

CALIFORNIA ARCHITECTS BOARD

DECEMBER 5-6, 2012

ONTARIO, CA



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF BOARD MEETING

December 5-6, 2012
HMC
3546 Concourses Street
Ontario, CA 91764-5583
(909) 989-9979

The California Architects Board will hold a Board meeting, as noted above. The agenda items may not be addressed in the order noted below and the meeting will be adjourned upon completion of the agenda, which may be at a time earlier than that posted in this notice. The meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Annamarie Lyda at (916) 575-7202, emailing annamarie.lyda@dca.ca.gov, or sending a written request to the Board at the address below. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Agenda **December 5, 2012** **9:30 a.m. – 5:00 p.m.**

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. President's Remarks
- C. Public Comment Session
- D. Approve the September 13, 2012 and November 20, 2012 Board Meeting Minutes
- E. Executive Officer's Report
 - 1. Update to November 2012 Monthly Report
- F. Election of 2013 Board Officers
- G. Select the 2012 Octavius Morgan Distinguished Service Award Recipients

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(Continued)

- H. Closed Session – Disciplinary Decisions and Exam Development Issues [Closed Session Pursuant to Government Code Sections 11126(c)(1) and (3)]
- I. Discuss and Possible Action on Board and National Council of Architectural Registration Boards Examination Security/Confidentiality Policies, Including Business and Professions Code Section 123
- J. Discuss and Possible Action on California Supplemental Examination Results
- K. Regulatory and Enforcement Committee (REC) Report
 - 1. Update on October 11, 2012 REC Meeting
 - 2. Review and Approve Recommendation Regarding Strategic Plan Objective to Define “Instruments of Service” for a Potential Regulatory Proposal
 - 3. Review and Approve Recommendation Regarding Strategic Plan Objective to Initiate a Conversation with The American Institute of Architects, California Council to Explore the Feasibility of a Qualifications-Based Selection Enforcement Process (Senate Bill 1424)
- L. Landscape Architects Technical Committee (LATC) Report
 - 1. Update on November 14, 2012 LATC Meeting
 - 2. Update on November 2, 2012 University of California Extension Certificate Program Review Task Force Meeting
 - 3. Update on October 18, 2012 Exceptions and Exemptions Task Force Meeting
- M. Adjournment

Agenda
December 6, 2012
9:00 a.m. – 5:00 p.m.

- N. Call to Order – Roll Call – Establishment of a Quorum
- O. Public Comment Session
- P. Strategic Planning Session
- Q. Review of Schedule
- R. Adjournment

The notice and agenda for this meeting and other meetings of the Board can be found on the Board’s website: www.cab.ca.gov. Any other requests relating to the Board meeting should be directed to Ms. Lyda at (916) 575-7202.

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

Jon Alan Baker

Pasqual V. Gutierrez

Jeffrey D. Heller

Marilyn Lyon

Matthew McGuinness

Michael Merino

Fermin Villegas

Sheran Voigt

Hraztan Zeitlian

Agenda Item B

PRESIDENT'S REMARKS

Board President Marilyn Lyon, or in her absence, the Vice President will review the scheduled Board actions and make appropriate announcements.

Agenda Item C

PUBLIC COMMENT SESSION

Members of the public may address the Board at this time. The Board President may allow public participation during other agenda items at their discretion.

Agenda Item D

APPROVE THE SEPTEMBER 13, 2012 AND NOVEMBER 20, 2012 BOARD MEETING MINUTES

The Board is asked to approve the minutes of the September 13, 2012 and November 20, 2012 Board meetings.

Attachments

1. September 13, 2012 Board Meeting Minutes
2. November 20, 2012 Board Meeting Minutes (to be provided at meeting)

MINUTES
REGULAR MEETING
CALIFORNIA ARCHITECTS BOARD

September 13, 2012

Walnut, CA

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

President Marilyn Lyon called the meeting to order at approximately 10:00 a.m.
Vice President Sheran Voigt called the roll.

Board Members Present

Marilyn Lyon, President
Sheran Voigt, Vice President
Hraztan Zeitlian, Secretary
Jon Alan Baker
Pasqual Gutierrez
Matthew McGuinness

Board Members Absent

Jeffrey Heller
Michael Merino
Fermin Villegas

Guests Present

Robert Ho, Co-Chair, Mount San Antonio College (Mt. SAC), Department of Architecture and Engineering Design
Michael Johnston, University of San Diego, School of Law, Center for Public Interest Law
Ken Salyer, Managing Principal, HMC Architects, Ontario
Katherine Spitz, Landscape Architects Technical Committee (LATC)

Students from Mount San Antonio College:

Joel Araujo
Gabriel Comagon
Debra Duarte
James Heinzman
Matt Hoffman
Mitchell Lam
Howard Lin

Marc Leuterio
Daniel Menard
Randy Montes
Edgar Ramirez
Eduardo Rangel
Troy Rivas
Gabriel Ruiz

Hongbo Song
Oscar Torres
Moses Williams
Paley Zhang
Simon Zou

Staff Present

Doug McCauley, Executive Officer

Vickie Mayer, Assistant Executive Officer

Marccus Reinhardt, Administration Analyst

Hattie Johnson, Enforcement Officer

Robert Carter, Architect Consultant

Don Chang, Assistant Chief Counsel, Department of Consumer Affairs (DCA)

Trish Rodriguez, Program Manager, LATC

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

B. PRESIDENT'S REMARKS

Ms. Lyon announced the appointment of Matthew McGuinness as a public member of the California Architects Board and along with the other Board members present welcomed him. She also announced the departure of Iris Cochlan who had formerly served on the Board as President. She next introduced Katherine Spitz who was recently appointed to the LATC. Ms. Lyon then welcomed the students of Mt. SAC who were present in the audience.

C. CLOSED SESSION – DISCIPLINARY DECISIONS AND EXAM DEVELOPMENT ISSUES
[CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126(C)(1) AND (3)]

The Board went into closed session in order to consider action on two disciplinary cases, and took the following actions: 1) approved the December 7, 2011, Board meeting closed session minutes; 2) considered the Default Decision and Order in the Matter of the Citations Against David D. Rozier and Karen M. Rozier; and 3) considered the Proposed Decision and Order in the Matter of the Accusation Against Harold Craig Hudson.

D. PUBLIC COMMENT SESSION

There were no public comments.

E. APPROVE THE JUNE 14, 2012 BOARD MEETING MINUTES

Ms. Lyon asked for a motion to approve the June 14, 2012, Board Meeting Minutes.

- **Sheran Voigt moved to approve the June 14, 2012, Board Meeting Minutes.**

Pasqual Gutierrez seconded the motion.

The motion passed 6-0.

F. EXECUTIVE OFFICER'S REPORT

Ms. Lyon asked Doug McCauley to present this agenda item.

Mr. McCauley reminded the Board the next meeting is December 5-6, 2012, and will include a strategic planning session. He said due to travel restrictions, the meeting will not be in San Francisco, but in Southern California. He also reported that the strategic planning session will be facilitated by DCA's Strategic Organization, Leadership and Individual Development (SOLID) Planning Solutions.

Mr. McCauley said the outcome of November ballot measures to increase revenue will have a major impact of the state budget, so the possibility of new budget restrictions is very real.

Mr. McCauley stated that staff is awaiting the preliminary results from the National Council of Architectural Registration Boards' (NCARB) 2012 Practice Analysis (PA) which is projected for a release in September. He also stated the data from the PA would be incorporated into the test specifications and become the motivation behind forthcoming improvements to the Architect Registration Examination (ARE). He explained to the Mt. SAC students present how the examination validation/occupational analysis process works, including the need for a periodic surveying of architectural professionals.

Mr. McCauley reported on the Board's Enforcement Program statistics and noted that one year ago there had been 113 pending cases, but now there are currently 83. He added that staff is preparing a rulemaking package to delegate the Executive Officer authority to approve stipulated settlements to revoke or surrender a license.

