Legal Affairs Division to finalize the proposed regulatory language that was discussed at the June 5, 2020 Board meeting. The Board approved the proposed language and delegated authority to the EO for adoption of the regulation. Staff continues to work with DCA Legal Affairs Division in developing the regulatory package, which includes the ISR, Notice of Proposed Changes and Economic and Fiscal Impact Statement.

Social Media

| Platform | Q2* Posts | Q3* Posts | Difference | Followers 7/31/20 | Followers 10/31/20 | Difference |
|---------------------------------|--------------|--------------|------------|----------------------|-----------------------|------------|
| Twitter (launched in 2014) | 26 | 59 | +123% | 1335 | 1356 | +.07% |
| Instagram (launched in 2016) | 14 | 52 | +271% | 890 | 956 | +7.41% |
| Facebook (launched in 2017) | 29 | 52 | +88% | 206 | 280 | +36% |

Q2 May 2020 - July 2020, Q3 August - October

Website A fingerprinting [Frequently Asked Questions document](#) was posted on the Board's website October 8, 2020. A new webpage was created and will be posted mid-December to facilitate the fingerprinting process for new licensees. Social media graphics were created and posted to Twitter, Facebook and Instagram to inform consumers

Examination and Licensing Programs

ARE Performance data for ARE 5.0 administrations to California candidates during the first quarter FY 20/21 and comparisons of performance with NCARB data for prior FYs are shown in the following tables.

California Performance ARE 5.0 (July 1–September 30, 2020)

| ARE Division | Divisions Administered | Pass | | Fail | |
|-------------------------------------|------------------------|-------|------|-------|------|
| | | Total | Rate | Total | Rate |
| Construction & Evaluation | 232 | 139 | 60% | 93 | 40% |
| Practice Management | 406 | 191 | 47% | 215 | 53% |
| Programming & Analysis | 319 | 147 | 46% | 172 | 54% |
| Project Development & Documentation | 259 | 135 | 52% | 124 | 48% |
| Project Management | 294 | 174 | 59% | 120 | 41% |
| Project Planning & Design | 347 | 137 | 39% | 210 | 61% |

**Multi-Year California and NCARB ARE 5.0 Performance Comparison
(FY 2018/19 and FY 2019/20)**

| ARE Division | FY 18/19 ARE 5.0 | | | FY 19/20 ARE 5.0 | | |
|-------------------------------------|-------------------------|----------------------|------------|-------------------------|----------------------|------------|
| | CA Pass | National Pass | ▲ % | CA Pass | National Pass | ▲ % |
| Construction & Evaluation | 64% | 71% | -7% | 61% | 60% | +1% |
| Practice Management | 45% | 49% | -4% | 45% | 45% | 0% |
| Programming & Analysis | 45% | 53% | -8% | 43% | 43% | 0% |
| Project Development & Documentation | 43% | 50% | -7% | 45% | 43% | +2% |
| Project Management | 57% | 62% | -5% | 54% | 53% | +1% |
| Project Planning & Design | 35% | 43% | -8% | 36% | 34% | +2% |

▲ % is the difference in California and NCARB performance.

CSE The current Intra-Departmental Contract (IDC) with OPES for examination development expires on June 30, 2021. OPES is currently conducting an Occupational Analysis on behalf of the Board that is tentatively planned to conclude in December 2020.

Performance data for the CSE during the prior FY is displayed in the following table.

**CSE Performance by Candidate Type
(July 1–September 30, 2020)**

| Candidate Type | Pass | | Fail | | TOTAL |
|------------------------|-------|------|-------|------|-------|
| | Total | Rate | Total | Rate | |
| Instate First-time | 92 | 80% | 23 | 20% | 115 |
| Instate Repeat | 29 | 64% | 16 | 36% | 45 |
| Reciprocity First-time | 32 | 65% | 17 | 35% | 49 |
| Reciprocity Repeat | 12 | 75% | 4 | 25% | 16 |
| Relicensure First-time | 0 | 0% | 2 | 100% | 2 |
| Relicensure Repeat | 0 | 0% | 0 | 0% | 0 |
| TOTAL | 165 | 73% | 62 | 27% | 227 |

Enforcement Program

Enforcement Subject Matter Expert (SME) Program Since November 2019, the Board has been using a pool of qualified SMEs to provide case review, technical evaluation, and courtroom testimony. This new process has enabled a more efficient use of the Board’s resources. To date, the Board has a pool of 15 SMEs some of which have completed 14 expert opinion reports. Staff continue to assign cases on an ongoing basis as needed.

Administrative Citations

Pedro Aguilar (Bakersfield) - The Board issued a two-count citation that included a \$3,000 administrative fine to Pedro Aguilar, an unlicensed individual, for alleged violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536(b) (Misrepresentation; Stamp) and CCR, title 16, section 134(a) (Use of the Term Architect). The action alleged that Aguilar, a draftsman, used the stamp, signature, and title block of his employer, a California licensed architect.

The action alleged that homeowners from Bakersfield paid Aguilar over \$10,000 to design a balcony and staircase for the second floor of their home. The homeowners alleged that Aguilar misrepresented himself as an architect, signed their contract using the title "ARCH. PEDRO AGUILAR," and offered to provide "Architectural Services." Aguilar also used the email address "archfaco@gmail.com."

Aguilar's contract, billing invoices, and plans contained his employer's logo and business name that includes the term "architect." The description of his services as "Architectural," his use of the title "Architect" and his email address, are devices that might indicate to the public that Aguilar is an architect or qualified to engage in the practice of architecture in violation of BPC section 5536(a) and CCR, title 16, section 134(a).

The plans created by Aguilar included the title block, logo, stamp, and signature of Aguilar's employer, a California licensed architect who had no knowledge of the project, in violation of BPC section 5536(b). The citation became final on August 20, 2020.

Alan Gregory Estrada (Pleasant Hill) - The Board issued a two-count modified citation that included a \$1,250 administrative fine to Alan Gregory Estrada, architect license number C - 20258, for violations of BPC sections 5584 (Negligence) and 5536.22(a)(4) and (5) (Written Contract) and CCR, title 16, section 160(a)(2) (Professional Misconduct).

The action alleged Estrada executed a contract to obtain a building permit for a second dwelling unit remodel in Oakland, California. The contract was not executed by Estrada and did not include either a description of the procedure to accommodate additional services, or a description of the procedure to be used to terminate the contract.

The design for the project was rejected by the city of Oakland because the design did not meet setback and size requirements. Estrada had assumed the distance to the property line based on the location of a fence and failed to initiate a survey in order to determine the correct setback.

Estrada's failure to initiate a survey prior to commencing the project, which resulted in the project being rejected by the city of Oakland, is a violation of BPC section 5584 and CCR, title 16, section 160(a)(2).

Estrada's failure to include all of the required elements in his written contract and his failure to execute it constitute violations of BPC section 5536.22(a)(4) and (5). Mr. Estrada paid the fine, satisfying the citation. The citation became final on August 28, 2020.

Mark Allen Gaxiola (Eureka) – The Board issued a one-count citation that included a \$500 administrative fine to Mark Allen Gaxiola, architect license number C-23899, for an alleged violation of Business and Professions Code section 5536.22(a) (Written Contract).

The action alleged that on or about January 17, 2019, Gaxiola provided a contract to a client to develop preliminary design documents to upgrade an existing lodge for the project located in Dinsmore, California for a fixed fee of \$10,000. The client signed the contract and provided Gaxiola with an initial payment of \$2,500. The contract did not include Gaxiola's license number, a description of the procedure for accommodating additional services, or a termination clause for the above-referenced project. In an invoice to the client dated April 22, 2019, Gaxiola billed \$1,410 but did not provide a description of services or tasks provided, and this led to a dispute over the fees.

Gaxiola's failure to include in the written contract his license number, a description of the procedure that he and the client would use to accommodate additional services, and a description of the procedure to be used by either party to terminate the contract constituted a violation of Business and Professions Code section 5536.22(a). Mr. Gaxiola paid the fine, satisfying the citation. The citation became final on October 22, 2020.

Florencio Hernandez (San Bernardino) - The Board issued a two-count citation that included a \$2,000 administrative fine to Florencio Hernandez, dba JH Design & Drafting Services, an unlicensed individual, for alleged violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Practicing Architecture).

The action alleged that Hernandez's firm, JH Design & Drafting, offered to design an addition to a commercial building in Hemet, California. In addition, JH Design & Drafting created plans for a second commercial building in San Bernardino, California.

