



**Board Members**

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

**NOTICE OF TELECONFERENCE MEETING**

**September 10, 2021**

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

**10:00 a.m., on Friday, September 10, 2021**

**NOTE:** Pursuant to Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, this meeting will be held by teleconference with no physical public locations.

**The Board May Take Action on Any Agenda Item**

**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/j.php?MTID=m7931715a4bf52b32682e47e63ca0d886>

Event Number: 146 388 2049

Password: AB091021 (22091021 from phones)

Phone: (415) 655-0001

Access Code: 146 388 2049

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 September 3, 2021, to [cab@dca.ca.gov](mailto:cab@dca.ca.gov) for consideration.

**AGENDA**

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

*(Continued)*

**Action may be taken on any item listed below.**

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. President's Procedural Remarks and Board Member Introductory Comments
- C. Update on the Department of Consumer Affairs (DCA) – 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. Review and Possible Action on June 11, 2021, Board Meeting Minutes
- F. Communications Committee Report
  - 1. Update from September 1, 2021, Communications Committee Meeting
- G. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
  - 1. Review and Discussion of California Supplemental Exam – Tracy Montez, Chief Divisions of Programs and Policy Review
  - 2. Budget Update
  - 3. Quarterly Report
- H. Discuss and Possible Action on Modified Proposed Regulatory Text for California Code of Regulations (CCR), Title 16, Division 2, Article 5, Section 135 (Architectural Advertising)
- I. Discuss and Possible Action on Modified Proposed Regulatory Text for CCR Title 16, Division 2, Article 10, Section 165 (Disability Access Continuing Education)
- J. Discuss and Possible Action on Proposed Adoption of new CCR, Title 16, Division 2, Article 2, Section 109.1 (Retired License Application)
- K. Update and Possible Action on Legislation:
  - 1. AB 107 (Salas) Licensure: Veterans and Military Spouses
  - 2. AB 1010 (Berman) Architects: Continuing Education
  - 3. SB 607 (Roth) Professions and Vocations
- L. Update and Discussion of National Council of Architectural Registration Boards (NCARB):

1. Update and Discussion of Committee Meetings
2. Diversity, Equity, Inclusion Discussion

M. Landscape Architects Technical Committee (LATC) Report

1. Update on August 4, 2021, and May 25, 2021, LATC Meetings
2. Review and Possible Action on Modified Proposed Regulatory Text for CCR, Title 16, Division 26, Article 1, Section 2620 Education and Training Credits
3. Review, Discussion, and Possible Action Regarding Legal Affairs Staff Request to Reconsider Previously Approved Text to Amend CCR, Title 16, Division 26, Article 1, Section 2680 (Disciplinary Guidelines) and Authorization to Initiate a New Rulemaking

N. Review of Future Board Meeting Dates

O. Closed Session - Pursuant to Government Code Sections 11126(a)(1) and (c)(3), the Board Will Meet in Closed Session to:

1. Deliberate and Vote on Disciplinary Matters

P. Reconvene Open Session

Q. 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.

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](http://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 individuals with disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

**Person:** Drew Liston

**Telephone:** (916) 575-7202

**Email:** [drew.liston@dca.ca.gov](mailto:drew.liston@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).

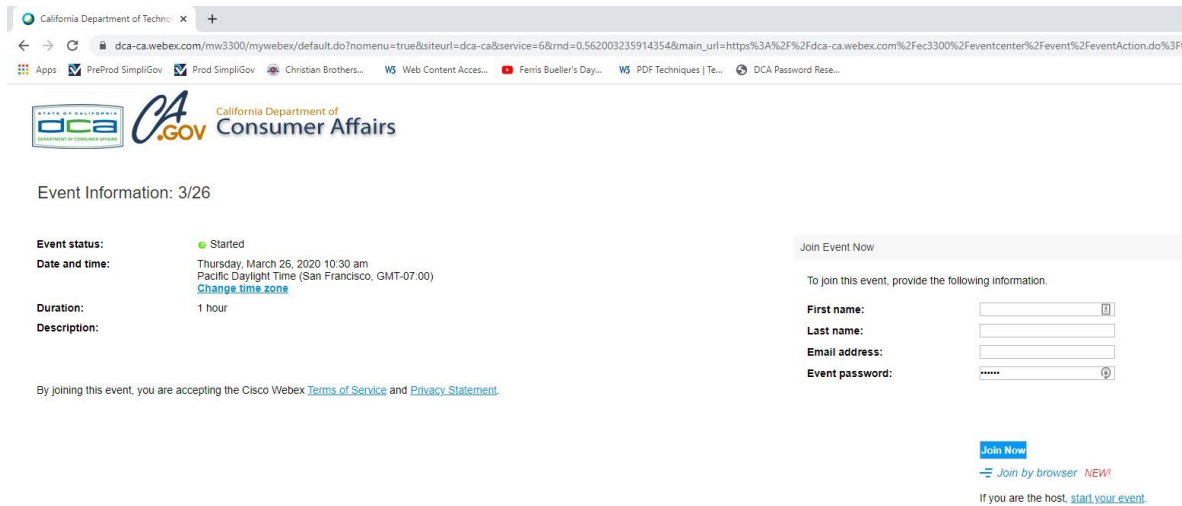
# HOW TO – Join – DCA WebEx Event

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

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

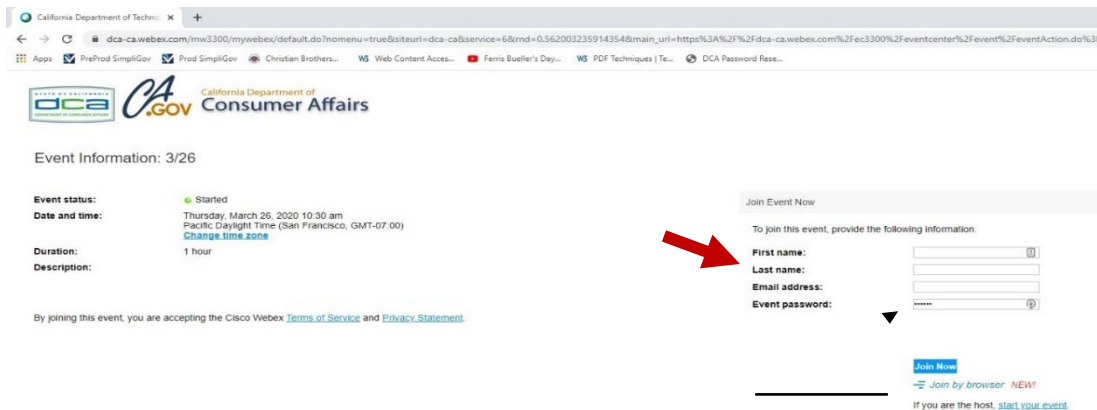
Example link:

<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.*

Join Event Now

To join this event, provide the following information.

**First name:**

**Last name:**

**Email address:**

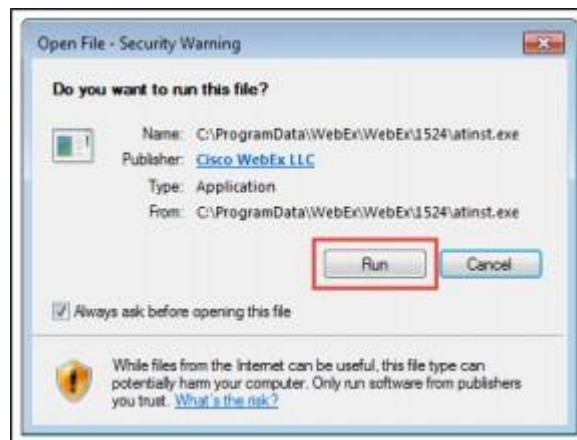
**Event password:**

**Join Now**

[Join by browser](#) **NEW!**

If you are the host, [start your event](#).

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

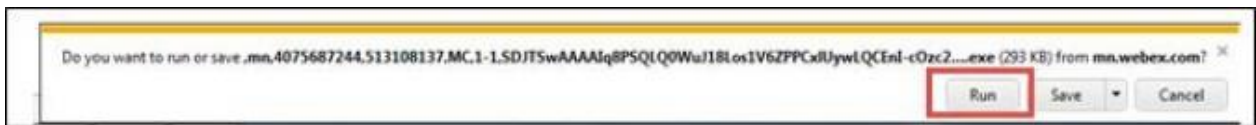
- To bypass step 4, click 'Run a temporary application'.

## Starting Webex...



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

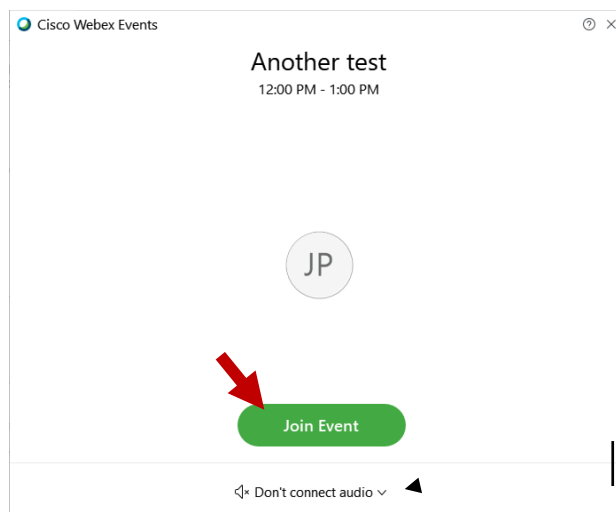
- A dialog box will appear at the bottom of the page, click 'Run'.



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

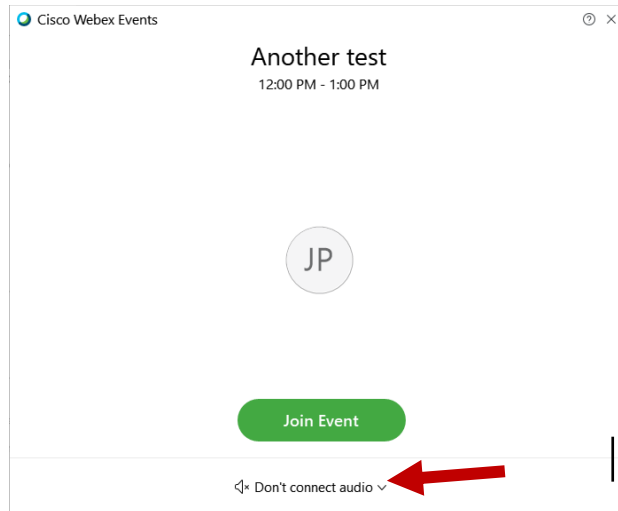
NOTE: The preferred audio connection to our event is via telephone conference or headset. Use of an open microphone and speakers through your computer could result in issue with audio clarity and potential feedback/echo.

- If using a headset plugged into your computer, click the 'Join Event' button.

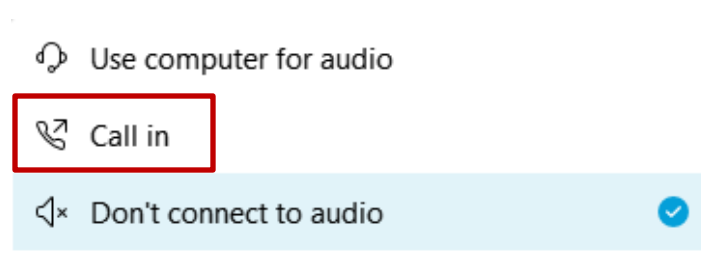


# HOW TO – Join – DCA WebEx Event

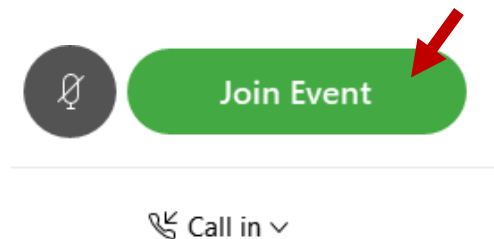
8. If using teleconference via your phone for audio, click the audio menu below the green 'Join Event' button.



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



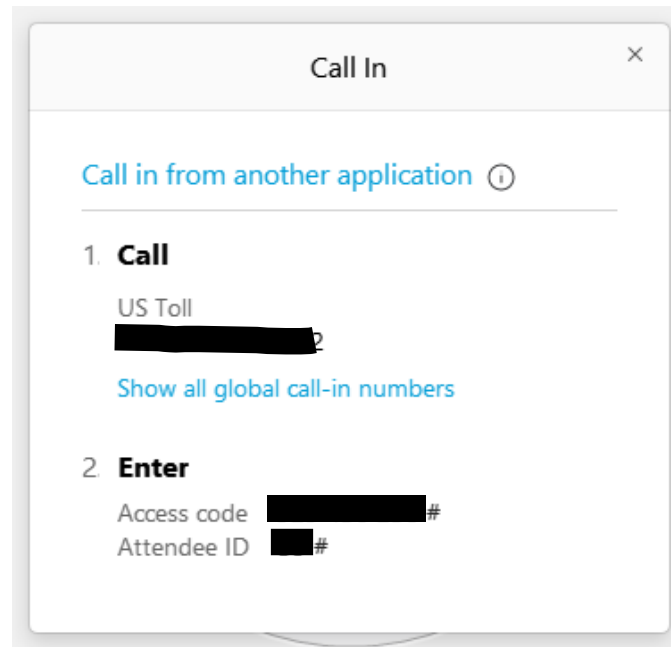
10. Click 'Join Event'. The audio conference call in information will be available after you join the Event.





# HOW TO – Join – DCA WebEx Event

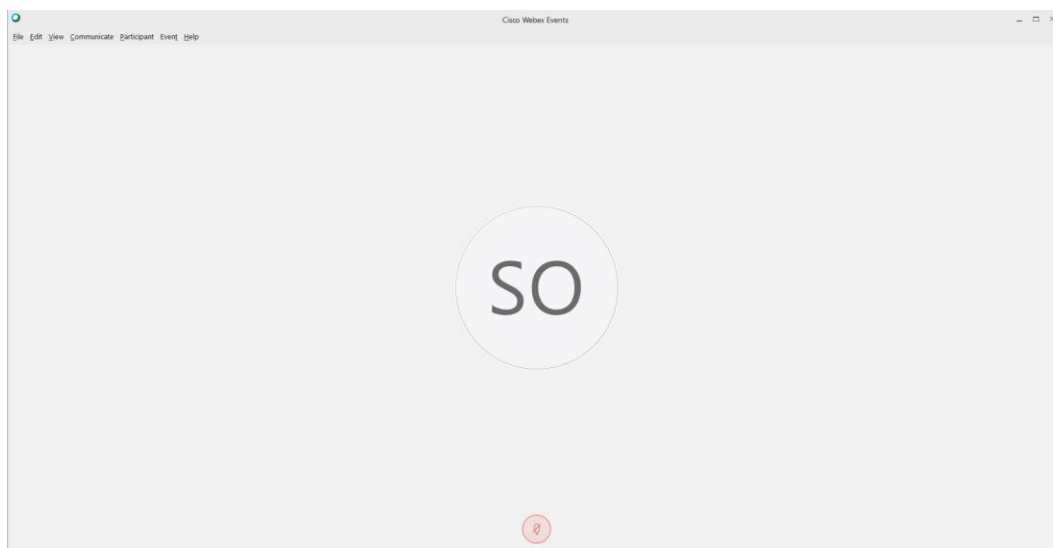
11. Call into the audio conference with the details provided.



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

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!

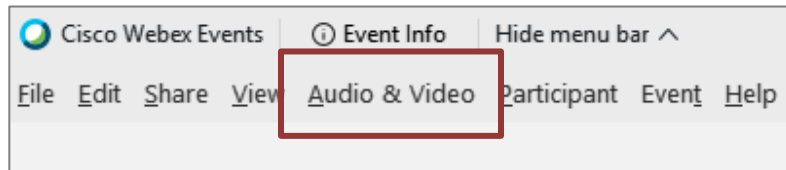


*NOTE: Your audio line is muted and can only be unmuted by the event host.*

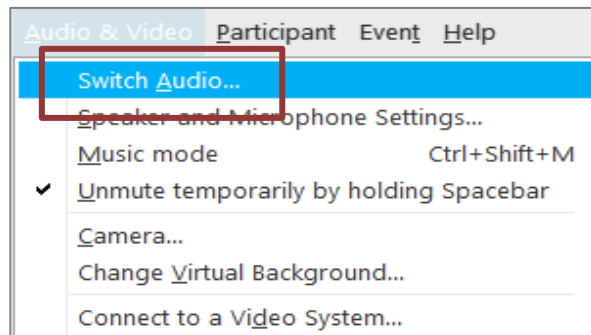
## Selecting Audio Connection After Joining

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.

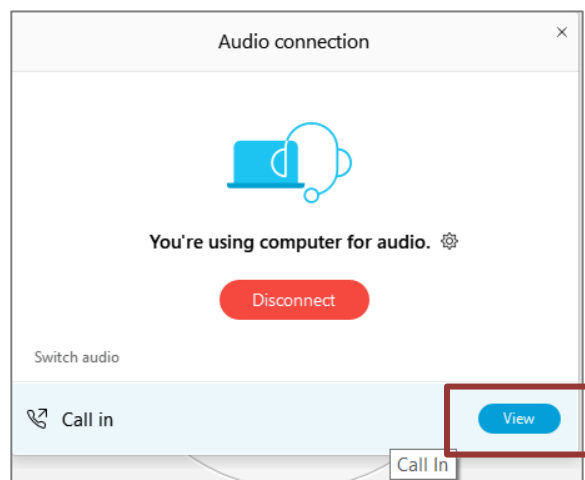
1. Select 'Audio & Video' from the menu bar at the top of your screen.



2. Select "Switch Audio" from the drop-down menu.



3. The 'Call In' information can be displayed by selecting 'View'



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

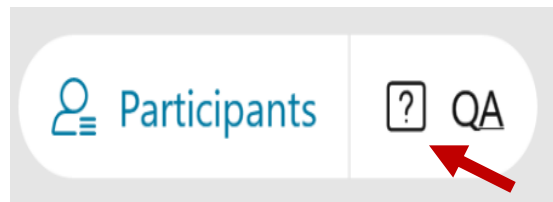
# HOW TO – Join – DCA WebEx Event

## Participating During a Public Comment Period

At certain times during the event, the facilitator may call for public comment.