Mr. McCauley stated an important issue is developing which is related to the two landscape architecture extension certificate programs. He said in the past the LATC has reviewed and approved these programs based upon the standards set forth in the regulations, which are themselves based on the national standards. He also said it has been the desire of the LATC for the national accrediting organization to assume this role, which he added would be appropriate. He further stated there is now motivation within the profession to modify the mission of the Landscape Architecture Accrediting Board (LAAB) and authorize them to review non-degree granting programs such as the extension certificate programs at the University of California (UC), Los Angeles and UC, Berkeley. Mr. McCauley stated California is presently the only state with such programs. He further said other state boards have been resistant to the idea largely because of perceived impact to their in-state landscape architecture degree programs.

Hraztan Zeitlian stated the August 2012 Monthly Report indicated the pass rate for the Building Design and Construction Systems (BD) division of the ARE is shown as 50%. He asked why the pass rate was so low for such a crucial division of the exam and how it compares historical to the other divisions. Mr. McCauley responded that in general, when ARE 4.0 was implemented an expectation existed that passing rates would decline due to the reorganization of content and then over time improve. He added this is typical when a new exam is first launched. Mr. McCauley asked Marccus Reinhardt if he could explain the trend in pass rates for BD. Mr. Reinhardt explained ARE 4.0 is still a relatively new exam and based on his observations the pass rate has continued to improve over the past four years it has been administered. He also said historical pass rate data could be generated for BD from July 2008 to the most recent quarter and provided to the Board for their review. Mr. Zeitlian asked staff to generate this data and provide it for the Board's consideration. He asked if some event has occurred that could be responsible for the low pass rate. Mr. McCauley responded that from a psychometrical perspective if the appropriate examination development procedures and validations are made even a low pass rate can be considered valid.

Matthew McGuinness asked if there was any subjectivity to grading the ARE. Mr. McCauley said there are objective criteria used for grading and human error is not a factor. Mr. Baker opined the passing rate might be low due to candidates taking the division too soon after graduating from an architectural school. He further opined the architectural schools have the expectation candidates will acquire the needed knowledge for the examination from working in the profession. Mr. Zeitlian suggested an evidence-based analysis be performed to ascertain if changes need to be made. He added that the low passing rate is alarming. Jon Baker added that the appropriate organization to approach is the National Architectural Accrediting Board (NAAB). He said NAAB is the organization that sets the standards the architectural schools are following as part of its accreditation process. He also said the architectural schools focus on theory, design, and creative thinking, and there is insufficient focus on the technical. He opined that it puts students at a great disadvantage by not preparing them for the profession and how to “build” a building.

Ms. Lyon introduced Robert Ho, Co-Chair of the Department of Architecture and Engineering Design at Mt. SAC. Mr. Ho provided an in-depth presentation on the Mt. SAC architectural program, its history, expansion, and the Department’s mission and objectives.

Ms. Lyon and Mr. Gutierrez introduced Ken Salyer, Managing Principle, at HMC Architects. Mr. Salyer provided a brief summary of his experience and encouraged the students present to persevere and transfer to an accredited university. He also summarized the projects that have been completed at Mt. SAC including new construction and multiple renovations. Mr. Ho extended an offer to the Board to visit the new on-campus Design Technology Center.

Mr. McCauley briefed the Board on legislation. He specifically noted that Senate Bill (SB) 975 (Wright), Assembly Bill (AB) 1822 (Berryhill), and AB 2570 (Hill) were on the Governor’s desk for action. He explained that SB 975 now included amendments that reiterated part of the Administrative Procedures Act wherein an outside party can petition an agency to consider action on a particular issue.

Mr. McCauley reported that SB 1186 (Steinberg) addresses litigation on accessibility issues. He said the main focus of the legislation is on the “demand letters” that initiate the process, but the measure also raises revenue for the Certified Access Specialist program (CAsp) via a surcharge on business licenses. He added there are no provisions that impact the Architects Practice Act.

Mr. McCauley reported on AB 2570 which the Board previous voted to support. He said this bill addresses the confidentiality clause sometimes inserted into a settlement agreement that prohibits the client or consumer from assisting the Board with investigations. Don Chang clarified the bill provides a general prohibition on confidentiality clauses, but also includes a provision that permits a party to request the Board exclude certain types of agreements if there is a law which places the activity outside the scope of architecture.

Mr. McCauley said The American Institute of Architects, California Council (AIACC) has been interested in Qualifications-Based Selection (QBS) for selecting the design professional of public projects. He said the AIACC has concerns regarding how some local agencies have been utilizing QBS. He also said the remedy being sought by AIACC is to have legislation passed requiring a provision in the Architects Practice Act that makes it a violation for a licensee to submit a proposal in response to a local agency request where that agency’s mechanism does not follow the law regarding QBS.

Mr. McCauley stated a forthcoming item for next year is the Sunset Review of the California Council for Interior Design Certification. He said it may be that at some point the Board could be asked for its input.

G. CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)

Ms. Lyon asked Mr. McCauley to present this agenda item.

Mr. McCauley said at the previous Board meeting the members approved the new intra-agency contract agreement for examination development services for fiscal year 2012/13 and a revision to the then-existing contract for the same which included a new process for validating examination questions that would no longer require results to be held. He said after the contract was approved, the Office of Professional Examination Services (OPES) proposed a new approach with a lower security risk. He explained the new process would involve the use of pre-testing rather than pilot-testing and there would be no cost increases. He further said the contract was subsequently modified to include the new process and is before them for their consideration and approval.

Mr. Baker asked if the pre-testing is a separate event using volunteers. Mr. McCauley explained the process will use both newly-licensed and experienced architects (similar to what is currently done in development) and would be used in addition to the current method for determining the validity of examination questions prior to incorporation into the CSE.

- **Sheran Voigt moved to approve the revised intra-agency contract agreement with the OPES for fiscal year 2012/13.**

Hraztan Zeitlian seconded the motion.

The motion passed 6-0.

Mr. McCauley stated the next agenda item involved examination security, which the AIACC has stated is problematic for candidates as the current NCARB security agreement prohibits any discussion of the ARE with anyone regardless of intent. He said NCARB has had breaches of examination security which caused serious ramifications for other testing candidates, such as fee increases and portions of the ARE question bank becoming invalid. He further noted the AIACC's concern is the NCARB security provisions are so stringent candidates are fearful of discussing the ARE with their mentors as part of the learning and preparatory processes because they could unknowing violate the security provisions.

Mr. McCauley stated there is a provision of law [Business and Professions Code (BPC) section 123] that requires the intent to subvert an examination before there is a violation. He said the discussion between a candidate and their mentor is vastly different than a candidate posting their examination answers on the Internet in an attempt to help other candidates cheat on the exam. He said Mr. Chang was asked at the June Board meeting to provide a legal opinion (included in the meeting packet) for consideration by the NCARB Board.

Mr. Baker said he had, prior to today's meeting, forwarded Mr. Chang's opinion to the NCARB Board for consideration. The NCARB Board, after speaking with their legal counsel, was advised to

not modify the language of the ARE security agreement. He said NCARB has incurred significant one-time and permanent costs because of past security breaches and have taken an adamant position to enforce its examination security policy. He also said the NCARB Board can sympathize with candidates and it was not intended the security policy would interfere with the learning and preparatory processes of interns and their mentors. He suggested the issue be kept in the forefront of the NCARB Board's considerations until an amicable resolution is reached.

Mr. Gutierrez stated that Mr. Chang's legal opinion clearly delineates the actions by candidates that would constitute examination subversion and those that would not. He asked whether the Board could illuminate candidates on where the line is on what they can discuss with their mentors based on the Board's interpretation. Mr. Chang responded that the Board's interpretation applies only to the CSE and could not be extended to the ARE. Mr. Baker said he did not believe the Board should advise candidates on how to interpret the ARE security policy. Mr. Gutierrez stated he has an employee who would be taking the CSE soon and was afraid they would not be able to discuss the exam together. Mr. Chang said there have not been any issues related to candidates discussing the CSE with their mentor for learning purposes. He added that there have been issues with test preparation services who have compiled examination questions for use in their seminars.