Because offering to design an addition to an existing commercial building and preparing plans for the construction of a new commercial building are not exempt services under BPC sections 5537 or 5538, such conduct constitutes violations of BPC sections 5536(a) and 5536.1(c). The citation became final on August 14, 2020.

Josue Hernandez (San Bernardino) - The Board issued a two-count citation that included a \$2,000 administrative fine to Josue Hernandez, dba JH Design & Drafting Services, an unlicensed individual, for alleged violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Practicing Architecture).

The action alleged that Hernandez's firm, JH Design & Drafting, offered to design an addition to a commercial building in Hemet, California. In addition, JH Design & Drafting created plans for a second commercial building in San Bernardino, California.

Because offering to design an addition to an existing commercial building and preparing plans for the construction of a new commercial building are not exempt services under BPC sections 5537 or 5538, such conduct constitutes violations of BPC sections 5536(a) and 5536.1(c). The citation became final on August 14, 2020.

Joseph Pazcoguin (Los Angeles) —The Board issued a one-count citation that included a \$2,500 administrative fine to Joseph Pazcoguin, dba Plan and Permit, Inc., an unlicensed individual, for alleged violations of Business and Professions Code section 5536(a) (Practice Without License or Holding Self Out as Architect).

The action alleged that Pazcoguin's website for Apartment to Condo Conversion, at apartment2condo.com, stated "Our company hired the best architects," and described the company as "A place where design and architecture serve to create new and exciting possibilities for our clients." The "Our Services" page had a heading for "Architecture," under which it listed "basic architectural stages" and "Conceptual Architectural Design."

The action further alleged that Pazcoguin's website for Apartment to Condo Conversion, at besta2c.com, stated that they help with all phases of new home construction, including "architecture and design," described the company staff as "architects and designs" on the "About" page, and described the company as "A place where design and architecture serve to create new and exciting possibilities for our clients." The "News & Event" page on the website contained a link to an interview titled "Bob Peterson Interviewed A2C CEO Architect Joseph

Pazcoguin." The website's "Our Team" page listed a design associate who "assists the architects on designs and permits." The page also advertised two unlicensed employees as a "Senior Design Architect" and a "Civil works Architect."

The action also alleged that the website pages for Loyola Academy, Rolling Hills Estates, Prezi, and Press Newsroom; Youtube videos for The Mentor Project I and II; and the Plan and Permit, Inc. website preview, all referred to Pazcoguin as "Architect."

Pazcoguin's websites, apartment2condo.com and besta2c.com, which referred to Pazcoguin as an "architect," advertised that he had "architects" on staff, and offered architectural services such as "architectural design;" the website pages for Loyola Academy, Rolling Hills Estates, Prezi, and Press Newsroom; Youtube videos of the interview titled The Mentor Project I and II; and the Plan and Permit, Inc. website preview, all referring to Pazcoguin as "Architect," are devices that might indicate to the public that Pazcoguin is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a). The citation became final on October 23, 2020.

Aaron Robinson (Santa Barbara) - The Board issued a one-count citation that included a \$1,500 administrative fine to Aaron Robinson, 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).

The action alleged that Robinson used the business name "re:design Architectural Studios" to do business in California and used the website www.redesignarchitecturalstudios.com to offer architectural services in Santa Barbara, as well as other locations in California. The website advertised "bespoke architectural design," "efficient architectural home design plans," "detail oriented architecture," and "architectural / landscape design." The website also showed a design concept for a three-story residence titled "The Bermuda," which is not an exempt structure under BPC section 5537.

The website for the Bontena Brand Network contained an interview with Robinson that described him as "Owner and Principle Designer of re:design architectural studios from Santa Barbara."

Robinson's Yelp, Houzz, Facebook, and LinkedIn profiles used the business name "Redesign Architectural Studios," listed the business as located in Santa Barbara, and referred to Robinson as the "Senior Architectural Designer." The profiles also referred to the business as an "architecture and design firm" which offered "architectural plans" and "architectural design" services in Santa Barbara, Los Angeles, Southern California, and "anywhere you want to live." Robinson's business profiles on Yellowpages, Payhip, and Alignable used the name "re:design Architectural Studios," and the address in Santa Barbara, California.

Robinson's business name, website, online profiles, and articles, wherein he described himself as an architectural designer and his services as "Architecture" and "Architectural," are devices that might indicate to the public that Robinson is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of BPC section 5536(a) and CCR, title 16, section 134(a). The citation became final on September 3, 2020.

Luis A. Robles (Pacifica) – The Board issued a one-count citation that included a \$500 administrative fine to Luis A. Robles, architect license number C-21700, for an alleged violation of Business and Professions Code section 5600.05(a)(1) (License Renewal Process; Audit;

False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Robles certified false or misleading information on his 2019 License Renewal Application and completed the coursework on disability access requirements after his December 31, 2019 license renewal date. Robles paid the fine, satisfying the citation. The citation became final on October 22, 2020.

Wendell W. Veith (Indio) - The Board issued a one-count citation that included a \$2,500 administrative fine to Wendell W. Veith, architect license number C-5297, for violations of Business and Professions Code sections 5582 (Aiding Unlawful Practice) and 5582.1 (Signing Other's Plans or Instruments; Permitting Misuse of Name), and California Code of Regulations, title 16, section 151 (Aiding and Abetting).

The action alleged that Veith stamped plans, dated May 22, 2019, that were prepared by an unlicensed individual for a remodel and addition of a property in Mammoth Lake, California. Veith did not have a written agreement with the unlicensed individual, a violation of Business and Professions Code sections 5582 and 5582.1 and California Code of Regulations, title 16, section 151. Veith paid the fine, satisfying the citation. The citation became final on October 14, 2020.

ENFORCEMENT PROGRAM UPDATE

| <u>Enforcement Statistics</u> | <u>FY 20/21</u> (as of 10/31/20) | <u>FY19/20</u> | <u>FY18/19</u> |
|-----------------------------------------|-------------------------------------|----------------|----------------|
| Complaints | | | |
| Received/Opened (Reopened): | 83 (1) | 428 (2) | 310 (2) |
| Closed: | 71 | 428 | 314 |
| Average Days to Close: | 122 days | 132 days | 188 days |
| Pending as of 10/31/20: | 165 | 153 | 150 |
| Average Age of Pending: | 244 days | 230 days | 230 days |
| Citations | | | |
| Issued: | 11 | 96 | 48 |
| Pending: | 18 | 20 | 32 |
| Pending AG: | 3 | 3 | 3 |
| Final: | 28 | 84 | 55 |
| Disciplinary Actions | | | |
| Pending AG: | 7 | 6 | 6 |
| Pending DA: | 0 | 0 | 1 |
| Final: | 0 | 2 | 1 |
| Continuing Education (§5600.05)* | | | |
| Received/Opened: | 0 | 37 | 35 |
| Closed: | 0 | 30 | 24 |
| Pending: | 3 | 7 | 11 |
| Settlement Reports (§5588)* | | | |
| Received/Opened: | 7 | 34 | 24 |
| Closed: | 6 | 25 | 15 |
| Pending: | 21 | 9 | 9 |

**Also included within "Complaints" information.*

Complaints Received

| Type of Complaint Received | FY 20/21 (as of 10/31/20) | FY 19/20 |
|----------------------------|------------------------------|----------|
| Advertising | 29.6% | 33.4% |
| Continuing Education | 0.0% | 6.5% |
| Licensee | 24.7% | 29.6% |
| Settlement | 8.6% | 8.4% |
| Unlicensed | 37.0% | 22.1% |

Complaints Closed

| Type of Closure | FY 20/21 (as of 10/31/20) | FY 19/20 | FY 18/19 |
|-----------------------------------------|------------------------------|----------|----------|
| Cease/Desist Compliance | 6 | 21 | 10 |
| Citation Issued | 12 | 94 | 43 |
| Complaint Withdrawn | 2 | 8 | 10 |
| Insufficient Evidence | 2 | 14 | 16 |
| Letter of Advisement | 25 | 123 | 120 |
| No Jurisdiction | 3 | 27 | 13 |
| No Violation | 14 | 95 | 74 |
| Referred for Disciplinary Action | 1 | 3 | 4 |
| Other (i.e., Duplicate, Mediated, etc.) | 6 | 99 | 30 |

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.

In FY 19/20, 84 citations with administrative fines became final with 71 violations of the Architects Practice Act (Act) and/or Board regulations. In FY 20/21 (as of October 31, 2020), 12 citations with administrative fines became final with 15 violations of the Act and/or Board regulations.