### Using the Question & Answer feature (Q&A):

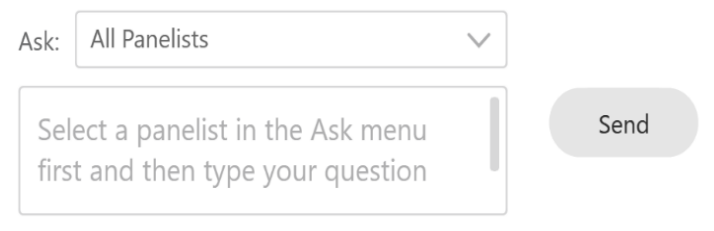
If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



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

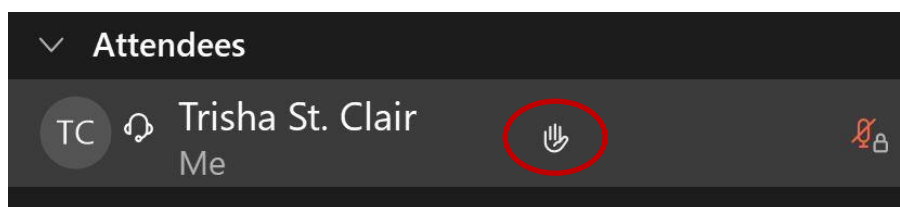
*NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.*

Make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.



### Using the hand raise feature:

If the program elects to allow use of the hand raise feature and you would like to make a public comment, click on the hand icon next to your name.



Please click on the hand icon again once your comment has been presented to lower your hand.

# HOW TO – Join – DCA WebEx Event

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

When you are identified as the next commenter, the moderator will unmute your line, sending you a request to unmute yourself. Clicking “unmute me” on the pop-up window will open your microphone. You may then begin providing your public comment.



*NOTE: Your line will be muted at the end of the allotted public comment duration. You will be given a warning that your time is about to expire.*

## **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

Mitra Kanaani

Sylvia Kwan

Ebony Lewis

Robert C. Pearman, Jr.

Ronald A. Jones

Nilza Serrano

Charles Ward, III



**DRAFT**

**MEETING MINUTES**

**CALIFORNIA ARCHITECTS BOARD**

June 11, 2021  
Teleconference Meeting

Some of the Agenda Items were taken out of order and are reported in the order they were presented during the meeting.

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

On June 11, 2021, Board President, Tian Feng, called the meeting to order at 10:03 a.m. and Secretary, Robert Pearman, called roll.

**Board Members Present**

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

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

**Guests Present**

Eddy Blane  
Mark Christian, Director of Government Relations, American Institute of Architects, California (AIA CA)  
Jon Wreschinsky, LATC Member

**Staff Present**

Laura Zuniga, Executive Officer (EO)  
Jane Kreidler, Manager, Administration Unit  
Alicia Kroeger, Manager Enforcement Unit  
Marccus Reinhardt, Manager, Examination/Licensing Unit  
Darren Dumas, Examination/Licensing Analyst

*(Continued)*

Drew Liston, Board Liaison  
Kim McDaniel, Administration Analyst  
Kourtney Nation, LATC Special Projects Analyst  
Rikki Parks, Staff Services Analyst  
Michael Sganga, Enforcement Analyst  
Stacy Townsend, LATC Enforcement Analyst

**DCA Staff Present**

Carrie Holmes, Deputy Director, Board and Bureau Relations  
Michael Kanotz, Board Counsel, Attorney III  
Heidi Lincer, Chief, Office of Professional Examination Services (OPES)  
Tracy Montez, Chief, Division of Programs and Policy Review  
Derek Nakamura, Information Technology Associate  
Ruxandra Nunn, Research Data Specialist II, OPES  
Bryce Penney, Television Specialist

**B. President’s Procedural Remarks and Board Member Introductory Comments**

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

Mr. Feng and Board members acknowledged and thanked Pasqual Gutierrez for his distinguished years of service to the Board and architect profession. Mr. Feng shared that the Board has issued a letter of commendation.

Mr. Gutierrez expressed that it has been a rewarding experience and wished the members well.

There were no comments from the public.

**C. Update on the Department of Consumer Affairs (DCA) – Carrie Holmes, Deputy Director, Board and Bureau Relations**

Carrie Holmes, DCA’s Deputy Director for Board and Bureau Relations, provided the following update after thanking Mr. Gutierrez for his many years of service on the Board:

- Individuals interested in applying for the licensee Board position that will be vacated by Mr. Gutierrez at the end of June, may do so through the Governor’s appointments website or DCA Board member resources page.
- COVID-19 Update:
  1. California will fully reopen on June 15, 2021.

2. Existing mask guidance in place until June 15, 2021, when it will align with the Centers for Disease Control guidance for the public, however workplaces and some other settings may have different requirements.
  3. Presently, employees and visitors must still wear masks while at DCA locations.
  4. No definitive answer yet on when and how Boards may meet in-person again.
  5. DCA is looking into changes that can take place on a permanent basis for efficiency and employee well-being such as eliminating paper processes, maximizing telework, and utilizing remote meetings.
  6. Visit DCA's COVID-19 webpage for updates and resources on the state's reopening plans and public health guidance.
- 2021 is a mandatory sexual harassment prevention training year for Board members and all employees.
  - Newly appointed and reappointed Board members are required to attend Board member orientation training within one year of appointment or reappointment. The next training will be via WebEx on June 23, 2021, and registration can be accessed at the DCA Board member resource center at [dca.ca.gov](http://dca.ca.gov).
  - Two new DCA Initiatives have been launched to enhance services for Board and Bureaus:
    1. Executive Officer Cabinet has been maintaining regular communication, providing feedback and information to DCA, and assisting with special projects that impact all Boards and Bureaus.
    2. Enlightened Licensing Workgroup helps board and bureaus streamline and make their licensing processes more effective and efficient by using best practices, technology, and cost-saving measures. The workgroup is currently working with the Board of Registered Nursing.

Sylvia Kwan inquired about when DCA would have a definitive answer about fall 2021 Board meetings being allowed to be in-person. Ms. Holmes clarified that those meetings could be in-person and that the ability to continue with some remote options is what is uncertain. She shared that the State of Emergency and Executive Orders were not all being lifted on June 15, 2021, which means Boards may be able to continue with remote meeting and/or hybrid models and that DCA is looking into the best meeting models so that everyone is healthy, safe and comfortable.

Brett Gladstone sought clarification on the term "hybrid model" and Ms. Holmes shared this could mean some Board members attend the Board meeting in person or the public attends remotely and the Board meets in person. Ms. Holmes shared that one intent is to continue with increased public access and not sacrifice in-person Board camaraderie, and that it is not entirely clear what the law will allow at this point.



Robert Pearman inquired about the Enlightened Licensing Workgroup and whether it would work with every Board. Ms. Holmes indicated that ideally any Board or Bureau that wanted a deep dive into their processes should be able and that the timelines are unknown. She also indicated that Boards would benefit from lessons learned by the first Boards looking into their processes. In addition, Ms. Holmes clarified that the workgroup comprises individuals from Board and Bureaus, IT, the Organizational Improvement Office, and experts on various aspects of the licensing process.

Mr. Feng asked if the full Board could attend the Executive Officer Brown Bag meetings because he found the meeting helpful. Ms. Holmes indicated that Presidents were invited to one meeting, and it was so well received that the invitation has been extended. She shared that it may be difficult to have such a large group but could mention the topic for discussion.

There were no comments from the public.

#### **D. Public Comment on Items Not on the Agenda**

There were no comments from the public.

#### **E. Review and Possible Action on February 26, 2021, Board Meeting Minutes**

**Nilza Serrano moved to approve the February 26, 2021, Board Meeting Minutes.**

**Ebony Lewis 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.**

#### **F. Communications Committee Report**

##### **1. Update from March 25, 2021, Communications Committee Meeting**

Laura Zuniga provided an update on the meeting including the two items the Board had referred for Committee discussion:

- Creating tutorial videos such as the ones created by LATC. The Committee approved creation of the videos.
- Revised Outreach Program objectives that the Board discussed at the February 26, 2021, Board meeting. The Committee discussed this item and did not act but rather preferred to discuss and take action at an in-person meeting.

Ms. Zuniga shared that DCA provided an update on the Committee-related strategic plan objectives and that the Committee discussed meeting frequency and the desire to meet more often.

Mr. Feng, acknowledging that there may not be an opportunity to meet in person before the September strategic planning meeting, asked the Committee to meet and provide more specific recommendations for the Board to consider for strategic planning.

Ebony Lewis shared that the Committee discussed providing materials in Spanish to be more equitable and inclusive and Ms. Kwan supported the idea and asked if there are state guidance regarding translating materials into other languages. Ms. Zuniga shared there is a requirement, but it is not specific to our publications, and the Board will work with DCA on translation of materials. Mr. Feng asked that the Committee include translation services in its recommendations.

There were no comments from the public.

## **H. Professional Qualifications Committee (PQC) Report**

### **1. Presentation by the DCA Office of Professional Examination Services on the December 2020 Occupational Analysis of the Architect Profession**

Heidi Lincer, DCA's Chief of Office of Professional Examination Services (OPES) introduced Ruxandra Nunn, Research Data Specialist II, who provided a presentation on the [Architect Occupational Analysis of the Architect Profession](#). The presentation included an overview of OPES's function which is to provide exam consulting services for DCA's Boards, Bureaus, and Committees including the occupation analysis (OA) processes and results.

Licensure examinations provide a reliable method to identify those who can practice safely and competently with a focus on entry-level tasks and knowledge important for public protection. Subject Matter Experts (SME), selected by the Board to represent the profession in geographical location, experience, and specialty, provide input during test development.

The examination development cycle includes the OA, development of an exam outline, test item writing, item review, exam construction, and determining passing scores.

Now that the OA is complete, the next steps in the California Supplemental Exam (CSE) development include implementing a new CSE outline, review of the national examination, and a final report in June 2022. There is a chance that if the national examination is pushed back due to its OA, the timeline may need to change.

Mr. Feng sought information regarding the composition of the team's SME's. Ms. Nunn indicated that she is the main OPES test specialist who works with the Board-selected SME's. Ms. Nunn further clarified that the SME's are recruited and selected by the Board. Ms. Zuniga shared that SME's are not necessarily Board members or architect consultants and Marccus Reinhardt, Examination/Licensing Unit manager, elaborated on how their own SME's are selected. Mr. Reinhardt indicated that Board and committee members are not used in the process of selecting SME's.

Ms. Nunn shared that SME's sign security and conflict of interest agreements certifying they are not educators and do not teach architecture and have no affiliation with anything that would be a conflict of interest with developing the exam or the Board.

Ronald Jones asked about the discrepancy between the weights for the topic areas on the slides titled, Description of Practice Content Areas and CSE Content Areas. Ms. Nunn explained that slide 26 represents how often a particular content area, in this case, construction documents/permitting, is performed on the job. The weights differ from slide 27, which represents the proportion of test items on the topic area, because the SME's felt that other areas were more important to test on than construction documents/permitting.

Mr. Jones observed most of the architect practitioners appear to be in the category of residential architecture and it is those members of the practicing industry that oftentimes come before the Board for infractions. There is something to be learned from that, and whether the exam and education we provide them are designed for success in professional practice.

Ms. Serrano asked if demographic information and college/university attended are collected in the surveys. Ms. Nunn indicated that higher education institution information is not collected but could be included in the future. In terms of demographic data such as sex, ethnicity, and age, Ms. Nunn indicated that information is not collected, as it does not apply to what they are using the demographic questions for, but they can look into it in the future.

Sylvia Kwan stated that she wasn't aware of the extent that the CSE is coordinated with the ARE, and said she was pleased that OPES diligently coordinates with NCARB. Ms. Nunn said that every time an OA is performed, they review the ARE and look at their entire process including exam development information, how they develop exams, forms, handbooks, and other examination information. We also provide recommendations such as educators should not be used in the exam process.

Ms. Kwan asked how many other states have a supplemental exam and Ms. Zuniga shared there are 13.

Mr. Gladstone inquired about the language(s) the CSE is administered in and whether there have been requests to have the examination given in other languages. Ms. Nunn shared the CSE is only administered in English and Ms. Lincer shared an overview of the process for a Board if it were interested in offering an exam in multiple languages.

Mr. Feng shared NCARB's approach to exams is that everyone, including foreign architects, must take the exam in English; however, stated it's a good idea for CAB to look at.

Mr. Gladstone asked if the Board could consider reaching out to students or their professors to determine if there will be demand for the CSE in additional languages. Ms. Zuniga shared that staff could conduct research including any requests we've received, what is entailed. the costs, and other boards' processes, with the goal of having data for the September strategic planning session.

Mr. Gladstone asked if there are any barriers with the CSE, moving beyond language, either psychologically or culturally faced by certain communities such as communities of color, to succeed and getting through the process. Ms. Lincer explained that OPES works with the Board to select SME's who are representative of the population of people who will be taking the CSE in terms of culture, ethnicity, and gender and editors also review items to address cultural differences.

Mr. Feng asked that the full Board be able to provide input on the subject areas of the CSE and include this in the September strategic planning session. Ms. Zuniga said she would follow-up with OPES indicating that there are specific requirements for the CSE to be valid and legally defensible.

Sonny Ward stated that given the Board's interest in a new Continuing Education (CE) requirement on conservation and the environment if it is permissible to include this as a subject area of the CSE. Mr. Ward further posited about having exam questions weighted that are in alignment with state regulations.

In response to an inquiry about the size of California's SME pool informing the CSE, the presenter shared there are many SME's.

There were no comments from the public.

## **2. Update from March 26, 2021, PQC Meeting**

Mr. Gutierrez shared that the Committee approved October 2020 meeting minutes and discussed and approved recommendations for a proposed CE framework consistent with the 2019-2021 strategic plan objective to amend existing law regarding CE requirements for license renewal to reflect the

revolving practice of architecture. Mr. Gutierrez indicated that the third item the Committee approved is a recommendation to endorse the intent of AB 1010 and to collaborate with AIA CA on zero net carbon design.

There were no comments from the public.

### **3. Discussion and Possible Action on Continuing Education Requirements**

Mr. Gutierrez provided a presentation to assist the Board in formulating thoughts and perspectives to fulfill the PQC strategic plan objective which is to amend existing law regarding CE requirements for license renewal to reflect the evolving practice of architecture. PQC findings include that the current CE requirements are too narrow to keep pace with evolving contemporary practice to position the California architect to best serve consumers. The PQC assessment to expand learning programs will provide for greater inclusivity of diversified career architects serving multiple types of consumer interests. Mr. Gutierrez indicated that expanding CE subjects serves to foster a well-rounded practitioner that will refine and build upon the minimal levels of competency.

Mr. Gutierrez shared a draft CE framework comprised of four subject matter categories and the 12 learning units required which will align California with the majority of the 55 licensing jurisdictions in the nation. The four subject matter areas are: (1) Practice/Project Management – Construction and Evaluation (2) Climate Change, (3) Accessibility – Universal Design, and (4) Project Development/Documentation – Programming and Analysis. Mr. Gutierrez summarized the proposed four category CE framework sharing that it allows California's diverse architects with a flexible selection of subject matter topics that they would deem most relevant to their consumers and serves to keep pace with the evolving practice of architecture.

Mr. Gutierrez summarized the PQC has recommended a flexible framework representing an amendment to existing law to reflect evolving practice in architecture.

Mr. Gutierrez thanked numerous past and current PQC members for their dedication, ideas, and participation.

Ms. Kwan shared her experience on the critical role of the legislative process in establishing new CE requirements during the development of the disability access CE when its sponsor wanted to ensure it remained intact. Ms. Kwan shared that over the years the Board has been hesitant to make CE changes and she applauded the PQC and Mr. Gutierrez on making logical and needed CE standards. Ms. Kwan sought clarification on the approval process for the proposed CE framework. Ms. Zuniga stated the Board would need to go to the Legislature and before doing so, additional information needs to be provided.

Discussion ensued regarding sponsorship for the proposed CE framework and Ms. Zuniga mentioned that the sponsor of the current disability access CE could potentially have concerns if it were modified as proposed. Mr. Gutierrez provided additional context from the PQC meeting sharing they felt it important to expand the current disability access CE requirement to include a more diversified group of individuals that incur challenges beyond barrier-free design.

Mr. Gladstone shared that the PQC had discussion regarding the role of AIA CA and queried if there were legislators who were architects that may be interested in sponsoring the proposed expanded CE proposal.

Mr. Gutierrez suggested that maybe AIA CA could be approached to expand the subject-matter topics of AB 1010 which is solely focused on zero net design.

Ms. Zuniga concluded the discussion stating that if the Board moves forward with the proposed CE framework, the idea and requisite processes could be discussed during the strategic planning session later this year.

Mr. Feng clarified there was no need for a vote because the topic was being moved to the strategic planning session where something would be created for Board approval.

Public Comment.

Mark Christian, AIA CA commented that the organization would like to work with CAB should it adopt the proposed CE framework. He shared that AB 1010 passed the Senate Business & Professions Committee earlier during the week and that it is too late in the process to amend.

Ms. Serrano questioned the discrepancies between the proposed number of CE units in slide deck versus the document in the packet. Mr. Gutierrez shared that the document in the packet was the material from the PQC agenda and not the final recommendation and that as a result of the meeting, the units were changed to capture the PQC discussion, represented in the slide deck.

## **G. Executive Committee Report**

### **1. Update from May 7, 2021, Executive Committee Meeting**

Mr. Feng commented formalizing the Board committee structure was the main topic of the Executive Committee (EC) meeting. He also indicated that Ms. Zuniga contacted NCARB to get information about the logistics and process for their resolutions.

Ms. Zuniga shared that NCARB had a resolution to modify their governance structure for their Board of Directors at its Regional Summit, and the board

decided to table that resolution and not move it forward and would be getting a consultant. Ms. Zuniga indicated that there will be a second resolution going forward at the Annual Business meeting to modify term limits of regional directors and she had inquired if the tabled resolution could be offered as an amendment to the resolution that would be on the floor and the parliamentarian indicated that would be ruled out of order.

