



MEETING MINUTES CALIFORNIA ARCHITECTS BOARD

June 6, 2024
Sacramento, CA

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

On June 6, 2024, Board President Sonny Ward called the meeting to order at 10:07 a.m. and called the roll.

Board Members Present

Charles "Sonny" Ward, President
Ron Jones, Vice President
Tian Feng
Leonard Manoukian
Mitra Kanaani
Nilza Serrano
Robert Pearman
Fuad Sweiss

Six members of the Board present constitutes a quorum; a quorum was established.

Board Staff Present

Laura Zuniga, Executive Officer
Tim Rodda, Regulations Manager
Drew Liston, Board Liaison

DCA Staff Present

Alex Cristescu, DCA Webcaster
Helen Geoffroy, DCA Legal Affairs Attorney III
David Bouilly, DCA Moderator

Landscape Architects Technical Committee (LATC) Members Present

Pamela Brief, LATC Committee Chair

Guests Present

Phil Armstrong, CCASLA President
Zigmund Rubel, Licensed Architect
Ellon Brittingham, International Interior Design Association
Doug McCauley, California Council for Interior Design Certification

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

Vice President Jones opened the meeting by thanking Pamela Brief, LATC Chair, for attending. Vice President Jones stated that all motions and seconds will be repeated for the record and votes on motions will be taken by roll call.

PUBLIC COMMENT: There were no public comments.

C. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Public Comments: There were no public comments.

D. Update from the Department of Consumer Affairs (DCA) – Yvonne Dorantes, Assistant Deputy Director, Board and Bureau Relations

- The budget will not affect the planning for the next CAB meeting.
- Once the FY 24/25 budget is released, we will report back on how DCA’s budget is affected.
- The Board approved an adjusted fee schedule at the last meeting; however the fees would not take effect anytime soon.
- It is not currently known how a budget cut would affect DCA Boards and Bureaus.

Public Comments: Phil Armstrong, CCASLA President, commented requesting if members in the meeting room could speak directly into the microphone. It is difficult to hear.

F. REVIEW AND POSSIBLE ACTION ON February 22, 2024 BOARD MEETING MINUTES

Tian Feng moved to approve the February 22, 2024, minutes.

Nilza Serrano seconded the motion.

PUBLIC COMMENT: There were no public comments.

Members Ward, Feng, Kanaani, Jones, Manoukian, Pearman, Serrano and Sweiss voted in favor of the motion. Members Gladstone and Kwan were absent. Motion passed 8-0-2.

L. Regulations Update

1. Discuss and Possible Action on Proposed Regulatory Modified Text Amendments for California code of Regulations (CCR), title 16, division 2, article 2, section 109 (Filing of Applications)

Tim Rodda explained that the proposal to amend CCR section 109 was previously submitted and approved by the board, but during final review of the regulation, there were additional concerns raised and to address those concerns, there will need to be a 15 notice. Concerns include expanding on the programs that NCARB administers, instead of using generic terms. Also addressing the SkillBridge Program for military personnel, which was passed last year and goes into effect July 1. Additionally, we must specify the documents being repealed from section 109, not the programs.

Nilza Serrano made the motion to approve the amendments to the proposed regulatory text for 16 CCR section 109, 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, authorize the EO to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 15-day 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 16 CCR section 109 as noticed.

Robert Pearman seconded the motion.

PUBLIC COMMENT: There were no public comments.

Members Ward, Feng, Kanaani, Jones, Manoukian, Pearman, Serrano, and Sweiss voted in favor of the motion. Members Gladstone and Kwan were absent for the vote. Motion passed 8-0-2.

2. Discuss and Possible Action on Proposed regulatory Modified Text Amendments for CCR, title 16, division 2, article 8, section 117 (Experience Evaluation)

Tim Rodda explained that the comment period for this package closed on June 4, 2024, with no comments received. Mr. Rodda will need to specify with AXP programs are being reviewed for credit and additionally, what the minimum amount of credit for AXP completion. A 15-day notice will be needed.

Member Pearman mentions that AXP was never broken out like that before, is it the first time it's come up or are they changing their views?

Mr. Rodda states that previously this program was named the Intern Development Program and it was spelled out. Mr. Rodda tried to make it a generic term in case that NCARB changed the names of their program in the future. However, we do need to specify the name of the program.