The most common violations that resulted in citation or discipline during the current and previous fiscal year are listed below.

| BPC or CCR Section | FY 20/21 (as of 10/31/20) | FY 19/20 |
|------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------|
| BPC § 5536(a) & (b), &/or CCR § 134 – Advertising and Unlicensed Practice | 45.5% | 45.5% |
| BPC § 5536.1(c) – Unauthorized Use of Stamp/License number | 18.2% | 1.8% |
| BPC § 5536.22(a) – Written Contract | 9.1% | 5.5% |
| BPC § 5584 – Negligence or Willful Misconduct | 18.2% | 5.5% |
| BPC § 5600.05(a)(1) &/or (b) – Failure to Complete CE &/or Misleading Information on License Renewal | 54.5% | 54.5% |
| CCR § 160(b)(2) – Failure to Respond to Board Investigation | 18.2% | 7.3% |

Landscape Architects Technical Committee

LATC ADMINISTRATIVE/MANAGEMENT

Committee The next LATC meeting is scheduled for December 2, 2020 via teleconference. On October 22, 2020, Governor Newsom announced the appointment of Pamela S. Brief to the LATC.

Social Media LATC maintains a Twitter account that currently has 207 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Website LATC staff have been working with the DCA Public Information Office (PIO) to produce a web-based tutorial for the LATC homepage, and other outreach efforts to assist candidates with navigating through the process of becoming a licensed landscape architect. A set of preliminary videos were presented to the LATC at their meeting on February 5, 2020. Staff are currently coordinating with PIO to incorporate Committee member feedback and finalize the videos for an upcoming LATC meeting.

LATC staff worked with DCA's Legal Affairs Division and Office of Information Services to include a secondary status code for licensees who have been disciplined by the Board and are on probation.

Legislative Proposal **BPC section 5659 (Inclusion of License Number – Requirement)** LATC set an objective to educate the different jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations. Staff reviewed the Landscape Architects Practice Act and BPC section 460 (Local Government Entities – Powers), which prevents local government entities from prohibiting a licensed professional from engaging in the practice for which they are licensed while also allowing those entities to adopt or enforce local ordinances. Staff worked with DCA legal counsel to add language to section 5659 to coincide with section 460 specifically referencing landscape architects. The proposed additional language would prohibit local jurisdictions from rejecting plans solely based on the fact they are stamped by a licensed landscape architect; however, they could still reject plans based on defects or public protection from the licensee.

Proposed language to amend BPC section 5659 was presented to the LATC on February 5, 2020, and the Board approved the LATC's recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal and submitted it to legislative staff in mid-March 2020, however the bill proposal was late and not accepted. Staff will resubmit during the next legislative process in early 2021.

| Date | Action Taken |
|-------------------|-------------------------------------------------------|
| February 28, 2020 | Proposed language approved by Board |
| March 18, 2020 | Bill proposal provided to EO for review and submittal |
| Mid-March 2020 | Bill proposal submitted to legislative staff |

Regulatory Proposals **CCR Sections 2611 (Abandonment of Application), 2611.5 (Retention of Candidate Files), and 2616 (Application for Licensure Following Examination)** The LATC's retention schedule was updated and approved in January 2020. While updating the retention schedule it was discovered that the abandonment of an application required definition

within CCR 2611. Staff worked with DCA legal counsel and prepared proposed changes. Additionally, it was advised by legal counsel to add a new section 2611.5 to provide LATC authority for the retention and purging of candidate files. Lastly, it was advised to provide additional language to CCR section 2616 providing for the abandonment of a candidate's application for licensure. The proposed language was presented to the LATC on February 5, 2020 and adopted by the Board at its February 28, 2020 meeting.

Following is a chronology of the regulatory proposal for CCR sections 2611, 2611.5 and 2616:

| Date | Action Taken |
|-------------------|----------------------------------------------------------------------------|
| February 28, 2020 | Proposed regulatory language approved by Board |
| April 10, 2020 | Proposed regulation submitted to DCA Legal Affairs Division for pre-review |

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 Government (Gov.) Code 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 proposal 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 Affairs Division. 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.

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 the 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 were presented to the LATC during its meeting on July 20, 2018; the Committee granted approval 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.

Following is a chronology of LATC's regulatory proposal for CCR sections 2615 and 2620:

| Date | Action Taken |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| December 10, 2015 | Proposed regulatory language approved by 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 section 2620 for the LATC's consideration |

| Date | Action Taken |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| November 2, 2017 | LATC met to review the Education/Experience Subcommittee's recommendations and voted to recommend that the Board approve proposed amendments to section 2620 to expand initial licensure pathways |
| December 7, 2017 | Board reviewed and approved the LATC's proposed amendments to section 2620 |
| May 4, 2018 | LATC reviewed revised proposed regulatory language, to amend sections 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 sections 2615 and 2620 |
| November 1, 2018 | Staff preparing regulatory package for DCA Legal Affairs Division's review |
| February 7, 2019 | Proposed regulation submitted to DCA Legal Affairs Division for pre-review |
| March 21, 2019 | DCA Legal Affairs Division concluded first round of prereview and returned regulation to staff |
| April 16, 2019 | Proposed regulation returned to DCA Legal Affairs Division for additional prereview |
| June 5, 2019 | DCA Legal Affairs Division concluded prereview |
| June 6, 2019 | Proposed regulation submitted to DCA Legal Affairs Division for initial analysis |
| June 14, 2019 | Proposed regulation submitted for Budget Office review |
| February 6, 2020 | Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal Review of Initial Analysis |

CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program) At the December 6, 2018 LATC meeting, LATC 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 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 next meeting. At its May 29, 2019 meeting, the LATC voted to recommend to the Board approval of the proposed regulatory language to amend CCR section 2620.5. The Board approved the proposal at its meeting on June 12, 2019 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 of LATC’s regulatory proposal for CCR section 2620.5:

| Date | Action Taken |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 section 2620.5 for the LATC’s consideration at its May 23, 2019 meeting |
| May 29, 2019 | LATC reviewed proposed regulatory language and voted to recommend approval by the Board |
| June 12, 2019 | Proposed regulatory language approved by Board |
| July 31, 2019 | Proposed regulation submitted to DCA Legal Affairs Division for pre-review |
| October 22, 2019 | Proposed regulation submitted to DCA Legal Affairs Division for additional pre-review |
| November 25, 2019 | Proposed regulation submitted to DCA Legal Affairs Division for initial analysis |
| February 5, 2020 | Proposed regulation submitted to Budget Office for review |

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 were received during the public comment period, and, if needed, to make minor technical or non-substantive changes. The final rulemaking file was submitted to OAL on June 24, 2020. Additional review of the Economic and Fiscal Impact Statement was needed by the Department of Finance (DOF) and was submitted to DOF for review, and approval, on October 1, 2020.

Following is a chronology of LATC’s regulatory proposal for CCR sections 2655 and 2656:

| Date | Action Taken |
|--------------------|--------------------------------------------------------------------------------------------------|
| February 27, 2019 | Proposed regulatory language approved by the Board |
| March 7, 2019 | Proposed regulation submitted to DCA Legal Affairs Division for pre-review |
| March 8, 2019 | DCA Legal Affairs Division concluded prereview |
| March 12, 2019 | Proposed regulation submitted to DCA Legal for initial analysis |
| September 24, 2019 | Proposed regulatory language approved by Agency |
| October 11, 2019 | Notice of Proposed Regulatory Action published by OAL |
| November 25, 2019 | End of 45-day public comment period, no comments received |
| February 5, 2020 | LATC reviewed modified proposed regulatory language and voted to recommend approval by the Board |
| February 28, 2020 | Proposed modified regulatory language approved by the Board |
| March 20, 2020 | End of 15-day public comment period, no comments received |
| March 24, 2020 | Final rulemaking submitted to DCA Regulatory Unit for review |

| | |
|-----------------|---------------------------------------------------------------------------------------------------|
| April 2, 2020 | Final rulemaking package approved by DCA Regulatory Unit and submitted to DCA Director for review |
| April 29, 2020 | Final rulemaking package approved by DCA Director and submitted to Agency for review |
| June 12, 2020 | Final rulemaking file submitted to DOF |
| June 24, 2020 | Final rulemaking file submitted to OAL |
| October 1, 2020 | Economic and Fiscal Impact Statement submitted to DOF |

CCR Section 2671 (Public Presentments and Advertising Requirements) As part of the Strategic Plan established by LATC at the December 2018 meeting, LATC set an objective of researching the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.