Ms. Kwan mentioned she has been receiving training to become a future Board member when her term begins in July. Ms. Kwan provided additional background information on the tabled diversity, equity, and inclusion resolution. She shared that that a third-party consultant would conduct education on the topic.

Ms. Serrano shared her frustration that the NCARB committee had worked two years on the matter and mentioned the EC had discussed sending a letter to NCARB expressing thoughts about this not being taken as a priority. Mr. Feng asked the Board to consider if sending a letter, what would be the objective knowing that procedurally it cannot change the outcome.

Ms. Kwan indicated that NCARB was surprised by the lack of input and that the letter could serve as notice that the national board should be deliberative that the resolution is well understood and passes next year. She shared that NCARB used the fact that they did not receive many responses to suggest people were uninterested in the issue; when, in fact, the opposite could be true since people expected to vote on the matter.

Ms. Zuniga stated if the Board does not want to move forward with a letter that another option could be to consider language for the next resolution. Ms. Kwan offered that the letter could reiterate the resolution and expand to clarify and strengthen it. Ms. Kwan stressed the need to get the letter to NCARB before they leave for the meeting on June 23, 2021.

Mr. Gladstone supported the recommendation to write the letter as it would show NCARB that it the whole Board was speaking and not just the two members of NCARB's Diversity Committee.

Mr. Feng supports sending a letter expressing disappointment and the inclusion of several recommendations as a way of moving forward.

Mr. Ward provided his thoughts that the letter should be specific to the motion that failed. Mr. Ward indicated a second issue is that California does not have proportional representation within NCARB and that it is a non-government organization with a huge amount of power over the profession in the country and in California. He said there are fundamental representational issues and that systemic racism and lack of diversity engrained in NCARB's process is the direct result of California not having representation.

Ms. Lewis agreed with Mr. Ward regarding representation.

Mr. Gutierrez said that numbers speak to NCARB and suggested gathering an assembly of consortium Boards who are like-minded to bring the issue to NCARB.

Mr. Feng offered that because it is not procedurally possible to revitalize the resolution there is no clear deadline for a letter and he is supportive if more time is needed to express views together with other states and jurisdictions.

Ms. Serrano expressed her support for the letter to be sent now and for the Board to also gather support.

Mr. Feng supported an immediate letter and another later with other Boards and jurisdictions.

Ms. Lewis indicated that statewide data should be included in the letter such as the proportion of the profession that California represents nationally.

Mr. Ward volunteered to serve on any committee related to this topic. Mr. Feng indicated the topic should be part of the Communications Committee. Ms. Zuniga offered that a special committee of the Board could be created for a nimbler approach to the issue.

Public comment.

Jon Wreschinsky, LATC Chair commented that LATC has similar issues with CLARB regarding no California representation on the executive board or board of directors. Mr. Wreschinsky shared that LATC had shared concern regarding CLARB's work on a uniform standard for licensure and that he applied to serve on CLARB's board. He was interviewed and was offered to serve on the nomination committee, precluding him from serving on the board. and making him nominate other individuals to serve on the board. He withdrew his acceptance of that position.

## **2. Discussion and Possible Action on Revisions to the Board's Committee Policy**

Ms. Zuniga reported on the EC discussion to review the policy on committees. She provided an overview of the current Board committees and shared the modifications approved are: (1) establish term limits, (2) increase meeting frequency to twice a year, (3) committees provide reports once per year, and (4) alignment with the strategic plan.

There were no comments from the public.



Mr. Gladstone inquired about the Regulatory and Enforcement Committee and Ms. Zuniga shared that it was not included on today's meeting agenda because there has not been a meeting since the February 2021 Board meeting. She indicated that REC completed its strategic plan objectives. REC chair, Mr. Pearman, shared that the committee will meet again once any relevant activities are established with a new strategic plan.

## **I. Update and Possible Action on Legislation:**

### **1. AB 107 (Salas) Licensure: Veterans and Military Spouses**

Ms. Zuniga stated this bill made it out of the Assembly and is now in the Senate and would require each Board within DCA to issue temporary licenses to a spouse of someone who is on active duty in the military. Ms. Zuniga shared while some Boards already issue temporary licenses, CAB does not. She indicated that a remaining question with the bill is whether temporary licensees would be required to take the CSE as the language is not clear on the matter and that this should be addressed at its next committee hearing. CAB does not receive many applications from candidates eligible for expedited licensure so there would not be a significant impact on the Board.

Mr. Gutierrez shared that if there is a possible 30-day reciprocity exemption of the CSE, the integrity of the licensure process would be undermined, and Ms. Serrano agreed. Ms. Zuniga stated that concern has been raised--not just by this Board--anyone receiving a temporary license needs to meet the same requirements as regular applicants.

In response to a query about whether an applicant for a temporary license would need to pass a test, Ms. Zuniga clarified that the applicant would be required to be licensed in another jurisdiction.

### **2. AB 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions**

Ms. Zuniga shared that while this bill is included in the meeting packet, it did not make it out of the Appropriations Committee and will monitor whether it becomes active next year.

### **3. AB 1010 (Berman) Architects: Continuing Education**

Ms. Zuniga presented that this bill, sponsored by AIA CA, will require a new CE requirement on zero net carbon design and that the Board was given a presentation in December 2020 by AIA CA on the bill.

Mr. Gutierrez commented that the narrow definition of CE coursework as zero net carbon design in AB 1010 does not embrace other critical subject matter topics of climate change such as resilience, adaptation, and environmental justice.

Ms. Zuniga shared that the bill was recently amended to provide the Board more time to adopt the regulations that the bill would require, and the requirement would start beforehand.

#### **4. SB 607 (Roth) Professions and Vocations**

Ms. Zuniga presented that this Business and Professions Committee omnibus bill contains language that would allow LATC to begin fingerprinting next year. She mentioned that the Board started fingerprinting applicants this year; however, implementation language for LATC was unsuccessful last year and their requirement was postponed a year. Ms. Zuniga indicated the issues of concern with the Attorney General's Office were resolved and revised language is now in the bill.

Public comment.

Mr. Christian, AIA CA, shared the organization is working to ensure that those applying for temporary licenses under AB 107 need to take the CSE. He offered to answer questions regarding AB 1010.

### **J. Update and Discussion of National Council of Architectural Registration Boards (NCARB):**

#### **1. Update and Discussion of Committee Meetings**

Ms. Zuniga presented that NCARB recently announced appointments to committees for next year and asked members to send her information on their committees, if any.

Mr. Feng shared that he was appointed to the Certificate Alternative Review Committee/Review Team and the Future Committee.

Mr. Ward shared that he was appointed to the Credentials Committee.

Ms. Serrano shared that she did not apply to any committees but is happy to serve wherever needed. Ms. Kwan indicated that Ms. Serrano is on the Diversity Committee.

Ms. Kwan shared that she had not received a formal notification; however, she is a member of the Diversity Committee and the Regional Leadership Committee, comprised of the leaders for each region.

Mr. Feng expressed that he shared his interest in serving on the Diversity Committee and NCARB informed him the Diversity Committee was heavily comprised of California's region.

## **2. Review of 2021 Annual Business Meeting Agenda**

Ms. Zuniga shared the agenda is in the packet so that members are aware of discussion items and that Board members were still able to register to attend virtually.

Ms. Kwan encouraged members to attend the WestCARB (Region 6) meeting on Saturday, June 26, 2021, 8:00 a.m. PST. She shared that there will be opportunities to participate on WestCARB committees. Ms. Kwan indicated that Mr. Pearman was a member of the Bylaws Committee, and they still need volunteers for the Education Committee.

## **3. Discuss and Take Action on Candidates for 2021 NCARB Board of Directors**

Ms. Zuniga stated that NCARB materials for each candidate were not ready yet and did not believe that any officer positions were contested. She suggested the Board consider doing what it did last year and defer the voting decision to the Board's delegate, Mr. Feng.

Mr. Feng indicated that candidate resumes, and materials just aren't ready yet.

Mr. Gutierrez shared that NCARB Model Law will serve as an updated national model and enhance resources for jurisdictions/Boards to adapt or adopt at their choosing as they update their Acts, processes, and regulatory frameworks. He indicated that approval of the resolution does not require member board laws and regulations to be identical to these provisions. Mr. Gutierrez said the Model Law allows for experience to be represented as education which would keep in alignment with California's Table of Equivalents. It also allows boards to have supplemental exams, thus the fabric of California's licensing process was preserved in NCARB's Model Law.

Mr. Feng sought confirmation that a vote in support of NCARB's Model Law does not preclude the Board to adopt or not adopt the Model Law as a jurisdiction. Mr. Gutierrez clarified that a vote in favor of the new NCARB Model Law would sunset the old Model Law.

## **4. Review May 2021 NCARB Special Meeting and Resolution 2021-01 NCARB Bylaws Amendment – Remote Meetings**

## 5. Review and Approve Credential Letter

The Board voted to approve Mr. Feng as the voting delegate and Ms. Serrano as the alternate.

**Robert Pearman moved to approve Mr. Feng as the voting delegate and Ms. Serrano as the alternate.**

**Sonny Ward 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.**

## 6. Review, Discussion, and Possible Action on 2021 Resolutions

Ms. Zuniga shared that the Board could vote on each resolution or defer the decision to the voting delegate. She indicated that the resolutions were not controversial and there is one resolution which modifies board governance by changing term limits for regional directors from three to two years.

Mr. Feng sought input from the Board regarding how they wanted to proceed and if they preferred to go through each resolution.

- a) Resolution 2021-02: *NCARB Certification Guidelines* Amendment – Qualifications for Education Alternative
- b) Resolution 2021-03: *NCARB Certification Guidelines* Amendment – Qualifications for Foreign Alternative
- c) Resolution 2021-04: Sunset of Resolution 2000-1 (Opposition to Interior Design Licensing)
- d) Resolution 2021-05: Amendment and Restatement of the *NCARB Legislative Guidelines and Model Law/Model Regulations*
- e) Resolution 2021-06: Omnibus Sunset of Resolutions in Conflict with Current Council Policies
- f) Resolution 2021-07: *NCARB Bylaws* Amendment – Director Term Limits
- g) Resolution 2021-08: Member Board Dues Reduction

## K. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs

Ms. Zuniga presented the Executive Officer's Report (EO Report), which was prepared in a new format, and shared highlights including:

- Business modernization, although not included in the written EO Report, CAB has completed stage 2 of the process and expects to go out for proposals later this year.

- Outreach – The Communication Analyst who had been reassigned full time for COVID-19 contact tracing will be returning to the Board.
- Telework – majority of staff continue to telework.
- Regulations - Priorities are the retired license fee, and CE disability access reg packages.
- ARE – Board previously discussed getting additional demographic data on test-takers and NCARB is working on creating individual state-level reports. This information can provide insight for outreach and messaging.
- Enforcement – number of complaints down over the prior year, which was higher than normal which is about 300 complaints per year.

Mr. Gladstone inquired about the budget and whether the funds borrowed to offset the state budget would be returned since there is a surplus in the state budget. Ms. Zuniga shared that the Legislature is required to pass a budget by June 15<sup>th</sup> and once the details are available, she will provide members with an update on whether the funds will be repaid.

There were no comments from the public.

## **L. Landscape Architects Technical Committee (LATC) Report**

### **1. Update on April 29, 2021, and May 25, 2021, LATC Meetings**

Trish Rodriguez announced that LATC held two meetings, April 29, 2021, and a special meeting on May 25, 2021, and presented highlights. She informed members that during the April 29, 2021 meeting proposed regulations to adopt waiver of fees for licensure upon declaration of an emergency was approved by the Committee.

Karen Halbo, Board Regulations Attorney, provided the following edit to section 2650, subdivision c: “shall include proof” changed to “shall require proof” and removed a comma from subdivision d (4).

### **2. Review and Possible Action on Proposed Regulations to Adopt California Code of Regulations, Title 16, Division 26, Article 1, Section 2651, Regarding Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency.**

**Nilza Serrano made a motion to approve the proposed regulatory changes, as modified, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer 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.**

**Sony Ward seconded the motion.**

There was no public comment.

**Members Gladstone, Gutierrez, Jones, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion.**

Ms. Rodriguez shared that the California State Water Resources Control Board provided a presentation for LATC regarding the qualified stormwater pollution prevention plan developer (QSD) certification requirements. She indicated that the special meeting held on May 25, 2021, was to provide input on the Landscape Architectural Accrediting Board diversity, equity, and inclusion 2021 accreditation standards. Ms. Rodriguez shared that Mr. Jones is the new Board liaison for LATC.

There was no public comment.

#### **M. Review of Future Board Meeting Dates**

Mr. Feng mentioned the next Board meeting will be in Sacramento on September 9-10. The second day will be the strategic planning session on the second day. Ms. Kwan agreed that hosting the September Board meeting in Sacramento would be easiest in terms of travel and familiarity with the location.

Mr. Feng and Ms. Zuniga reminded members the September Board meeting is two days to accommodate strategic planning.

Members discussed hosting the December 10, 2021 meeting in-person in Northern California at either the Frank Lloyd Wright Civic Center or the College of Marin. Ms. Kwan agreed to host a dinner Thursday night before the December Board meeting.

There was no public comment.

#### **N. Adjournment**

The meeting adjourned at 2:19 p.m.

## **AGENDA ITEM F: COMMUNICATIONS COMMITTEE REPORT**

### **Summary**

The Communications Committee (Committee) met on September 1, 2021 in Sacramento. The Committee discussed the Liaison Program (Outreach Program) and objectives for the next Strategic Plan. The Committee approved the minutes of March 25, 2021.

### **Attachment(s)**

1. September 1, 2021 Communications Committee Notice of Meeting Agenda



**Committee Members**

Denise Campos, Chair  
Ebony Lewis, Vice Chair  
Cynthia Easton  
Jack Paddon  
Ted Pratt  
Ron Ronconi  
Rona Rothenberg

## NOTICE OF COMMUNICATIONS MEETING

**September 1, 2021**

**The California Architects Communications Committee (Committee) will meet by teleconference at 1:00 p.m. on September 1, 2021**

**NOTE:** Pursuant to Governor Gavin Newsom's Executive Order [N-08-21](#), dated June 11, 2021, this meeting will be held by teleconference and at the Board's address noted above.

**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:**

To access the Webex event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m3737e3f8211c05c8129053e80a9ce145>

Event/Meeting Number: 146 930 2491

Event password: AB09012021 (22090120 from phones)

Join by phone  
+1-415-655-0001 US Toll  
Access code: 146 930 2491

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 August 25, 2021, to [cab@dca.ca.gov](mailto:cab@dca.ca.gov) for consideration.

### **AGENDA**

**1:00 p.m. to 5:00 p.m.**  
(or until completion of business)

**Action may be taken on any item listed below.**

*(Continued)*



- A. Call to Order / Roll Call / Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda

The Committee may not discuss or act on any item raised during this public comment section, except to decide whether to refer the item to the 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)).

- D. Review and Possible Action on March 25, 2021 Communications Committee Meeting Minutes
- E. Discussion and Recommendation of the Revised Outreach Program Objectives
- F. Discussion, Review and Recommendations for Strategic Plan
- G. Review of Future Meeting Dates
- H. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

The Committee plans to webcast the meeting on its website at [www.cab.ca.gov](http://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 it 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 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 disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

**Person:** Coleen Galvan  
**Telephone:** (916) 575-7205  
**Email:** coleen.galvan@dca.ca.gov  
**Telecommunications Relay Service:** Dial 711

**Mailing Address:**  
California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the 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 5510.15).

# Quarterly Report of the Executive Officer

## Administrative/Management

**Board.** The Board met on February 11, 2021, via teleconference. Pasqual Gutierrez' term ended June 30, 2021.

Mitra Kanaani of San Diego was appointed to the Board by Governor Gavin Newsom. Ms. Kanaani has been a Professor at New School of Architecture & Design where she has held several roles including chair of the architecture department and the undergraduate program, acting dean and director of integrated path to architectural licensure, IPAL Program.

## Meetings

**Communications Committee.** The Committee will meet on September 1, 2021 to discuss the Outreach Program and upcoming Strategic Plan objectives.

**Landscape Architects Technical Committee (LATC).** LATC will meet remotely on August 4, 2021. DCA's Office of Professional Examination Services (OPES) will present statistics for the Landscape Architect Registration Examination (LARE) and the Landscape California Supplemental Examination (CSE).

**Professional Qualifications Committee (PQC).** The Committee will meet next year.

**Regulatory and Enforcement Committee (REC).** The Committee meet next year.

## Budget

The Board and LATC implemented online credit card payments for license renewal applications in 2019. The total number of online renewals for the Board is 8,728 and 1,830 for LATC. During the second quarter of this year, 2,211 Board and 277 LATC licensees renewed online.

## Newsletter

The summer issue of the *California Architects* newsletter highlights Octavius Morgan award recipients Yvone Hobbs and David Higginson. The newsletter includes an article on long-time Board member Pasqual Gutierrez who attended his last meeting on June 11, 2021.

The newsletter was posted to the Board's website in July.

## Outreach

Outreach efforts continue with social media posts, website additions, and publications such as LATC's Practice Act booklet that will be used for student outreach.

## Coronavirus (COVID-19)

Daily attendance reporting to DCA was discontinued on July 16. Most staff continue to telework. Communications Analyst, Coleen Galvan, is scheduled to return to the Board on July 1 from her contact tracing assignment.

## Personnel

Christina Gober, Examination Technician, began working at CAB on May 13, 2021. LATC established a new limited-term Associate Governmental Program Analyst position effective July 1, 2021, to assist during Business Modernization implementation.

## Social Media and Website

Social media posts and website additions and revisions continue. LATC maintains a Twitter account with 215 followers.

Platform	Q2 Posts	Followers 6/30/21
Twitter	8	1,351
Instagram	4	1,103
Facebook	10	345

## Regulatory Proposals

Administration staff meets bimonthly with Karen Halbo, DCA Regulations Counsel, regarding current regulatory packages. Additionally, CAB staff began meeting monthly in April 2021 to provide updates on regulatory packages.

