



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

December 10, 2021

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

10:00 a.m., on Friday, December 10, 2021

NOTE: Pursuant to Government Code section 11133, 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=m2f94c25a13c26291d8efbe63c196a627>

If joining using the link above

Event number: 2487 594 7158
Event password: CAB12102021

If joining by phone

+1-415-655-0001 US Toll
Access code: 248 759 47158
Passcode: 22212102

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

Due to potential technical difficulties, please consider submitting written comments by December 3, 2021, to cab@dca.ca.gov for consideration.

AGENDA

10:00 a.m. to 2:00 p.m.

(Continued)

(or until completion of business)

Action may be taken on any item listed below.

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

The Board may not discuss or act on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

- E. Election of 2022 Board Officers
- F. Discussion and Possible Action on Recommendation Regarding 2021 Octavius Morgan Distinguished Service Award
- G. Review and Possible Action on September 10, 2021, Board Meeting Minutes
- H. Review and Approve Strategic Plan 2022-2025
- I. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
 - 1. Quarterly Report
 - i. Budget Update by DCA Budget Analyst, Harmony DeFilippo
 - ii. Business Modernization
- J. Update and Discussion of National Council of Architectural Registration Boards (NCARB):
 - 1. Update and Discussion of Committee Meetings
- K. Landscape Architects Technical Committee (LATC) Report
 - 1. Discuss and Possible Action Regarding Legal Affairs Division Request to Reconsider Previously Approved Text to Amend Title 16, Division 26, Article 1, Section 2630.2 (Appeal of Citations) and Authorization to Initiate Rulemaking
- L. Review of Future Board Meeting Dates

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

1. Perform Annual Evaluation of its Executive Officer
2. Deliberate and Vote on Disciplinary Matters

N. Reconvene Open Session

O. 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. 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

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).

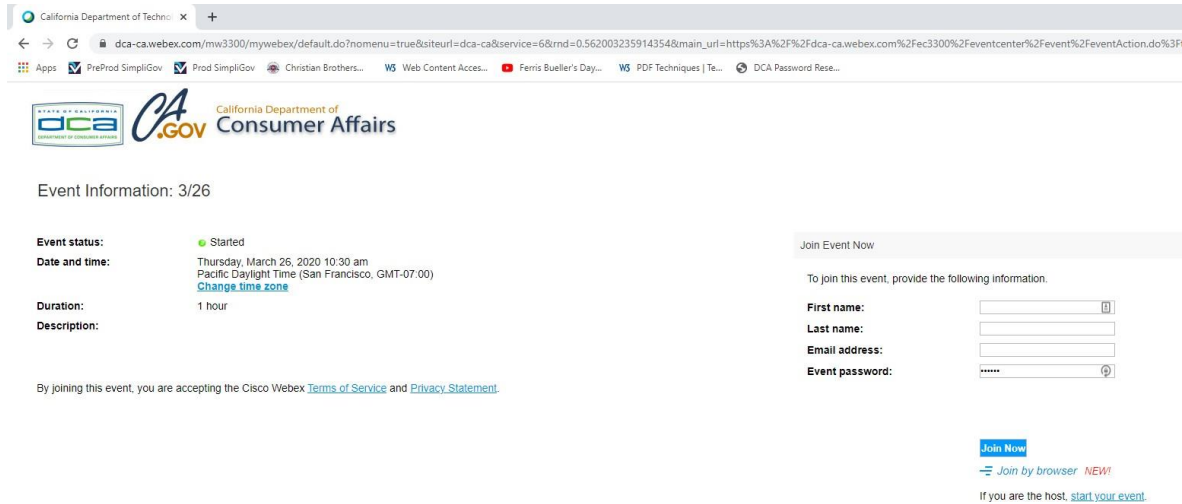
HOW TO – Join – DCA WebEx Event

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.

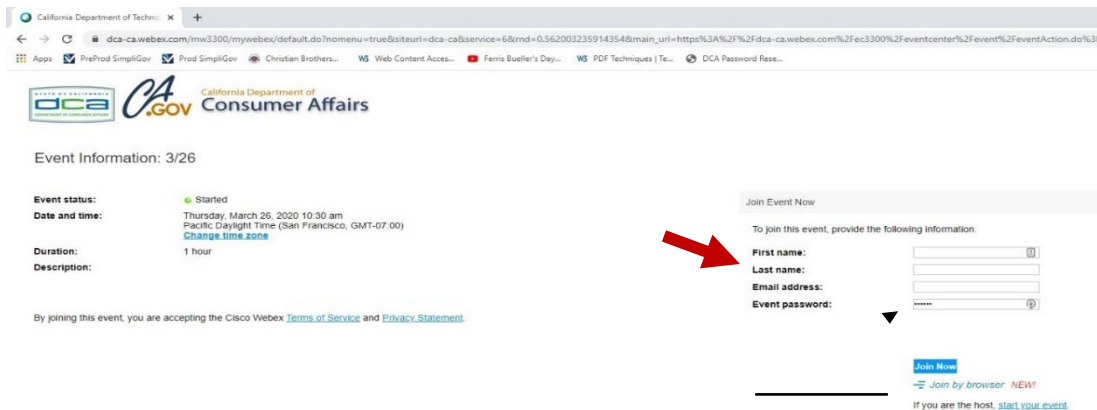
Example link:

<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:

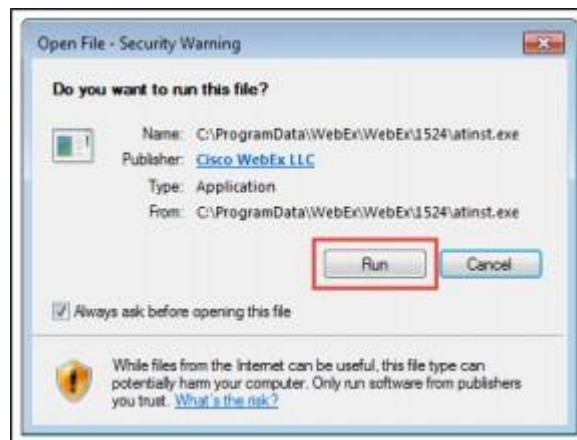
Event password:

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.

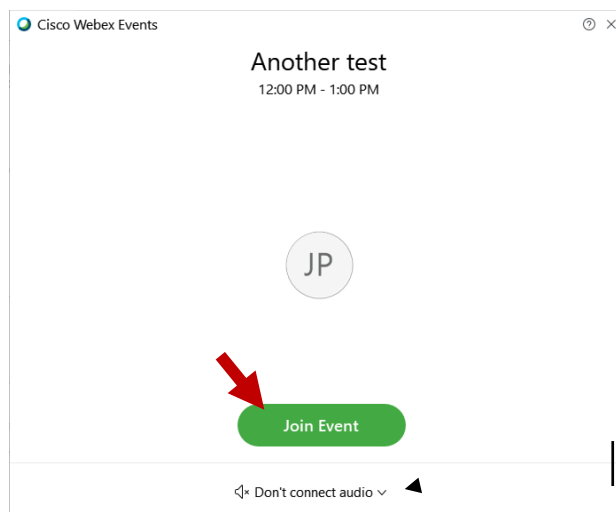
- A dialog box will appear at the bottom of the page, click 'Run'.