Ms. Lyon stated this issue would continue to be monitored by the Board and updates can be provided at the December 2012 Board meeting.

H. REPORT ON NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Mr. Baker said he was no longer on the NCARB Board, but would continue on the NCARB ARE Committee. He briefly discussed the NCARB 2012 Practice Analysis and how it could impact the ARE. He said there were discussions related to the graphic sections of the exam and the challenges posed by computer-delivery of those sections. He said the greatest challenge is that the content of the graphic sections is limited by the software used to administer and score them. He further said there have been discussions related to converting back to human-based scoring of the graphic vignettes so they can be more substantial and realistic, and discretionary issues can be addressed. He opined it would be a good decision to move back to human-based scoring of the vignettes. Mr. Baker added another issue with the software used to administer the graphic vignettes is its proprietary nature and that is unfamiliar and inefficient for those candidates who use professional computer-aided drafting software on their jobs. He said there have also been rudimentary discussions on administering the graphic sections via the Internet which would allow candidates to use the software of their choice.

Mr. Baker reported the Intern Development Program (IDP) and IDP Advisory Committees held discussions related to the creation of a Broadly Experienced Intern Program and that both committees were supportive of the idea. He said it was added as a research task of the IDP Advisory Committee for the next year.

Mr. Baker briefly summarized the NCARB discussions related to their key long-term strategic initiatives such as the role of NCARB in continuing education, and financial stability.

I. REVIEW AND APPROVE PROPOSED REGULATIONS TO AMEND CALIFORNIA CODE OF REGULATIONS, TITLE 16, DIVISION 2, SECTION 109, FILING OF APPLICATIONS AND SECTION 117, EXPERIENCE EVALUATION

Ms. Lyon asked Mr. Reinhardt to present the agenda item.

Mr. Reinhardt said in April 2012 NCARB revised the *IDP Guidelines* and included a provision that grants up to 930 hours of experience credit for work performed as part of an NCARB approved academic internship. He indicated the regulations currently prohibit candidates from earning experience credit above that which is granted for their degree earned when the work performed is a requirement for receiving the degree. He also reported Professional Qualifications Committee (PQC) was charged with review of this provision, which was done at their May 16, 2012, meeting. He further noted the recommendation of the PQC was to develop regulatory language that would permit the acceptance of the new provision and grant candidates experience credit for work performed as part of an NCARB academic internship. Mr. Reinhardt explained that the Board, at its June 14, 2012, meeting considered the PQC's recommendation and voted to approve it. Staff was then directed to develop regulatory language consistent with the recommendation for the Board's approval.

- **Sheran Voigt moved to approve the proposed regulatory language to amend California Code of Regulations sections 109 and 117 that permits the Board to grant experience credit for work performed as part of an NCARB approved academic internship.**

Pasqual Gutierrez seconded the motion.

The motion passed 6-0.

J. COMMUNICATIONS COMMITTEE REPORT

Ms. Lyon asked Mr. Reinhardt to present these agenda items.

Mr. Reinhardt briefly summarized the actions taken at the June 20, 2012, Communications Committee meeting including the selection of articles for future newsletter issues and recommendations for the Committee's 2012 Strategic Plan objectives.

Mr. Reinhardt said one of the Committee's 2012 Strategic Plan objectives was the development of a concise mission statement for use in all communications. He said at the Committee considered both a modified version of the Board's full mission statement and its tagline commonly used on its website and other publications and voted to recommend the use of the tagline as the concise mission statement because it distills the essence of the full mission statement.

- **Sheran Voigt moved to approve the Communications Committee's recommendation to use the Board's tagline "Public Protection Through Examination, Licensure and Regulation" as its concise mission statement for use in all communications.**

Pasqual Gutierrez seconded the motion.

The motion passed 6-0.

Mr. Reinhardt stated another of the Committee's 2012 Strategic Plan objectives was the establishment of a social media presence for the Board. He said staff conducted research of various social media services and presented the Committee with the two most popular and used of the services, Facebook and Twitter. He said the Committee considered the services and voted to recommend the establishment of a Twitter account as the Board's entry into social media. Mr. Zeitlian asked whether LinkedIn had been considered as another social media service the Board could use. Mr. Reinhardt responded that LinkedIn had been considered by the Committee but was rejected because it was determined the service was not appropriate for the intent of the objective. Mr. Zeitlian said he felt the service was very appropriate because it has a broader professional network and he asked the Committee to reconsider the use of LinkedIn for a social media presence. He asked why only one social media service was selected by the Committee. Ms. Voigt responded the Committee felt Facebook has become, and is perceived, as extremely social and less professional than the Committee preferred to portray for the Board. She said Twitter conversely has retained a degree of professionalism. She said LinkedIn does have offerings, but the Committee determined it might not be all inclusive of the target audience. She added the reason for choosing only one service was the consideration of staff resources.

- **Sheran Voigt moved to approve the Communications Committee's recommendation to establish a Twitter account as a social media presence for the Board and to consider LinkedIn as another resource.**

Jon Baker seconded the motion.

The motion passed 6-0.

Mr. Reinhardt said the next agenda item is related to the 2012 Strategic Plan objective to review and finalize the Board's school presentation materials. He said within the meeting packet is the PowerPoint slide show used when presentations are made to the accredited architectural schools and the corresponding survey used for feedback from students. He said the Communications Committee reviewed the presentation materials at their June 2012 meeting and voted to recommend the Board continue to use them and make improvements or changes as necessary to keep the material relevant.

- **Sheran Voigt moved to approve the Communications Committee's recommendation to continue using the Board's school presentation materials and revise them as necessary.**

Pasqual Gutierrez seconded the motion.

The motion passed 6-0.

Mr. Baker said within the PowerPoint slide show there is a particular slide related to Prometric's role in the licensing process and he suggested adding the other vendors with which NCARB now has contracted and clarifying their roles of the examination process.

Mr. Reinhardt said the 2012 Strategic Plan also charged the Communications Committee with the objective to expand the subscriber base of the e-news subscription list on the Board's website. He said staff presented the Committee with several possible methods to achieve this objective including: 1) adding a statement on the license renewal form suggesting licensees subscribe; 2) developing an insert to be included with all mailings; 3) requesting an option be included in BreEZe (the new

integrated enterprise-wide licensing and enforcement system) allowing candidates and licensees to subscribe; 4) sending a mailing to the Board's paper-based interested parties list informing them of the e-subscriber option; and 5) including a link to the e-subscriber registration page within the signature block of staff emails.

- **Sheran Voigt moved to approve the Communications Committee's recommendation for the 2012 Strategic Plan objective to expand the Board's e-news distribution list.**

Hraztan seconded the motion.

The motion passed 6-0.

K. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

Ms. Lyon asked LATC Manager, Trish Rodriguez to present this agenda item.

Ms. Rodriguez said three members were recently appointed to the LATC, Andrew Bowden, Katherine Spitz, and Nicki Johnson. She said Stephanie Landregan and Mr. Bowden were elected respectively as Chair and Vice Chair for the LATC at the August 14, 2012, meeting. She also said at the Council of Landscape Architectural Registration Boards (CLARB) 2012 Annual Meeting Stephanie Landregan was voted President-elect of CLARB.

Ms. Rodriguez briefly summarized the actions taken at the June 27, 2012, UC Extension Certificate Program Task Force meeting, which included a review of the LAAB Standards and Self-Evaluation Reports. She said the Standards and Reports will serve as a guide for drafting documents to be used by the LATC for their site reviews. The draft documents will be reviewed by the Task Force at their next meeting on October 8, 2012, at which time the site review teams will also be appointed.

