CALIFORNIA ARCHITECTS BOARD

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA ARCHITECTS BOARD
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MEETING MINUTES
PROFESSIONAL QUALIFICATIONS COMMITTEE

March 26, 2021

Teleconference

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

Chair Pasqual Gutierrez called the meeting to order at 10:06 a.m. and called the roll. Six members of the Committee constitute a quorum; there being eight members present at the time of roll, a quorum was established.

Committee Members Present

Pasqual Gutierrez, Chair
Tian Feng, Vice Chair (arrived at 10:19 a.m.)
Raymond Cheng (arrived by 10:54 a.m.)
Betsey Dougherty
Glenn Gall
Malcolm Gladstone
Kirk Miller
Steve Sands (departed at 12:40 p.m.)
Stephanie Silkwood
Charles Ward III

Members of the Public Present

Mark Christian, Director of Government Relations, The American Institute of Architects, California (AIA CA)

Staff Present

Laura Zuniga, Executive Officer (EO)
Marccus Reinhardt, Licensing Manager
Darren Dumas, Senior Licensing Analyst
Rikki Parks, Examination Analyst
Jesse Bruinsma, Continuing Education Analyst

B. CHAIR'S PROCEDURAL REMARKS AND COMMITTEE MEMBER INTRODUCTORY COMMENTS

Mr. Gutierrez announced the meeting was being webcast pursuant to Governor Gavin Newsom's March 17, 2020 Executive Order N-29. He advised members of the teleconference voting requirements.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No comments were received from the public.

D. REVIEW AND POSSIBLE ACTION ON OCTOBER 30, 2020, MEETING MINUTES

Mr. Miller commented on the brevity of the October 30, 2020 minutes and requested future meeting minutes contain more detail for members to review. Mr. Gall asked whether recordings of the meeting could be made available to accompany the more concise minutes. Ms. Zuniga responded she would research Mr. Gall's request.

- Ms. Dougherty moved to approve the October 30, 2020, meeting minutes.

  Mr. Gall seconded the motion.

  Members Dougherty, Feng, Gall, Gladstone, Gutierrez, Miller, Sands, Silkwood, and Ward voted in favor of the motion. Mr. Cheng was absent for the vote.

  The motion passed 9-0.

E. DISCUSS AND POSSIBLE ACTION ON 2019-2021 STRATEGIC PLAN OBJECTIVE TO AMEND EXISTING LAW REGARDING CONTINUING EDUCATION (CE) REQUIREMENTS FOR LICENSE RENEWAL TO REFLECT THE EVOLVING PRACTICE

Mr. Gutierrez reminded members they were provided a copy of the NCARB CE Guidelines within the meeting packet. He also reminded members that at prior meetings they had expressed their sentiments regarding mandatory CE in California. Mr. Gutierrez opined the Guidelines essentially aligned with member sentiments and suggested there were two pathways available to the Committee with respect to the objective. He suggested the Committee could either recommend the Board adopt the Guidelines without modifications or adapt them to be more California-centric.

Mr. Gutierrez subsequently polled each member for their respective position on which pathway the Committee should pursue related to the objective. Members, during the polling, voiced their individual concerns and opinions regarding the future of mandatory CE in California and the need for additional required hours. The Committee favored adapting the Guidelines, so they are California-centric.

Mr. Miller voiced his support for a California-centric approach and opined that the focus of the NCARB Practice Analysis is too centered on using architects in its study. He recommended the use of a broader base of participants who have a more wholistic understanding of architectural practice and further opined it would provide for a more accurate assessment of the necessity for mandatory CE. He opined the data from the NCARB Practice Analysis does not really provide the real status of the practice of architecture in California.

Mr. Gutierrez asked staff for the professions of those who participated in the Board's Occupational Analysis (OA). Mr. Reinhardt responded that only architects were contacted by Office of Professional Examination Services during the OA survey. He explained this approach was taken for the defensibility of the California Supplemental Examination (CSE) based upon standard psychometric practices for conducting the survey and developing the examination. Ms. Zuniga advised members a draft of the OA is being reviewed by staff and it would be ready and presented to the Board at its June 11, 2021 meeting.