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

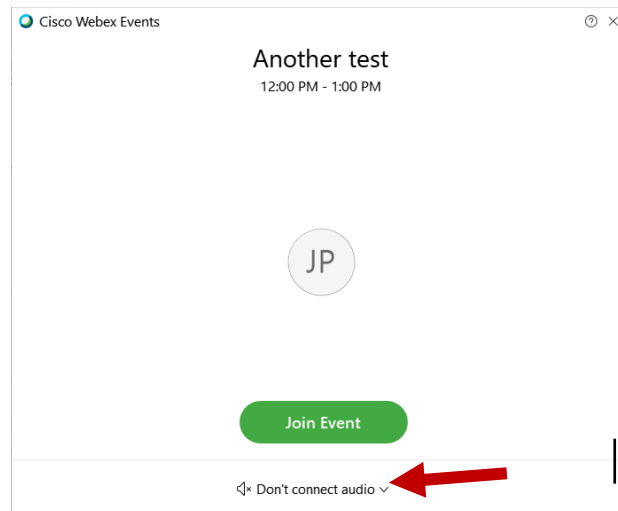
NOTE: The preferred audio connection to our event is via telephone conference or headset. Use of an open microphone and speakers through your computer could result in issue with audio clarity and potential feedback/echo.

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

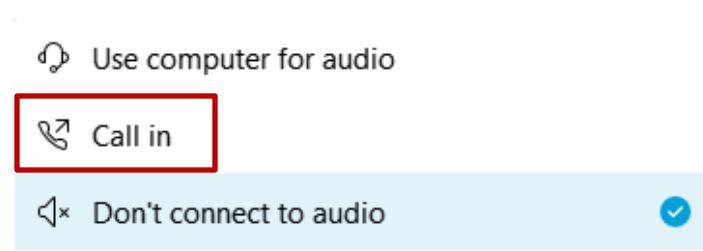


HOW TO – Join – DCA WebEx Event

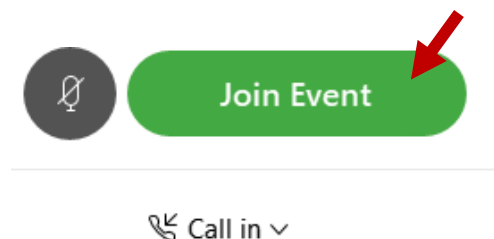
8. If using teleconference via your phone for audio, click the audio menu below the green 'Join Event' button.



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

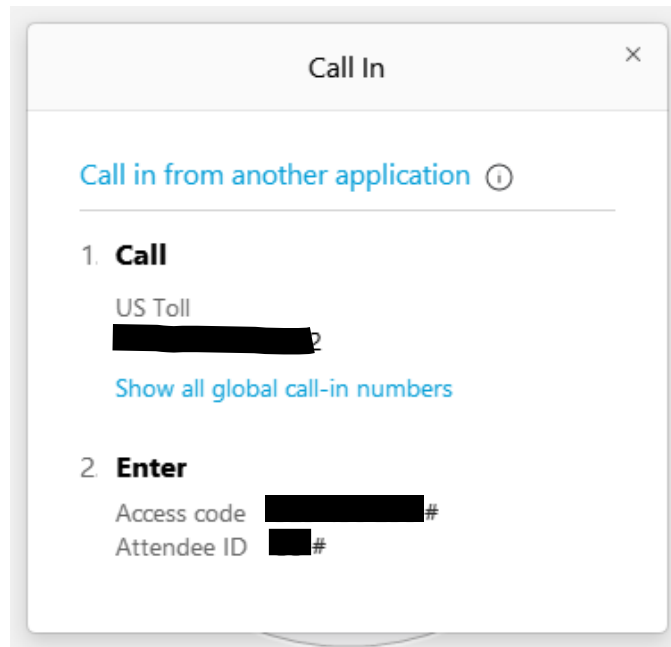


10. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



HOW TO – Join – DCA WebEx Event

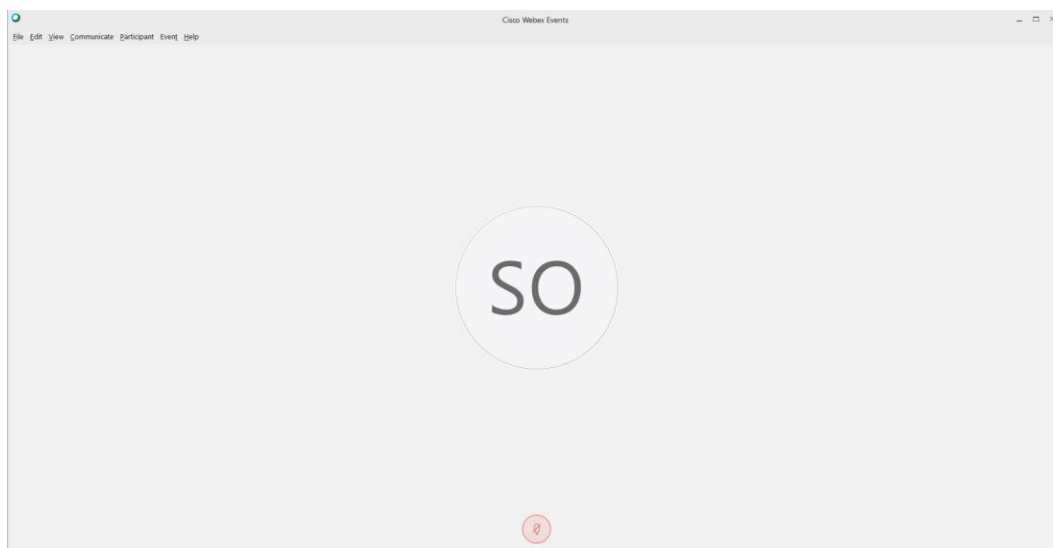
11. Call into the audio conference with the details provided.



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!

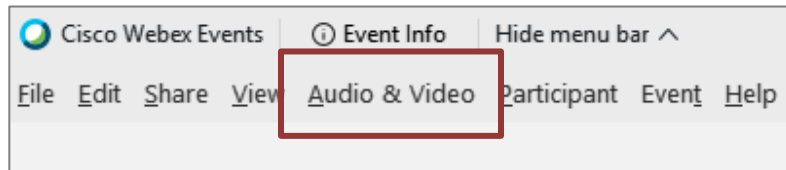


NOTE: Your audio line is muted and can only be unmuted by the event host.

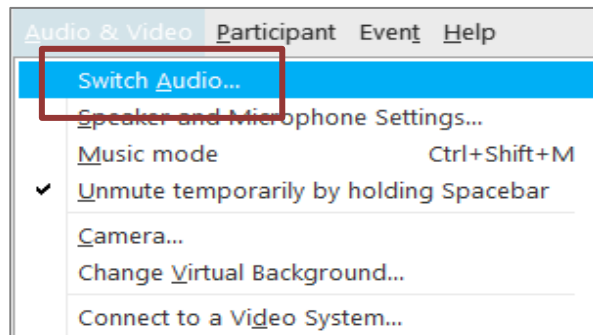
Selecting Audio Connection After Joining

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.

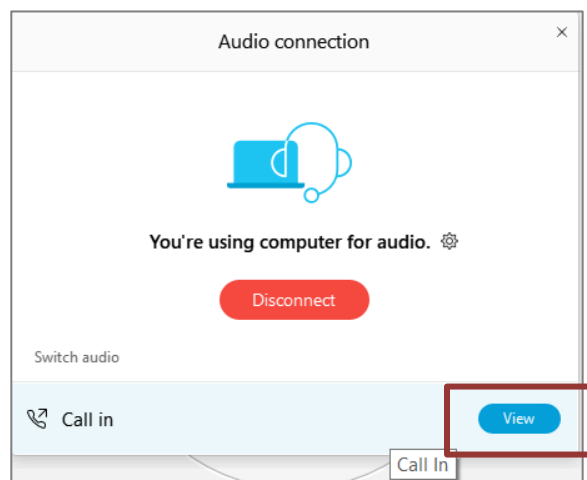
1. Select 'Audio & Video' from the menu bar at the top of your screen.