Ms. Rodriguez said that while the LATC is authorized by statute to charge a maximum \$600 dollar biennial application filing fee for the approval of a landscape architecture school, a regulation is required to impose it. She said the LATC, at its August 14, 2012, meeting, voted to recommend staff develop regulatory language allowing the LATC to charge the maximum allowable fee for filing the application for the approval of a landscape architecture school. She also explained there is currently a pending regulatory proposal specifying a seven-year review period for the approval and this proposal will also need to be modified in order to align the biennial fee cycles with the approval period.

- **Sheran Voigt moved to approve the LATC's recommendation regarding the application fee for landscape architecture schools and to proceed with a regulatory proposal to set the fee.**

Hraztan Zeitlian seconded the motion.

The motion passed 6-0.

L. REVIEW OF SCHEDULE

Mr. McCauley reminded the Board members the next Board meeting is on December 5-6, 2012, in Ontario and will include the strategic planning session.

M. ADJOURNMENT

The meeting adjourned at 1:05 p.m.

MINUTES

SPECIAL MEETING

CALIFORNIA ARCHITECTS BOARD

November 20, 2012

Sacramento, CA and Various Teleconference Locations

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

President Marilyn Lyon called the meeting to order at approximately 2:05 p.m.
Vice President Sheran Voigt called the roll.

Board Members Present

Marilyn Lyon, President
Sheran Voigt, Vice President
Hraztan Zeitlian, Secretary
Matthew McGuinness
Fermin Villegas

Board Members Absent

Jon Alan Baker
Pasqual Gutierrez
Jeffrey Heller
Michael Merino

Guests Present

Kurt Cooknick, Director of Regulation and Practice, The American Institute of Architects, California Council (AIACC)
Glenn Gall, Professional Qualifications Committee
Bob Holmgren, Supervising Personnel Selection Consultant, Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES)
Sonja Merold, Chief, DCA OPES
Nicole Woods, Project Manager, DCA OPES

Staff Present

Doug McCauley, Executive Officer
Marcus Reinhardt, Program Manager Examination/Licensing Unit
Don Chang, Assistant Chief Counsel, DCA

Six members of the Board present constitute a quorum. There being five present at the time of roll, a quorum was not established and the Board meet as a committee.

B. PRESIDENT'S REMARKS

Ms. Lyon said the meeting was being convened to discuss the recent events related to the California Supplemental Examination (CSE) and the Board's Executive Officer, Doug McCauley, along with OPES would provide details.

C. PUBLIC COMMENT SESSION

There were no public comments.

D. DISCUSS AND POSSIBLE ACTION ON CSE RESULTS

Ms. Lyon asked Mr. McCauley to present this agenda item.

Mr. McCauley said the latest form of the CSE was launched on October 1, 2012, and shortly afterwards, as is standard psychometric practice, OPES began conducting its analysis of the examination form's items. He said during analysis of the first group of candidate responses, it was determined the pass rate was below expectations. He added that during an analysis of a second group of candidate responses the pass rate was still low, but appeared to be psychometrically improving. He said the number of candidates within the two groups analyzed represented only a small fraction of the typical yearly quantity (approximately 1,000 candidates) who would take the CSE. He said a third group of candidate responses were analyzed and the analysis results indicated the examination form being administered was not performing to expectations. He also said in discussions with OPES regarding the performance it was recommended administration of the current examination form be suspended. He stated the matter was discussed between himself and Ms. Lyon and it was determined the correct course of action would be to suspend administration of the current examination form effective November 9, 2012.

Mr. McCauley said an alternate examination form can be launched in place of the currently administered one beginning December 11, 2012. He added that candidates whose appointments were canceled would be allowed to reschedule at no additional cost and those who failed the CSE would be permitted a retest at no additional cost.

Mr. McCauley introduced the management and staff of OPES who were attending the meeting and would provide details to the Board regarding recent events. Bob Holmgren, from OPES, said after the current CSE form was launched, OPES began routine test scoring and item analysis (TSIA). He said OPES conducts TSIA's approximately every 15 days to evaluate how the examination performs. He stated with respect to the first group of CSE candidate responses, the TSIA showed that of the first 24 candidates no one had passed the examination and that it was suspect for poor performance. He also said the OPES Examination Developer (a member of OPES staff) contacted Board staff to inquire about the composition of the first group of candidates. Mr. Holmgren stated that the information provided by Board staff indicated a number of the first group of candidates had previous taken and failed the CSE (in some cases multiple times) and/or were reciprocal licensure candidates. He said such candidates can potentially create an instability in the TSIA conclusions. He then said that after approximately 30 days from launch a second group of candidate responses were analyzed and while the examination had substantially improved psychometrically, it was still not performing at an acceptable level.

Mr. Holmgren said after the first two groups were analyzed OPES began more formal discussions with Board staff to consider contingency plans. He said during the TSIA for the first group the Examination Developer confirmed the test vendor (PSI) had accurately received the responses, the examination items were as expected and properly delivered, there were no miskeyed responses, and the correct examination key was used. He said the Examination Developer took a sampling of the “project” examination items and presented those to an ongoing test development workshop for review by the architect subject-matter experts (SME).

Mr. Holmgren said the result of the review was that none of the SMEs answered any of the examination items correctly. He said the Examination Developer then had the SMEs review each item individually to verify the correct answer. He said this prompted a discussion among the SMEs whereby they realized the items had been answered with little or no use of the related project plan. He also said the SMEs realized that had they used the project plan they would have answered the items correctly. He stated the SMEs reviewed the three item distractors (answers that are plausible but not correct) and the item stem (the question part of the examination item) for clarity, and verified the difficulty level was at the minimum acceptable level of competence.

Mr. Holmgren reported that during the TSIA for the second group the Examination Developer used a different batch of examination items in the same manner as they had the first group and using a different group of SMEs they came to the same conclusions that were previously made with the first group. He said the third TSIA conducted included responses of 74 candidates, and it was hoped the examination form would be performing at a level of psychometric quality that was acceptable for continued administration. He said the resulting data proved that not be the case even though the examination form had shown some improvement. He said at this point OPES formally approached Board staff and recommended suspending the administration of the poorly performing examination form and substituting it with one that had known psychometric performance. He added that OPES also contacted PSI to see how quickly this could be implemented. He said supplemental analysis has been performed in an attempt to ascertain the cause of the poor psychometric performance of the examination items, but there is insufficient data to test any of OPES hypotheses without continuing to administer the examination (ideally to a minimum of 200 candidates), which would be inappropriate. He said OPES is perplexed and unable to identify a definitive cause.

Mr. Holmgren said the best estimate of how to prevent such poor psychometric performance in the future would be to conduct an additional workshop for the pilot testing of examination items just prior to setting the passing score and launching a new examination form. He added there is already a provision in the current Intra-Agency Contract between the Board and OPES to allow for this action. He explained the workshop would allow the SMEs two days over which to fine-tune the examination items. He said it is believed this should resolve the issue of the poor psychometric performance of the examination items.

Mr. Holmgren also said OPES recommended a couple of actions that have already been taken: 1) suspending the current examination form and replacing it with one that has previously proven its psychometric quality; and 2) continuing analysis of the problem to ascertain the cause. He said building towards the future, OPES plans for the “general” portion of the CSE to utilize a greater percentage of items with a known psychometric quality. He added that ultimately the goal is to have 100% of the “general” examination items of this nature. He stated reaching this goal; however, could take up to two years.