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. 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.

Proposed language to amend CCR section 2671 was presented to the Committee on May 29, 2019, and the Committee made a recommendation to the Board to adopt the proposed regulatory language. The Board approved the Committee’s recommendation at its June 12, 2019 meeting. Staff proceeded with the regulatory proposal process and DCA Legal Affairs Division completed the prereview of the regulatory change package. On August 12, 2019 the regulatory change package was submitted to DCA for Initial Analysis.

| Date | Action Taken |
|-------------------|------------------------------------------------------------------------------------------------------------|
| June 12, 2019 | Amended proposed regulatory language approved by the Board |
| June 27, 2019 | Proposed regulation submitted to DCA Legal for prereview |
| August 6, 2019 | DCA Legal concluded prereview |
| August 12, 2019 | Proposed regulation submitted to DCA Legal for initial analysis |
| September 3, 2019 | Proposed regulation submitted to Budget Office for review |
| February 5, 2020 | Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal review of Initial Analysis. |

CCR Section 2680 (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*. Staff worked closely with Board staff to update their respective guidelines to mirror each other wherever appropriate.

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.

DCA guidance due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) caused staff to make revisions to the *Disciplinary Guidelines*. 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*.

| Date | Action Taken |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| August 6, 2015 | Amended proposed regulatory language to LATC's Disciplinary Guidelines approved by LATC |
| September 10, 2015 | Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board |
| October 21, 2015 | Board staff provided suggested edits to the Board's Disciplinary Guidelines to DCA Legal Affairs Division for review |
| November 12, 2015 | DCA Legal Affairs Division notified Board staff that the edits to their Disciplinary Guidelines were sufficient and substantive, and would require re-approval by the Board |
| December 10, 2015 | Amended proposed regulatory language to Board's Disciplinary Guidelines approved by Board |
| March 15, 2016 | Board staff prepared the regulatory package for DCA Legal Affairs Division's review and approval |
| April 8, 2016 | DCA Legal Affairs Division advised Board staff that further substantive changes to the Disciplinary Guidelines were necessary prior to submission to OAL |
| December 15, 2016 | Amended proposed regulatory language of the Board's Disciplinary Guidelines approved by Board |
| July 13, 2017 | Amended proposed regulatory language to LATC's Disciplinary Guidelines based on the Board's Disciplinary Guidelines approved by LATC |
| September 5, 2017 | DCA Legal Affairs Division informed staff that additional substantive changes were necessary for both LATC's and Board's Disciplinary Guidelines |
| September 7, 2017 | Amended proposed regulatory language of LATC's Disciplinary Guidelines, with additional substantive changes approved by Board |
| December 7, 2017 | Amended proposed regulatory language for the Board's Disciplinary Guidelines approved by Board; however, the Board requested additional research on its statutory authority to impose fines |
| May 4, 2018 | LATC reviewed proposed regulatory language to LATC's Disciplinary Guidelines, including language on statutory authority to impose fines, and voted to recommend approval by the Board |
| June 13, 2018 | Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board |
| February 8, 2019 | Revised proposed regulatory language to LATC's Disciplinary Guidelines, due to the passing of AB 2138, approved by LATC |
| February 27, 2019 | Revised proposed regulatory language to both LATC's and Board's Disciplinary Guidelines approved by Board |

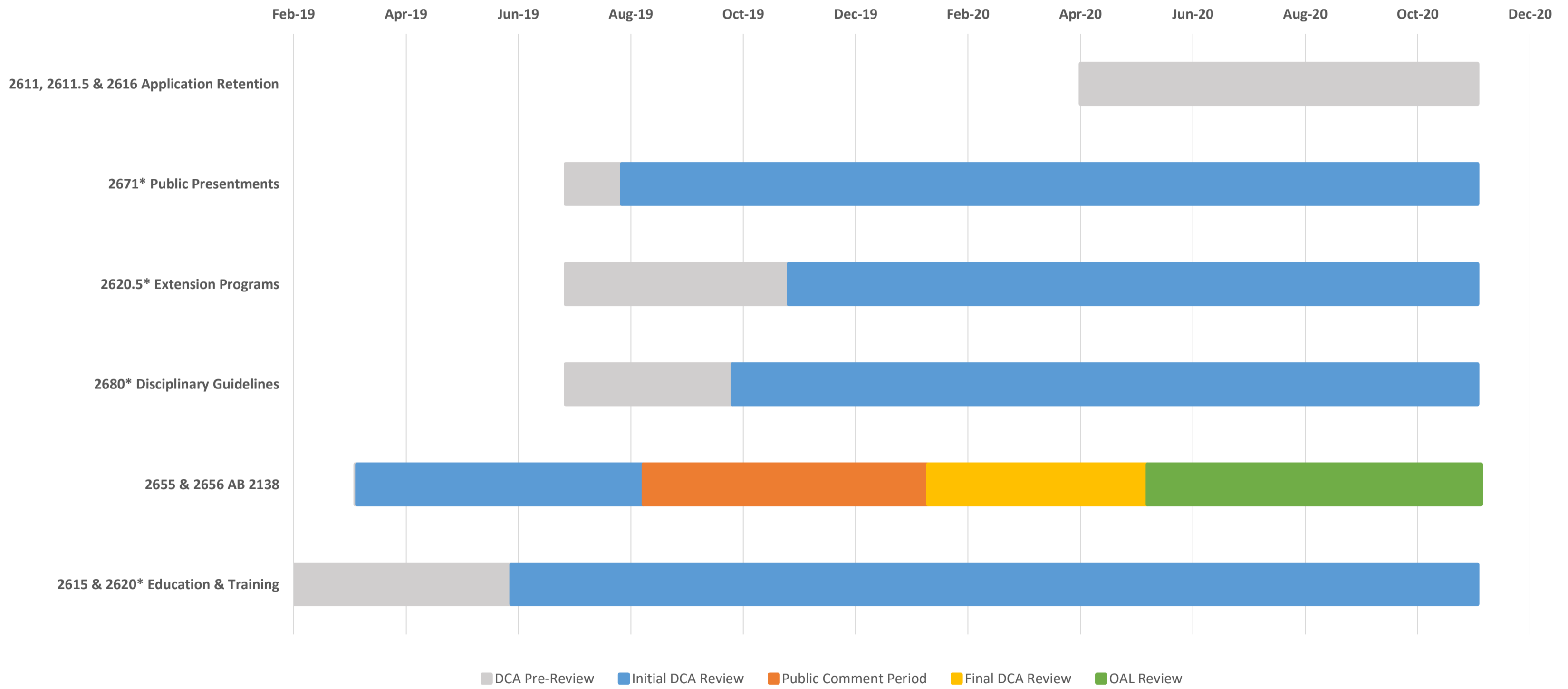
| Date | Action Taken |
|------------------|---------------------------------------------------------------------------------------------------------------------|
| July 30, 2019 | Proposed regulation of LATC's Disciplinary Guidelines submitted to DCA Legal Affairs Division for prereview |
| October 8, 2019 | DCA Legal Affairs Division concluded pre-review of LATC's Disciplinary Guideline's regulatory package |
| October 15, 2019 | Proposed regulation for LATC's Disciplinary Guidelines submitted to DCA Legal Affairs Division for initial analysis |
| April 17, 2020 | DCA Budget Office approved Economic and Fiscal Impact Statement (Std. 399) |
| October 19, 2020 | Signed revised Economic and Fiscal Impact Statement (Std. 399) provided to DCA Budget Office |

Regulation Proposals Tracker Staff have created a chart to display the status of progress for the regulation packages as they advance through the initial DCA review, public comment period, final DCA review, and OAL review stages. This chart allows at-a-glance tracking of the pending regulation packages.