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.

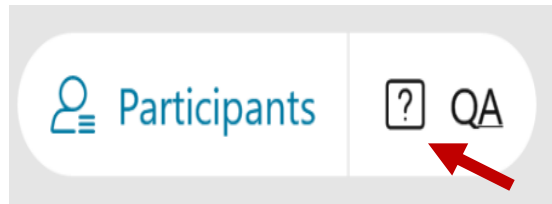
HOW TO – Join – DCA WebEx Event

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):

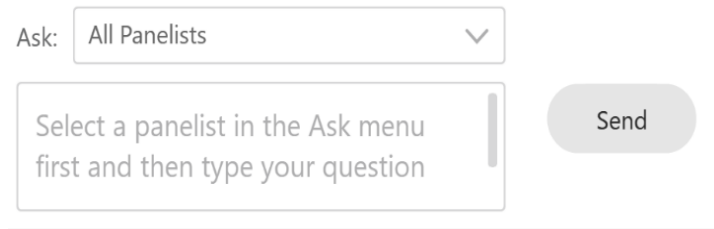
If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



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

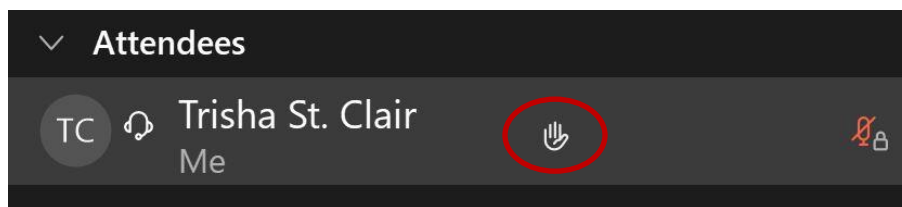
NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

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

AGENDA ITEM E: ELECTION OF 2022 BOARD OFFICERS

Summary

Business and Professions Code section 5518 states:

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

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

The Board shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.

The Manual also provides for a nomination process as follows:

The Board president shall appoint a Nominations Committee prior to the last meeting of the calendar year and shall consider appointing a public and a professional member of the Board to the Committee. The Committee's charge will be to recommend a slate of officers for the following year. The Committee's recommendation will be based on the qualifications, recommendations, and interest expressed by the Board members. A survey of Board members will be conducted to obtain interest in each officer position. A Nominations Committee member is not precluded from running for an officer position. If more than one Board member is interested in an officer position, the Nominations Committee will make a recommendation to the Board and others will be included on the ballot for a runoff, if they desire. The results of the Nominations Committee's findings and recommendations will be provided to the Board members in the meeting packet prior to the election of officers. Notwithstanding the Nominations Committee's recommendations, Board members may be nominated from the floor at the meeting.

Action Requested

At this meeting, the Nominations Committee will present the recommended slate of officers to the Board for its consideration. The Board is asked to consider the slate and elect the officers for 2022.

Attachment(s)

None

AGENDA ITEM F: DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2021 OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD

Summary

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

Action Requested

The Board is asked to discuss and approve the 2021 Octavius Morgan Distinguished Service Award nominee.

Attachment(s)

None

DRAFT

CALIFORNIA ARCHITECTS BOARD

MEETING MINUTES

September 10, 2021
Teleconference Meeting

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

On September 10, 2021, Board President, Tian Feng, called the meeting to order at 10:07 a.m. and Vice President, Nilza Serrano, called roll.

Board Members Present

Tian Feng, President
Nilza Serrano, Vice President
Robert Pearman, Jr., Secretary
Malcolm "Brett" Gladstone
Ronald Jones
Mitra Kanaani
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

Scarleth Bodan
Patricia Trauth, LATC Member
Jon Wreschinsky, LATC Member

Staff Present

Laura Zuniga, Executive Officer (EO)
Jane Kreidler, Manager, Administration Unit
Alicia Kroeger, Manager Enforcement Unit
Trish Rodriguez, Manager, LATC
Marccus Reinhardt, Manager, Examination/Licensing Unit
Idris Ahmed, Enforcement Analyst
Jesse Bruinsma Continuing Education Analyst
Blake Clark, LATC Examination Coordinator

Darren Dumas, Examination/Licensing Analyst
Coleen Galvan, Communications Analyst
Drew Liston, Board Liaison
Kim McDaniel, Administration Analyst
Kourtney Nation, LATC Special Projects Analyst
Michael Sganga, Enforcement Analyst
Stacy Townsend, LATC Enforcement Analyst

DCA Staff Present

Karen Halbo, Regulatory Counsel, Attorney III
Carrie Holmes, Deputy Director, Board and Bureau Relations
Michael Kanotz, Board Counsel, Attorney III
Tracy Montez, Chief, Division of Programs and Policy Review

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 N-08-21, dated June 11, 2021, a physical meeting location is not being provided, and 2) Jon Wreschinsky and Patricia Trauth, LATC members, are in attendance.

Mr. Feng introduced new Board member Mitra Kanaani, appointed by Governor Newsom. Ms. Kanaani briefly shared her background.

There were no comments from the public.

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

Carrie Holmes, DCA’s Deputy Director for Board and Bureau Relations, welcomed Ms. Kanaani on her appointment to the Board. Ms. Holmes provided the following DCA update:

- As the law and executive orders stand today, after September 30, 2021, in-person meetings will be required; however, due to changes in the ongoing COVID-19 pandemic, there is legislation pending that would extend the ability to meet remotely until at least January 31, 2022.
- To combat the spread of COVID-19 and to protect vulnerable communities, California is implementing enhanced safety measures for state employees and workers in health care settings. State employees must show proof of vaccination or be tested regularly. Board members are considered employees and must follow health and safety protocols if they plan to visit a DCA location or attend an in-person meeting.

- DCA's COVID-19 testing program is expected to begin rolling out the week of September 20.
- Statewide guidance on the use of face coverings from the California Department of Public Health remains in place unless a local order is used for that community. Visit DCA's COVID-19 web page for updates and resources.
- 2021 is a mandatory sexual harassment training year and all employees and Board members are required to complete the training. The training is accessed through the learning management system, also referred to as LMS, on DCA's training portal.
- Newly appointed and reappointed members are required to attend Board member orientation training within a year of appointment or reappointment. The final training of 2021 will be held on WebEx on October 13.

In response to an inquiry about whether the Board could meet in-person before January 2022, Ms. Holmes indicated that Boards and committees do have the ability to meet in person and that they need to adhere to public health guidance and testing/vaccine protocol.

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 June 11, 2021, Board Meeting Minutes

Nilza Serrano moved to approve the June 11, 2021, Board Meeting Minutes.

Ebony Lewis seconded the motion.

There were no comments from the public.

Members Gladstone, Jones, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. Ms. Kanaani abstained.

F. Communications Committee Report

1. Update from September 1, 2021, Communications Committee Meeting

Jane Kreidler, Administration Manager, provided background information sharing that during the June 2021 Board meeting President Feng asked the Committee to

meet to develop objectives for the outreach program and strategic plan items. Ms. Kreidler provided the following Committee update:

The Committee formed a subcommittee that will contact schools with architectural programs--one community college, and one California State University each year to educate them about CAB and to answer licensure questions. Another suggestion was to email directors of schools twice a year to solicit information.