Hraztan Zeitlan asked: 1) was any tutorial material made available to examination preparation services prior to the launch of the examination form; 2) was there sufficient time for the examination preparation services to be ready for the examination; and 3) does this factor into the OPES investigation? Mr. McCauley responded that part of the CSE test preparation material is contained within the CSE Test Plan and that while there is no content-based tutorial, there is an instructional tutorial available to candidates that guides them through the process of taking the computer-delivered CSE. Mr. Zeitlian opined that part of the reason for the poor performance of the examination may have been because private examination preparation services did not have sufficient time to prepare materials for candidates to utilize. He asked again if this was considered during the OPES investigation. Mr. McCauley responded that prior to the launch of the computer-delivered CSE there was a window of opportunity for examination preparation services to prepare material for use by candidates. He added that the current CSE form is driven by the same occupational analysis used to develop previous CSE forms, in addition to the same Test Plan and knowledge, skills, and abilities (KSA) statements.

Mr. Zeitlian asked how the information regarding the issue will be communicated to affected parties. Mr. McCauley stated the candidates who had their CSE appointment canceled have been contacted by telephone. He also said the information is posted on the Board's website and that a letter will be sent to all affected candidates as well.

Matthew McGuinness asked how often examination forms are developed. Mr. McCauley explained that examination development is an ongoing process and examination forms are routinely replaced, revised and developed. Mr. McGuinness asked if there was an issue with the examination instructions, given that once the SMEs who had previously reviewed suspect examination items read the project plans, they answered the items correctly. Mr. Holmgren also explained that the problem for the SMEs was they assumed they could answer the selected examination items without using the project plans. He stated candidates receive the project plan documents when they take their CSE. He said he could not; however, answer how often candidates respond to examination items without using the project plans, but each item has a statement that clearly informs the candidate they need to reference the relevant project plan to answer the item. He added that the cause of the poor examination performance could not solely be placed with the performance of the project items on the CSE because the "general" examination items are experiencing the same low performance. Mr. McCauley said that when the CSE was administered in the oral format, candidates were afforded a 20 minute review session where they could study the project documents. He stated some candidates took advantage of this review session and others did not. He add that each candidate tests differently.

Kurt Cooknick asked if the failure of the examination form is due to the questions and the answers not being properly aligned. Mr. Holmgren responded that these questions have been considered in the investigation into the examination form performance. He said early in the investigation it was considered that the candidate could be a causal factor, particularly given the composition of the first group of candidates analyzed. He said without more extensive data it would not be possible to make a proper conclusion. He then said with respect to whether the examination items could be at fault, OPES has been unable to identify any technical issue with individual examination items. He added there are numerous aspects to multiple-choice item writing that improve the more attention is given to the quality of the item. He said an example of this would be English as a Second Language (ESL). He explained that often ESL individuals learn the top-level context of English terms and this could create a confusion for such candidates taking a professional examination. He stated that it is very

important during the item writing phase to fine-tune the examination items with such candidates taken into consideration to minimize the ESL issues. He further said another consideration would be the style in which the examination item is written. He said it is more likely the issue could be corrected by improved item writing than addressing issues with candidates. He opined that both considerations could be causal factors, but which one is dominant is unknown.

Mr. Cooknick asked what information will be in the letters to candidates. Mr. McCauley responded the letter will communicate to candidates that during normal quality control analysis it was determined there was a need to suspend the CSE and that they would be permitted a retake of the examination at no cost. Mr. Cooknick asked how far retroactively the offer would be extended. Mr. McCauley responded the offer would be extended to those affected candidates from October 1, 2012 to November 9, 2012. Mr. Cooknick asked if this issue would cloud other CSE forms. Mr. McCauley responded it is unknown whether it would. Sonja Merold added that the current issue is an anomaly and there are other CSE forms that have been developed by OPES which are psychometrically performing well. Ms. Merjold stated that current situation is an anomaly and OPES is vested in producing a quality examination for the Board. She added that the other examination forms OPES developed for the Board are statistically reliable.

Mr. McGuinness asked whether the items on this examination form were completely new items and not on previous examination forms. Mr. Holmgren said that there were a number of examination items on the current examination form which had been on previous examination forms, and that it is standard practice to utilize questions from previous examination forms which are psychometrically sound. He said that analysis of these “anchor” items indicated they were all performing similar to how they had performed previously. He said this suggests the issue is not with the examination items. Mr. McGuinness asked how many questions are typically on an examination form and the pass rate for it. Mr. Holmgren said there are 125 examination items, of which 100 are scorable. He added the pass rate is determined each time a new examination form is developed with slight fluctuations but for the examination form in question was set at 73.

Glenn Gall asked if the “anchor” items in the current examination form relate back to the original examination form. He said this has been used in the past as a gauge by which to judge where a new examination form stands relative to its predecessors. Mr. Holmgren stated he could not answer the question directly, but explained that in prior examination forms the goal was to build a bank of new examination items to be used in future examination forms as “anchor” items. He further said that for an item to become an “anchor” it has to be administered over an extended period of time and show strong psychometric performance. He stated that for the next examination form it is planned that 50 percent of the “general” items will be from items that were previously administered.

Mr. Gall asked how rigorous the individual standard setters’ calibration is and whether this could or should become a focus to provide better consistency in SMEs setting the passing standards for the CSE. He said based on his experience with standard setting, that without a rigorous calibration there is the potential for too much sway in what constitutes minimum acceptable competence. He further asked that since there was such a small number of individuals among the three candidate groups analyzed, would that be sufficient data or would it be more advisable to hold on the standards setting until there is more data available. Mr. Holmgren said it became necessary for OPES staff to make a value judgement in the current situation and attempt to strike a balance between the poorly performing examination form and the interests of the candidates. He said this is what motivated the decision to make the recommendation to the Board of suspending the current examination form. Mr. Holmgren

said that during a standard setting workshop part of the process is to make certain the participating SMEs understand how minimum acceptable competence is defined in each of the content areas of the CSE. He said this is done by reviewing the Test Plan and discussing and understanding three levels of performance (below, at, and above minimum competence). He also said the method for determining whether an individual SME is properly calibrated is to have them set the passing point for examination items of known quality that have already had their passing point set.

Mr. Gall said that in the past pilot testing was done using recently licensed architects (individuals licensed less than one year). He asked if this was the intent with the forthcoming pilot testing. Mr. Holmgren said while it was initially proposed to do this, during internal OPES discussions it was determined, in light of the amount of information available on the Internet, this would not be advisable. He explained how easy it would be to inadvertently compromise a question on the Internet and thus risk the security of the CSE. He said OPES does not want to risk the compromise of examination content through pilot testing of the examination items. Mr. Gall said what he is suggesting is the pilot testers be newly licensed in order to provide feedback on whether the examination items are clear and understandable. He added this feedback had proven quite valuable in the past. Mr. Holmgren said OPES recommended using fewer SMEs with security controls to prevent a compromise of the examination content. He add this has been done for other licensing boards with good success.

Ms. Lyon asked what actions the Committee could take at this point given there is no quorum for the Board to take formal action. Mr. McCauley suggested the Committee make a recommendation to the Board of ratifying the action to suspend the CSE.

- **Sheran Voigt moved to recommend the Board ratify suspension of the currently administered examination form of the CSE.**

Matthew McGuinness seconded the motion.

Mr. Zeitlian asked Mr. McCauley to clarify the actions that have already been taken with regards to the issue being faced. Mr. McCauley summarized what he had previously stated about how the problem was discovered and the steps Board and OPES staff took to resolve it as transparently and expediently as possible.

The motion passed 5-0.

Ms. Voigt asked if there is anything further needing to be done in the interim while the replacement examination form is being prepared. Mr. McCauley stated that Board staff will need to follow-up with the letters to candidates and will coordinate with OPES on the additional measures Mr. Holmgren previously identified.

E. CLOSED SESSION – EXAM DEVELOPMENT ISSUES [CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126(C)(1)]

There were no items to be considered in closed session.

F. REVIEW OF SCHEDULE

Ms. Lyon reminded the Board members the next Board meeting is December 5-6, 2012, in Ontario.

G. ADJOURNMENT

The meeting adjourned at approximately 3:10 p.m.