Landscape Architects Technical Committee Status of Pending Regulations

| Regulatory Proposals | DCA Pre-Review | | | Initial DCA Review | | | Public Comment Period | | | Final DCA Review | | | OAL Review | | |
|-------------------------------------------|----------------|------------------|------|--------------------|------------------|------|-----------------------|------------------|------|------------------|------------------|------|------------|------------------|------|
| | Start Date | Current/End Date | Days | Start Date | Current/End Date | Days | Start Date | Current/End Date | Days | Start Date | Current/End Date | Days | Start Date | Current/End Date | Days |
| 2611, 2611.5 & 2616 Application Retention | Apr-20 | Nov-20 | 219 | | | 0 | | | 0 | | | 0 | | | 0 |
| 2671* Public Presentments | Jul-19 | Aug-19 | 31 | Aug-19 | Nov-20 | 472 | | | 0 | | | 0 | | | 0 |
| 2620.5* Extension Programs | Jul-19 | Nov-19 | 123 | Nov-19 | Nov-20 | 380 | | | 0 | | | 0 | | | 0 |
| 2680* Disciplinary Guidelines | Jul-19 | Oct-19 | 92 | Oct-19 | Nov-20 | 411 | | | 0 | | | 0 | | | 0 |
| 2655 & 2656 AB 2138 | Mar-19 | Mar-19 | 1 | Mar-19 | Aug-19 | 158 | Aug-19 | Jan-20 | 157 | Jan-20 | May-20 | 121 | May-20 | Nov-20 | 184 |
| 2615 & 2620* Education & Training | Feb-19 | Jun-19 | 120 | Jun-19 | Nov-20 | 533 | | | 0 | | | 0 | | | 0 |

Tracking of Pending LATC Regulatory Proposals



*Note: Initial DCA review delayed to allow processing of priority rulemakings (AB 2138-related and others)

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE). The current IDC with OPES for examination development for FY 20/21 will expire on June 30, 2021. The IDC for the 2020 review of Landscape Architect Registration Examination and linkage study commenced in July 2020 and will conclude after the Council of Landscape Architectural Registration Boards (CLARB) completes its current job task analysis sometime in early 2021. Performance data for the CSE during the current and prior FYs is displayed in the following tables.

CSE Performance by Candidate Type (July 1, 2020 to October 31, 2020)

| Candidate Type | Pass | | Fail | | TOTAL |
|----------------|-------|------|-------|------|-------|
| | Total | Rate | Total | Rate | |
| First-time | 17 | 55% | 14 | 45% | 31 |
| Repeat | 6 | 75% | 2 | 25% | 8 |
| TOTAL | 23 | 59% | 16 | 41% | 39 |

CSE Performance by Candidate Type (FY 19/20)

| Candidate Type | Pass | | Fail | | TOTAL |
|----------------|-------|------|-------|------|-------|
| | Total | Rate | Total | Rate | |
| First-time | 61 | 73% | 22 | 27% | 83 |
| Repeat | 14 | 70% | 6 | 30% | 20 |
| TOTAL | 75 | 73% | 28 | 27% | 103 |

Landscape Architect Registration Examination (LARE). A LARE administration was held from August 1 through September 19, 2020. A significant increase in participation by California candidates was seen because COVID-19 restrictions placed on the previous LARE were adjusted. Examination results for all LARE administrations are released by CLARB within six weeks of the last day of administration. The next LARE administration will be held November 30 through December 12, 2020.

The pass rates for LARE sections taken by California candidates during the August 1 through September 19, 2020 administration are shown in the following table:

| SECTION | NUMBER OF SECTIONS | TOTAL PASSED | | TOTAL FAILED | |
|-------------------------------------|--------------------|-----------------|--------|-----------------|--------|
| | | No. of Sections | Passed | No. of Sections | Failed |
| Project and Construction Management | 75 | 50 | 67% | 25 | 33% |
| Inventory and Analysis | 70 | 41 | 59% | 29 | 41% |
| Design | 48 | 27 | 56% | 21 | 44% |
| Grading, Drainage and Construction | 56 | 34 | 61% | 22 | 39% |

National pass rates for LARE sections taken during the August 1 - September 19, 2020 administration are shown below:

| SECTION | CALIFORNIA | | NATIONAL | | ▲ % |
|-------------------------------------|------------|--------|----------|--------|-----|
| | Total | Passed | Total | Passed | |
| Project and Construction Management | 75 | 67% | 467 | 67% | 0% |
| Inventory and Analysis | 70 | 59% | 447 | 65% | -6% |
| Design | 48 | 56% | 418 | 64% | -8% |
| Grading, Drainage and Construction | 56 | 61% | 408 | 64% | -3% |

▲ % is the difference in the California and national (CLARB) pass rates.

National pass rates for LARE sections taken in 2019 are shown in the following table:

| SECTION | CALIFORNIA | | NATIONAL | | ▲ % |
|-------------------------------------|------------|--------|----------|--------|------|
| | Total | Passed | Total | Passed | |
| Project and Construction Management | 176 | 66% | 1,019 | 68% | -2% |
| Inventory and Analysis | 208 | 54% | 1,154 | 70% | -16% |
| Design | 182 | 60% | 1,149 | 65% | -5% |
| Grading, Drainage and Construction | 156 | 60% | 1,123 | 65% | -5% |

▲ % is the difference in the California and national (CLARB) pass rates.

LATC ENFORCEMENT PROGRAM

Enforcement Actions No new enforcement actions.

| <u>Enforcement Statistics</u> | <u>Current Quarter</u> Aug-Oct 2020 | <u>Prior Quarter</u> May-July 2020 | <u>FYTD</u> 20/21 | <u>5-FY Avg</u> 2015/16- 2019/20 |
|-------------------------------------|----------------------------------------|------------------------------------------|----------------------|----------------------------------------|
| Complaints | | | | |
| Received/Opened (Reopened): | 11 (0) | 9 (1) | 14 (0) | 33 (0) |
| Closed: | 9 | 10 | 13 | 35 |
| Average Days to Close: | 52 days | 61 days | 51 days | 152 days |
| Pending: | 10* | 9* | 9* | 11 |
| Average Age (Pending): | 84 days* | 51 days* | 65 days | 106 days |
| Citations | | | | |
| Issued: | 0 | 1 | 0* | 3 |
| Pending: | 0* | 0* | 0* | 0 |
| Pending AG: † | 0* | 0* | 0* | 0 |
| Final: | 0 | 1 | 1 | 3 |
| Disciplinary Actions | | | | |
| Pending AG: | 0* | 0* | 0* | 1 |
| Pending DA: | 0* | 0* | 0* | 0 |
| Final: | 0 | 0 | 0 | 1 |
| Settlement Reports (§5678)** | | | | |
| Received/Opened: | 0 | 1 | 1 | 2 |
| Closed: | 0 | 0 | 0 | 2 |
| Pending: | 1* | 1* | 1* | 0 |

* Calculated as a quarterly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations"

GOAL 1: Professional Qualifications

- 1.1 Amend existing law regarding continuing education requirements for license renewal to reflect the evolving practice.

Status: Discussed by Professional Qualifications Committee (PQC) at April 18, 2019 meeting and is on agenda for December 11, 2020 Board Meeting.

- 1.2 Provide licensees the opportunity to submit continuing education documentation online to increase efficiency in license renewal.

Status: In development, with the assistance of the Department of Consumer Affairs (DCA). Staff expects this to be available for use by early 2021.

- 1.3 Conduct an occupational analysis (OA) of the profession to reflect current practice.

Status: The OA survey is done and the subject matter experts concluded a review of the data. However, because NCARB moved its analysis until 2021, the next part of the project, which includes a review of the Architectural Registration Exam and linkage, will be put on hold.

- 1.4 Review and amend California Code of Regulations (CCR) section 117 and related regulations to reflect current licensing requirements.

Status: Presented at the PQC meeting on April 18, 2019 and referred to staff for further development.

GOAL 2: Regulation and Enforcement

- 2.1 Educate architects regarding their responsibilities under Business and Professions Code section 5535 "responsible control" and CCR section 151 "aiding and abetting," to protect consumers from unlicensed practice.

Status: Discussed by Regulatory and Enforcement Committee (REC) at its August 1, 2019 meeting and REC approved an Informational Bulletin to be distributed to interested parties, which was distributed in November 2019.

- 2.2 Research and evaluate categories of criminal convictions as they relate to the practice of architecture and amend disciplinary guidelines and rehabilitation criteria to comply with the requirements of AB 2138 (Chiu, Chapter 995, Statutes of 2018).

Status: Discussed by REC at its August 1, 2019 meeting. Staff currently working on the regulatory package.

- 2.3 Collaborate with websites to restrict advertisements from unlicensed entities.

Status: Discussed by REC at its August 1, 2019 meeting. REC approved three staff recommendations which were approved by the Board at its September 11, 2019 meeting.

GOAL 3: Communications

- 3.1 Educate licensees and the public on the penalties for violations of the Architects Practice Act.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting.

- 3.2 Increase the use of social media outlets to better communicate with new licensees and consumers.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting. Committee suggested creating a LinkedIn profile, which was done.

- 3.3 Collaborate with the DCA Communications Office to improve communications with all stakeholders.