Strategic plan ideas discussed included: (1) enhance social media regarding licensure, payment methods, consumer resources, (2) work with DCA on an earned media campaign to educate the public about resources and the role of architects, (3) use ethnic media to share stories, and (4) refresh and renew communication with firms, licensees, and the public on the core mission of CAB in protecting the health, welfare, and life safety of the public through regulation of the practice.

Chair Campos inquired about staffing and current communications efforts. One analyst is dedicated to communications and works in the Administration Unit. Current outreach includes social media, the newsletter, industry bulletins, the Annual Practice Brief, and ongoing publications. Plans include video production, website overhaul, and new publications.

The Committee Chair requested that staff send monthly updates to committee members on outreach efforts. This reporting will begin in September.

Mr. Feng summarized that some of these topics will be part of the strategic planning session in October.

There were no comments from the public.

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 of Divisions of Programs and Policy Review

Ms. Zuniga introduced Ms. Montez and shared that this presentation is a follow up to the June 2021 Board meeting presentation by OPES on the California Supplemental Examination (CSE) development process where there were questions about the role of Board members in the exam development process.

The presentation covered the following topics: (1) definition of licensure, (2) licensure guidelines and mandates, (3) legal basis, (4) key concepts, (5) examination validation cycle, and (6) description of practice/CSE.

Mr. Pearman asked how the goal of consistency is measured. Ms. Montez shared that overall exam performance and item-level statistics are assessed for large fluctuations in pass rates with the introduction of a new testing module.

Mr. Pearman asked about available examinee demographic data. Ms. Montez indicated in California there is a code that prevents mandatory collection; however, she shared that some Boards are exploring collecting the information voluntarily.

A member inquired about how redundancy with NCARB test items is addressed. Ms. Montez shared that the process includes assessing the practice in terms of what is performed, and the knowledge necessary to perform those tasks. This blueprint is used for item writers and item reviewers so that every item in the CSE is linked. She indicated that each item is checked to see if it is included in the NCARB exam.

Ms. Kanaani shared that the term *minimum degree of competency* used in the test development process was unclear. Ms. Montez explained that OPES has a working document that is used in workshops that contains examples of competency levels.

Ms. Montez highlighted the difference between state and national exams. She shared that for a national exam, a test can only ask items that are applicable to all states; therefore, the exam is less specific. She noted it is so important to have a CSE when it's needed and when its defensible.

Ms. Zuniga shared that in reviewing the strategic plan survey results, respondents wanted to know why the CSE can't go back to being an oral exam. Ms. Montez shared problems with oral exams include that they are difficult to standardize, they have a lot of error, reliability is a challenge, and they are expensive and time consuming to administer. Non-oral exams are more valid, reliable and standardized. She shared they can write robust, higher-order, cognitive-processing questions that require test-takers to know the material and to apply it. Ms. Montez shared that empirical evidence from studies conducted with the Psychology Board showed that some individuals who would have passed should have failed and vice versa.

Ms. Kwan stated that she plans to work with NCARB on the issue of practitioners who have extensive knowledge and experience but who have not passed the architect licensing exam. Ms. Montez explained that sometimes practitioners on an experience pathway struggle with a national exam because their experience is deep and targeted in contrast to the exam which is broad.

Mr. Ward shared that bias is a problem with oral exams since the field is not very diverse and the exam is subjective. Mr. Ward shared there is a disconnect between architectural education and licensure. He suggested the Board conduct outreach to inquire about efforts to ensure NCARB testing and CSE are part of professional practices courses and to encourage those efforts.

Mr. Feng asked about the Board's role in achieving the scope and content of the CSE at a policy level. Ms. Montez suggested that the Board may find it helpful to review the Examination Plan in the validation report that details what is measured in each content area. She presented that a diverse group of subject matter experts from across the state who are currently working in the field, use the Examination Plan to write test items and this is part of what makes the test defensible.

Mr. Feng presented that AB 1010, currently moving through the legislative process, addresses zero net carbon design. He asked how the Board can ensure that the CSE prepares candidates in this specific subject area. Ms. Montez shared that the Board should not do this because that would override the Occupational Analysis process. She indicated that Board staff and OPES ensure that all important legislation that is passed is included in the exam under the appropriate content area. Ms. Montez shared that it is preferred that the Board not direct staff because the OA process should guide the exam.

Mr. Jones shared that as a member of the Regulatory and Enforcement Committee, he has observed most of the cases that come before the Board have less to do with technical aspects and more to do with issues relating to professional practice. He asked whether there was a correlation between areas of exam failure and where practitioners fail to perform. Ms. Montez shared that to her knowledge, this type of correlational analysis between enforcement actions and the exam has not been conducted but could be explored. Ms. Montez reiterated that items are included on the exam based on importance and frequency.

2. Budget Update

Ms. Zuniga shared during the prior Board meeting there were questions about the Board's fund condition and loan repayment. She said that an updated fund condition has been requested from the Budget Office and upon receipt, she will share that information with Board members as a follow -up.

3. Quarterly Report

Ms. Zuniga presented the Quarterly Report as follows:

- The Board will conduct an in-person strategic planning session. Once the Board adopts a new strategic plan, committee meetings will be scheduled. LATC will meet later this year and adopt their strategic plan.
- Majority of staff continue to telework and DCA plans to begin testing unvaccinated staff at the end of this month.
- Ms. Zuniga thanked the Board's regulations counsel, Karen Halbo, for her efforts working with staff to move regulations through the process. The highest priority regulation packages are the retired license fee and regulations to further define the existing disability access Continuing Education (CE) requirement.
- NCARB recently released their report, "By the Numbers" that has demographic data for their examinees and this information can be used for the Board's strategic planning session.
- Ms. Zuniga shared that in reviewing the strategic plan survey results, several respondents questioned how not all enforcement items make it to the Board in Closed Session. Ms. Zuniga clarified that most complaints received do not go before the Board because they are addressed administratively at a lower level and are not considered formal discipline. She indicated that the Board could issue a citation (her role as the EO) and if the licensee/non-licensee pays the citation, it does not go to the Board. The matter only goes to the Board if there is a formal appeal of the citation or if the Board is seeking to suspend or revoke a license.

There were no comments from the public.

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)

Idris Ahmed, Enforcement Analyst, shared that the Board has been working on a regulation for architectural advertising that would require architects to include their name and license number on advertising. For firms with two or more architects, the requirement can be fulfilled by having one person who is in management control include their license number. Mr. Ahmed shared that the Board approved regulatory text at the December 2020 meeting. Staff worked with the Legislative Affairs Division's (LAD) Regulations Unit and added the definition of *management control* to the text. LAD requires the Board to approve this change.

Robert Pearman summarized that the term *management control* was already in the regulatory text the Board previously approved, and the modification is just that of cross referencing the definition.

Sylvia Kwan made a motion to adopt the proposed Modified Text for Section 135, direct the EO to take all steps necessary of 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 public 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.

Robert Pearman seconded the motion.

A member sought clarification about what is meant by the term architectural advertising and Mr. Ahmed summarized the phrase as “any presentments to the public”.

In response to a question about those who misrepresent themselves as architects, Mr. Ahmed offered the intent of the regulation is to increase consumer awareness of licensed architects. Mr. Pearman summarized that the genesis of the regulation was because while the Board is unable to control websites, it could require a license number on advertisements; and consumers would know that the individual is a licensed architect.

Sonny Ward asked if the term *Internet Web site* is sufficient to cover social media such as Instagram and Facebook. Discussion ensued.

Mr. Ward expressed that while the intent is to ensure unlicensed people are not advertising themselves as architects, he was concerned about the adherence to the intent in the future, and it does not become a “parking ticket” situation for licensed architects. Ms. Halbo shared that is about more than non-architects claiming to be architects and that many DCA Boards are including this license number requirement so that the public sees there is a license number, understands that they are licensed with the Board, and can look up the licensee on the Board’s website.