Agenda Item E

EXECUTIVE OFFICER'S REPORT

The Executive Officer will provide the Board with an update to the November 2012 Monthly Report.

Attachment

Monthly Report - November 2012



CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

MEMORANDUM

DATE: November 28, 2012
TO: CAB Staff
FROM: Doug McCauley, Executive Officer
SUBJECT: Monthly Report - November 2012

The following information is provided as an overview of Board activities and projects as of November 28, 2012.

ADMINISTRATIVE/MANAGEMENT

Board The next Board meeting is scheduled for December 5-6, 2012, in Ontario. The second day of this meeting will include a strategic planning session facilitated by staff from Department of Consumer Affairs' (DCA) Strategic Organization, Leadership & Individual Development (SOLID) Training Solutions.

Budget On July 18, 2012, the Board was directed by DCA's Office of Human Resources to implement the new Personal Leave Program (PLP) 2012. The directive is the result of a side letter to labor agreements with state employee unions. Effective July 1, 2012, through June 30, 2013, all employees will be credited with eight hours of PLP credits on the first day of each pay period for the next 12 consecutive months. The leave credits must be used in the same pay period in which it is earned.

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

Newsletter The fall 2012 newsletter was posted on the Board's website October 5, 2012, and digitally distributed to interested parties. The next issue is scheduled for publication in January 2013.

Personnel. Marccus Reinhardt was selected for the Program Manager position in the Examination/Licensing Unit and starts November 30, 2012. Efforts are underway to recruit and fill the vacant Administration Analyst position previously held by Mr. Reinhardt.

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Training The following employees have been scheduled for upcoming training:

12/11/12	Research, Analysis and Problem Solving (Matt and Nancy)
1/14-18/13	Basic Supervision for State Supervisors - Part I (Marccus)
1/29-31/13	Office of Administrative Law Rulemaking (Matt)
TBD	Basic Project Management (Matt)

Website The following posts/updates were made to the Board’s website in November 2012:

- Notice of Meeting for the November 20, 2012 and December 5-6, 2012, Board meetings
- Information regarding the suspension of the California Supplemental Examination (CSE)

EXAMINATION AND LICENSING PROGRAMS

Architect Registration Examination (ARE) The results for ARE divisions taken by California candidates between July 1, 2012, and September 30, 2012 are shown below.

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		# Divisions	Passed	# Divisions	Failed
Programming, Planning & Practice	182	99	54%	83	46%
Site Planning & Design	143	89	62%	54	38%
Building Design & Construction Systems	139	73	57%	66	43%
Structural Systems	154	108	70%	46	30%
Building Systems	139	83	60%	56	40%
Construction Documents & Services	173	87	50%	86	50%
Schematic Design	165	121	73%	44	27%

CSE Administration Since its launch on February 1, 2011, the new computer-delivered, multiple-choice format of the CSE has been administered to 1,714 candidates through September 30, 2012. Of those candidates, 982 (57%) passed and 732 (43%) failed.

CSE Development The next CSE development cycle began in early fall.

Continuing Education (CE) Audit System AB 1746 (Chapter 240, Statutes of 2010) was approved on September 23, 2010, and amended the statutory provisions [Business and Professions Code (BPC) sections 5600 and 5600.05] pertaining to the CE requirement for licensees. This bill amended the CE provisions by: 1) requiring an audit of license renewals

beginning with the 2013 renewal cycle; 2) adding a citation and disciplinary action provision for licensees who provide false or misleading information; and 3) mandating the Board provide the Legislature a report on the level of licensee compliance, actions taken by the Board for noncompliance, the findings of Board audits, and any recommendations for improving the process.

At its strategic planning session in December 2011, the Board established and assigned an objective to the Professional Qualifications Committee (PQC) directing the development of a CE audit system in response to the bill. Staff researched the audit procedures of other architectural licensing boards and boards under DCA and presented its findings along with a proposed audit system to the PQC at its meeting on May 16, 2012. The PQC recommended the proposed system be adopted by the Board with some minor clarifying revisions. The revised audit system proposal was presented to the Board on June 14, 2012 and approved.

Staff is working with the Office of Information Services (OIS) on required changes to the license renewal applications for the 2013 renewal cycle, updates to the Board's website regarding the changes to the CE requirement, and other procedural updates to implement the audit system in 2013. In June, the Board submitted OIS service requests to: modify the renewal applications; revert the default primary status code to how it was previously programmed in the Consumer Affairs System (CAS) – for renewal processing purposes; and authorize use of three new secondary status codes in CAS – for CE audit tracking purposes. Due to the implementation and ongoing support required for the DCA BreEZe enterprise system, OIS informed the Board that the requests could not be considered under standard priority criteria and that effective July 1, 2012, all systems supported by OIS would be in "hard freeze" status. Staff pursued these service requests via a hard freeze exemption request process and presented them before the DCA Change Control Board (CCB) on August 13, 2012. The CCB approved allowing DCA resources to perform work related to these requests with a maximum cap of 30 hours; additionally OIS was asked to analyze the resources needed for each of the Board's request. The analysis indicated that a total of 38 hours (8 hours more than the approved cap) would be required to complete all three requests. The CCB approved the additional hours to allow DCA resources to perform all work. The required work for two of the requests was completed in late August and September. The third request was completed in October.

Intern Development Program (IDP) Academic Internships - The third and final phase of IDP 2.0, which became effective April 5, 2012, offered some of the most significant changes to the program. Among those changes included the allowance to earn credit through qualifying academic internships. In May 2012, the PQC considered this change to IDP and recommended that the Board align its regulations with the academic internship allowance. On June 14, 2012, the Board voted to approve the PQC's recommendation and for staff to proceed with a regulatory change proposal. The Board approved the proposed regulatory language to amend California Code of Regulations sections 109 and 117 at its September 13, 2012 meeting. Staff is preparing the required notice and documents and is planning to file the rulemaking package with the Office of Administrative Law (OAL) in December.

"Broadly Experienced Intern" Pathway – At its May 2012 meeting, the PQC discussed and considered the feasibility of National Council of Architectural Registration Boards (NCARB)

establishing an alternate method of satisfying the IDP requirement for individuals who meet special criteria. This issue was considered in response to a strategic planning objective. The PQC recommended that the Board research and/or develop appropriate criteria for recognizing a broadly experienced intern and provide that information to NCARB. The Board voted on June 14, 2012, to approve the PQC's recommendation. Jon Baker reported at the Board's September 13, 2012 meeting the NCARB IDP and IDP Advisory Committees were receptive to and supportive of the idea and that it has become a research task of the IDP Advisory Committee for next year.

Liaison Program The Board's Liaison Program was originally created in 2008 and designed to ensure that the Board shares information with key constituency groups, like the League of California Cities, American Council of Engineering Companies – California and others and to maintain a line of communication between the Board and the organizations. Phase I of the program was implemented on March 17, 2011, when letters to the respective organizations and assigned liaisons were mailed. A draft of the Liaison Program purpose and responsibilities was reviewed at the March 17, 2011, Board meeting with the members so they could begin contacting the organizations. Phase II of the program was implemented on August 30, 2011, with contact letters sent to all of the architecture schools in California and a copy of the letter sent to their assigned Board member liaisons. Board members reported on their efforts at the December 2011 Board meeting and will report again at the December 2012 meeting.