Nilza Serrano made a motion to approve the proposed regulatory text for 16 CCR section 120, 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, authorize the EO to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 15-day 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 16 CCR section 117 as noticed.

Tian Feng seconded the motion.

PUBLIC COMMENTS: Scott Gaudineer on behalf of the American Institute of Architects thanks the Board for their advice on this important regulation. They believe it streamlines the process and provides clarity for those who aren't sure. Member Feng ask to clarify what the minimum amount of credit that AXP grants, which is three years.

Members Ward, Feng, Kanaani, Jones, Manoukian, Pearman, Serrano, and Sweiss voted in favor of the motion. Members Gladstone and Kwan were absent. Motion passed 8-0-2.

3. Discuss and Possible Action on Proposed Regulatory Modified Text Amendments for CCR, title 16, division 2, article 8, section 154 (Disciplinary Guidelines)

Tim Rodda explains what we are proposing is a second modified text during final review working with the regulatory counsel. It was discovered that we were not using appropriate guidelines as the basis for our review. It did not incorporate the original text from the 2000 disciplinary guidelines that were in regulation. Mr. Rodda worked closely with the board counsel, going through line by line to ensure that we are moving forward now with complete regulatory language. Many are just minor changes to numbering, but occasionally there were words that were left out or things that were added that did not need to be added and then removed. Member Jones asks if there is a replacement document being issued. Mr. Rodda explains that we are eliminating the probation report, which has been previously discussed at an earlier board meeting.

Nilza Serrano made a motion to approve the proposed regulatory text for 16 CCR section 120, 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, authorize the EO to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 15-day 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 16 CCR section 154 as noticed.

Robert Pearman seconded the motion.

PUBLIC COMMENTS: There were no public comments.

Members Ward, Feng, Kanaani, Jones, Manoukian, Pearman, Serrano, and Sweiss voted in favor of the motion. Members Gladstone and Kwan were absent. Motion passed 8-0-2.

E. Presentation and Discussion on Responsible Control and Generative Design Tools – Zigmund Rubel

Vice President Jones introduced Mr. Zigmund Rubel, who identifies himself as a licensed architect in California. 14 years ago, he left traditional practice to enter the world of startups.

A lot of the discussion in the community is how do we responsibly use technology to practice architecture? Large Language Models (LLM) which AI systems are trained on vast amount of text data. They can assist in tasks like writing, summarization, and code generation. LLM's are powerful tools, but their responsible use and ethical considerations should be prioritized. Mr. Rubel continues the discussion along with a slide show:

- An artificial intelligence cannot pass the ARE, as most AI systems do not have the algorithm to read graphical analysis requirement.
- Chat GPT does say that an artificial intelligence can act as an architect.
- Chat GPT was able to give some conceptual rules on designing a hospital and MRI suite, however, was no specific on how to replace “what an architect does”.
- The next slide shows an image of a software tool called Up Codes, which is a LLM that allows access to building codes on your laptop.
- Generative tools are programs that help designers in a way that's prescribed and or constrained. Dynamo is a visual, graphical tool that many architectural firms use. It allows users to quickly generate designs in ways that are compliant with them.
- Hyper is a program that uses generative design tools that allow practitioners to automate some of the graphical tasks.

- Foresight is the company that Mr. Rubel has started, it's a space programming tool for architects that quickly helps design teams figure out what healthcare spaces they need based on functional requirements.
- “With great power comes great responsibility” and that is where the California Architects Board needs to weigh in as these tools are giving practitioners kind of superpowers to design.
- Suggest the Board considers how we adopt this Human + Machine mentality.
- Risks and challenges include algorithmic bias, privacy breaches, malicious misuse, and regulatory compliance issues.