Brett Gladstone suggested modifying the text to “you shall not hold yourself out to the public without putting your number on whatever media” which includes internet media, print, or social media. Mr. Gladstone suggested that the text could say that there is no intent to discipline or fine existing websites. Mr. Pearman offered that this had been discussed previously and that there would be sufficient lead time to educate clientele and a grace period before it goes into effect for people to change business cards, etc.

Ms. Kanaani shared that through teaching ethics, she has observed that many people create websites that are very intriguing and affect the minds of the public. She shared that the issue is how public media is supporting unethical approaches and that we need to raise awareness.

Ms. Zuniga said the Board would address this requirement through applying existing disciplinary guidelines. After an investigation of a complaint in which the public is not harmed, the discipline could result in a letter of advisement and not necessarily a citation.

Mr. Ward stated that he did not want this regulation to lead to a harmful record for architects.

Mr. Jones said that this is not an issue for architects properly representing themselves--it's for the public. He wanted to know the penalty for the unlicensed individual. Ms. Zuniga shared that the Board follows the same process for licensees and that the Board can cite those individuals and acknowledged that while it is harder to collect, the matter can be turned over to a collection agency.

Nilza Serrano stated that the regulation is a great service to the consumer and suggested the language needs to be changed to "all social media platforms that reside in the World Wide Web".

Mr. Pearman asked members about changing the text in subpart and adding the term *social media* platforms after *internet website*. Mr. Ahmed shared that a social media platform is considered a form of a website.

Mr. Jones shared that anything in the public domain should be monitored, but questioned whose responsibility is it to monitor.

Mr. Ward commented that the Board regulates architects and this requirement is an effort to educate the public about unlicensed architects but then there is no way to legalize the unlicensed person. He shared that requiring architects to list their license number is a great idea but expressed regarding unintended outcomes for good architects. If the language is changed, he'd like to see something saying that it is not on a permanent record.

Mr. Jones expressed concern about what is expected of architects. He stated that an issue like this is not part of CE and asked how information is communicated. He said that if there is no professional practices education, architects are forced to learn what is required of them; and the absence of that leaves to chance that architects will stumble upon the requirement. Mr. Jones stressed that finding a way to educate architects through training and required CE is important.

Ms. Zuniga said that the Board is responsible for informing licensees about new requirements and will educate and conduct outreach before issuing citations.

Ms. Zuniga shared there are policies regarding how long citations remain publicly accessible and applies to all citations.

In response to the suggestion that this matter was not urgent, the Board was reminded that it had already approved the language and was being asked to approve a modification.

Ms. Kanaani shared that there should be more than just a citation; include a public announcement.

In response to a Board member asking to hear about the options and timing of the regulation, Ms. Halbo shared that as a rulemaking Board, they are not in a rush to do a regulation if it feels it hasn't been considered or isn't timely. She shared that many other DCA Boards are adopting these requirements. Ms. Halbo acknowledged that the issue of unlicensed people is harder to control. She shared that this has been urged by DCA as a policy that licensees provide their number so that there is a better way for the public to research their standing with that Board and eventually for the public to look for license numbers.

There were no comments for the public.

During the vote, Ms. Serrano wanted to change the language to include "social media platforms that reside in the World Wide Web". Mr. Kanotz clarified that the motion cannot be modified in the middle of a vote. Mr. Feng clarified that Board staff indicated the term *website* is inclusive of social media and Ms. Serrano disagreed and wanted the record to include that this motion was approved by all architect members and one public member.

Members Gladstone, Jones, Kanaani, Kwan, Pearman, Ward, and President Feng voted in favor of the motion. Ms. Serrano voted no. Ms. Lewis abstained.

I. Discuss and Possible Action on Modified Proposed Regulatory Text for CCR Title 16, Division 2, Article 10, Section 165 (Disability Access Continuing Education)

Marccus Reinhardt, Manager Exam/Licensing Unit, presented that during the June 2020 Board meeting the Board adopted CCR section 165. During the regulatory process, LAD recommended the proposed text be modified to specify the amount of required CE--five hours. He shared that the modification is non-substantive, reiterating what is already in statute but would relieve the need for architects to research the regulations and statute to completely understand the requirement.

Nilza Serrano made a motion is to adopt the proposed Modified Text for Section 165, direct the EO to take all steps necessary of the rulemaking process, authorize the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day public 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.

Sonny Ward seconded the motion.

There were no public comments.

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

- J. Discuss and Possible Action on Proposed Adoption of new CCR, Title 16, Division 2, Article 2, Section 109.1 (Retired License Application)

Mr. Reinhardt stated that during the December 2019 meeting the Board approved a regulatory proposal to reduce the retired architect license fee.

Mr. Reinhardt shared that during the regulatory process, LAD recommended a corresponding regulation to codify the application. The new CCR section 109.1 establishes and defines the application for a retired license and specifies the requirements for a retired architect to restore their license to active status.

Mr. Reinhardt shared that the Board is asked to approve the text which is a companion to CCR section 144 the Board approved in December 2019.

Ms. Serrano asked about the meaning of: “if the original license can no longer be restored” in the text. Mr. Reinhardt explained that once a license is retired it is only capable of being restored five years from the expiration date and that within those five years someone may return to practice. He added that after five years, the individual must apply for and meet the requirements for a new license.

Mr. Gladstone commented that in subdivision G, “...whether the applicant is engaged in any activity for which an architect’s license is required”, it should state what that activity or activities are. Ms. Halbo shared that someone must not be working as an architect.

Mr. Pearman shared that fact that this regulation lays out everything contained in an application seems like micromanagement and does not allow flexibility. He suggested that in the future the Board may want to determine if this is the best way to handle this type of situation. Mr. Reinhard shared that this would allow the Board to make non-substantive changes to the application without having to go through the regulatory process. Ms. Halbo stated that this way will make it easier for minor changes in the electronic format of the future.

Tian Feng made a motion is to adopt the proposed text for Section 109.1, direct the EO to take all steps necessary to initiate the rulemaking process, authorize the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period and, if no adverse comments are received during the 45-day public comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

Sonny Ward seconded the motion.

There were no public comments.

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

K. Update and Possible Action on Legislation

Ms. Zuniga shared that the Legislature wraps up its business today and that the governor has about 30-days to act on legislation. She provided the following update on three bills:

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

Requires all Boards within DCA to issue temporary licenses to spouses of active members of the military. Previously there were questions if these candidates will be required to take the CSE and the author's office has not provided greater clarification. This will need to be monitored if the governor signs the bill. There is a high financial consideration for DCA.

2. AB 1010 (Berman) Architects: Continuing Education

This bill will propose five hours of CE on zero net carbon design. If the governor signs this bill the Board will need to adopt regulations.

3. SB 607 (Roth) Professions and Vocations

This bill contains fingerprint implementation requirement information for LATC and requires all Boards within DCA to waive the application and initial license fee for applicants who are spouses of active-duty military members.

4. AB 830 (Flora), addresses architectural corporations. If the legislature approves, the bill will go to the governor.

Ms. Zuniga will update the Board on the status of everything once the bill signing period is over.

Ms. Kanaani inquired about the number of candidates seeking a fee waiver.

Ms. Zuniga shared that there are not many that ask for the expedited licensure.

There were no public comments.

L. Update and Discussion of National Council of Architectural Registration Boards (NCARB):

1. Update and Discussion of Committee Meetings

Ms. Zuniga summarized that the purpose of this agenda item is for members to share about their NCARB committee meetings.