## Architects

**CCR Section 109 (Application).** This regulatory proposal will update references to applications and forms, bring application processes in alignment with the National Council of Architectural Registration Boards (NCARB) and internal procedural changes.

**CCR Section 135 (Architectural Advertising).** This regulatory proposal establishes the requirement for architect licensees to include their name and license number on any public advertisement or presentment.

The Board considered REC's recommendation at its February 28, 2020 meeting to adopt a regulation to require architects to include their license number on all forms of advertisement solicitation or other presentments to the public in connection with rendering of architectural services. During the meeting, staff presented proposed regulatory text for CCR section 135 for the Board's consideration. The Board expressed concern regarding how the regulation would be implemented and whether it would protect consumers and asked the issue to be sent to the REC to find data on how such a regulation would increase consumer protection. At the November 5, 2020 REC meeting staff presented research addressing the Board's concerns. The Board approved the proposed regulatory language for CCR section 135 at its December 11, 2020 meeting. Board staff submitted the initial regulatory package to DCA Legal Affairs Division (LAD) in April 2021 and continues working with LAD and the Fiscal Office toward completion of final materials.

**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 and to set a retired license fee of \$40 at its December 11, 2019 meeting. They delegated the authority to the EO to adopt the regulation, provided no adverse comments were received during the public comment period, and to make minor technical or non-substantive changes, if needed. Some of the initial documents of the regulatory package were submitted to LAD on December 19, 2019. After review, discussion, and revision, staff submitted the regulation package in March 2021. Staff continue working with LAD and the Fiscal Office toward completion of final materials.

**CCR Section 109.1 (Retired License Application).** This new CCR section incorporates the Retired Architect License Application, defines the term and is necessary to complete CCR 144.

**CCR Section 152 (Citations).** This is a regulatory proposal to amend CCR section 152 to allow the Board to issue citations to unlicensed individuals.

At its November 5, 2020 REC meeting, the committee discussed and approved amending CCR section 152 to enable issuance of citations to unlicensed individuals practicing as architects.

The Board approved the proposed regulatory language for CCR section 152 at its December 11, 2020 meeting. Board staff submitted initial draft documents of the regulatory package to LAD. Those documents were revised to address LAD's input and were resubmitted April 21, 2021. Staff continue to work on the materials for this regulatory package.

**CCR Section 154 (*Disciplinary Guidelines*).** Initial documents for the regulatory package were submitted to LAD on September 19, 2019. Staff incorporated LAD's feedback and the initial budget document was approved by DCA's Budget Office on October 19, 2020. On November 18, 2020, LAD forwarded the initial documents to the next level of review and additional edits were required. On July 19, 2021, revised documents were submitted to LAD.

**CCR Section 160 (*Rules of Professional Conduct*).** At the Board's November 5, 2020, REC meeting, the committee discussed and approved amending CCR section 160. Amendments include re-ordering two paragraphs and adding headings to the definition of Competence, Standard of Care, and Timely Response.

The Board approved the proposed amendments to CCR 160 and delegated authority to the EO for adoption of the regulation at the December 11, 2020 Board meeting. LAD recommended completing a Section 100 since the changes are non-substantive and staff are working on the requisite documents.

**CCR Section 165 (*Continuing Education*).** This is a regulatory proposal to establish requirements for disability access continuing education courses and providers by January 1, 2023. The Board approved the proposed regulatory language and delegated authority to the EO for adoption of the regulation at the June 5, 2020 Board meeting. Board staff have submitted some of the initial documents of the regulatory package to LAD and those are currently under review. Staff continue to work with LAD and the Budget Office on the materials for this regulatory package.

### Landscape Architects

**Landscape Architects—Legislative Proposal BPC section 5659 (Inclusion of License Number—Requirement).** LATC set an objective to educate the various jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations. Staff worked with LAD 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 LATC on February 5, 2020 and the Board approved LATC's recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal and submitted it to legislative staff in mid-March; however, the bill proposal was late and not accepted. The bill was resubmitted to legislative staff in January 2021; however, proposed language in the omnibus bill would delay review for other programs, thus removed. Currently, LATC is planning to find an author for a stand-alone bill and resubmit in 2022.

**Landscape Architects—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, staff identified that the abandonment of an application required definition within CCR 2611 and developed proposed changes. Legal counsel recommended adding a new section 2611.5 to provide LATC authority for the retention and purging of candidate files. Additionally, counsel recommended amending CCR section 2616 to include the abandonment of a candidate's application for licensure. LATC approved proposed changes on February 5, 2020, which were adopted by the Board on February 28, 2020. Staff proceeded with the regulatory proposal process and on May 20, 2021 the package was submitted to OAL to publish Notice of the 45-day comment period which commenced on June 4, 2021 and end on July 20, 2021.

**Landscape Architects—CCR Sections 2615 (Form of Examinations) and 2620 (Education and Training Credits).** 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 Board approved LATC's proposed regulatory language at its meeting on September 12, 2018. Staff proceeded with the regulatory process and on April 27, 2021 the package was submitted to OAL to publish Notice of the 45-day comment period which commenced on May 7, 2021 and ended on June 22, 2021. In response to public comment received on June 7, 2021, LATC staff worked with LAD to prepare modified proposed regulatory language for CCR section 2620. This new proposal was provided to the public on June 24, 2021 and the related public comment period will end on July 9, 2021. The LATC and Board will consider the modified regulatory proposal at their upcoming meetings on August 4, 2021 and September 10, 2021, respectively.

**Landscape Architects—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 and 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 LATC's consideration at its next meeting. At its May 29, 2019 meeting, LATC recommended 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. Staff proceeded with the regulatory proposal and on June 24, 2021 submitted the package to OAL to publish Notice of the 45-day comment period which will commence on July 9, 2021 and end on August 24, 2021.

**Landscape Architects—CCR Sections 2630 (Issuance of Citations) and 2630.2 (Appeal of Citations).** To be more in line with the Board's procedures for the appeal of citations, staff proposed edits to LATC's appeal of citations regulation. Legal counsel advised that additional edits were needed to the issuance of citations regulation. Language has been added clarifying the Board's existing ability to issue orders of correction to cease unlawful advertising under BPC section 149, clarifying that the 30-day deadlines are counted as calendar days, amending the appeal of citations process. The proposed language was presented to LATC on December 2, 2020 and adopted by the Board at its December 11, 2020 meeting. LAD completed their pre-review on April 5, 2021. The package was submitted for Initial Analysis on April 6, 2021. The next step will be to submit to Agency for approval.

**Landscape Architects--CCR Section 2651 (Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency).** Effective January 1, 2020, section 11009.5 of the Government Code allows state licensing entities to reduce or waive licensing fees for people affected by a proclaimed or declared emergency in the previous year. Licensing programs within DCA may, but are not required to, establish a process for reducing or waiving the licensing fees of those impacted by federal, state, or local emergencies.

In February 2021, staff worked with DCA regulations counsel to prepare a draft regulatory proposal that would implement an emergency fee waiver by adopting CCR, title 16, division 26, article 1, section 2651. Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency. The proposed language was presented to LATC on April 29, 2021 and adopted by the Board at its June 11, 2021 meeting.

**Landscape Architects--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 on April 6, 2021, the package was submitted to OAL to publish Notice of the 45-day comment period which commenced on April 16, 2021 and ended on June 2, 2021. No adverse comments were received, and draft documents for the final regulation package were submitted for review on June 16, 2021.



**Landscape Architects—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. 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), required staff to revise 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*. During Initial Analysis, LAD found that additional amendments were necessary. LATC and the Board will consider the additional amendments to the proposed regulatory language at their upcoming meetings on August 4, 2021 and September 10, 2021, respectively.

**Licensing and Examination Program****Architects**

Performance data for the Architect Registration Examination (ARE) ARE 5.0 for California candidates during the second quarter of 2021 are presented in Table B.

**Table A**  
**Architect CSE Examinee Performance: April 1–June 30, 2021**

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
Instate First-time	103	75%	34	25%	137
Instate Repeat	20	53%	18	47%	38
Reciprocity First-time	25	54%	21	46%	46
Reciprocity Repeat	10	63%	6	38%	16
Relicensure First-time	1	0	0	0	1
Relicensure Repeat	3	0	1	0	4
<b>Total</b>	<b>162</b>	<b>67%</b>	<b>80</b>	<b>33%</b>	<b>242</b>

**Table B**  
**California ARE 5.0 Examinee Performance: April 1–June 30, 2021**

ARE Division	Pass	Rate	Fail	Rate	Total Exams
Construction and Evaluation	168	56%	132	44%	300
Practice Management	210	51%	201	49%	411
Programming and Analysis	168	52%	158	48%	326
Project Development and Documentation	124	46%	146	54%	270
Project Management	222	62%	136	38%	358
Project Planning and Design	157	45%	190	55%	347



## Landscape Architects

The first landscape Architect Registration Examination (LARE) administration in 2021 was held from April 5-17, 2021. The next LARE administration is scheduled to be held August 2-14, 2021. Examination results for all LARE administrations are released by CLARB within six weeks of the last day of administration.

**Table C**  
**California LARE Examinee Performance: April 1–June 30, 2021**

Topic	Pass	Rate	Fail	Rate	Total Examinees
Project and Construction Management	48	70%	21	30%	69
Inventory and Analysis	40	59%	28	41%	68
Design	29	53%	26	47%	55
Grading, Drainage, and Construction	31	53%	27	47%	58

**Table D**  
**Landscape Architect CSE Examinee Performance by Candidate Status: April 1–June 30, 2021**

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
First-time	23	77%	7	23%	30
Repeat	5	63%	3	37%	8
<b>Total</b>	28	74%	10	26%	38

**Enforcement****Architects**

Since November 2019, the Board has been using a pool of qualified Subject Matter Experts (SMEs) to provide case review, technical evaluation, and courtroom testimony. The Board has a pool of 15 SMEs some of which have completed 48 expert opinion reports. Staff continue to assign cases on an ongoing basis as needed.

**Table E**  
**Architects Complaints and Enforcement Actions FY 20-21**

Category	Current Quarter April June 2021	Prior Quarter Jan. March 2021	FY 20 21
<b>Complaints</b>			
Received	77	46	228
Opened (Reopened)	77	46	228
Closed	83	41	211
Average Days to Close	145	273	175
Pending	150	151	150
<b>Citations</b>			
Issued	4	4	22
Final	2	2	19
<b>Disciplinary Actions</b>			
Pending Attorney General	6	7	6
Final	0	0	0

**Most Common Violations.** The majority of complaints received are filed by consumers for allegations such as unlicensed practice, professional misconduct, negligence, and contract violations, by the Board upon the failure of a coursework audit.

**Landscape Architects**

**Table G  
Landscape Architects Complaints and Enforcement Actions**

Category	Current Quarter April June 2021	Prior Quarter Jan. March 2021	FY 20 21
<b>Complaints</b>			
Received	3	10	29
Opened (Reopened)	0	0	0
Closed	6	6	31
Average Days to Close	123	147	86
Pending	6	9	8
Average Age (Pending)	67	93	83
<b>Citations</b>			
Issued	0	0	0
Final	0	0	1
<b>Disciplinary Actions</b>			
Pending Attorney General	0	0	0
Final	0	0	0

**Enforcement Actions**

No new enforcement actions for CAB or LATC during this period.



## **AGENDA ITEM H.1: DISCUSS AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY TEXT FOR CALIFORNIA CODE OF REGULATIONS (CCR). TITLE 16, DIVISION 2, ARTICLE 5, SECTION 135 ARCHITECTURAL ADVERTISING**

### **Summary**

At the Board's December 20, 2020 meeting, the Board voted to approve proposed language for a new California Code of Regulations (CCR) section 135 to require that licensees include their license number in all advertising, soliciting, or other presentments to the public. The approved proposed language allowed a business entity that employed two or more architects to satisfy the requirement by including the name and license number of at least one architect who is in management control.

While staff worked on the initial rulemaking package documents with the Legal Affairs Division (LAD), LAD raised concerns about portions of the text that may be questioned during OAL's final review. To resolve LAD's concerns, CCR section 135 text has been modified to include the definition of "management control" as defined in CCR section 134. The updated proposed language for CCR section 135 requires Board approval.

### **Action Requested**

Possible action to approve the modified regulatory language of CCR, Title 16, Division 2, Article 5, Section 135, Architectural Advertising

### **Attachments**

1. Updated CCR, Title 16, Division 2, Article 5, Section 135, Architectural Advertising

DEPARTMENT OF CONSUMER AFFAIRS  
Title 16. CALIFORNIA ARCHITECTS BOARD

MODIFIED TEXT  
Public Presentments and Advertising

<b>Legend:</b>	
<u>Underlined</u>	Indicates proposed additions to the original text
<del>Strikeout</del>	Indicates proposed deletions to the original text
<u>Double Underline</u>	Indicates proposed additions to the modified text
<del>Double Strikethrough</del>	Indicates proposed deletions to the modified text

**Adopt Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations**

**§135. Architectural Advertising.**

(a) An architect shall include their name and license number in all forms of advertisement, solicitation, or other presentments made 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's architects if the business entity's 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) the owner, a part-owner, an officer, or an employee of the business entity.

(c) For the purposes of this section, "management control" shall have the meaning set forth in section 134.

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Sections 137, 5500.1, Business and Professions Code.



**AGENDA ITEM I:                    DISCUSS AND POSSIBLE ACTION ON MODIFIED  
TEXT FOR CALIFORNIA CODE OF REGULATIONS  
(CCR), TITLE 16, DIVISION 2, ARTICLE 10, SECTION  
165 (DISABILITY ACCESS CONTINUING EDUCATION)**

**Summary**

Business and Professions Code (BPC) section 5600.05 mandates, as a condition of license renewal, architects complete five hours of continuing education (CE) coursework on disability access requirements. Senate Bill 608 (Glazer, Chapter 376, Statutes of 2019) amended BPC section 5600.05 and the amendments became operative on January 1, 2020. A key amendment was a provision that requires the Board to promulgate regulations that would establish qualifications for CE courses and course providers by January 1, 2023.

On June 5, 2020, the Board voted to approve a regulatory proposal to adopt CCR section 165. In addition to approving the proposal, the Board authorized the Executive Officer (EO) to make any technical or nonsubstantive changes to the rulemaking package. Board staff subsequently collaborated with the Legal Affairs Division to develop the formal regulatory package that was recently submitted for initial review by control agencies. During the development process, the regulatory legal counsel assigned to the Board recommended the proposed text be modified to specify the precise amount of CE required for renewal. It was determined the modification would be nonsubstantive because it reiterates the CE requirement mandated by BPC 5600.05 already referenced in the text. The modification would eliminate the need for licensees to research both the regulations and the code to understand the CE requirement.

While the nonsubstantive nature of the modification allows for approval by the EO, legal counsel suggested returning the language to the Board for approval. This should ensure a greater likelihood the modification would be accepted by the reviewing attorney from the Office of Administrative Law.

**Action Requested**

The Board is asked to approve the modified text for CCR section 165.

**Attachment(s)**

Modified Proposed Regulatory Language to Adopt CCR Section 165

Department of Consumer Affairs  
TITLE 16. CALIFORNIA ARCHITECTS BOARD

**PROPOSED REGULATORY LANGUAGE**  
Disability Access Continuing Education

<b>Legend:</b>	Added text is indicated with an <u>underline</u> .
	Omitted text is indicated by (* * * *)
	Deleted text is indicated by <del>strikeout</del> .
	Modifications since the Board originally approved the proposed language are shown in <u>double underline</u> .

**Adopt a new Article 10 of Division 2 of Title 16 of the California Code of Regulations as follows:**

**Article 10. Continuing Education**

**Adopt Section 165 of Article 10 of Division 2 of Title 16 of the California Code of Regulations as follows:**

**§ 165. Continuing education coursework regarding disability access requirements.**

**(a) For purposes of this section, the following terms have the following meanings:**

**(1) “Certified access specialist” means a person who is certified pursuant to Government Code section 4459.5.**

**(2) “Disability access requirement” means a provision, standard, or regulation under state or federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including, but not limited to, any provision of, or standard or regulation set forth in, the following:**

**(A) Civil Code sections 51, 54, 54.1, and 55.**

**(B) Part 5.5 (commencing with section 19955) of the Health and Safety Code.**

(C) California Building Standards Code, section 1.9.1 and chapters 11A and 11B of volume 1 of part 2 of title 24 of the California Code of Regulations.

(D) Titles II and III of the federal Americans with Disabilities Act of 1990 (“ADA”) (42 U.S.C. Sec. 12101 et seq.).

(E) Title II of the ADA Standards for Accessible Design (state and local government facilities), consisting of part 35.151 of title 28 of the Code of Federal Regulations (CFR) and the ADA Accessibility Guidelines (36 CFR part 1191, appendices B and D).

(F) Title III of the ADA Standards for Accessible Design (public accommodations and commercial facilities), consisting of subpart D (commencing with section 36.401) of part 36 of title 28 of the CFR and the ADA Accessibility Guidelines (36 CFR part 1191, appendices B and D).

(b) For the purposes of section 5600.05 of the code, a licensee shall complete **five hours of** continuing education (CE) coursework on the subject of California and federal disability access requirements that meets the criteria specified in this section during each two-year license renewal period prior to the license expiration date, or, if the license is delinquent, during the 24 months immediately preceding the date on which the licensee submits the delinquent renewal application. A licensee shall not have already used the CE coursework to satisfy CE coursework requirements for a prior renewal period. Any CE coursework for which the licensee, in contravention of section 5600.05(b) of the code, does not maintain, or cannot otherwise make available to the board, at the board’s request, either a certificate of completion described in subsection (h), records described in subsection (g), or such other evidence that, in the board’s determination, establishes that the licensee completed CE coursework meeting the criteria specified in this section, shall not qualify as credit toward fulfillment of this CE requirement.

(c) The CE coursework shall have clear and identifiable learning objectives, systematic presentation of material, and be presented by trainers or educators who meet the qualifications in subsection (e).