Mr. Sands said it was his understanding the Board previously adopted a position that it wanted to study the results from the NCARB and California OAs before deciding on a course of action related to the objective. He also said the Board posited it wanted to study changing the mandatory hours to between 10 and 15, which (he noted for members) would be done by Assembly Bill (AB) 1010. Mr. Sands cautioned the Committee that to adopt the Guidelines would like meet resistance from the State including the Legislature and Administration. He said mandated CE must address a problem, like is done with AB 1010, which addresses climate concerns. Mr. Sands recommended evaluating the effectiveness of AB 1010 before developing a new framework.

Mr. Gutierrez stated for members his understanding of the Committee's charge as it relates to the objective's goal and asked staff for clarification to determine the Board's expectation of members regarding CE. Ms. Zuniga advised that it is up to the Committee on how it wants to address the charge and that it could be addressed in several ways ranging from discussion to support for proposed legislation (like AB 1010) to a recommendation of a framework for consideration by the Board. She advised members that if the Committee votes to amend the CE requirement, then, after Board approval, it would be necessary to seek legislative sponsorship and provide justification for the proposal.

Mr. Feng reminded members the Committee has been discussing this objective for more than two years and encouraged them to modernize the CE requirement by reaching an outcome after the day's discussion on the topic. Ms. Dougherty agreed with Mr. Feng and asked whether the California had any representation at NCARB; she suggested any representative should be looped into the conversation. Ms. Dougherty argued that given the support from the Governor and President regarding the issue of climate change, it was imperative to expeditiously bring this critical (in her opinion) practice issue before the Board for its consideration.

Mr. Gall explained the OA, which is related to development of the CSE, was not conducted with respect to determining the need for postlicensure competency and CE. He said these were two separate issues being addressed by the Board. Mr. Gall said there was a separate panel of allied professionals who met in Sacramento and were charged with examining postlicensure competency to determine whether CE was necessary. Mr. Gall wanted to make it clear for the Committee the goals of the panel and OA were not related to each other.

Ms. Silkwood reminded members the Committee previously determined 10 to 15 hours of mandatory CE was an appropriate amount for architects to stay relevant in the profession. She added it was also determined the subject matter would be the architect's choice of specialty except for accessibility requirements. Ms. Silkwood said that during the last meeting members agreed to support climate change CE; she pointed out for members that would be most of the proposed framework from the prior meeting. Ms. Silkwood opined there was no reason for the Committee not to develop a final framework for a revised CE requirement given the extensive discussion at prior meetings. She reminded members that during the last meeting the Committee determined climate change to be an emergency that must be addressed as such through the support of related mandatory CE, such as AB 1010.

Mr. Ward concurred with Ms. Silkwood regarding the need for a California-centric approach. However, he voiced his concern regarding the lack of guaranteed representation with NCARB leadership when considering the adoption of the CE Guidelines.

Mr. Sands suggested the Committee recommend the Board support AB 1010. He also suggested the Board encourage the addition of a sunset date, so the Board will have the opportunity in the future to reassess whether the requirement is still necessary. Ms. Silkwood advised the Committee that it was previously determined the relevance of climate change CE could not be predicted. She said, consequently, it was suggested that legislation would be used to revise the requirement later.

Mr. Gutierrez reminded members of the prior discussions and determinations the Committee made on the topic of CE during its past meetings since April 2019. He then provided members with a presentation that included a draft framework for how mandatory CE could look in California. Mr. Gutierrez explained the rationale used to formulate the four subject matter categories of the proposed framework. He subsequently explained each of the four categories (and the constituent components) in detail for the members. Mr. Gutierrez then opened the floor for members to discuss the proposed framework.

Members in turn provided their respective feedback on how to formulate the overall framework with the pros and cons of various combinations that would include the current requirement and the AIA CA proposal for additional mandatory hours on climate change.