NCARB 2012 Practice Analysis In April 2012, NCARB surveyed more than 80,000 architects, interns, and educators across the country. The survey content addressed specific tasks and knowledge/skills related to the pre-design, design, project management, and practice management aspects of the architectural profession, as well as general knowledge and skills. The 2012 Practice Analysis, like the 2007 and 2001 Practice Analyses, will be used to drive future updates and modifications to the ARE and to inform the IDP. Additionally, the 2012 Practice Analysis will guide NCARB's response to the 2013 National Architectural Accrediting Board Accreditation Review Conference and be used to inform NCARB's continuing education policies. The Board assisted NCARB in its efforts to establish a prospective survey pool and provided the relevant contact information for its approximately 20,000 licensees and posted a notice regarding the Practice Analysis on its website. The Board also promoted participation in the survey through other means including an article in the spring 2012 newsletter and information on its website. The deadline for survey responses was originally April 30, 2012, but was extended to May 6, 2012. With the survey concluded NCARB's consultant, Psychological Service, LLC (PSI), will analyze the data and submit a report with recommendations based on the data collected to the NCARB Board of Directors for acceptance. The findings will be posted on the NCARB website when finalized. The final step of the process will involve NCARB committees and task forces in determining how best to incorporate findings and recommendations, which will shape the future of the ARE and IDP and other NCARB policies and programs.

PQC The next PQC meeting has not been scheduled.

Regulation Changes *California Code of Regulations (CCR) section 121, Form of Examinations; Reciprocity* – The Board discussed, at its December 2011 meeting, the requirements for

reciprocal licensure as they relate to NCARB's Broadly Experienced Foreign Architect (BEFA) Program and the possibility of recognizing other reciprocal licensure candidates (individuals licensed as architects in foreign countries, other than Canada or the United Kingdom). The Board added an objective to the 2012 Strategic Plan to pursue a regulatory proposal to amend CCR 121 to allow the Board to recognize NCARB Certification obtained via the BEFA Program. The objective was assigned to the PQC. At its May 2012 meeting, the PQC was provided with detailed information regarding the BEFA Program and reviewed a draft regulatory proposal, which would add a provision to CCR 121 recognizing NCARB Certification obtained via the BEFA Program. The Board approved the regulatory proposal at its June 2012 meeting and delegated authority to the Executive Officer to adopt the regulation, provided no adverse comments are received during the public comment period, and make minor technical changes to the language, if needed. Staff is preparing the required notice and documents and is planning to file the rulemaking package with the OAL in December.

ENFORCEMENT PROGRAM

Architect Consultants

Building Official Contact Program: The architect consultants were available on call to Building Officials and in November, they received one telephone, email, and/or personal contact. These types of contacts generally include discussions regarding the Board's policies and interpretations of the Practice Act, stamp and signature requirements, and scope of architectural practice.

Education/Information Program: The architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees. In November, there were 15 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 6 of the contacts and included inquiries regarding written contract requirements, out-of-state licensees seeking to do business in California, scope of practice relative to engineering disciplines, and questions about stamp and signature requirements.

Enforcement Actions The Board issued a citation that included a \$2,000 administrative fine to David E. Rozier on November 23, 2010, for alleged violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Signature and Stamp on Plans and Documents; Unauthorized Practice). Following an informal conference and administrative hearing which resulted in a Default Decision, the citation became final on October 18, 2012.

The Board issued a citation that included a \$7,500 administrative fine to Karen M. Rozier on November 23, 2010, for alleged violations of BPC 5536(a) (Practice Without License or Holding Self Out as Architect). Following an informal conference and administrative hearing which resulted in a Default Decision, the citation became final on October 18, 2012.

The Board issued a citation that included a \$1,500 administrative fine to Richard Alan Stupin on October 12, 2012, for alleged violations of BPC sections 5536.22(a) (Written Contract) and 5558 (Business Entity Report). The citation became final on November 7, 2012.

Effective October 18, 2012, Harold Craig Hudson’s architect license, number C-14487, was revoked; however, revocation was stayed and his license was placed on probation for six years with specific terms and conditions, including reimbursing the Board \$2,125 for its investigative and prosecution costs and reimbursing his client \$2,167.10. The action was the result of a Proposed Decision and Order that was adopted by the Board. An Accusation was filed against Mr. Hudson for alleged violations of BPC sections 5584 (Negligence or Willful Misconduct) and 5536.22(a) (Written Contract), and California Code of Regulations section 160(b)(2) (Willful Misconduct).

<u>Enforcement Statistics**</u>	<u>Current Month</u> November 2012	<u>Prior Month</u> October 2012	<u>Prior Year</u> November 2011
Total Cases Received and Opened*:	16	26	18
Complaints with Outside Expert:	0	0	0
Complaints to DOI:	0	3	0
Complaints Pending DOI:	2	2	1
Complaints Pending AG:	1	1	10
Complaints Pending DA:	3	3	2
Total Cases Closed*:	26	20	15
Total Cases Pending*:	78	87	112
Settlement Cases (§5588) Opened:	3	1	1
Settlement Cases (§5588) Pending:	8	7	26
Settlement Cases (§5588) Closed:	2	3	2
Citations Final:	1	3	3

*Total Cases categories include both complaint and settlement cases

**Statistics as of November 28, 2012,

Staff reviews at the end of each FY the average number of complaints received, pending, and closed for the past three FYs. From FY 2009/10 through FY 2011/12, the average number of complaints received per month is 22. The average pending caseload is 151 complaints and the average number of complaints closed per month is 27.

REC The REC held a teleconference meeting on October 11, 2012. Members at the meeting discussed three Strategic Planning objectives assigned to the REC including: 1) defining “instruments of service” for a potential regulatory proposal; 2) conversing with The American Institute of Architects, California Council regarding qualifications-based section enforcement process; and 3) a regulatory proposal to allow the Executive Officer to approve stipulated settlements to revoke or surrender a license. The recommendation of the REC will be considered by the Board at its December meeting.

Regulation Changes *CCR section 103, Delegation of Certain Functions* – The Board’s 2011 Strategic Plan directed the REC to review and make recommendations regarding Senate Bill (SB) 1111 proposals. This legislation failed to pass, but DCA encouraged boards and bureaus to review nine provisions included in SB 1111 to determine whether they might be utilized to improve their enforcement processes. After reviewing the provisions, the REC recommended to the Board it amend CCR section 103 to allow the Board to delegate authority to the Board’s Executive Officer to approve stipulated settlements to revoke or surrender a license. The Board

approved the recommendation on September 15, 2011, and on December 7, 2011, directed staff to proceed with the regulatory change. Staff is in the process of gathering information for, and drafting the rulemaking package.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

LATC ADMINISTRATIVE/MANAGEMENT

Committee The next LATC meeting is scheduled for January 24-25, 2013 in Sacramento. This meeting will include a Strategic Planning session on the 25th facilitated by staff from DCA SOLID Training Solutions.

Exceptions and Exemptions Task Force The Exceptions and Exemptions Task Force is charged to determine how the LATC can ensure clarity about BPC section 5641, Chapter Exceptions, Exemptions, and ensure that these provisions protect the public. The Task Force held its first meeting on May 24, 2012, in Sacramento. At this meeting, the Task Force reviewed BPC section 5641, and discussed whether the provisions protect the health, safety, and welfare of the public. At the end of the meeting, the Task Force was asked to submit information to be reviewed and considered, at its next meeting on October 18, 2012. At the October 18, 2012, meeting, the Task Force recommended that Don Chang, DCA Legal Counsel, provide a legal opinion for BPC section 5641. The recommendation was presented to the LATC on November 14 and approved. The opinion will be presented to the LATC at a future meeting for review and possible action.

Personnel Interviews were held to fill the Licensing/Administration Coordinator position. Ken Miller was selected and will start on December 3, 2012. Efforts are underway to establish and fill a 24-month Intermittent/Limited-Term Office Technician position.

Training The following employee(s) have been scheduled for upcoming training:

12/11/2012 Research, Analysis & Problem Solving (Claire)

University of California Extension Certificate Program Review Task Force The University of California Extension Certificate Program Review Task Force is charged with developing procedures for reviewing the extension certificate programs and conducting reviews of the programs utilizing new procedures, as outlined in CCR section 2620.5, Requirements for an Approved Extension Certificate Program. The Task Force held its first meeting on June 27, 2012, in Sacramento. At this meeting, the Task Force developed draft procedures and suggested modifications to the proposed language in CCR section 2620.5. The Task Force met again on October 8, 2012, and November 2, 2012, to finalize the Review and Approval Procedures and the Self-Evaluation Report as well as develop three additional documents: Visiting Team Guidelines, Annual Report Format, and Visiting Team Report Template. The LATC approved all of the documents at its November 14, 2012 meeting. The site reviews are estimated to occur between January and March 2013. The Self-Evaluation Report will be provided to each of the schools and reviewed by site review teams prior to their visit.