Mr. Jones thanks Mr. Rubel and recognizes the panel for comments or questions. Member Serrano appreciates what AI has to offer to make life a little easier, mentions that she is a big advocate of protecting human jobs and asks Ms. Zuniga to put this on the agenda for further discussion, and perhaps creating a subcommittee to start the conversation of figuring out how AI is going to affect the practice of architecture in a more in-depth way. Ms. Zuniga says we can either refer the matter to an existing subcommittee or create a new subcommittee. Member Pearman believes we should aggressively look at how we can engage the profession in discussion the ramifications of it, whether it requires regulation from us at some point. Pamela Brief with LATC states that this has been a discussion with ASLA and how this affects the practice act. Ms. Brief requests that an LATC member be a part of the subcommittee to look into AI. Mr. Jones agrees with Ms. Brief, LATC, as a stakeholder and their relationship to CAB, should be a part of that discussion. Member Mitra Kanaani mentions the confusion that exists amongst different stakeholders, with legal actions taking place in different constituencies, and this discussion is very timely and urgent. President Ward thanks Mr. Rubel for his presentation. Mr. Ward suggests that the Board delegates this conversation to two of our committees, the Professional Qualifications Committee, and the Regulations Committee, to gather more information and have more informative sessions. Mr. Ward also invites Mr. Rubel to present to both committees. Both committees should initially decide what authority do we have to regulate. Member Tian Feng supports Mr. Ward's decision for this discussion to be taken on by the Professional Qualifications Committee as they have been working on a similar issue for a long time. Mr. Feng also mentions that a landscape architect is not currently on either committee. Mr. Ward suggests adding a landscape architect on one or both committees.

PUBLIC COMMENT: Stephanie Landregan, a licensed landscape architect with UCLA Extension Landscape Architecture Program comments how they are interested in how the regulation of AI will affect both architects and landscape architects. Questions if using AI-generated conceptual designs misleads the public. Phil Armstrong, CCASLA President, second's Ms. Landregan's comments. CCASLA is very concerned about this technology and says it needs to have a layer of regulation or at least transparency on design.

After public comment, Mr. Jones mentions that they have been looking at this amongst the industry for quite some time and as regulators, are we tasked with regulation practitioners or the tools that they use? That is where this becomes the bigger challenge. Mr. Rubel adds he believes the most important thing is protecting the consumer and it's the outcome of how the practitioner and what tools they are using. In the era of AI, we should discuss a new definition for responsible control.

PUBLIC COMMENT: Stephanie Landregan with UCLA Extension Landscape Architecture Program comments she appreciates that we are focusing on health, safety, and welfare of the public.

G. UPDATE AND DISCUSS NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) – Laura Zuniga, Executive Officer

1. Update and Discuss Committee Meetings

NCARB made the committee appointments for next fiscal year. If any members are serving on any committees, please let Ms. Zuniga know so we can keep track and report it in our sunset report. Ms. Zuniga will serve on the examination committee again next year.

2. Discuss and Take Action on Candidates for 2024 Board of Directors

Candidates for the 2024 Board of Directors are listed in the media packet. California has one vote as a jurisdiction at the meeting. This is the first year NCARB will have two new public at-large positions that are open. There are 12 candidates for these two positions. NCARB has hosted webinars with these candidates. Member Feng praises the current director from region six, who is on the candidates list. Member Kwan will continue to serve another year as secretary/treasurer.

3. Review and Discuss the 2024 NCARB Annual Business Meeting Agenda

Items and agenda are included in the meeting packet.

4. Review and Discuss the 2024 Resolutions:

- a) **Resolution 2024-01: Omnibus Sunset of Resolutions in Conflict with Current Council Policies**
- b) **Resolution 2024-02: Omnibus Sunset of Remaining Resolutions in Conflict with Current Council Policies**
- c) **Resolution 2024-03: New Mutual Recognition Agreement with Architects Accreditation Council of Australia (AACAA) and the New Zealand Registered Architects Board (NZRAB)**
- d) **Resolution 2024-04: NCARB Model Law and Regulations Amendment – Examination Eligibility Updates**

e) Resolution 2024-05: NCARB Bylaws Amendment – Update to Certificate Requirement for Board of Director Positions

This resolution updates the certificate requirements for serving on the NCARB Board of Directors. This will require the officer positions of the board that if they are architects, they will have to hold a NCARB certificate. Member Feng commends that this resolution aligns with our board's values and policies.