Ms. Zuniga is on the member board executive committee, and they met and don't have new issues for the year.

Ms. Kwan shared that NCARB regional directors now get a memo that presents issues that are forthcoming so that they may be shared with the Board and discussed in advance to improve dialogue.

Ms. Kwan said members of the Council for Interior Design Qualifications (CIDQ) will attend the September Board meeting to discuss the possibility of having a national qualifications exam for interior designers. Ms. Kwan asked members for items to bring to the September NCARB meeting. Mr. Feng directed members to email suggestions and contributions to the EO and Board members. Ms. Kwan presented that the two major subjects for the September meeting are equity, diversity, and inclusion and the CIDQ issue.

Mr. Jones shared about his experience attending the Los Angeles meeting and there was great high-level discussion around diversity, equity, and inclusion. Mr. Jones thanked Ms. Serrano for her hospitality during the Los Angeles meeting.

2. Diversity, Equity, Inclusion Discussion

Ms. Zuniga shared that NCARB is doing a series of listening sessions with stakeholders and that she participated in one. She shared that the executives also did small group discussions and a survey.

Ms. Kwan said she was interviewed as part of NCARB's efforts to interview every national board member. She shared that she recently received a draft report and will work with the EO on how to provide it to the Board.

There were no public comments.

M. Landscape Architects Technical Committee (LATC) Report

1. Update on August 4, 2021, and May 25, 2021, LATC Meetings

Trish Rodriguez announced the LATC held a webcast meeting on August 4, 2021. Ms. Rodriguez shared an update provided by the Office of Information Services on the business modernization project. CAB and LATC are among the five programs included in cohort 2 of this project. Cohort 2 is in stage 3 of 4 of the Department of Technology's 4-stage approval process and that upon approval of stage 3, vendor selection begins. Ms. Rodriguez indicated the project completion date is fall 2023. She added that LATC has been approved for a temporary position to assist with the project.

Ms. Rodriguez shared that OPES provided a presentation to LATC and that the Council of Landscape Architectural Registration Boards (CLARB) annual meeting will be held September 21-24, 2021. Ms. Zuniga shared the direction CLARB is going with uniform standards is not necessarily a direction LATC supports as it is not clear how it will benefit California candidates. Ms. Zuniga, Ms. Rodriguez, and LATC Chair Jon Wreschinsky will attend CLARB's annual meeting and hope that more discussion and feedback will occur.

There were no public comments.

2. Review and Possible Action on Modified Proposed Regulatory Text for CCR Title 16, Division 26, Article 1, Section 2620 Education and Training Credit

Robert Pearman motioned to adopt the proposed Modified Text for Section 2620, direct staff to prepare and submit the final rulemaking documents to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments were received during the public comment period, authorize the EO to make any technical or non-substantive changes that may be required in completing the rulemaking file.

Tian Feng seconded the motion.

There were no public comments.

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

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

Ms. Halbo highlighted the nine-page memo included in the meeting packet that summarizes each change that LAD recommends and offered to answer questions.

In response to a member inquiry about the relationship of this LATC regulation to the Board's, Ms. Zuniga indicated that CAB will be working on their disciplinary guidelines to align with LAD's recommended changes for LATC.

Mr. Feng indicated that he would like to see greater alignment between LATC and CAB and requested Board support in inviting a member(s) of LATC to participate in the CAB strategic planning session.

Ms. Serrano asked about how the hourly rate is determined in reference to page 24, number 11. Ms. Halbo shared that in each case, staff calculate the actual costs and that it will change depending on the case. Ms. Zuniga clarified the difference between these investigate costs and a citation amount.

Nilza Serrano motioned to adopt the proposed Modified Text to revise the previously approved amendments to 16 CCR Section 2680, Disciplinary Guidelines, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business Consumer Services and Housing Agency for review, and if no adverse comments are received, and no hearing is requested, authorize the EO to take all steps necessary to complete the rulemaking process. If no adverse comments are received during the 45-day public comment period and no hearing is requested, authorize the EO to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 2680 as noticed.

Ronald Jones seconded the motion.

There were no public comments.

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

N. Review of Future Board Meeting Dates

Ms. Zuniga stated the next Board meeting is scheduled for October 29, 2021, in Sacramento for strategic planning. She indicated that the next meeting after that would be December 10, 2021, in the San Francisco Bay Area and will send an email with the location. Ms. Zuniga added that on November 5, 2021, LATC will meet for their strategic planning session.

Mr. Feng asked members to share if they have concerns about meeting in-person and directed the EO to confirm that a hybrid meeting in October is allowed.

The Open Session recessed at 2:15 p.m.

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

The Board reconvened in Open Session at 3:05 p.m. with the following members present:

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

Q. Adjournment

The meeting adjourned at 3:06.

AGENDA ITEM H: REVIEW AND POSSIBLE ACTION ON DRAFT 2022-24 STRATEGIC PLAN

Summary

On October 29, 2021, the Board participated in a session to update its Strategic Plan. The session was facilitated by the Department of Consumer Affairs', SOLID team. The Board developed objectives for five goal areas (Professional Qualifications, Regulation and Enforcement, Communications, Organizational Relationships and Effectiveness). SOLID updated the Strategic Plan based on the Board's session.

Action Requested

The Board is asked to review and approve the draft 2022-2024 Strategic Plan.

Quarterly Report of the Executive Officer

Administrative/Management

Board. The Board met on September 10, 2021, via teleconference. This was newly-appointed Board member Mitra Kataani's first meeting.

Meetings

Communications Committee. The Committee met September 1, 2021 and discussed upcoming Strategic Plan objectives.

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

Newsletter

The summer issue of the *California Architects* newsletter was distributed and posted on the website in July. The Fall/Winter issue is currently in production and will be distributed and posted on the website in November.

Budget

Staff has held meetings with budget staff and received a new fund condition statement.

The second cohort of the Business Modernization Project for CAB and LATC is in stage 4 of 4 of the California Department of Technology's project approval lifecycle. The software vendor has been identified as InLumon and a solicitation for system integration services will be released in the Fall of 2021. Project start is anticipated to commence late Winter or early Spring of 2022. LATC received an Associate Governmental Program Analyst position to work on the project.

Coronavirus (COVID-19)

Daily attendance reporting to DCA was discontinued on July 16. Most staff continue to telework. Communications Analyst, Coleen Galvan, returned on July 1 from her year-long contact tracing assignment.

Personnel

Rikki Parks, California Supplemental Examination (CSE) Analyst in the Exam/Licensing Unit, accepted a promotion at the Dental Board. Her last day was September 30. Recruitment to refill the position is underway. LATC is recruiting to fill a new limited-term Associate Governmental Program Analyst position to assist during Business Modernization implementation.

Social Media and Website

An increased presence on social media has occurred during the third quarter due to our Communications Analyst returning. Additionally, monthly outreach reports to Communications Committee members began in September. Plans are underway to hold online licensing seminars and produce videos for consumers, candidates and licensees.

LATC maintains a Twitter account that currently has 216 followers. CAB's social media accounts are noted in the chart below.

Platform	Q3 Posts	Followers 9/30/21
Twitter	36	1,362
Instagram	24	1,134
Facebook	19	366

Regulatory Proposals

Administration staff meets regularly with Karen Halbo, DCA Regulations Counsel, regarding current regulatory packages. CAB's regulatory packages have been assigned to various attorneys to assist with workload. CAB/LATC staff meet monthly to provide updates on regulatory packages.