(d) A provider shall only issue a certificate of completion to a participant upon the participant’s passage of a summative assessment of the participant’s understanding of the CE coursework. The assessment shall have a minimum cumulative passing score of at least eighty percent (80%).

(e) A provider shall use trainers or educators who have knowledge and expertise in disability access requirements and meet one of the following criteria:

- (1) Be a certified access specialist or certified by another United States jurisdiction to perform one or more of the services described in section 113 of title 21 of the California Code of Regulations.
  - (2) Hold a certification from the International Code Council (“ICC”) National Certification as one of the following:
    - (A) Residential Building Inspector.
    - (B) Commercial Building Inspector.
    - (C) Building Plans Examiner.
    - (D) Certified Building Official.
    - (E) Code Specialist.
    - (F) Accessibility Inspector/Plans Examiner.
  - (3) Hold a certification from the ICC California Certification Program as one of the following:
    - (A) California Residential Building Inspector.
    - (B) California Commercial Building Inspector.
    - (C) California Building Plans Examiner.
  - (4) Hold a license or registration issued by a United States jurisdiction as an architect or a professional, civil, or structural engineer.
  - (5) At least two years’ employment by a building department or other building code enforcement agency of any state or local governmental jurisdiction as a plan reviewer, plans examiner, building inspector, building or construction consultant or construction inspector.
  - (6) At least three years’ employment as a disability access specialist conducting assessment of facilities for specific needs of the disability community.
- (f) An architect shall not certify completion of the CE requirement through self-teaching or self-directed activities. Teaching, instructing, or presenting a course on disability access requirements shall not qualify as credit for fulfillment of the CE requirement.

- (g) A provider shall maintain for at least three years records of participant attendance and course completion, including the information specified in section 5600.05(b) of the code.
- (h) A provider shall issue within five business days of the assessment a certificate of completion to each participant who passes the assessment described in subsection (d). The certificate of completion shall include the information specified in section 5600.05(b) of the code.
- (i) Upon request by a licensee who is the subject of a CE audit, a provider shall issue within five business days of the request a copy of the records specified in subsection (g). It shall be the responsibility of a licensee to obtain those records from the provider if they are requested by the board and make those records available to the board.
- (j) A licensee found noncompliant with the CE coursework requirement of subsection (b) is subject to administrative citation. The licensee shall remedy any deficiency during the current renewal period, in addition to completing the CE coursework requirement for the current renewal period. Before the end of the current renewal period, the licensee shall provide the board evidence, as described in subsection (g), that the deficiency is remedied. A licensee who fails to comply with this subsection shall be subject to further administrative citation or discipline.

Note: Authority cited: Sections 5526 and 5600.05, Business and Professions Code.  
Reference: Sections 5578 and 5600.05, Business and Professions Code.

**AGENDA ITEM J: DISCUSS AND POSSIBLE ACTION ON PROPOSED  
ADOPTION OF NEW CCR, TITLE 16, DIVISION 2, ARTICLE 2,  
SECTION 109.1 (RETIRED LICENSE APPLICATION)**

**Summary**

The Board approved a regulatory proposal to reduce the retired architect license fee at its December 11, 2019 meeting. Subsequently, Board staff initiated the regulatory process to amend CCR 144. DCA Legal Affairs Division determined the corresponding retired architect license application must be codified into a new regulation section, which would add CCR 109.1 (Application for Retired Architect License).

CCR 109.1 would establish and define an application for a retired architect license and specify the requirements for a retired architect to restore a license to active status or receive a new license if the original can no longer be restored.

**Action Requested**

The Board is asked to approve the proposed CCR 109.1 text.

**Attachment(s)**

1. Proposed CCR 109.1 regulatory text

Department of Consumer Affairs  
TITLE 16. CALIFORNIA ARCHITECTS BOARD

**PROPOSED REGULATORY LANGUAGE**  
**Retired License Application and Fee**

<b>Legend:</b>	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by <del>strikeout</del> .
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Adopt Section 109.1 of Article 2 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

**§ 109.1. Retired License Application**

(a) To be eligible for a retired license, an architect (“applicant”) shall meet the requirements in subdivision (a) of Section 5600.4 of the code and submit a completed application to the board as required by subsection (b).

(b) (1) For the purposes of this section, a completed application for a retired license includes the nonrefundable fee specified in Section 144 and all of the following information from the applicant:

(A) Social security number or individual taxpayer identification number (ITIN),

(B) California architect license number,

(C) Full legal name ((Last Name) (First Name) (Middle Name) and/or (Suffix)),

(D) Month and year of birth,

(E) Contact information including, the applicant’s address of record, phone numbers, and an email address (if any),

(F) Legal name as the applicant wants it to appear on their retired architect license wall certificate,

(G) A statement regarding whether the applicant is engaged in any activity for which an architect’s license is required; and,

(H) A statement signed under penalty of perjury that the information provided on the application is true and correct.

(2) Upon meeting the requirements of this section, the board shall issue a retired license and a wall certificate as evidence of such license status to the applicant.

(c) (1) The holder of a retired license (“holder”) may restore their architect license to active status at any time within five years from the expiration date of their original architect license by:

(A) Paying all accrued and unpaid renewal fees and if appropriate, any delinquency fee specified in Section 144; and,

(B) Completing and submitting the architect license renewal application to the board, which includes the following information from the holder:

(i) Full legal name (Last Name) (First Name) (Middle Name) and/or (Suffix),

(ii) Contact information including address of record, phone numbers and email (if any),

(iii) Original architect license number,

(iv) The statements required by subdivision (c) of Section 5600 of the code,

(v) A statement regarding whether the holder has completed continuing education (CE) coursework requirements provided in Section 5600.05 of the code within the previous two years; and,

(vi) A statement signed under penalty of perjury that the information provided on the application is true and correct.

(2) The holder of a retired license ineligible to restore their license under subsection (c)(1) because more than five years have passed since the expiration date of their original architect license may seek a new architect license by:

(A) Submitting all of the information and documentation to the board required by Section 109 and complying with Section 124.7. The holder of a retired license shall be considered a new candidate as defined in Section 109(a)(1) for the purposes of compliance with Section 109,

(B) Paying all the application fees for examination and for an original license specified in Section 144; and,

(C) Furnishing to the Department of Justice a full set of fingerprints for the purposes of the board conducting criminal history record checks pursuant to Section 144 of the Code.

(d) For the purposes of determining when a holder of a retired license may restore a license, “expiration date” shall mean the date an active license lapses or is no longer effective, or the date the board issued a retired status license to an architect holding a current and active license.



Note: Authority cited: Sections 5526 and 5600.4, Business and Professions Code.  
Reference: Sections 30, 144, 5600.2, 5600.3, and 5600.4, Business and Professions Code.

Amend Section 144 of Article 7 of Division 2 of Title 16 of the CCR as follows:

**§ 144. Fees.**

Pursuant to Section 5604 of the code, the following fees are fixed by the Board effective January 1, 2011.

(a) The application fee for reviewing a candidate's eligibility to take any or all division(s) of the Architect Registration Examination (ARE) is one hundred dollars (\$100) for applications submitted on or after July 1, 1999.

(b) The application fee for reviewing a reciprocity candidate's eligibility to take the California Supplemental Examination is thirty-five dollars (\$35).

(c) The fee for the California Supplemental Examination is one hundred dollars (\$100).

(d) The fee for an original license is three hundred dollars (\$300). If the license is issued less than one year before the date on which it will expire, the fee is one hundred fifty dollars (\$150).

(e) The biennial renewal fee commencing with the renewal period which begins on or after January 1, 2011 shall be three hundred dollars (\$300).

(f) The delinquency fee is one hundred dollars (\$100).

(g) The fee for a duplicate certificate is fifteen dollars (\$15).

(h) The fee for a retired license is forty dollars (\$40).

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 5604, Business and Professions Code.

## **AGENDA ITEM K.1: AB 107 (SALAS) LICENSURE: VETERANS AND MILITARY SPOUSES**

### **SUMMARY**

[Assembly Bill 107](#) (Salas) requires all boards within the Department of Consumer Affairs (DCA) to issue temporary licenses to spouses of active-duty members of the military. The temporary license shall expire 12 months after issuance, upon issuance of a standard license, upon issuance of a license by endorsement, or upon issuance of an expedited license, whichever occurs first.

The bill specifies that an applicant for a temporary license shall pass a California law and ethics exam if otherwise required by the board for the profession for which the applicant seeks licensure.

The bill further authorizes boards to draft regulations, as needed, submitted to DCA by June 15, 2022.

### 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. Additionally, certain boards, not including the CAB, are required to issue temporary licenses to these applicants. AB 107 would now require all boards to issue temporary licenses to these applicants, unless the board has a process allowing these applicants to receive expedited, temporary authorization to practice while meeting state-specific requirements for at least one year or is able to receive an expedited license by endorsement with no additional requirements.

### Comments

According to the veteran advocacy group, “A reduction in initial licensing fees would ease the burden for veterans currently residing in California to apply for licenses. Veterans gain valuable job skills during military service which can be used upon entering the civilian workforce.”

### Technical Concerns

The bill does require an applicant to meet specified requirements, including that an applicant pass a California law and ethics exam. All applicants are currently required to successfully complete the California Supplemental Exam (CSE) prior to receiving a license. The CSE’s scope is broader than a typical law and ethics exam, so the Board is seeking clarification on whether it could be required of applicants for a temporary license.

**Action Requested**

None.

## **AGENDA ITEM K.2: AB 1010 (BERMAN) ARCHITECTS: CONTINUING EDUCATION**

### **SUMMARY**

[Assembly Bill 1010 \(Berman\)](#) requires licensees to complete five hours of coursework regarding zero net carbon design each renewal cycle occurring on or after January 1, 2023.

#### Background

This new five-hour requirement would be in addition to the existing five-hour requirement on disability access. The coursework would be required to be presented by trainers or educators with knowledge and expertise in these design requirements.

#### Comments

This bill requires the board to adopt regulations to establish qualifications for courses and course providers by July 1, 2024.

According to the author, “Recognizing the need for a holistic approach to addressing climate change, AB 1010 would require that architects licensed by the State of California complete continuing education coursework on zero net carbon design. Doing so would better enable architects practicing in California to address our rapidly evolving climate. Moreover, establishing this additional continuing education for architects will set a new standard for other states to follow, much as California has led on high performance buildings with our 2020 Net Zero Energy requirement for residential buildings, 2030 Net Zero Energy requirement for commercial buildings, and adoption of local electrification requirements in around 40+ local jurisdictions to date.”

The World Green Building Council (WorldGBC) defines a net zero carbon building as being 'highly efficient with all remaining energy from on-site and/or off-site renewable sources. It can be achieved using offsets or the export of on-site renewable energy, for example, exporting surplus unused energy back to the grid.

#### Action Requested

None.

## **AGENDA ITEM K.3: SB 607 (MIN AND ROTH) PROFESSIONS AND VOCATIONS**

### **SUMMARY**

[Senate Bill 607](#) (Roth), as it pertains to the Landscape Architects Technical Committee (LATC), contains implementation language for the fingerprint requirement.

Additionally, this bill requires all boards within the Department of Consumer Affairs to waive the application and initial license fees for applicants who are spouses of active duty military and currently eligible for expedited licensure.

### **Background**

SB 608 (Glazer, Chapter 376, Statutes of 2019), the sunset bill for the CAB and LATC, granted the programs authorization to require fingerprints of new applicants for licensure, beginning January 1, 2021. While SB 608 included necessary implementation language for the CAB to have this authority for architects, due to a technical oversight, similar language was not added to the LATC's statute in order for the same authority to be extended to landscape architect applicants. This bill adds the appropriate statutory authority for the CAB to begin obtaining the fingerprints required for LATC applicants.

### **Action Requested**

Support.

## **AGENDA ITEM L: UPDATE AND DISCUSSION OF NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)**

### **Summary**

1. Update and Discussion of Committee Meetings
2. Diversity, Equity, and Inclusion Discussion

## **AGENDA ITEM M: LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT**

### **Summary**

The LATC met on August 4, 2021, via teleconference. LATC Program Manager, Trish Rodriguez, will provide an update to the Board on the meeting.

### **Action Requested**

None

### **Attachment**

LATC August 4, 2021 Notice of 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

**August 4, 2021**

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

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

**10:00 a.m., on Wednesday, August 4, 2021**

**NOTE:** Pursuant to Governor Gavin Newsom's Executive Order [N-08-21](#), issued on June 11, 2021, 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/j.php?MTID=m3cce7b26ac1e052d30fe554714d121ee>

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 August 1, 2021, to [latc@dca.ca.gov](mailto:latc@dca.ca.gov) for consideration.

**Agenda**  
**10:00 a.m. – 5:00 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 from the Department of Consumer Affairs (DCA) – Board and Bureau Relations, DCA
- E. Business Modernization Project Update by the Office of Information Services
- F. Review and Possible Action on April 29, 2021, Committee Meeting Minutes
- G. Review and Possible Action on May 25, 2021, Committee Meeting Minutes
- H. Program Manager’s Report
  - 1. Update on Committee’s Administrative/Management, Examination, Licensing, and Enforcement Programs
  - 2. Discuss and Possible Action on Annual Enforcement Report
- I. Review and Possible Action on Modified Proposed Regulatory Language for California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620 Education and Training Credits
- J. Review, Discussion, and Possible Action Regarding Staff Request to Reconsider Previously Approved Text to Amend Title 16, California Code of Regulations (CCR) Section 2680 (Disciplinary Guidelines) and Authorization to Initiate a New Rulemaking
- K. Review and Discuss 2021 Legislation
  - 1. Assembly Bill (AB) 107 (Salas) Department of Consumer Affairs (DCA): Boards: Temporary Licenses: Military Spouses
  - 2. AB 1010 (Berman) Architects: Continuing Education
  - 3. Senate Bill 607 (Roth) Professions and Vocations
- L. Presentations by DCA Office of Professional Examination Services (OPES) on the Examination Performance Statistics for the Landscape Architect Registration Examination and California Supplemental Examination
- M. Council of Landscape Architectural Registration Boards
  - 1. Review CLARB September 2021 Annual Meeting Agenda
  - 2. Review and Possible Action on 2021 CLARB Board of Directors and Leadership Advisory Council Elections Ballot
  - 3. Discuss and Possible Action on CLARB Uniform Standards, and Pre-Approval Process
- N. 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
- O. Review of Future Committee Meeting Dates

## P. 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/](http://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 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](mailto: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 M.2: REVIEW AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY TEXT FOR CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2620 EDUCATION AND TRAINING CREDITS**

### **Summary**

On June 7, 2021, during the 45-day public comment period, LATC received a comment from Stephanie Landregan, Director of the Landscape Architecture Program at the UCLA Extension, concerning proposed CCR section 2620(a)(11). Specifically, Ms. Landregan advised staff that the proposed subdivision did not capture the original intent of the regulation and that, if approved, the pathway outlined in subdivision (a)(11) would exclude UCLA Extension experience because the program does not consist of at least a four-year curriculum.

In response to Ms. Landregan's comment, LATC staff worked with DCA legal counsel to revise the subdivision language to accurately reflect the original intent of LATC and the Board. This new proposal was provided to the public on June 24, 2021 and the related public comment period ended on July 9, 2021. No comments were received regarding the modified regulatory proposal.

At their meeting on August 4, 2021, the LATC approved the attached Modified Regulatory Proposal to amend CCR, title 16, section 2620 and recommends approval to the Board.

### **Action Requested**

The Board is asked to adopt the attached Modified Regulatory Proposal to amend CCR, title 16, section 2620.

### **Attachment**

Modified Proposed Regulatory Language to Amend CCR section 2620 (Education and Training Credits)

**Department of Consumer Affairs  
Title 16. CALIFORNIA ARCHITECTS BOARD  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

**MODIFIED TEXT  
Education and Training Credits**

Proposed Amendments are indicated with an underline for new text and a ~~single strikethrough~~ for deleted text.

Modifications to the proposed regulatory text are shown in double underline for new text and a ~~double strikethrough~~ for deleted text.

Omitted text is indicated by (\* \* \* \*)

Amend Section 2620 of Article 1 of Division 26 of Title 16 of the California Code of Regulations to read as follows:

**§ 2620. Education and Training Credits**

(a) Experience Equivalents. The Board's evaluation of a candidate's ~~training and~~ educational and training experience is based on the following table:

Experience Description	Education Max. Credit Allowed	Training and/ or Practice Max. Credit Allowed
(a) <del>Experience Equivalent:</del>		
* * * *		
( <del>811</del> ) <u>Partial completion, as defined in subdivision (b)(1), of an extension certificate in landscape architecture from an <u>Extension Certificate Program that meets the requirements of section 2620.5</u> and the <u>Extension Certificate Program</u> approved school where the applicant has a degree from a university or college which <u>along with a degree from an educational institution where the degree program consists of at least a four-year curriculum.</u></u>	1 year	
* * * *		

\* \* \* \*

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

**AGENDA ITEM M.3: REVIEW, DISCUSSION, AND POSSIBLE ACTION  
REGARDING LEGAL AFFAIRS STAFF REQUEST TO  
RECONSIDER PREVIOUSLY APPROVED TEXT TO  
AMEND TITLE 16, DIVISION 26, ARTICLE 1, SECTION  
2680 (DISCIPLINARY GUIDELINES) AND  
AUTHORIZATION TO INITIATE RULEMAKING**

**Summary**

LATC's Disciplinary Guidelines (*Guidelines*) were initially adopted in regulation under CCR, title 16, section 2680 on August 11, 1997, and requires the Board to consider the *Guidelines* when reaching a decision on a disciplinary action under the Administrative Procedures Act (APA). The *Guidelines* are incorporated by reference in 16 CCR section 2680 because of the length of the document. The regulation and the *Guidelines* [Rev. 2000] were subsequently amended on April 13, 2001.

LATC's current *Guidelines* contain outdated terms and conditions of probation and do not reflect recent updates to statutory law and other changes in the probationary environment. If the *Guidelines* are amended, the corresponding regulation, 16 CCR section 2680, must also be amended to incorporate by reference the revised 2021 *Guidelines* adopted by the Board in 2021.