f) Resolution 2024-06: Tri-National Mutual Recognition Agreement for International Practices – Amendment

g) Resolution 2024-07: NCARB Bylaws Amendment – NCARB Regions

This resolution is on governance and restructuring the regions of NCARB from six to five regions. This has generated a lot of discussion amongst members of NCARB. It doesn't make a significant change to our region, currently region six. We would lose one member. Member Feng mentions the impact to our region is we would lose two members, which would have financial implications to the region. Less members mean less contributions. There are also concerns about the nature of this realignment, but those comments will be on hold until there is discussion with the board president, vice president, and executive director. Member Kanaani suggests that we should invite John Baker to a session to discuss the realignment, however the annual meeting is schedule for later this month, which does not leave enough time to schedule. President Ward clarifies that there is a longer history than the current administration to this. Years back it was a reduction from six regions to four that was controversial, between that attempt and this attempt, we had the addition of the DEI Committee at NCARB and the conversation has become much more complicated. The motives are not crystal clear. Member Feng mentions the resolutions that keep evolving, more parity in terms of number of member boards in each region. President's Ward's pause and hesitancy as we move forward with this decision as California is hugely underrepresented at NCARB. Reducing two member states would increase our voice and power within our region.

PUBLIC COMMENT: There were no public comments.

H. Legislation Update – Laura Zuniga, Executive Officer

1. SB 1452 (Ashby) Architecture and Landscape Architecture

This Bill contains the sunset extension for the programs. There are other minor changes. There has been discussion with committee staff and have the expectation there will be some of the additional changes the board requested in its sunset review report that will be implemented into SB 1452. When that is amended, it will be sent

out to board members. The Bill is currently with Assembly Business and Professions Committee.

PUBLIC COMMENT: Pamela Brief with Landscape Architects Technical Committee asks if we have any knowledge to date what we're anticipating on this? Ms. Zuniga expects some of the more technical changes that the board requested in its sunset review report for both the board and LATC to be included. Information such as collecting email address to candidates, changing the renewal cycle for architects. They are not anticipating any more significant changes. The expectation is that both CAB and LATC will be extended.

I. Update on Committees

1. SB 1452 (Ashby) Architecture and Landscape Architecture

Dr. Kimberly McDaniel, LATC Program Manager, shares that LATC had a meeting on March 22, 2024 where they had a budget update from DCA showing the fund balance is stable and expected to increase each year. Current fund projections are included in the meeting packet and will be posted for tomorrow's LATC meeting. During the March LATC Meeting, committee members discussed the board's sunset extension bill, SB 1452, and discussed their related recommendations by the legislature now. LATC continues to meet by Webex Teleconference in accordance with the Bagley-Keene Open Meeting Act, which allows advisory bodies to meet remotely and results in travel cost savings for LATC. The floor was opened to Pamela Brief as Chair of LATC. Ms. Brief had nothing further to share, there may be more to share after tomorrow's LATC meeting.

PUBLIC COMMENT: Tracy Morgan Hollingsworth, Executive Director of the California Council of ASLA, asks for clarification changes through the sunset review by what was meant by a two-year renewal period? Fees are going up significantly, how are they going to allocate those renewals? Ms. Zuniga says the board proposed at some point, for architects not landscape architects, not to make the initial license cycle longer to make it the same as landscape architects. Currently, when an architect receives their license, it is not necessarily for the full two years, because the renewal was tied to their birth month. We are proposing changing that, so it is just a two-year license upon the issuance rather than tying it to the birth month. Phil Armstrong, CCASLA President has a question for Ms. McDaniel, if the recent fee increases of 75% to licensees, do we have a fee projection that show solvency of funding for LATC. Dr. McDaniel responds that yes, we do have that information online in the LATC Packet for tomorrow's meeting, and it has a fund projection that looks stable.

J. Review, Discussion and Possible Action on Proposed Legislation to create a Registered Commercial Interior Design Designation

Ms. Zuniga placed this item on the agenda because this is something that has been discussed this year at the legislature and it has been discussed in the context of the board's sunset review. There has been a proposal to provide this license through an

association. At this point, we are not aware that it will be included in the board sunset, we are not asking the board to take a position at this time.

PUBLIC COMMENT: Eilon Brittingham on behalf of the International Interior Design Association comments that they represent commercial interior designers, supporting membership of about more than 1,500 individuals across the state. First, just want to thank the board for their comments during sunset review on the commercial interior design issue. We support the recommendation for further study on this. They think any additional information that could be provided to policy makers would better inform this discussion.