Architects

CCR Section 109 (Application). This regulatory proposal provides updates to the Application for Eligibility reference to address AB 496, AB 2113, AB 2138, aligns with current Board practices and the National Council of Architectural Registration Boards (NCARB) current requirements, and makes non-substantive changes to the text to increase understanding.

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 the rendition of architectural services. During the meeting, staff presented proposed regulatory text for CCR section 135 (Presentment and Advertising Requirements) 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 and the committee discussed the regulatory package. 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. LAD's suggested changes were presented at the September 10, 2021 Board meeting. The Board approved the revised language and staff continues to work with LAD toward completion of the regulatory package.

CCR Section 144 (Fees). After discussing the fee associated with retiring an architectural license at its February, June and September 2019 meetings, the Board approved proposed regulatory language to amend CCR section 144 to set 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 March 2021. Staff continue working with LAD and the Fiscal Office toward completion of final materials. In September 2021, LAD sent the package back to CAB with questions about the \$40 fee. Staff continues to work with LAD toward completion of the regulatory package.

CCR Section 109.1 (Retired License Application). This new CCR section incorporates the Retired Architect License Application and defines the term. This is a companion to CCR section 144, which the Board approved in December 2019. During the regulatory process, LAD recommended a corresponding regulation to codify the application. The new CCR section 109.1 establishes and defines the application for a retired license and specifies the requirements for a retired architect to restore their license to active status. The Board approved the language for CCR 109.1 at the September 10, 2021 Board meeting and staff continues to work with LAD toward completion of the regulatory package.

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, 2020. Staff sent all documents to LAD and the 45-day comment period is pending.

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 in the process and edits were required. Staff sent documents to LAD on September 8 and October 10, 2021.

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. Staff submitted the Section 100 for review, and LAD forwarded the documents to the Office of Administrative Law for approval in October.

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 different 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, 2020; 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, so it was 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. The package was submitted to OAL on May 20, 2021 to publish Notice of the 45-day comment period which commenced on June 4, 2021 and ended on July 20, 2021. No public comments were received. On July 30, 2021 and September 7, 2021, the final regulatory proposal was provided to DCA and Agency, respectively, for review and approval. On September 30, 2021, the final regulatory proposal was provided to OAL for review.

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 ended July 9, 2021. No comments were received regarding the modified regulatory proposal. LATC and the Board approved the modified regulatory proposal at their meetings on August 4, 2021 and September 10, 2021, respectively. On August 25, 2021, the final regulatory proposal was provided to DCA for review.

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. The Board approved LATC's proposed regulatory language at its meeting on June 12, 2019. Staff proceeded with the regulatory proposal process and on June 24, 2021 the package was submitted to OAL to publish Notice of the 45-day comment period which began on July 9, 2021 and ended on

August 24, 2021. No comments were received. On September 3, 2021, the final regulatory proposal was provided to DCA for review. At the December 2, 2020 LATC meeting, the Committee recommend to the Board approval of the extension certificate program within the University of California, Los Angeles effective through December 31, 2025.

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. Language has been added clarifying the Board's existing ability to issue orders of corrections 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. In September 2021, amendments were made while in the Initial Analysis phase. 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 prepared 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, adopted by the Board at its June 11, 2021 meeting, and subsequently submitted to LAD for review.

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 approved on May 29, 2019 and June 12, 2019, by the Committee and Board, respectively. 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. The final regulation package was submitted to OAL for review and approval.

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 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 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 approved the additional amendments to the proposed regulatory language at their meetings on August 4, 2021 and September 10, 2021, respectively. After the Committee's approval and in anticipation of the Board's approval, staff revised documents for the regulatory proposal to incorporate the additional amendments and submitted them to LAD for review on August 26, 2021.

Licensing and Examination Program**Architects**

Performance data for the Architect California Supplemental Examination (CSE) and Architect Registration Examination (ARE) ARE 5.0 for California candidates during the third quarter of 2021 are presented in Tables A and B.

Table A
Architect CSE Examinee Performance: July 1-September 30, 2021

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
Instate First-time	84	74%	29	26%	113
Instate Repeat	11	41%	16	59%	27
Reciprocity First-time	19	59%	13	41%	32
Reciprocity Repeat	10	71%	4	29%	14
Relicensure First-time	0	0%	0	0%	0
Relicensure Repeat	0	0%	0	0%	0
Total	124	67%	62	33%	186

Table B
California ARE 5.0 Examinee Performance by Division/Topic: July 1-September 30, 2021

ARE Division	Pass	Rate	Fail	Rate	Total Exams
Construction and Evaluation	133	51%	126	49%	259
Practice Management	150	46%	174	54%	324
Programming and Analysis	137	48%	146	52%	283
Project Development and Documentation	145	50%	145	50%	290
Project Management	155	58%	111	42%	266
Project Planning and Design	126	39%	197	61%	323



Landscape Architects

The Landscape Architect Registration Examination (LARE) administration was held August 2-14, 2021. Examination results for all LARE administrations are released by CLARB within six weeks of the last day of administration.

The pass rates for LARE sections taken by California candidates during the August 2-14, 2021 administration are provided in Table C:

**Table C
California LARE Examinee Performance: August 2-14, 2021**

Topic	Pass	Rate	Fail	Rate	Total Examinees
Project and Construction Management	30	55%	25	45%	55
Inventory and Analysis	33	47%	37	53%	70
Design	33	50%	33	50%	66
Grading, Drainage, and Construction	27	59%	19	41%	46

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

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
First-time	17	81%	4	19%	21
Repeat	4	57%	3	43%	7
Total	21	75%	7	25%	28

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.

Table E
Architects Complaints and Enforcement Actions

Category	Current Quarter July-Sept. 2021	Prior Quarter April-June 2021	FY 21–22
Complaints			
Received	63	77	63
Opened (Reopened)	63	77	63
Closed	67	83	218
Average Days to Close	218	145	218
Pending	144	150	144
Citations			
Issued	8	4	8
Final	2	2	2
Disciplinary Actions			
Pending Attorney General	6	6	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 July-September 2021	Prior Quarter April-June 2021	FY 21-22
Complaints			
Received	7	3	7
Opened (Reopened)	7	0	7
Closed	3	6	3
Average Days to Close	72	123	72
Pending	7	6	7
Average Age (Pending)	91	67	91
Citations			
Issued	1	0	1
Final	0	0	1
Disciplinary Actions			
Pending Attorney General	0	0	0
Final	0	0	0

Enforcement Actions

Architects

Archibald C. Woo (San Francisco) – The Board issued a two-count citation that included a \$500 administrative fine to Archibald C. Woo, architect license number C-25649, for alleged violations of Business and Professions Code section 5536.22(a)(3) (Written Contract) and section 5558 (Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services; Filing Requirements). The action alleged that Woo was hired to provide architectural services for a renovation of an existing space located on Grant Avenue in San Francisco, California for a total fee of \$8,000. The contract failed to include Woo's name, address, and license number. Woo's failure to include his name, address, and license number in the written contract for the above-referenced project constitutes a violation of Business and Professions Code section 5536.22(a)(3). Woo paid the fine, satisfying the citation. The citation became final on September 11, 2021.

There were no new enforcement actions for LATC during this period.