Since 2013, both the Board and LATC have edited their *Guidelines* and both are more closely aligned.

The Legal Affairs Division (LAD) has reviewed the proposed language with all amendments, the Notice of Regulatory Action, and the Initial Statement of Reasons and has raised concerns and recommended revisions. Attached is 16 CCR section 2680 and the revised LATC *Guidelines* for the Board to approve. If the Board approves the changes and adopts the revised language, this rulemaking package will proceed to DCA Director and Agency review, and upon approval, be filed with the Office of Administrative Law for notice publication.

## **Changes Requested by LAD**

Title Page: The term "Model Orders" be added to the name of the document so it is clear to Administrative Law Judges (ALJs) and Deputies Attorney General (DAGs) that this document contains the Model Orders the Board would like them to follow. Hereafter the *Guidelines* and Model Orders will be referred to as the "*Guidelines*."

Table of Contents: Changes should be made to the Table of Contents to be consistent with those in the document. The words "General Considerations" are added to the heading of section IIB. Also added is Section IIF, entitled "Mitigation and Rehabilitation Evidence." Attachment A that consisted of the "Quarterly Probation Report" form is removed from the *Guidelines*, so the reference to it within the Table of Contents is also removed. Once the strikeouts and underlines that are required for text changes get adopted, the page numbers on the Table of Contents will be revised to reflect the new pagination.

Introduction: At the end of the fourth paragraph of the Introduction on page 3, the sentence: "All disciplinary actions will be published on the Internet to facilitate access under the California Public Records Act" is added. A DCA board has been sued (unsuccessfully) by a disciplined licensee complaining that the record of their disciplinary action is accessible on the Internet. This is a good place within the *Guidelines* to make clear to licensees that disciplinary actions are public records and accessible on the Internet.

In the fifth paragraph of the Introduction on page 3, LAD urges LATC to add the fact that the *Guidelines* are accessible on LATC's website. LATC's legal authority is limited to charging for making paper copies as a "direct cost of duplication" allowed under Government Code section 6253(b), so the language is revised to make it clear to the Office of Administrative Law that LATC has the authority to impose the charge.

Section II. A. Citations: The lengthy discussion of Citations is deleted and the reader is referred to LATC's regulation on Citations for more information. The *Guidelines* concern discipline, and a citation is not discipline. LATC could choose to place the eliminated discussion of Citations on LATC's website to be a resource for licensees.

Section II. B. Proposed Decisions - General Considerations: "General Considerations" is added to the title to make it more descriptive, and a gendered reference to "he or she" is removed from subdivision c. to comply with Assembly Concurrent Resolution (ACR)

260, Chapter 190, September 5, 2018, which favors the use of gender-neutral pronouns.

Section II. C. Stipulated Settlements: The existing text is deleted, and a more appropriate description of stipulated settlements is added. Written communications between the AG's office and LATC are protected under attorney-client privilege. The mention of such documents is removed to discourage public records act requests and unnecessary litigation. Settlements are reached by negotiation. Stating in the *Guidelines* that LATC seeks to obtain cost recovery in matters resolved by stipulation does not require the Committee to impose cost recovery.

Section II. E. Criteria to be Considered: AB 2138 (Chu, Ch. 995, 2018) was adopted while the Board's *Guidelines* and LATC's *Guidelines* were undergoing revision. A paragraph is added referring the reader to LATC's regulation on whether a criminal conviction has a substantial relationship to the profession of landscape architecture. A second paragraph is added referring the reader to the regulations that specify criteria when considering the rehabilitation of an applicant or licensee with a criminal conviction.

Section II. F. Mitigation and Rehabilitation Evidence: This title and new content is being added to the *Guidelines* including a list of mitigating evidence for ALJs to consider when determining penalties in proposed decisions. The list provides examples of the types of acceptable rehabilitation evidence a licensee or applicant may submit to demonstrate their rehabilitation and competence. Providing this information will assist applicants, licensees, staff and LATC with a better understanding of how LATC seeks to implement the changes in the law made by the passage of AB 2138. The previous list of factors to consider when determining if revocation, suspension, or probation is most appropriate previously provided in Section II. E is deleted because it does not accurately reflect the changes in the law.

Section III. Definition of Penalties: Within the definitions of the terms revocation, suspension, stayed revocation, stayed suspension, and probation, gendered pronouns are removed. The definition of public reproof is revised to clarify that a reproof is a part of the public record and is noted as a disciplinary action taken against the licensee in their LATC file.

Section IV. Disciplinary Guidelines: Throughout this section from pages 8-16, the headings of each Business and Professions Code (BPC) section are revised. A law, when passed by the legislature, does not have a heading or title. Publishers such as Lexis/Nexis, Thomson Reuters, or Parker's all write their own titles or headings for each



section of law to assist the reader in searching for specific topics in the published compilations. Therefore, the headings for many of the BPC sections cited in the *Guidelines* are revised to avoid copyright violation.

Below in sections VI and VII regarding conditions of probation, standard and optional conditions of probation are changed to move former optional condition #16, Cost Reimbursement, to be listed as standard condition #11. This change is made because of LATC's policy to seek cost reimbursement so that the fiscal impact of a wrongdoer's action is borne by the wrongdoer, not by other licensees. Making this a mandatory condition of probation does not create injustice, as LATC reserves the right to waive conditions of probation on a case-by-case basis. The action of moving "cost reimbursement" from an optional condition of probation (when it would be applied only occasionally) to a mandatory condition in all cases unless waived is more in line with LATC's philosophy and policy on cost reimbursement. Due to this change, numbering of mandatory terms of probation had to be changed. Also, many entries where the first optional condition of probation had been cost reimbursement (former optional condition #16) was deleted because cost reimbursement is now included as a mandatory condition of probation). Striking the first optional condition required subsequent conditions to be re-labelled. The phrase "if warranted" is added to the standard language used to describe minimum penalties and explains that the optional conditions are completely optional and can be omitted from a respondent's probation order.

In the section labelled BPC section 5666 on page 9, the described minimum and maximums are deleted, and the reader is directed to look to the specific statute or regulation violated for determining the recommended penalty.

In the section labelled BPC 5678 on page 13, the minimum penalty is revised from stayed revocation and three years' probation to be only the imposition of a civil penalty, as explained in more detail within the Model Orders section. The definition of a civil penalty below this BPC section is deleted and moved below into the Model Orders section.

In the section labelled BPC 480(a) on page 14, the former paragraph providing additional description of the law is removed, as this information is found in the statute itself and is covered previously in the *Guidelines* on page 6 in Section II. General Considerations, subdivision E. Criteria to be Considered. This paragraph is also removed for consistency, as none of the other sections of law cited in this section have this sort of additional description.

Former Section V. Violation of Probation: This heading on page 18 is relabeled as Section IV Disciplinary Guidelines, subdivision D. Violation of Probation.

Section V. Model Orders: The unnecessary term "Disciplinary" is removed from the title so that it reads: "Model Orders."

Subdivision A. Licensee: Several sub-paragraphs within "Revocation of License" on pages 18-19 had gendered references that are removed and replaced with gender-neutral language.

In the sub-paragraph formerly headed "Surrender Of License," the phrase "in Lieu of Revocation" is added to make clear the circumstances to which this sub-paragraph pertains; and gendered references are removed and replaced with gender-neutral language..

Subdivision B. Petition for Reinstatement: On pages 19-20, in the sub-paragraph with the heading "Grant Petition and Place License on Probation after Completion of Conditions Precedent," examples are provided so ALJs and DAGs have a clearer understanding of requirements to be satisfied prior to a license being reinstated. In the second paragraph of this condition, the sentence "and satisfaction of all statutory and regulatory requirements for issuance of a license" is added to clarify how a condition precedent must be satisfied as it is imposed as a part of discipline. At the end of the sentence to which this is added, the instructions "(list standards and applicable optional conditions of probation)" is added to improve this paragraph as a "drag and drop" item for ALJs to use when drafting an order.

Subdivision C. Petition to Revoke Probation: On pages 20-21, in the subparagraph headed "Revocation of Probation" the sentence "Petitioner is not eligible to apply for reinstatement or reduction of penalty for one year from the effective date of this decision," restates the restriction on such applications set out in Government Code section 11522. This sentence is added to clarify this to potential applicants and reduce the amount of staff time on applications for reinstatement or reduction of penalty that are barred by Government Code section 11522.

In several different sub-paragraphs in this subdivision, an "s" is added to make clear it is the phrase "landscape architect's license" for clarity.

Subdivision D. Applicant: On page 21, in the sub-paragraph with the heading "Grant Application and Place Licensee on Probation After Completion of Conditions

Precedent,” examples are provided so ALJs and DAGs have a clearer understanding of requirements to be satisfied before a license is reinstated. At the end of the second subparagraph the instructions “(list standards and applicable optional conditions of probation)” is added to improve this sub-paragraph as a "drag and drop" item for ALJs to use when drafting an order.

A subparagraph headed “Civil Penalty” is added to reiterate the civil penalties that can be used in lieu of revocation that are described in BPC section 5678. The added language duplicates the language of BPC section 5678 so information regarding civil penalties the Board may assess in certain circumstances is included in the *Guidelines* and placed in this section for clarity.

#### Section VI. CONDITIONS OF PROBATION:

Subdivision A. Standard Conditions: On page 21, a sentence is added at the start of this section to clarify that the Board may waive any conditions of probation on a case-by-case basis. The paragraph with the heading “Severability Clause” on page 21 and the discussion are deleted as both are unnecessary and not in LATC’s best interests.

Paragraph 2. Submit Quarterly Reports: In this paragraph on pages 21-22, the incorporation by reference of a Quarterly Probation Report of Compliance form at the end of the *Guidelines* is removed and all information requested in the form is added here. Staff will still make the form available on the website. However, by specifying the information requested in the form, if LATC shifts to all-electronic forms, no additional regulatory action is needed to convert this form to an electronic format.

Paragraphs 4, 6, and 7: On pages 22-23 the gendered references are removed and replaced with gender-neutral language.

Paragraph 5 Maintain Active and Current License: On page 22, a sentence is added to this subparagraph clarifying that if a respondent’s license has expired by the time the Board’s decision becomes effective, the license must be renewed within 30 days of the effective date of the decision. Adding this clarification saves both staff and respondents’ time and effort trying to determine requirements under these circumstances.

Paragraph 7 – Tolling for Out-of-State Practice, Residence or In-State Non-Practice: On pages 22-23, the first paragraph is deleted. While the information requested in this paragraph could generally be useful to LATC, a respondent is already being investigated and LATC has no need for respondent to provide this information during their probationary period. A sentence stating non-practice doesn't relieve a respondent of the responsibility to comply with the terms and conditions of probation is added for clarity. Two sentences that had been moved from the center of the previous subparagraph and reintroduced as a separate final subparagraph are deleted as they contain information not relevant to Paragraph 7, which covers tolling.

Paragraph 9 - License Surrender While On Probation: On pages 23-24, the first paragraph is removed and replaced with the three subparagraphs that follow. The first paragraph more clearly explains the circumstances in which a probationer may consider surrendering their license, and what information must be provided for a probationer to request the Board accept their surrendered license.

The second paragraph clearly states that accepting a probationer's surrendered license is a matter of the Board's discretion and clarifies that a probationer cannot surrender their license to get out from under the requirements of their probation. The third subparagraph clarifies what happens if the Board accepts the surrender of a probationer's license, that it will be treated as a disciplinary action, and how re-application for a new license will be treated.

Paragraph 11 - Cost Reimbursement: On page 24, the former optional condition #16 is moved to be standard condition #11. This better aligns the *Guidelines* with LATC's policy to prioritize seeking cost reimbursement so that the wrongdoer, not all licensees, bears the costs of the inappropriate action. As mentioned above, the Disciplinary Guidelines section above is revised to reflect this change. In Subdivision B. Optional Conditions below, the conditions are renumbered to reflect the insertion of a standard condition #11.

Subdivision B – Optional Conditions, Paragraph 13, California Supplemental Examination (CSE): On pages 24-25, gendered references are removed and replaced with gender-neutral language in both Option 1 and Option 2.

In Option 1 (Condition Subsequent) on pages 24-25, new language is added to explain that a respondent must pass the CSE within three years or will be in violation of probation. The revisions also clarify that a make clear respondent must comply with

tolling provisions discussed in standard condition #7 and pay for all costs of the CSE exam. The revised language clarifies for staff and respondents all the ramifications of imposing this optional condition of probation. In Option 2 (Condition Precedent), the extraneous language “take and” is removed in two places.

Paragraph 13 - Written Examination: On page 24, gendered references are removed and replaced with gender-neutral language in both Option 1 and Option 2.

On page 25, new language is added to make clear a respondent must pass the Landscape Architect Registration Examination (LARE) within one year or within two attempts or will be considered in violation of probation; respondent must comply with tolling provisions discussed in standard condition #7; and that respondent must pay for all costs of the LARE exam. The revised language clarifies for staff and respondents all the ramifications of imposing this optional condition of probation.

Paragraph 15 – Ethics Course: On pages 25-26, the phrase “or its designee” is added to provide more options for the Board in granting approval of ethics courses submitted by respondents, and to expedite the process.

Paragraph 16 – Continuing Education Courses: On page 26, the phrase “or its designee” is added to provide more options for the Board in granting approval of professional education courses submitted for approval by respondents, and to expedite the process.

Original Paragraph 11, then #16 Cost Reimbursement: This paragraph is moved up to become standard condition #11, and is deleted here.

Paragraphs 18 and 19: On pages 26-27, gendered references are removed and replaced with gender-neutral language.

Added Paragraph 20 – Civil Penalty: This paragraph on page 27 is moved to page 21, where it is the last model order in Section V. Model Orders, and the paragraph is deleted here.

The information requested in the form “Quarterly Probation Report of Compliance,” Attachment A to the Guidelines, have been set out in section VI. CONDITIONS OF PROBATION, subdivision A. Standard Conditions, paragraph 2 – Submit Quarterly Reports, and thus this form is deleted here. Staff will still have the form available on the website.

### **Action Requested**

The Board is asked to consider and approve the above-described revisions to the *Guidelines* recommended by LAD and approve the attached revised proposed regulatory language to adopt 16 CCR section 2680.

### **Attachments**

1. Revised 16 CCR Section 2680
2. Revised Disciplinary Guidelines.

# CALIFORNIA ARCHITECTS BOARD

## LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

### Title 16. Professional and Vocational Regulations Division 26. Landscape Architects Technical Committee

#### PROPOSED REGULATORY LANGUAGE

Changes to the existing regulation are shown in single underline for new text and for deleted text.

Amend Section 2680 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

#### **Section 2680. Disciplinary Guidelines.**

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" ~~[Rev 2000]~~ (Revised 202119) which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 481, 493, 5622, 5630, and 5662, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 125.3, 125.6, 140, 141, 143.5, 480(a), 490, 493, 496, 499, 5616, 5640, 5642, 5659, 5660, 5662, 5666, 5667, 5668, 5669, 5670, 5671, 5672, 5673, 5675, 5675.5, and 5676, and 5678, Business and Professions Code; and Sections 11400.20, 11400.21, 11425, and 11425.50, and 11425.50(e), Government Code.

Start Face Page:

Landscape Architects Technical Committee  
Disciplinary Guidelines and Model Orders  
(Revised 8/202149)



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Landscape Architects Technical Committee  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Phone: (916) 575-7230  
[www.latc.ca.gov](http://www.latc.ca.gov)

End Face Page



## TABLE OF CONTENTS

<u>I. INTRODUCTION .....</u>	<u>3</u>
<u>II. GENERAL CONSIDERATIONS .....</u>	<u>3</u>
<u>A. Citations .....</u>	<u>3</u>
<u>B. Proposed Decisions – General Considerations .....</u>	<u>5</u>
<u>C. Stipulated Settlements .....</u>	<u>5</u>
<u>D. Cost Reimbursement .....</u>	<u>5</u>
<u>E. Criteria to be Considered .....</u>	<u>5</u>
<u>F. Mitigation and Rehabilitation Evidence .....</u>	<u>6</u>
<u>III. DEFINITION OF PENALTIES .....</u>	<u>6</u>
<u>IV. DISCIPLINARY GUIDELINES .....</u>	<u>7</u>
<u>A. Business and Professions Code .....</u>	<u>7</u>
<u>B. General Provisions of Business and Professions Code... ..</u>	<u>12</u>
<u>C. California Code of Regulations .....</u>	<u>14</u>
<u>D. Violation of Probation .....</u>	<u>16</u>
<u>V. MODEL <del>DISCIPLINARY</del> ORDERS .....</u>	<u>16</u>
<u>A. Licensee .....</u>	<u>16</u>
<u>B. Petition for Reinstatement .....</u>	<u>17</u>
<u>C. Petition to Revoke Probation .....</u>	<u>18</u>
<u>D. Applicant .....</u>	<u>18</u>
<u>VI. CONDITIONS OF PROBATION .....</u>	<u>19</u>
<u>A. Standard Conditions .....</u>	<u>19</u>
<u>B. Optional Conditions .....</u>	<u>21</u>
<u>ATTACHMENT A: QUARTERLY PROBATION</u>	
<u>REPORT .....</u>	<u>25</u>

*California Architects Board  
Landscape Architects Technical Committee*

**DISCIPLINARY GUIDELINES**

**I. INTRODUCTION**

To establish consistency in disciplinary penalties for similar offenses on a statewide basis, the California Architects Board (~~Board~~CAB), Landscape Architects Technical Committee (LATC) has adopted these uniform disciplinary guidelines for particular violations. This document, designed for use by Administrative Law Judges, attorneys, landscape architects, others involved in the disciplinary process, and ultimately the Board, ~~shall~~may be revised from time to time and will be distributed to interested parties upon request.

These guidelines include general factors to be considered, probationary terms, and guidelines for specific offenses. The guidelines reference the statutory and regulatory provisions for specific offenses ~~are referenced to the statutory and regulatory provisions.~~

For purposes of this document, terms and conditions of probation are divided into two general categories: (1) Standard Conditions are those conditions of probation which will generally appear in all cases involving probation ~~as a standard term and condition~~; and (2) Optional Conditions are those conditions which address the specific circumstances of the case and require discretion to be exercised depending on the nature and circumstances of a particular case.