Status: Communications Committee heard presentation from DCA's Office of Public Affairs on a Communications Plan. Staff continues to work with DCA on this item.

- 3.4 Develop an information exchange with related professionals of DCA to better educate the professionals of the duties, needs, and pitfalls of each discipline.

Status: Discussed by the Communications Committee at its May 14, 2019 and November 19, 2019 meetings.

- 3.5 Expand outreach to community colleges and schools of architecture, including Board meetings on campuses to increase public and professional awareness.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting. All 2019 Board meetings have been held at schools. Staff have participated in several NCARB outreach sessions with schools. Letters were sent to community colleges and schools of architecture in August 2020 regarding licensing and information about the Board.

- 3.6 Issue an annual practice brief update on licensee misconduct to increase public and professional awareness.

Status: Discussed by the Communications Committee at its May 14, 2019 and November 19, 2019 meetings. Staff presented a draft for the Committee's review and consideration and will distribute at the end of this year.

GOAL 4: Organizational Relationships

- 4.1 Collaborate with NCARB, the American Institute of Architects (AIA) and the National Architectural Accrediting Board to help students fulfill Integrated Path to Architectural Licensure (IPAL) program experience requirements.

Status: Staff attended the AIA California 2020 Education Summit and will attend the Architectural Educators December Summit. with high schools to promote the architect profession and promote entry into the profession.

Status: Staff met with AIA Central Valley to discuss working together on this issue. Efforts will continue in 2021.

- 4.2 Attend collateral organization meetings (such as Monterey Design Conference and AIACC) with an information booth to increase public and professional awareness.

Status: Staff will pursue attending Monterey Design Conference in 2021, which will require approval by control agencies.

- 4.3 Partner with related professional organizations to promote the Board's website and increase the presence and awareness to consumers and the public.

Status: Staff promote the website in outreach opportunities and will continue to seek additional means in which to increase consumer awareness.

- 4.4 Meet with California Council for Interior Design Certification (CCIDC) and California Building Officials (CALBO) (regarding design limitations for professionals) to clarify the areas of practice.

Status: Staff held a meeting on November 1, 2019 at the Board's office with stakeholders. Staff continue to participate in stakeholder meetings organized by CCIDC.

GOAL 5: Organizational Effectiveness and Customer Service

- 5.1 Promote Board staff development and team building to increase efficiency.

Status: Ongoing

- 5.2 Collaborate with DCA to conduct an employee engagement survey to improve employee morale, address employee concerns, and promote a positive work environment.

Status: DCA conducted an Employee Engagement Survey for staff (excluding management) and provided results to Executive Officer. Management has implemented some of the recommendations and will revisit the survey next year to determine improvements.

- 5.3 Undertake business modernization activities to achieve a smooth transition to an integrated online IT platform

Status: Ongoing. Funding for the next phase of this project was not included in the current budget due to COVID-19 funding reductions.

- 5.4 Prepare for Sunset Review hearing and responses to background paper.

Status: Completed

AGENDA ITEM N: LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

Summary

The LATC met on December 2, 2020 via teleconference. Attached is the meeting notice. LATC Program Manager, Trish Rodriguez, will provide an update on the meeting.

Action Requested

None

Attachments

LATC December 2, 2020 Notice of Teleconference Meeting



NOTICE OF MEETING
Landscape Architects Technical Committee

LATC MEMBERS

Jon S. Wreschinsky, Chair
Andrew C. N. Bowden
Pamela S. Brief
Susan M. Landry
Patricia M. Trauth

December 2, 2020

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

**The Landscape Architects Technical Committee (Committee) will meet by
teleconference at**

10:00 a.m., on Wednesday, December 2, 2020

NOTE: Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Committee will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=efb8f98efc90276806c602092e801d7dd>

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by November 30, 2020, to latc@dca.ca.gov for consideration.

Agenda

**10:00 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 Committee Member Introductory Comments
- C. 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)).

(Continued)

- D. Update on the Department of Consumer Affairs (DCA)
- E. Review and Possible Action on September 4, 2020 Committee Meeting Minutes
- F. Program Manager's Report - Update on Committee's Administrative/Management, Examination, Licensing, and Enforcement Programs
- G. Review and Discuss 2020 Legislation
 1. Assembly Bill (AB) 2113 (Low) Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process
 2. Senate Bill (SB) 878 (Jones) Department of Consumer Affairs: License: Application: Processing Timeframes
 3. SB 1474 (Committee on Business, Professions and Economic Development) Business and Professions
- H. Discuss and Possible Action on the Committee's Annual Budget – *DCA, Budget Office*
- I. Discuss and Possible Action on the August 2020 Occupational Analysis (OA) of the Landscape Architect Profession – *DCA, Office of Professional Examination Services (OPES)*
- J. Discuss and Possible Action on Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2630.2 (Appeal of Citations)
- K. Discuss and Possible Action on University of California, Los Angeles (UCLA) Extension Certificate Program Self-Evaluation Report and Curriculum Approval
- L. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives to:
 1. Research the Need for Continuing Education for Licensees through LATC, the American Society of Landscape Architects (ASLA), or Another Organization, to Better Protect the Health, Safety, and Welfare of Consumers
 2. Develop an Online Tutorial to Clarify the Licensure Process for Candidates
- M. Discuss and Possible Action on *California Architects* Newsletter
- N. Discuss and Possible Action on New Committee Logo
- O. Election of 2021 Committee Officers
- P. Review of Future Committee Meeting Dates
- Q. 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 meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/. The meeting will not be cancelled if webcast is not available.

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 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)).

This meeting is being held via WebEx Events. 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: Harmony Navarro

Telephone: (916) 575-7236

Email: Harmony.Navarro@dca.ca.gov

Telecommunication Relay Service: Dial 711 Sacramento, CA 95834

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 Committee 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 N.2: DISCUSSION AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTIONS 2630, CITATIONS AND 2630.2, APPEAL OF CITATIONS

Summary

Business and Professions Code (BPC) section 5526.5 of the Architects Practice Act as amended effective January 1, 2020, allows the respondent of a citation to request a formal administrative hearing after an informal conference if the citation is upheld or modified (Attachment 1). BPC section 5526.5 also authorizes the executive officer to appoint a designee to hold an informal conference in the event of a conflict of interest.

Currently, LATC's appeal of citations is regulated by CCR, title 16, section 2630.2 (Appeal of Citations) which allows a respondent to have a formal administrative hearing after an informal conference if one is requested within 30 days of service of the original citation. To align with the Board, staff proposes amending CCR, title 16, section 2630.2 to change the regulation title to correspond with the Board's appeal of citations regulation (CCR, tit. 16, § 152.5) and include language allowing a respondent to request a formal administrative hearing within 30 days of the affirmation or modification of a citation following an informal conference, as well as allowing the executive officer to appoint a designee to hold the informal conference in the event of a conflict of interest. Additionally, language was added to clarify that another informal conference cannot be requested for a citation that has been affirmed or modified following an informal conference (Attachment 2). These amendments would conform LATC's regulation to the new informal conference provisions under BPC section 5526.5. In addition, the proposal would make minor and technical revisions.

During LATC staff's preparation of the proposed amendments for LATC consideration, LATC staff determined additional amendments should be made to CCR, title 16, section 2630. These proposed amendments were discovered after the LATC agenda was posted and, therefore, could not be presented for LATC's review at the December 2, 2020 meeting. However, LATC staff recommends the Board review and approve these clarifying amendments and move the two regulatory proposals together.

The proposed amendments to CCR, title 16, section 2630 would clarify the Board's existing ability to issue orders of corrections to cease unlawful advertising under Business and Professions Code section 149 and clarify that the 30-day deadlines are counted as calendar days.

Attachments

1. BPC section 5526.5

BPC Section 5526.5

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

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

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

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

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

(Added by Stats. 2019, Ch. 376, Sec. 5. (SB 608) Effective January 1, 2020.)

AGENDA ITEM N.3: DISCUSSION AND POSSIBLE ACTION ON UNIVERSITY OF CALIFORNIA, LOS ANGELES (UCLA) EXTENSION CERTIFICATE PROGRAM SELF-EVALUATION REPORT AND CURRICULUM APPROVAL

Summary

The Landscape Architects Technical Committee (LATC) reviews, and the California Architects Board (Board) approves, landscape architecture extension certificate programs that meet specific standards pursuant to California Code of Regulations (CCR), title 16, division 26, article 1, section 2620.5, Requirements for an Approved Extension Certificate Program. LATC last conducted a review of the UCLA Extension Certificate Program (Program) in 2013. At that time, the Program was approved through December 31, 2020 (Attachment 1).