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

Summary

1. Update and Discussion of Committee Meetings

**AGENDA ITEM K: DISCUSS AND POSSIBLE ACTION REGARDING
LEGAL AFFAIRS DIVISION REQUEST TO
RECONSIDER PREVIOUSLY APPROVED TEXT TO
AMEND TITLE 16, DIVISION 26, ARTICLE 1,
SECTION 2630.2 (APPEAL OF CITATIONS) AND
AUTHORIZATION TO INITIATE RULEMAKING**

Summary

Business and Professions Code (BPC) section 5526.5(d) of the Architects Practice Act became effective January 1, 2020, and it allows a person responding to a citation (a respondent) to request a formal administrative hearing after an informal conference if the citation is upheld or modified. BPC section 5526.5(b) authorizes the executive officer to appoint a designee to hold an informal conference (this is done in cases of a conflict of interest). Currently, LATC's appeal of citations is regulated by 16 CCR section 2630.2 (Appeal of Citations) which allows a respondent to have a formal administrative hearing after an informal conference if one is requested within 30 days of service of the original citation. To align the Board's regulation with the statute, staff has amended 16 CCR section 2630.2 to include language allowing a respondent to request a formal administrative hearing within 30 days of the affirmation or modification of a citation following an informal conference, as well as allowing the executive officer to appoint a designee to hold the informal conference. Additionally, language was added to clarify that another informal conference cannot be requested for a citation that has been affirmed or modified following an informal conference.

At the December 11, 2020 Board meeting, the Board approved the proposed regulatory language to amend CCR, title 16, sections 2630 and 2630.2. The Legal Affairs Division (LAD) reviewed the proposed language with all amendments, the Notice of Regulatory Action, and the Initial Statement of Reasons raised concerns, and recommended revisions. Attached are revised 16 CCR sections 2630 and 2630.2 for the Board to approve and adopt. 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.

The proposed amendments to 16 CCR section 2630.2 are as follows (no additional amendments were made to section 2630):

- Subsections re-lettered to account for the removal of subsections (b) and (c).
- On subsection (a), the word "by" is moved down for grammatical correctness with the start of paragraphs (1), (2), and (3).

- The cross-references made in new subsections (b), (f), and (g) are corrected. Essentially, a reference to an administrative hearing is now (a)(1), a reference to an informal conference is now (a)(2), and a reference to requesting an administrative hearing after an informal conference is now (d).
- The second half of former subsection (e), now subsection (c) is being deleted because it is being addressed in new subsection (d).

Action Requested

The Board is asked to consider and approve the attached revised proposed regulatory language to amend CCR, title 16, sections 2630 and 2630.2.

Attachment

Proposed Amendments to CCR, title 16, sections 2630 and 2630.2

**DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

**PROPOSED REGULATORY LANGUAGE
Issuance and Appeal of Citations**

Legend:	Added text is indicated with an <u>underline</u> .
	Omitted text is indicated by (* * * *)
	Deleted text is indicated by strikeout .

Amend Sections 2630 and 2630.2 of Article 1 of Division 26 of Title 16 of the California Code of Regulations to read as follows:

§ 2630. Issuance of Citations.

(a) The Board's executive officer is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to Sections 125.9, ~~or 148,~~ or 149 of the Code against landscape architects or unlicensed persons who have committed any acts or omissions which are in violation of the Landscape Architects Practice Act or any regulation adopted pursuant thereto.

(b) Each citation:

(1) shall be in writing;

(2) shall describe with particularity the nature and facts of the violation, including specific reference to the provision or provisions of law alleged to have been violated;

(3) may contain one or more of the following:

(A) an assessment of an administrative fine;

(B) an order of abatement fixing a reasonable period of time for abatement of the violation;

(4) shall be served on the cited individual, in person, or at the address of record on file with the Board, or the last known address, by certified and regular mail with return receipt requested;

(5) shall inform the cited person that, if he or she desires an informal conference to contest the finding of a violation, the informal conference shall be requested by written notice to the Board within 30 calendar days from the service of the citation;

(6) shall inform the cited person that, if he or she desires a hearing to contest the finding of a violation, the hearing shall be requested by written notice to the Board within 30 calendar days from service of the citation;

(7) shall inform the licensed person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the Board. If a citation is not contested and the fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without the payment of the renewal fee and fine;

(8) shall inform the unlicensed person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in the executive officer applying to the appropriate superior court for a judgement in the amount of the fine;

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

Note: Authority cited: Sections 12.5, 125.9, 148, 5526, and 5630, Business and Professions Code. Reference: Sections 125.9, 148, and 149, Business and Professions Code.

§ 2630.2. ~~Appeal of Citations~~ Contest of Citations; Informal Conference.

(a) Any person served with a citation issued pursuant to Section 2630 may contest the citation;

(1) By submitting a written request for an administrative hearing to the Board within 30 calendar days of service of the citation. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(2)(b) In addition to requesting a hearing as described in subsection (a), paragraph (1), the cited person may, within 30 calendar days of service of the citation, submit a written request for an informal conference with the executive officer.

(3)(c) The request for an administrative hearing to contest a citation is not waived if the executive officer or their designee affirms or modifies the citation at an informal conference.

(b) The executive officer or their designee shall, within ~~30 working~~ 60 calendar days from receipt of a written request for an informal conference as provided in subsection (ba)(2), hold an informal conference with the cited person. The ~~60~~ 30-day period may be extended by the executive officer or their designee for good cause. Following the informal conference, the executive officer or their designee may affirm, modify, or dismiss the citation, including any administrative fine assessed or order of abatement

issued. An order affirming, modifying, or dismissing the original citation shall be served on the cited person within 30 calendar days from the informal conference. Said order shall state in writing the reasons for the affirmation, modification, or dismissal of the original citation. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation or payment of the fine. Service of this order shall be made as provided in Section 2630.

(~~ce~~) If the informal conference results in the modification of the findings of violation(s), the amount of the fine, or the order of abatement, the citation shall be considered modified, but not withdrawn. ~~The cited person shall be entitled to an administrative hearing to contest the modified citation if he or she made a request for an administrative hearing within 30 calendar days after service of the original citation. The cited person shall not be entitled to an informal conference to contest a modified citation. If the cited person did not make a timely request for an administrative hearing after service of the original citation, the decision in the modified citation shall be considered a final order.~~

(d) Within 30 calendar days after service of an affirmed or modified citation following an informal conference, a cited person who did not initially request an administrative hearing within 30 days of being served the original citation may make a request for an administrative hearing in writing to the executive officer. A cited person may not request a second informal conference to contest a citation that has been affirmed or modified following an informal conference. If the cited person does not make a timely request for an administrative hearing after service of the affirmed or modified citation following the informal conference, the decision in the affirmed or modified citation shall be considered a final order. An administrative hearing conducted after a citation is affirmed or modified after the informal conference shall be conducted as provided in paragraph (4) of subdivision (b) of Section 125.9 of the Code.

(~~ef~~) If the citation is dismissed after the informal conference, the request for an administrative hearing, if any, shall be deemed to be withdrawn.

(~~fg~~) Submittal of a written request for an administrative hearing as provided in subsection (a)(1) or (d), an informal conference as provided in subsection (~~ab~~)(2), or both, stays the time period in which to pay the fine.

(~~gh~~) If the written request for an administrative hearing as provided in subsection (a)(1) or (d), an informal conference as provided in subsection (~~ab~~)(2), or both, is not submitted within 30 calendar days from service of the citation, the cited person is deemed to have waived his or her right to an administrative hearing or an informal conference.

Note: Authority cited: Sections 125.9, 148, and 5630, Business and Professions Code.
Reference: Sections 125.9, ~~and~~ 148, ~~and~~ 149, Business and Professions Code.

AGENDA ITEM L: REVIEW OF FUTURE BOARD MEETING DATES

Summary

A schedule of planned meetings and events for 2022 are provided to the Board.

<u>Date</u>	<u>Event</u>	<u>Location</u>
February 25	Board Meeting	TBD
May 20	Board Meeting	TBD
September 9	Board Meeting	TBD
December 9	Board Meeting	TBD