The Board (~~CAB~~) recognizes ~~that~~ these recommended penalties and conditions of probation are merely guidelines, and ~~that~~ mitigating or aggravating circumstances ~~and~~ or other factors, may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken. All disciplinary actions will be published on the Internet to facilitate access under the California Public Records Act.

Additional copies of this document may be obtained by contacting the LATC~~CAB~~ at its office in Sacramento, California or accessing the document on-line at [www.latc.ca.gov](http://www.latc.ca.gov). There may be a charge assessed for providing paper copies sufficient to cover the direct costs of duplication~~production and distribution of copies.~~

**II. GENERAL CONSIDERATIONS**

**A. Citations**

This document covers considerations of disciplinary restrictions or penalties following the filing of an Accusation. For standards related to citations, please consult the Board's regulations commencing at Section 2630 of Title 16 of the California Code of Regulations.

The Board may issue a citation pursuant to sections 125.9 or 148 of the Business and Professions Code, and in accordance with section 2630 of article 1 of division 26 of title 16 of the California Code of Regulations, as an alternate means to address relatively minor violations not necessarily warranting discipline.

Citations are not disciplinary actions but are matters of public record. The citation program increases the effectiveness of the Board's consumer protection process by providing a method to effectively address less egregious violations.

Citations shall be in writing and shall describe the particular nature and facts of the violation, including a reference to the statute or regulation allegedly violated. In assessing a fine, the Board shall give due consideration to the factors enumerated in subsection (b) of section 2630.1 of article 1 of division 26 of title 16 of the California Code of Regulations.

Citations that include an assessment of an administrative fine are classified according to the nature of the violation as follows:

- 1) Class "A" violations are violations that involve an unlicensed person who has violated Business and Professions Code section 5640, including, but not limited to, acting in the capacity of a landscape architect or engaging in the practice of landscape architecture. A class "A" violation is subject to an administrative fine in an amount not less than \$750 and not exceeding \$2,500 for each and every violation.
- 2) Class "B" violations are violations that involve a person who, while engaged in the practice of landscape architecture, has violated a statute or regulation relating to the practice of landscape 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 \$1,000 and not exceeding \$2,500 for each and every violation.
- 3) Class "C" violations are violations that involve a person who, while engaged in the practice of landscape architecture, has violated a statute or regulation relating to the practice of landscape architecture and which has not caused either 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 \$250 and not exceeding \$1,000 for each and every violation.

Notwithstanding the administrative fine amounts listed above, 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.

Payment of a fine with or without an informal conference or administrative hearing does not constitute an admission of the violation charged, but represents a satisfactory resolution of the citation for purposes of public disclosure.

After a citation is issued, the person may:

- 1) Pay the fine and comply with any order of abatement and the matter will be satisfactorily resolved.

- 2) Request an informal conference. Following the informal conference, the citation may be affirmed, modified, or dismissed, including any fine levied or order of abatement issued.
- 3) Request an administrative hearing to appeal the citation regardless of whether or not an informal conference was held.

Failure to pay a fine, unless the citation is being appealed, may result in disciplinary action. Where a citation is not contested and a fine is not paid, the fine shall be added to the fee for renewal of the license.

## **B. Proposed Decisions - General Considerations**

The Board requests that Proposed Decisions following administrative hearings include the following:

- a. Specific code sections violated, along with their descriptions ~~definitions~~.
- b. Clear description of the underlying facts demonstrating the violation committed.
- c. Respondent's explanation of the violation if he or /she is they are present at the hearing.
- d. Findings regarding aggravation, mitigation, and rehabilitation where appropriate.
- e. When suspension or probation is ordered, the Board requests that the disciplinary order include terms within the recommended guidelines for that offense unless the reason for departure from the recommended terms is clearly set forth in the findings and supported by the evidence.

## **C. Stipulated Settlements**

The Board will consider stipulated settlements to promote cost effectiveness and to expedite disciplinary decisions if such agreements achieve its disciplinary objectives. Deputy Attorneys General should inquire as to Respondent's interest in stipulated settlement promptly after receipt of a notice of defense. If stipulated settlement appears unlikely, the case should be set for hearing. It is the Board's policy that matters resolved by stipulation include cost recovery. The Board will consider agreeing to stipulated settlements to promote cost effective consumer protection and to expedite disciplinary decisions. The respondent should be informed that in order to enter into a stipulated settlement with the Board, he or she they may be required to admit to the violations set forth in the accusation or statement of issues. All proposed stipulated settlements must be accompanied by a memorandum from the Deputy Attorney General addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

## **D. Cost Reimbursement**

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases in which the licensee is found to have committed a violation. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and

prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

## **E. Criteria Factors to be Considered**

Substantially Related Criteria. The Board may deny, suspend, or revoke a license if the applicant or licensee has been convicted of a crime, professional misconduct, or act that is substantially related to the qualifications, functions, or duties of the profession, based on the criteria specified in section 2655 of article 1 of division 26 of title 16 of the California Code of Regulations.

Rehabilitation Criteria. When considering the denial, revocation, or suspension of a license on the ground that the applicant or licensee has been convicted of a crime, or disciplined for professional misconduct, the denial is based on one or more of the grounds specified in Business and Professions Code section 5653, a suspension or revocation of a licensee on the grounds of a disciplinary action as described in Business and Professions Code section 141, or one or more of the grounds specified in Business and Professions Code Article 5 of Chapter 3.5 of Division 3 of the Code, the Board shall consider whether the applicant or licensee has made a showing of rehabilitation based on the criteria specified in section 2656 of article 1 of division 26 of title 16 of the California Code of Regulations.

## **F. Mitigation and Rehabilitation Evidence**

The following are among mitigating circumstances that may be taken into account by ALJs in providing for penalties in proposed decisions:

- The licensee has cooperated with the CBA's investigation, other law enforcement or regulatory agencies, and/or the injured parties.
- The passage of considerable time since an act of professional misconduct occurred with no evidence of recurrence or evidence of any other professional misconduct.
- Convincing proof of rehabilitation
- Demonstration of remorse by the licensee.
- Recognition by licensee of their wrongdoing and demonstration of corrective action to prevent recurrence.
- Violation was corrected without monetary losses to consumers and/or restitution was made in full.

The following are examples of types of evidence which the licensee/applicant (respondent) may submit to the Board to demonstrate their rehabilitative efforts and competency:

- Recent, dated, written statements and/or performance evaluations from persons in positions of authority who have on-the-job knowledge of the respondent's work as a landscape architect that include the period of time and capacity in which the person worked with the respondent. Such reports must be signed under penalty of perjury and will be subject to verification by Board staff.
- Recent, dated, letters from counselors regarding the respondent's participation in a rehabilitation or recovery program, which should include at least a description and requirements of the program, a therapist or mental health professional's diagnosis of the condition and current state of recovery, and the therapist or mental health professional's basis for determining rehabilitation. Such letters and reports will be subject to verification by Board staff.

- Recent, dated letters describing the respondent's participation in support groups, (e.g., Alcoholics Anonymous, Narcotics Anonymous, professional support groups, etc.). Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from probation or parole officers regarding the respondent's participation in and/or compliance with terms and conditions of probation or parole, which should include at least a description of the terms and conditions, and the officer's basis for determining compliance. Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from persons familiar with respondent in either a personal or professional capacity regarding their knowledge of: the respondent's character; the respondent's rehabilitation, if any; the conduct of which the respondent is accused; or any other pertinent facts that would enable the Board to better decide the case. Such letters must be signed under penalty of perjury and will be subject to verification by Board staff.

~~In determining whether revocation, suspension or probation is to be imposed in a given case, factors such as the following should be considered:~~

- ~~1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.~~
- ~~2. Actual or potential harm to any consumer, client or the general public.~~
- ~~3. Prior disciplinary record.~~
- ~~4. Number and/or variety of current violations.~~
- ~~5. Mitigation evidence.~~
- ~~6. Rehabilitation evidence.~~
- ~~7. In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.~~
- ~~8. Overall criminal record.~~
- ~~9. Time passed since the act(s) or offense(s) occurred.~~
- ~~10. Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.~~
- ~~11. Recognition by respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.~~

### III. DEFINITION OF PENALTIES

**Revocation:** Loss of a license as the result of any one or more violations of the Landscape Architects Practice Act. Revocation of a license is permanent, unless the respondent takes affirmative action to petition the Board for reinstatement of his/her/their license and demonstrates to the Board's satisfaction that he or /she is/they are rehabilitated.

**Suspension:** Invalidation of a license for a fixed period of time, not to exceed a period of one year.

**Stayed Revocation:** Revocation of a license, held in abeyance pending respondent's compliance with the terms of his or /her/their probation.

**Stayed Suspension:** Suspension of a license, held in abeyance pending respondent's compliance with the terms of his or /her/their probation.

**Probation:** A period during which a respondent's sentence is suspended in return for respondent's agreement to comply with specified conditions relating to improving his or /her/their conduct or preventing the likelihood of a reoccurrence of the violation.

**Public Reproval:** A condition of probation whereby the respondent is required to appear before the Board to review in public the violation which he or she/they were determined to have committed and the penalties imposed. A form of written censure or reprimand placed in a public document that is served on the licensee. It is considered part of the licensee's disciplinary history and public record with the Board.

#### IV. DISCIPLINARY GUIDELINES

The offenses are listed by statute section number in the Business and Professions Code or California Code of Regulations. The standard terms of probation as stated herein shall be included for all probations. The optional conditions of probation as stated herein are to be considered and imposed along with any other optional conditions if facts and circumstances warrant. The number(s) in brackets listed after each condition of probation refers to the specific standard or optional conditions of probation listed on pages XX – XX.

##### A. Business and Professions Code Sections

**Section 5616:** Requirements for Landscape Architecture Contract – Contents, Notice Requirements

Maximum: Revocation  
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. Cost reimbursement [#16]
- b. Restitution [#17] (if applicable)

**Section 5640:** Unlicensed Person Sanctions For Engaging in Practice – Sanctions

Applicant Maximum: Revocation or Denial of application for a license application  
Applicant Minimum: Ninety (90) days actual suspension Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. All standard conditions of probation [#1-#7] Ethics course [#154]
- b. Cost reimbursement [#16]
- c. Restitution [#17] (if applicable)

**Section 5642: Partnership, Corporation – Unlicensed Person in a Partnership or Corporation**

**Maximum:** Revocation  
**Minimum:** Stayed Revocation, 90 days' actual suspension [#124], and probation for 5 years' probation on all standard conditions [#1-110], and the following optional conditions

- a. All standard conditions of probation [#1-#7]
- ba. Cost reimbursement [#1116]

**Section 5659: Failure to Inclusion of License Number – Requirement**

**Maximum:** Revocation  
**Minimum:** Stayed revocation and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. Ethics course [#154]
- b. Cost reimbursement [#16]
- e. Restitution [#17] (if applicable)

**Section 5666: Practice in Violation of Chapter Practice Act Provisions**

The appropriate disciplinary action depends on the nature of the offense.

**Maximum/Minimum:** See section of these guidelines showing specific statute/regulation violated for recommended penalty  
**Revocation**  
**Minimum:** Stayed revocation and 3 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. Cost reimbursement [#16]
- b. Restitution [#17] (if applicable)

**Section 5667: Fraud, Misrepresentation – Obtaining License Obtained by Fraud, Misrepresentation**

**Maximum/Minimum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. Ethics course [#154]



~~b. Cost reimbursement [#116]~~

**Section 5668: Person Impersonating Landscape Architect ~~– Practice Or~~ Under Assumed Name**

~~Licensee Maximum:~~ Revocation

~~Licensee Minimum:~~ Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~ba. Continuing education courses Ethics course [#10154]~~

~~eb. Cost reimbursement [#1116]~~

~~ec. Restitution [#1217] (if applicable)~~

**Section 5669: Licensee Aiding, Abetting ~~–~~ Unlicensed Practice**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~ba. Continuing education courses Ethics course [#10154]~~

~~eb. Cost reimbursement [#1116]~~

~~ec. Restitution [#1217] (if applicable)~~

**Section 5670: Fraud, Licensee Deceit in Practice or Fraud**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

~~a. All standard conditions of probation [#1-#7] Ethics course [#154]~~

~~b. Continuing education courses [#10165]~~

~~c. Cost reimbursement [#1116]~~

~~d.~~ Restitution [#4217] (if applicable)

**Section 5671: Negligence, ~~Willful Misconduct~~ in Practice**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] ~~and if warranted,~~ the following optional conditions:

~~a.~~ All standard conditions of probation [#1-#7]

~~b.~~ Continuing education courses [#10165]

~~c.~~ Cost reimbursement [#1116]

~~d.~~ Restitution [#4217] (if applicable)

**Section 5671: Willful Misconduct in Practice**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] ~~and if warranted,~~ the following optional conditions:

a. Ethics course [#154]

b. Continuing education courses [#165]

c. Cost reimbursement [#16]

~~d.~~ Restitution [#17] (if applicable)

**Section 5672: Licensee Gross Incompetence in Practice**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] ~~and if warranted,~~ the following optional conditions:

~~a.~~ All standard conditions of probation [#1-#7]

~~b.~~ Written examination [#109]

a. California Supplemental Examination [#132]

~~c.~~ Continuing education courses [#10165]

~~dc.~~ **Cost reimbursement** [#1116]

~~ed.~~ Restitution [#1217] (if applicable)

**Section 5673: Licensee's False Use of Signature, Stamp**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] **and if warranted**, the following optional conditions:

~~a.~~ All standard conditions of probation [#1-#7]

~~ba.~~ Continuing education courses Ethics course [#10154]

~~cb.~~ **Cost reimbursement** [#1116]

~~ce.~~ Restitution [#1217] (if applicable)

**Section 5675: Sanctions for Licensee Felony Conviction – ~~Sanctions~~**

**Maximum:** Revocation ~~or denial of license application~~

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] **and if warranted**, the following optional conditions:

~~a.~~ All standard conditions of probation [#1-#7]

~~b.~~ Continuing education courses #10]

~~ca.~~ **Cost reimbursement** [#1116]

~~d.~~ Restitution [#12]

~~eba.~~ Criminal **P**robation **R**eports [#1318]

**Section 5675.5: Public Agency – Disciplinary Action By Public Agency**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] **and if warranted**, the following optional conditions:

~~a.~~ All standard conditions of probation [#1-#7]

~~ba.~~ Continuing education courses [#10165]

~~eb.~~ Cost reimbursement [#1116]

~~de.~~ Restitution [#1217] (if applicable)

**Section 5676: ~~Plea of Nolo Contendere –~~ Sanctions for Criminal Conviction – Sanctions**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] ~~and if warranted,~~ the following optional conditions:

~~a.~~ All standard conditions of probation [#1-7]

~~b.~~ Continuing education courses #10]

~~ca.~~ Cost reimbursement [#1116]

~~d.~~ Restitution. [#12]

~~eba.~~ Criminal Pprobation Rreports [#1318]

**Section 5678: Licensee Failure to Report of Settlement or Arbitration Award – Licensee**

**Maximum:** Revocation  
**Minimum:** Civil Penalty (see Model Orders section) Stayed revocation and 3 years' probation on all standard conditions [#1-10]. ~~and the following optional condition:~~

~~a.~~ Cost reimbursement [#16]

**Civil Penalty:** In lieu of revocation, assess civil penalty of not less than \$100 and not more than \$1,000. If knowing and intentional failure to report, in lieu of revocation, a civil penalty of up to \$20,000.

**B. General Provisions of Business and Professions Code**

**Section 125.6: Licensee's Discrimination Against Individuals Based upon Personal Characteristics by Licensee**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 60 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110]. ~~and the following optional condition:~~

~~a.~~ All standard conditions of probation [#1-#7]

ba. Cost reimbursement [#1116]

**Section 140: Failure to Record and Preserve Cash Transactions Involving Employee Wages or Failure to Make Those Records Available to Board Representative**

**Maximum:** Revocation

**Minimum:** Stayed revocation and 3 years' probation on all standard conditions [#1-110], and the following optional condition:

a. Cost reimbursement [#16]

**Section 141: Effect of Disciplinary Action Taken Against Licensee by Another State, an Agency of the Federal Government, or Another Country**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

a. Continuing education courses [#165]

b. Cost reimbursement [#16]

c. Restitution [#17] (if applicable)

**Section 143.5 Provision Prohibited in Settlement Agreements Prohibited Provisions; Adoption of Regulations; Exemptions**

**Maximum:** Revocation

**Minimum:** Stayed revocation and 3 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

a. Ethics course [#154]

b. Cost reimbursement [#16]

**Section 480 (a): Applicant's Grounds for Denial of the License Application of Licenses**

An applicant's application may be denied for (1) conviction of a crime substantially related to the qualifications, functions, or duties of the practice of landscape architecture; (2) any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; (3) any act which that if done by a licensee would be grounds for suspension or revocation of license; or (4) knowingly making a false statement of fact required to be revealed in the application for such license.