On June 15, 2020, the Program submitted a Self-Evaluation Report (SER) to the LATC for the 2013-2020 academic years. Former LATC Chair, Marq Truscott, appointed a subcommittee consisting of LATC staff and current LATC Chair Jon S. Wreschinsky to review the Program's SER and provide a recommendation to the LATC on the continued approval of the Program.

Following the initial review of the SER, the LATC subcommittee sent additional questions to the Program Director, Stephanie Landregan regarding recommendations from the 2013 Site Review and clarification on the Program's relationships with the UCLA, Horticultural Program and the UCLA, School of Architecture and Urban Design. Responses were received on October 5, 2020. The LATC subcommittee prepared a report and recommendation regarding Board approval of the Program (Attachment 2).

Proposed changes to CCR, title 16, section 2620.5 have been approved by the Board, and the regulatory package is currently under review with the Department of Consumer Affairs. The SER was reviewed under the current language in CCR, title 16, section 2620.5 (Attachment 3). In order to allow sufficient time for the regulatory changes to be adopted and the Program to respond with preparation of a new SER, an estimated three years is proposed before the next review.

Action Requested

The Board is asked to consider LATC's recommendation and take possible action to approve the Program through December 31, 2023.

Attachments

1. July 1, 2014 Letter Advising Program Approval through December 31, 2020
2. Extension Certificate Program Review Subcommittee Report and Recommendation
3. CCR, title 16, section 2620.5



July 1, 2014

Stephanie Landregan, Director
University of California, Los Angeles Extension Certificate Program
Landscape Architecture Program
10995 Le Conte Avenue #414
Los Angeles, CA 90024

Dear Ms. Landregan:

At its meeting on March 20, 2014, the Landscape Architects Technical Committee (LATC) approved the University of California, Los Angeles (UCLA) Extension Certificate Program's request to change from a four to a three year curriculum program.

The LATC reviews and approves extension certificate programs that meet specific standards pursuant to Title 16, California Code of Regulations (CCR) section 2620.5 (Requirements for An Approved Extension Certificate Program). CCR section 2620.5(i) also mandates that the LATC approve curriculum revisions to approved programs.

In early 2013, the LATC conducted a review of the UCLA Extension Certificate Program and on May 22, 2013 approved it through December 2020.

In considering UCLA's current proposal to transition from a four to a three year program, the LATC verified that all requirements of CCR section 2620.5 are met within the new program format. Therefore, approval has been granted through December 31, 2020.

On behalf of the LATC, thank you for your continued commitment to excellence in training future landscape architects.

Sincerely,

A handwritten signature in blue ink that reads "Trish Rodriguez".

TRISH RODRIGUEZ
Program Manager

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

Extension Certificate Program Review Subcommittee

Report and Recommendation

Regarding

**University of California, Los Angeles
Landscape Architecture Extension Certificate Program
Self-Evaluation Report**

Landscape Architects Technical Committee

**2420 Del Paso Road, Suite 105
Sacramento, CA 95834**

November 10, 2020

INTRODUCTION

In order for an individual to sit for examination to become licensed by the California Architects Board (Board) as a landscape architect, the individual must complete certain training and education requirements. (Bus. & Prof. Code, § 5650.) A landscape architect license candidate may fulfill a portion of the education requirement by obtaining an extension certificate in landscape architecture from a Board-approved school. (Cal. Code of Regs., tit. 16, § 2620, subs. (a)(3), (5), (6), and (8).)

To obtain Board approval, a landscape architecture extension certificate program must satisfy specified criteria. (Bus. & Prof. Code § 5650; Cal. Code of Regs., tit. 16, § 2620.5.) The Landscape Architects Technical Committee (LATC) provides a recommendation to the Board on whether the landscape architecture extension certificate program should be approved. To assess whether the landscape architecture extension certificate program meets the regulatory requirements, the program submits a self-evaluation report (SER) to the LATC for review. The LATC Extension Certificate Program Review Subcommittee (Subcommittee) first reviews the SER and submits its recommendation to the LATC for consideration.

The University of Los Angeles (UCLA), Landscape Architecture Extension Certificate Program (Program) was last reviewed by the LATC for regulatory compliance in 2013. The LATC Extension Certificate Program Task Force (Task Force) performed a site visit on April 22-24, 2013, and submitted its recommendation to the LATC. At that time, the Program was approved for a period of six years, effective January 1, 2014 through December 31, 2020.

The Program made curriculum changes in 2013, following the initial site visit and program approval. The curriculum change was discussed during the Task Force site visit in 2013, and the LATC was apprised of the pending change. The LATC verified the new program format met requirements outlined in regulation, and on March 20, 2014, approved the Program's request to change from a four-year to three-year curriculum program, through December 31, 2020.

On June 15, 2020, the Program submitted its SER to the LATC for the 2013-2020 academic years. LATC Chair, Jon S. Wreschinsky, was appointed to work with LATC staff to review the Program's SER and provide an approval recommendation to the LATC. Mr. Wreschinsky was also part of the Task Force that reviewed the Program in 2013.

Following the initial review of the SER, additional questions regarding recommendations from the 2013 site review were sent to Program Director, Stephanie Landregan. The Program submitted its responses to the Subcommittee on October 5, 2020.

The following report constitutes the findings of the Subcommittee, as determined following review of the Program's June 15, 2020 SER and October 5, 2020 responses to the Subcommittee's questions.

PROGRAM ADMINISTRATION

University of California Los Angeles Extension
Landscape Architecture and Horticulture

| | |
|--------------------------------------------------------------|-------------------------|
| <u>Stephanie Landregan</u> | <u>Program Director</u> |
| name | title |
| <u>10960 Wilshire Blvd. Suite 1600, Los Angeles CA 90024</u> | |
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| <u>slandreg@unex.ucla.edu</u> | <u>(310) 825-1735</u> |
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University of California Los Angeles Extension
Office of the Director of the Arts

| | |
|--------------------------------------------------------------|-----------------------|
| <u>Pascale Cohen-Olivar</u> | <u>Director</u> |
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University of California Los Angeles Extension
Office of the Dean

| | |
|--------------------------------------------------------------|-----------------------|
| <u>Eric Bullard Ph.D.</u> | <u>Dean</u> |
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University of California Los Angeles
Chancellor's Office

| | |
|----------------------------------------------------------------|-----------------------|
| <u>Gene Block, Ph.D.</u> | <u>Chancellor</u> |
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| e-mail address | phone number |

Report Submitted by

| | |
|----------------------------|----------------------|
| <u>Stephanie Landregan</u> | <u>June 15, 2020</u> |
| name | date |

PROGRAM REVIEW – SATISFACTION OF MINIMUM REQUIREMENTS

For Achieving and Maintaining Approved Status

California Code of Regulations Section, Title 16, Section 2620.5, Requirements for an Approved Extension Certificate Program, states the following:

An extension certificate program shall meet the following requirements:

- (a) The educational program shall be established in an educational institution which has a four-year educational curriculum, and either is approved under Section 94900 of the Education Code or is an institution of public higher education as defined by Section 66010 of the Education Code.
- (b) There shall be a written statement of the program's philosophy and objectives which 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 promotes achievement of program objectives. The program's literature shall fully and accurately describe the program's philosophy and objectives.
- (c) 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.
- (d) The program shall be administered as a discrete program in landscape architecture within the institution with which it is affiliated.
- (e) There shall be an organizational chart which 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.
- (f) The program shall have sufficient authority and resources to achieve its educational objectives.
- (g) The program's director shall be a landscape architect.
- (h) 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.

| | | Meets Regulatory Requirement | |
|--|-----|------------------------------|----|
| | | Yes | No |
| | (a) | X | |
| | (b) | X | |
| | (c) | X | |
| | (d) | X | |
| | (e) | X | |
| | (f) | X | |
| | (g) | X | |
| | (h) | X | |
| | | | |

- (i) 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

The program's curriculum shall not be revised until it has been approved by the Board.