Doug McCauley representing California Council for Interior Design Certification shares some background information. One, in California there is already a credentialing, certification body for interior designers that's specified in the business and professions code, which is the organization he represents. There have been three separate efforts to license interior designers. The last two took place when Mr. McCauley served as executive officer for CAB and both died in legislature, but the initial effort in 1999 was vetoed by the governor. It's not part of the sunset report for one very foundational reason. Administrations and legislature over the years have firmly embraced a policy that there's one reason and one reason only to regulate a profession, and that's if you have a measurable threat to the public health, safety, and welfare. We simply don't have that with interior design. That's why, e.g., the council has received three complaints over the last four years, the last reporting cycle for sunset review. Additionally, Nevada, one of only two states that has a practice act, our neighbor, has revoked exactly zero licenses over the last ten plus years, again, because there is no threat to the public health, safety, and welfare. Each of those three versions mentioned were opposed by the board, and he knows that the board is big on adhering to its precedent and its history, and I would urge you to consider opposing this effort as it goes forward as well.

AIA California comments with a few quick high-level comments. First, they hope that any measure that moves forward in the future has full collaboration from everybody in the industry who's affected. Second, they have concerns over any proposal that would create a separate title of commercial interior designer, as we fear that this could cause confusion to consumers that there's NO clear definition for what constitutes it is commercial. There is also concern over any proposal that would split the industry into two separate titles and two separate oversight bodies. They note that the professions of architecture, engineering and landscape design don't have any such division or hierarchy. They also note that clarifications regarding permitting privileges will need to meet the base requirements unique to California outlined in both the building code and statute including the appropriate professional, legal ethical, educational, and examination standards.

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

Ms. Zuniga provided the quarterly Executive Officer's Report and highlighted the following:

- LATC met by teleconference March 22, 2024 and are meeting again tomorrow, so there will be an additional update at the next board meeting
- There was not a budget update included in this agenda, but one can be added for the next meeting. Initial renewal fees for license increased from \$300 to \$400 and LATC increased their initial license renewal fees in January of this year from \$400 to \$700.
- Business Modernization is ongoing. There are challenges, but Ms. Zuniga expresses her thanks to board and LATC staff for all the work they are putting into it, which will end up providing better services for both our licensees, applicants, and consumers.
- We have had a few staff transitions, one of note for our board members who follow us on social media, Lorie Slebodnick accepted a promotion with another department.
- Licensing conducted a continuing education webinar in March which as been well received.
- LATC staff presented online presentations to landscape architecture students at UC Berkeley in April and Cal-Poly Pomona in April as well, regarding the examination and licensure process.
- CSE pass rate is at 74% and continues to be higher for first time test takers versus repeat testers.
- Most common enforcement violations remain consistent.
- Member Pearman asks what the challenges with BizMod are. Ms. Zuniga explains that with any new technology, there are challenges. CAB is in a cohort with different boards/bureaus, finding a version that works for everyone can be difficult. There have also been glitches from the system that staff have done a great job staying on top of and correcting.
- Member Kanaani asks if any research has been conducted on the matter of California's pass rate for the ARE, why is it falling below the national level. Ms. Zuniga responds that it's been discussed in the past with DCA's Office of Professional Examination Services (OPES) and there is not one factor that is identifiable. It's possible that due to California having multiple ways to licensure, candidates are not the typical candidates for licensure. Member Jones comments it is worth noting, the deficiency isn't huge, it's 3-5%. Member Feng comments that every time we comment on this, we come down to two facts: CA has many applicants who take the exams and

our multiple pathways, our eligibilities always vary. Member Feng does not see this as a negative trend, he believes we are continuing to protect and consumers and have more people from diverse backgrounds taking our exam.

PUBLIC COMMENT: There were no public comments.

M. REVIEW OF FUTURE BOARD MEETING DATES

June 7 2024 – Landscape Architects Technical Committee Meeting

September 2024 – CAB Meeting possibly in San Francisco

PUBLIC COMMENT: There were no public comments.

N. CLOSED SESSION: Pursuant to Government Code Section 11126(c)(3), the Board will meet in Closed Session to:

1. Deliberate and Vote on Disciplinary Matters

O. MEETING ADJOURNMENT

The meeting adjourned at the end of the closed session.