**Maximum/Minimum:** Denial of license application  
**Minimum:** Issue initial license, stayed revocation, and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. Ethics course [#154]
- b. Continuing education courses [#165]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

**Section 490:** **Conviction of Crime; Grounds for Suspension, Revocation; Conviction of Crime – Grounds**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. Cost reimbursement [#16]
- b. Criminal probation reports [#18]

**Section 496:** **Subversion of Licensing Examinations or Administration of Examinations**

**Maximum/Minimum:** Revocation or denial of license application  
**Minimum:** Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. Ethics course [#154]
- b. Continuing education courses [#165]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

**Section 499:** **Licensee's False Statement in Support of Another Person's Application Not Their Own**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

a. Ethics course [#154]

~~b. Cost reimbursement [#16]~~

**C. California Code of Regulations CALIFORNIA CODE OF REGULATIONS**  
**Division 2, Title 16, Division 2, Chapter 26, Article 1. General Provisions**

**Section 2670: Rules of Professional Conduct**

**(a) Competence**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, on the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

a. California Supplemental Examination [#132]

b. Continuing education courses [#10165]

c. Cost reimbursement [#1116]

~~d. Restitution [#1217] (if applicable)~~

**(b) Willful Misconduct**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

a. Ethics course [#154]

b. Continuing education courses [#165]

c. Cost reimbursement [#16]

~~d. Restitution [#17] (if applicable)~~

**(b)c Full Disclosure**

- Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:
- a. ~~All standard conditions of probation~~ [#1-#7] Ethics course [#154]
  - b. ~~Continuing education courses~~ [#10]
  - cb. Cost reimbursement [#1116]
  - de. Restitution [#1217] (if applicable)

**(ed) Informed Consent**

- Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:
- a. ~~All standard conditions of probation~~ [#1-#7]
  - ba. ~~Continuing education courses~~ [#10] 65
  - cb. Cost reimbursement [#1116]
  - de. Restitution [#1217] (if applicable)

**(de) Conflict of Interest**

- Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:
- a. ~~All standard conditions of probation~~ [#1-#7] Ethics course [#154]
  - b. ~~Continuing education courses~~ [#10]
  - cb. Cost reimbursement [#1116]
  - de. Restitution [#1217] (if applicable)

**(ef) Copyright Infringement**

- Maximum:** Revocation



**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. All standard conditions of probation [#1-#7] Ethics course [#154]
- b. Continuing education courses [#10165]
- c. Cost reimbursement [#1116]
- d. Restitution [#1217] (if applicable)

## **V.D. Violation of Probation**

### **Maximum Penalty**

Actual suspension; vacate stay order and reimpose penalty that was previously stayed; and/or revoke, separately and severally, for violation of probation and/or for any additional offenses.

### **Minimum Penalty**

Actual suspension and/or extension of probation.

The maximum penalty is appropriate for repeated similar offenses, or for probation violations indicating a cavalier or recalcitrant attitude. If the probation violation is due in part to the commission of additional offense(s), additional penalties shall be imposed according to the nature of the offense; and the probation violation shall be considered as an aggravating factor in imposing a penalty for those offense(s).

## **V. MODEL DISCIPLINARY ORDERS**

### **A. Licensee**

#### **Revocation of License**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is revoked.

Respondent shall relinquish and forward or deliver his or her their license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision. Respondent may not reapply or petition the Board for reinstatement of his or her their revoked license for one (1) year from the effective date of this Decision.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$ \_\_\_\_\_ within thirty (30) days of the effective date of this Decision.

**Option:** As a condition precedent to reinstatement of his or her their revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of

\$ \_\_\_\_\_. Said amount shall be paid in full prior to the reinstatement of **his or her/their** license unless otherwise ordered by the Board.

### **Revocation Stayed and Licensee Placed on Probation**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is revoked; however, the revocation is stayed and respondent is placed on probation for \_\_\_\_\_ years on the following terms and conditions:

### **Public Repeval**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is publicly reprovod. This reprovod constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

### **Surrender of License in Lieu of Revocation**

Respondent \_\_\_\_\_ surrenders Landscape Architect License No. \_\_\_\_\_ as of the effective date of this Decision. Respondent shall relinquish and forward or deliver **his or her/their** license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision.

The surrender of respondent's license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against respondent. This Decision constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

## **B. Petition for Reinstatement**

### **Grant Petition with No Restrictions on License**

The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby granted, and petitioner's landscape architect license shall be fully restored.

### **Grant Petition and Place Licensee on Probation**

The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby granted, and petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and the petitioner shall be placed on probation for a period of \_\_\_\_\_ years on the following terms and conditions:

### **Grant Petition and Place Licensee on Probation After Completion of Conditions Precedent**

The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby granted, and petitioner's landscape architect license shall be fully reinstated upon completion of the following conditions precedent (**examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take the California Supplemental Examination, and/or specified sections of the LARE**):

Upon completion of the conditions precedent above, and satisfaction of all statutory and regulatory requirements for issuance of a license, petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of \_\_\_\_\_ years on the following terms and conditions (list standard and applicable optional conditions of probation):

### **Deny Petition**

The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby denied.

### **C. Petition to Revoke Probation**

#### **Revocation of Probation**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is revoked. Petitioner is not eligible to apply for reinstatement or reduction of penalty for one year from the effective date of this decision.

#### **Extension of Probation**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is revoked; however, the revocation is stayed, and respondent is placed on probation for an additional \_\_\_\_\_ year(s) on the following terms and conditions:

### **D. Applicant**

(in cases where a Statement of Issues has been filed)

#### **Grant Application with No Restrictions on License**

The application filed by respondent \_\_\_\_\_ for initial licensure is hereby granted, and a landscape architect's license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees.

#### **Grant Application and Place Licensee on Probation**

The application filed by respondent \_\_\_\_\_ for initial licensure is hereby granted, and a landscape architect's license shall be issued to respondent upon successful completion of all licensing requirements, including payment of all fees. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for \_\_\_\_\_ years on the following terms and conditions:

#### **Grant Application and Place Licensee on Probation After Completion of Conditions Precedent**

The application filed by respondent \_\_\_\_\_ for initial licensure is hereby granted, and a landscape architect's license shall be issued to respondent upon the following conditions

precedent (examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take the California Supplemental Examination, and/or specified sections of the LARE):

Upon completion of the conditions precedent above and successful completion of all licensing requirements, including payment of all fees, respondent shall be issued a landscape architect's license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for \_\_\_\_\_ years on the following terms and conditions (list standard and applicable optional conditions of probation):

### **Deny Application**

The application filed by respondent \_\_\_\_\_ for initial licensure is hereby denied.

### **Civil Penalty**

Respondent shall pay to the Board a civil penalty in the amount of \$ \_\_\_\_\_ [not less than \$100 and not more than \$1,000; and if there is continued knowing and intentional failure to report, the Board may assess an additional civil penalty up to \$20,000] pursuant to Business and Professions Code section 5678.] Respondent shall make the payments as follows: \_\_\_\_\_.

[Term only applicable to Business and Professions Code section 5678 violations and used in lieu of revocation.]

## **VI. STANDARD CONDITIONS OF PROBATION**

### **A. Standard Conditions**

(To be included in all cases of probation)

The Board reserves the discretion to waive any conditions of probation on a case-by-case basis.

#### **Severability Clause**

Each condition of probation is a separate and distinct condition. If any condition of this Decision and Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all other applications thereof, shall not be affected. Each condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

#### **1. Obey All Laws**

Respondent shall obey all federal, state, and local laws and regulations governing the practice of landscape architecture in California and comply with all conditions of probation.

#### **2. Submit Quarterly Reports**

Respondent, within 10 days of completion of the quarter, shall submit completed quarterly written reports to the Board, using the Board's Quarterly Probation Report of Compliance form (10/98 Rev. 2/2019) obtained from the Board (Attachment A). Respondent's quarterly written report to the Board shall include the following:

1. Respondent's full legal name, telephone number, and address of record,
2. Name of the firm respondent works for, respondent's title, firm address and telephone number,
3. A statement of all of Respondent's landscape architecture activities during this reporting period. The statement shall include: the client's name, address and telephone number, project title/address, project description, project's start and end date and a description of Respondent's involvement.
4. A list of any other of Respondent's activities related to the practice of landscape architecture by activity and date; and,
5. A certification under penalty of perjury that the information provided in the report is true and correct.

### **3. Personal Appearances**

Upon reasonable notice by the Board, the respondent shall report to and make personal appearances at times and locations as the Board may direct.

### **4. Cooperate During Probation**

Respondent shall cooperate fully with the Board, and with any of its agents or employees in their supervision and investigation of his/ or her/their compliance with the terms and conditions of this probation. Upon reasonable notice, the respondent shall provide the Board, its agents or employees, with the opportunity to review all plans, specifications, and instruments of service prepared during the period of probation.

### **5. Maintain Active and Current License**

Respondent shall maintain an active and current license to practice landscape architecture in California for the length of the probation period. Failure to pay all renewal fees prior to respondent's license expiration date shall constitute a violation of probation. If the license is expired at the time the Board's decision becomes effective, the license must be renewed within 30 days of the effective date of the decision.

### **6. Notification of Changes to Address and/or Telephone Number**

Respondent shall notify the Board in writing of any and all changes to his or her/their address of record and/or telephone number within 10 calendar days of such change.

### **57. Tolling for Out-of-State Practice, Residence or In-State Non-Practice**

Respondent shall provide a list of each state, district, commonwealth, territory, or possession of the United States and all political jurisdictions outside the United States where he or she have ever been licensed as a landscape architect or held any landscape architecture related professional license or registration within 30 calendar days of the effective date of this Decision. During the term of probation, respondent shall provide information regarding the status of each license and registration and any changes in the license or registration status within 10 calendar days. During the term of probation, respondent shall inform the Board if he or she apply for or obtain a landscape architectural license or registration outside of California within 10 calendar days.

In the event respondent should leave California to reside or to practice outside the State or for any reason stops practicing landscape architecture in California, respondent shall notify the Board or its designee in writing within 10 ~~ten~~ days of the dates of departure and return, or the dates of non-practice or the resumption of practice within California. Respondent's probation is tolled if, and when he or she they cease practicing in California. Non-practice is defined as any period of time exceeding 30 ~~thirty~~ days in which respondent is not engaging in any activities defined in Section 5615 of the Business and Professions Code. All provisions of probation other than the quarterly report requirements, examination requirements, and education requirements, shall be held in abeyance until respondent resumes practice in California. All provisions of probation shall recommence on the effective date of resumption of practice in California. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period. Respondent shall not be relieved of the obligation to maintain an active and current license with the LATC Board. It shall be a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total of five years.

Periods of non-practice do not relieve Respondent of the responsibility to comply with the terms and conditions of probation. All provisions of probation other than the quarterly report requirements, examination requirements, cost reimbursement, restitution, and education requirements, shall be held in abeyance until respondent resumes practice in California. All other provisions of probation shall recommence on the effective date of resumption of practice in California.

## **68. Violation of Probation**

If respondent violates probation in any respect, the Board, after giving respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that ~~which~~ was stayed. If an accusation or a petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

## **9. License Surrender While on Probation**

During respondent's term of probation, if respondent ceases practice due to retirement or health reasons, or is otherwise unable to satisfy any condition of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and exercise its discretion in determining whether to grant the request, or take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation. All costs incurred (i.e., cost reimbursement) are due upon reinstatement or relicensure. Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board.

Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request, in writing, the voluntary surrender of Respondent's license to the Board. Respondent's written request to surrender their license shall include

the following: their name, license number, case number, address of record, and an explanation of the reason(s) why Respondent seeks to surrender their license.

The Board reserves the right to evaluate the Respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Respondent shall not be relieved of the requirements of their probation unless the Board or its designee notifies respondent in writing that Respondent's request to surrender their license has been accepted.

Upon formal acceptance of the surrender, Respondent shall, within 15 days, deliver Respondent's wall certificate to the Board or its designee and shall no longer practice as a landscape architect. Respondent will no longer be subject to the terms and conditions of probation and the surrender of Respondent's license shall be deemed disciplinary action. If Respondent re-applies for a landscape architect's license, the application shall be treated as a petition for reinstatement of a revoked license.

#### **710. Completion of Probation**

Upon successful completion of probation, respondent's license will be fully restored.

#### **11. Cost Reimbursement**

Respondent shall reimburse the Board \$ \_\_\_\_\_ for its investigative and prosecution costs. The payment shall be made within \_\_\_\_\_ days/months of the effective date the Board's Decision is final.

Option: The payment shall be made as follows: \_\_\_\_\_ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

### ~~VII. OPTIONAL CONDITIONS OF PROBATION~~

#### **B. Optional Conditions**

#### **8124. Suspension**

Respondent is suspended from the practice of landscape architecture for \_\_\_\_\_ days beginning on the effective date of this Decision.

#### **132. California Supplemental Examination**

##### Option 1 (Condition Subsequent)

Within six months of the effective date of this Decision, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board.

If respondent fails to pass said examination within six months, respondent shall notify the Board and shall cease practice until respondent takes and passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or /shethey may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for Respondent's to be unable to pass the CSE probation to remain tolled

pursuant to this condition for a period exceeding a total of three years. Respondent must comply with tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence or In-State Non-Practice) of this order while not practicing and is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she they may resume practice. Respondent is responsible for paying all costs of such examination.

**9143. Written Examination**

Option 1 (Condition Subsequent)

Within one year of the effective date of this Decision, Respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (L-A-R-E-).

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she they may resume practice. It shall be a violation of probation for Respondent to be unable to pass the LARE Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation. Respondent must comply with tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence or In-State Non-Practice) of this order while not practicing and is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (LARE) within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she they may resume practice. Respondent is responsible for paying all costs of such examination.

**154. Ethics Course**

Within 30 days of the effective date of this Decision, respondent shall submit for prior approval by the Board or its designee approval a course in ethics that will be completed within the first year of probation.



Failure to satisfactorily complete the required course within the first year of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board or its designee for its approval the specifics of the course required by this condition, and for paying all costs of said course.

#### **40165. Continuing Education Courses**

Respondent shall successfully complete and pass professional education courses, approved in advance by the Board or its designee, directly relevant to the violation as specified by the Board. The professional education courses shall be completed within a period of time designated by the Board or its designee, which timeframe shall be incorporated as a condition of this probation.

Failure to satisfactorily complete the required courses as scheduled or failure to complete same no later than one year 100 days prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board or its designee for its approval the specifics of each course required by this condition, and for paying all costs of such courses.

#### **1116. Cost Reimbursement**

Respondent shall reimburse the Board \$ \_\_\_\_\_ for its investigative and prosecution costs. The payment shall be made within \_\_\_\_\_ days/months of the effective date the Board's of this dDecision is final.

Option: The payment shall be made as follows: \_\_\_\_\_ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

#### **4217. Restitution**

Within \_\_\_\_\_ days of the effective date of this Decision, respondent shall make restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ and shall provide the Board with proof from \_\_\_\_\_ attesting that the full restitution has been paid. In all cases, restitution shall be completed no later than one year before the termination of probation.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

#### **4318. Criminal Probation Reports**

In the event of conviction If respondent is convicted of any crime, Respondent shall provide the Board with a copy of the standard conditions of the criminal probation, copies of all criminal probation reports, and the name of his or /her/their probation officer.

#### **14. Relinquish License and Wall Certificate**

~~Respondent shall relinquish and shall forward or deliver the license to practice and the wall certificate to the Board within 10 days of the effective date of this decision and order.~~

#### **4519. Notification to Clients/Cessation of Practice**

~~In orders which provide for a cessation or suspension of practice, within 30 days of the effective date of this Decision, respondent shall comply with procedures provided by the Board regarding notification to, and management of, provide all clients with whom he or shethey have a current contractual relationship in the practice of landscape architecture with a copy of the Decision and Order of the Board and provide the Board with evidence of such notification, including the name and address of each person or entity required to be notified.~~

#### **20. Civil Penalty**

~~Respondent shall pay to the Board a civil penalty in the amount of \$ \_\_\_\_\_ [not less than \$100 and not more than \$1,000; and if there is continued knowing and intentional failure to report, the Board may assess an additional civil penalty up to \$20,000] pursuant to Business and Professions Code section 5678.] Respondent shall make the payments as follows: \_\_\_\_\_.~~

~~[Term only applicable to Business and Professions Code section 5678 violations and used in lieu of revocation.]~~

#### **II. REHABILITATION CRITERIA**

**California Code of Regulations, Title 16, Division 26, Section 2656, Criteria for Rehabilitation states:**

- ~~(a) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his present eligibility for a license will consider the following criteria:~~
- ~~(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.~~
  - ~~(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.~~
  - ~~(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).~~
  - ~~(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.~~
  - ~~(5) Evidence, if any, of rehabilitation submitted by the applicant.~~
- ~~(b) When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license, will consider the following criteria:~~
- ~~(1) Nature and severity of the act(s) or offense(s).~~
  - ~~(2) Total criminal record.~~
  - ~~(3) The time that has elapsed since commission of the act(s) or offense(s).~~

- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
  - (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
  - (6) Evidence, if any, of rehabilitation submitted by the licensee.
- (c) When considering a petition for reinstatement of the license of a landscape architect, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

**CALIFORNIA ARCHITECTS BOARD  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

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Sacramento, CA 95814

Phone: (916) 445-4954 Fax: (916) 324-2333

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State of California

Department of Consumer Affairs

Gray Davis, Governor



DEPARTMENT OF CONSUMER AFFAIRS, BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

CALIFORNIA ARCHITECTS BOARD

**Landscape Architects Technical Committee**

Public Protection through Examination, Licensure, and Regulation



Gov. Gavin Newsom,  
Governor

**Attachment A**

**QUARTERLY PROBATION REPORT OF COMPLIANCE**

1. NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
 \_\_\_\_\_ (Last/First/Middle) \_\_\_\_\_ (Residence)

RESIDENCE ADDRESS  
OF RECORD:

\_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

2. NAME OF FIRM: \_\_\_\_\_ YOUR TITLE: \_\_\_\_\_

FIRM ADDRESS:

\_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

TELEPHONE #: (\_\_\_\_) \_\_\_\_\_

3. On the back second page of this form detail your landscape architectural activities for the probation period beginning:

beginning \_\_\_\_\_ and ending \_\_\_\_\_  
 \_\_\_\_\_ Mo. Day Year \_\_\_\_\_ Mo. Day Year

4. List any other activities related to the practice of landscape architecture:

ACTIVITY	DATE

5. I declare under penalty of perjury under the laws of the State of California that the information contained in this quarterly report regarding my professional practice is true and correct.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(Rev. 2/2019)

DATE: \_\_\_\_\_ QUARTER: \_\_\_\_\_ YEAR: \_\_\_\_\_

CLIENT NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
(Last/First/Middle)

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PROJECT TITLE/ADDRESS		DATE START-COMplete	

CLIENT NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
(Last/First/Middle)

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMplete	YOUR INVOLVEMENT

CLIENT NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
(Last/First/Middle)

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMplete	YOUR INVOLVEMENT

(Rev. 2/2019)

## **AGENDA ITEM N: 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>
October 29	Board Strategic Planning Meeting	Sacramento
November 5	LATC Meeting	Teleconference
December 10	Board Meeting	TBD