Mr. Sands agreed with an earlier comment from Mr. Gall that mandatory CE tends to become rote and opined that is why it does not work. He suggested there should be more discussion before deciding on a new requirement. Mr. Sands asked about the origins of the proposed framework and commented it was the first time the framework was being considered by the Committee. Mr. Gutierrez responded that he developed the framework for consideration at the meeting and the intent was of the various categories was to help architects be the best they can for the service of their clients.

Mr. Feng added for clarity that part of the rationale behind the selection of categories centered around cases the Board reviews in closed session. Mr. Gutierrez echoed Mr. Feng explanation and further explained the driver for Categories 1 (Practice/Project Management) and 4 (Project Development/Documentation) is to help architects be the best possible for the clientele they serve. He also reminded members the current requirement is largely unchanging.

Mr. Sands voiced his concern regarding the focus on requiring CE, so architects can be the best possible for the clientele. He explained that as a regulatory agency the purpose of the Board is to ensure minimum competency and the maintenance of that standard. Mr. Sands said he was dismayed the Committee was arguing over the quantity of required hours instead of whether there is a need for additional mandatory CE. He argued the Board needs to determine whether there is a problem that needs to be addressed through CE.

Mr. Gladstone raised his concern regarding the language used in Category 2 (Climate Change), specifically the Climate Justice section describing social change and poverty and the connection to climate change. Mr. Gutierrez explained that climate justice applies to people who lost towns, jobs, and health as a result of climate change; he cited Paradise, California as a prime recent example.

Members discussed the degree of specificity found within the language of AB 1010. Ms. Dougherty explained it was the intent of AIA CA to have a very specific CE requirement for Zero Net Carbon Design. Mr. Christian explained the language of AB 1010 was intended to be limited only to Zero Net Carbon Design, although consideration of further clarification is being assessed by AIA CA.

Mr. Sands in his closing remarks suggested the Committee make a recommendation to the Board that it support AB 1010 and ask AIA CA include a sunset date in the legislation. He also expressed his concern the Committee-proposed framework was too prescriptive and encouraged members to reconsider defining the precise hours in each category.

Members determined after discussions the draft framework that was proposed should be amended to require 5 Health, Safety, and Welfare Learning Units (HSW LUs) in Categories 2 and 3 and 6 HSW LUs in either Categories 1 or 4 for a total of 16 HSW LUs.

Mr. Gladstone inquired whether the Committee was being asked to approve AB 1010 as written or whether the Board could make changes to it. Ms. Zuniga responded that AB 1010 is being sponsored by AIA CA and it would not be up to the Board to make changes to the language. Mr. Gladstone raised concerns regarding the language of AB 1010 as it relates to the requirement of licensees to maintain records of their trainers' knowledge and experience. Ms. Zuniga explained the language was in the existing law and licensees are already required to comply with the requirement but that we could take it into consideration and see whether other changes need to be made.

- Mr. Cheng made a motion to recommend the Committee propose the draft CE framework as amended to the Board and include within that framework the Board should work collaboratively with AIA CA on AB 1010.

  Ms. Dougherty seconded the motion.

  Members Cheng, Dougherty, Feng, Gall, Gladstone, Gutierrez, Miller, Silkwood, Ward voted in favor of the motion. Mr. Sands was absent for the vote.

  The motion passed 9-0.

  Mr. Christian said AIA CA would consider including the proposed framework, but its Board of Directors considers the situation as an emergency and wants the legislation to have the best opportunity to pass the Legislature and be signed by the Governor. He said they would be hesitant about anything that could change their focused intent of the bill. Mr. Christian further said the AIA CA would need approval from the bill's author for any changes to the language.

- Ms. Silkwood moved to recommend the Board endorse the intent of AB1010 with collaboration between the Board and AIA CA.

  Ms. Dougherty seconded the motion.

  Members Cheng, Dougherty, Feng, Gall, Gladstone, Gutierrez, Miller, Silkwood, and Ward voted in favor of the motion.

  The motion passed 9-0.

Mr. Gutierrez announced he would be stepping down as Committee Chair but will remain a member of the Committee.

F. ADJOURNMENT

The meeting adjourned at 1:47 p.m.