- (j) The program shall consist of at least 90 quarter units or 60 semester units.
- (k) The program shall maintain a current syllabus for each required course which includes the course objectives, content and the methods of evaluating student performance.
- (l) The curriculum shall be offered in a timeframe which 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.
- (m) A program shall meet the following requirements for its instructional personnel:
 - (1) At least one half of the program's instructional personnel shall hold a professional degree in landscape architecture.
 - (2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects.

| | | Meets Regulatory Requirement | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----|
| | | Yes | No |
| (i) | 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 | X | |
| (j) | The program shall consist of at least 90 quarter units or 60 semester units. | X | |
| (k) | The program shall maintain a current syllabus for each required course which includes the course objectives, content and the methods of evaluating student performance. | X | |
| (l) | The curriculum shall be offered in a timeframe which 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. | X | |
| (m) | A program shall meet the following requirements for its instructional personnel: (1) At least one half of the program's instructional personnel shall hold a professional degree in landscape architecture. (2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects. | X | |

PROGRAM RESPONSES TO SUBCOMMITTEE QUESTIONS

Program responses to additional questions regarding recommendations from the 2013 site review were received by the Subcommittee on October 5, 2020, and are provided below:

- 1. One of the recommendations from the 2013 Site Review was to develop a long-range written Strategic Plan and revisit the Mission statement. We were unable to locate a copy of the strategic plan. If one is available, could it be provided to us, please?**

We are including the last Strategic Plan (from 2008) and plan to review and update it with our Guidance Committee this fall and winter. Due to the constantly changing environment at UCLA Extension (we have had four deans since our last review!), efforts to develop a new long-range strategic plan have been delayed. The most significant issues now are answering the following questions: What are the processes for: identifying opportunities, developing evidence, determining goals, defining key milestones, establishing accountability, and measuring outcomes in light of the pandemic and the remote learning situation. How will we effectively engage others in these processes? Learning, planning, implementing, and reassessing permeate all levels of landscape architecture, planning and design, and online education—more so than perhaps any other area of higher education. We are working with our new administration to align our Extension Strategic Planning with our strategic program planning.

- 2. The organizational chart included in the 2020 SER does not sufficiently identify relationships as outlined in CCR 2620.5 (e), and how the horticulture program is separately administered/operated from the landscape architecture program. What is the relationship between the landscape architecture program and the horticulture program? Staff prepared an organizational chart from a top-down perspective (attached) as a possible option. The name of the primary point of contact, along with a short description of the oversight administered at each level, would be instructive. The 2013 Site Review recommendation was to separate the landscape architecture and horticulture certificate programs as two distinct programs. Please note that LATC is only enlisted to review the landscape architecture program.**

The Horticulture Program and the Landscape Architecture Program are two separate programs and are separate certificates. Because of the two programs' commonalities, a percentage of each program is approved as elective units in the sister program. The program director for the Landscape Architecture Program also serves as the program director for the Horticulture Program. Our Landscape Architecture Program embraces plant knowledge, planting design, and horticulture knowledge as essential to good landscape architecture. The Horticulture Program's primary point of contact is Melissa McDonald, the program manager for both programs. Stephanie Landregan, the program director for both programs, is the primary contact for the Landscape Architecture Program. The programs are distinctly different.

- 3. The next point of clarification is regarding the UCLA School of Urban Design & Architecture. This School appears to have a direct influence on the landscape architecture program, and possibly the curriculum. Please provide additional information to explain the relationship and why the relationship with UCLA School of Urban Design & Architecture is required.**

The UCLA Academic Senate academically approves the UCLA Extension Landscape Architecture Certificate Program. Each Extension Program is therefore represented by an Academic Senate Department from the main campus. For Landscape Architecture, that department is the UCLA School of Architecture and Urban Design. The department chair is part of the approval and review process for instructors and changes to the curriculum. Changes to the curriculum are presented to the UCLA Extension Academic Committee, and when approved or modified, sent for final approval to the program's Academic Senate representative.

- 4. In reference to the 2013 Site Review Team Recommendations 5.1 and 6.1, related to instructors, what is the process to align the faculty with the courses taught, and how are the instructors evaluated?**

The UCLA Extension Landscape Architecture Certificate Program advertises through the University and applicant stack for instructors in Landscape Architecture. The job description for courses includes adult teaching experience. A current landscape architecture license is preferred, and depending on the need, a focus on technical excellence or design excellence is expressed. Two instructors and the program director interview the applicant for the skills, knowledge, and abilities advertised. In other situations, existing instructors recommend colleagues for consideration for a specific course. In all instances, applicants must fill out the university applications. During the interview, applicants present a short lecture, provide a portfolio, and answer questions about the instruction area needed.

Instructors are evaluated through the post-class online evaluation process. Every student receives an opportunity to evaluate the instructor and the course learning objectives. The evaluations are anonymous and compiled into a score sheet sent to the department. The director reviews all evaluations. If issues are brought up (or brought up during class), the director meets with the instructor to address the problems raised.

Additionally, during every quarter, the director attends at least one meeting of every class, provides comments during the course, reviews learning objectives, and provides her email, encouraging students to share ways the program, the class, and the instructor can improve.

OBSERVATIONS

This section is intended to provide input for Program improvements and derived from observations throughout the SER.

1. The Program's Strategic Plan should be updated and closely align with the Program's goals and objectives. The Strategic Plan should be clearly supported by the necessary resources to ensure program success and flexible enough to meet changing industry trends. [Cal. Code of Regs., tit. 16, § 2620.5, subs. (b).]
2. The Program should align its goals and objectives while recognizing the professional nature of educating future practitioners. [Cal. Code of Regs., tit. 16, § 2620.5, subs. (c).]
3. Strong recognition of the unique nature of the Program in terms of professional licensure qualification should be emphasized in building and maintaining the relationships outlined in the organizational chart. [Cal. Code of Regs., tit. 16, § 2620.5, subs. (e).]
4. Under current distance learning protocols due to COVID-19, the Program should identify how self-sufficiency will be maintained for similar circumstances, in the future and any budgetary impacts within the higher education environment. [Cal. Code of Regs., tit. 16, § 2620.5, subs. (f).]
5. Since the Program is geared toward licensure for graduates, it may want to consider acceptance/recognition of equivalent professional educational opportunities (credits) outside the Program to meet graduation requirements, and by providing opportunities to avoid graduation delay due to the scheduling of course offerings. [Cal. Code of Regs., tit. 16, § 2620.5, subs. (i).]

RECOMMENDATION

Based on the Program's June 15, 2020 SER and October 5, 2020 responses to the Subcommittee's questions, the Subcommittee recommends approval of the Program for three years, through December 31, 2023.

The University of California, Los Angeles, Landscape Architecture Extension Certificate Program meets the minimum regulatory requirements for Board approval.

Jon S. Wreschinsky

Chair, Extension Certificate Program Review Subcommittee

Signature

Date

California Code of Regulations, Title 16, Division 26, Article 1

An extension certificate program shall meet the following requirements:

(a) The educational program shall be established in an educational institution which has a four-year educational curriculum and either is approved under Section 94900 of the Education Code or is an institution of public higher education as defined by Section 66010 of the Education Code.

(b) There shall be a written statement of the program's philosophy and objectives which 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 promotes achievement of program objectives.

The program's literature shall fully and accurately describe the program's philosophy and objectives.

(c) 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.

(d) The program shall be administered as a discrete program in landscape architecture within the institution with which it is affiliated.

(e) There shall be an organizational chart which 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.

(f) The program shall have sufficient authority and resources to achieve its educational objectives.

(g) The program's director shall be a landscape architect.

(h) 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.

(i) 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

The program's curriculum shall not be revised until it has been approved by the Board.

- (j) The program shall consist of at least 90 quarter units or 60 semester units.
- (k) The program shall maintain a current syllabus for each required course which includes the course objectives, content and the methods of evaluating student performance.
- (l) The curriculum shall be offered in a timeframe which 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.
- (m) A program shall meet the following requirements for its instructional personnel:
 - (1) At least one half of the program's instructional personnel shall hold a professional degree in landscape architecture.
 - (2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects.

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, Business and Professions Code.

AGENDA ITEM O: REVIEW OF FUTURE BOARD MEETING DATES

Summary

A schedule of planned meetings and events for 2021 are provided to the Board.

| <u>Date</u> | <u>Event</u> | <u>Location</u> |
|--------------|---------------|-----------------|
| February 26 | Board Meeting | Teleconference |
| June 11 | Board Meeting | TBD |
| September 10 | Board Meeting | TBD |
| December 10 | Board Meeting | TBD |

AGENDA ITEM P: CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(a)(1), (c)(3), AND (f)(4) AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:

- 1. Review and Take Action on September 18, 2020 Closed Session Minutes**
- 2. Deliberate and Vote on Disciplinary Matters**
- 3. Perform Annual Evaluation of its Executive Officer**
- 4. Adjourn Closed Session**