LATC EXAMINATION PROGRAM

Applicant Tracking System (ATS)/Workaround System (WAS) LATC staff is working closely with the OIS to determine current system (ATS) requirements and temporary manual processes necessary to implement regulation changes (i.e., examination transition, educational credit for partial degrees and architectural degrees, etc.) concurrently with the implementation of the DCA BreEZe enterprise system. On April 17, 2012, LATC staff attended a DCA Business Technical Review (BTR) meeting to determine if the necessary ATS changes that resulted from the recent LATC regulation changes could be made to ATS. The BTR was also charged with making a recommendation to DCA's Change Control Board (CCB). As a result of this meeting, the BTR members determined that resources devoted to BreEZe were needed to make the necessary changes to ATS and the BreEZe project would be negatively impacted if resources were diverted from it. The BTR members recommended that all of LATC's automated processes normally done under ATS (cashiering, application evaluation, exam eligibility, etc.) be discontinued and converted to manual workaround processes until the LATC transitions to BreEZe in the fall of 2013. On April 23, 2012, the BTR's decision was appealed before the CCB. The CCB concurred with BTR's recommendation and denied the LATC's request to modify ATS. LATC was presented with the alternatives and recommendations at its meeting on May 4, 2012.

A new and separate WAS is being developed by a DCA programmer on loan from the Contractors State License Board. LATC staff is working closely with OIS to ensure the manual processes are developed and implemented with minimal impact when transitioned to BreEZe. Staff created flowcharts for specific business processes for the development of the WAS. The DCA programmer met with LATC staff on June 28, 2012, to conduct an assessment of the time and work required to develop the WAS. He provided the results of his assessment to staff on July 2, 2012, and estimated approximately 55-68 hours needed to complete the WAS. The programmer and staff meet regularly to assess various LATC business processes. On July 23, 2012, the programmer provided a test version of the user interface for the WAS to solicit feedback from staff on the program's functionality. On August 16, 2012, the programmer provided an updated test version of the WAS and the related server. Staff was provided training on how to use the server. The programmer met with ATS and BreEZe staff on August 27, 2012, to discuss the possible system requirements for transition to BreEZe. The ATS disconnection deadline was temporarily extended to allow the programmer to complete development of the WAS and properly test it with LATC staff. The programmer delivered the first release of the WAS to LATC for testing on October 2, 2012. LATC staff worked with the programmer to debug the initial WAS release until October 26, 2012, when the LATC was severed from all functions of ATS other than cashiering. LATC staff is continuing to work with OIS to ensure a smooth transition from ATS to WAS.

California Supplemental Examination (CSE) The Office of Professional Examination Services (OPES) recommended a new occupational analysis be conducted. The LATC approved a recommendation for staff to prepare an Intra-Agency Agreement with the OPES to initiate the process for a new occupational analysis.

Landscape Architect Registration Examination (LARE) The first administration of the new LARE, sections 1 and 2, was administered on September 10 – 22, 2012. Exam sections 3 and 4

will be administered on December 3 – 15, 2012 with results anticipated in the February 2013 Monthly Report. Beginning April 8, 2013, all sections (1, 2, 3 and 4) will be administered.

The results for the September sections 1 and 2 of the LARE are listed below:

SECTION	CALIFORNIA			NATIONAL		
	TOTAL	PASSED	FAILED	TOTAL	PASSED	FAILED
1 – Project and Construction Administration	50	37 (74%)	13 (26%)	251	195 (78%)	56 (22%)
2 – Inventory and Analysis	51	35 (69%)	16 (31%)	291	211 (73%)	80 (27%)
3 – Design	N/A	N/A	N/A	N/A	N/A	N/A
4 – Grading, Drainage and Construction Documentation	N/A	N/A	N/A	N/A	N/A	N/A

A regulatory proposal to amend CCR 2614; Examination Transition Plan, and allow transitional credit for the new sections of the LARE is necessary. See the next section (Regulation Changes) for information regarding the processing of the regulatory proposal.

Regulation Changes CCR section 2614, Examination Transition Plan – The proposed amendment to CCR section 2614 will permit candidates to continue to take the LARE administered by CLARB through June 2012. The regulatory changes are needed to outline the transitional credit effective September 2012, for candidates who are not successful in passing all sections of the previous LARE administered April 2006 through June 2012. Following is a chronology, to date, of the processing of the LATC’s regulatory proposal for CCR section 2614:

- | | |
|-------------------|---|
| November 16, 2011 | Proposed regulatory changes approved by LATC |
| December 7, 2011 | Final approval by the Board |
| June 22, 2012 | Notice of Proposed Changes in the Regulations published by OAL (Notice re-published to allow time to notify interested parties) |
| August 6, 2012 | Public hearing, no public comments received |
| August 8, 2012 | Final rulemaking file to DCA Legal Office |
| October 4, 2012 | Final rulemaking file received from DCA Legal Office |
| October 5, 2012 | 15-Day Notice of Availability of Modified Language posted on website, no public comments received |
| October 22, 2012 | Final rulemaking file to DCA Legal Office |

CCR section 2620.5, Requirements for an Approved Extension Certificate Program – The LATC reviewed proposed changes to the current Extension Certificate Program regulation. As part of the review, the LATC elicited input from the UC extension programs. Following is a chronology, to date, of the processing of the regulatory proposal for CCR section 2620.5:

November 22, 2010	Proposed regulatory changes approved by LATC
December 15, 2010	Final approval by the Board
June 22, 2012	Notice of Proposed Changes in the Regulations published by OAL (Notice re-published to allow time to notify interested parties)
August 6, 2012	Public hearing, no public comments received

CCR sections 2615, Form of Examinations, and 2620, Education and Training Credit – In September 2012, CLARB implemented modest structural changes to the LARE better aligning its content with the current practice of landscape architecture. CCR section 2615 was recently amended to allow a candidate with a landscape architect degree or a landscape architect extension certificate to take the multiple choice sections of the LARE. The multiple choice sections of the LARE are currently sections A, B, and D. However, when the LARE transitioned in September from a five-section exam to a four-section exam, each section is comprised of multiple choice items. Section 2615 must be amended to clarify that such candidates should only be allowed to take sections 1 and 2 of the new LARE. Additionally, an amendment is necessary to clearly specify the LATC will not recognize the LARE scores for sections 3 and 4 if a candidate takes the sections when not eligible at the time it was administered.

The Landscape Architectural Accreditation Board (LAAB) is the accrediting organization for landscape architectural programs. LAAB released their updated “Accreditation Standards and Procedures” publication on February 6, 2010. CCR section 2620 needs to be updated to reflect this change. CCR section 2620(a)(4) includes the phrase “city/community college.” This phrase needs to be corrected to say “community college” and avoid redundancy. Following is a chronology, to date, of the processing of the regulatory proposal for CCR sections 2615 and 2620:

May 4, 2012	Proposed regulatory changes approved by LATC
May 18, 2012	Notice of Proposed Changes in the Regulations published by OAL
June 22, 2012	Notice of Change of Date of Regulatory Hearing and Extension of Written Comment Period published by OAL (Hearing date changed and written comment period extended to allow time to notify interested parties)
August 6, 2012	Public hearing, no public comments received
August 28, 2012	Final rulemaking file to DCA Legal Office
October 29, 2012	Final rulemaking file received from DCA Legal Office
October 31, 2012	Final rulemaking file to OAL

LATC ENFORCEMENT PROGRAM

<u>Enforcement Statistics**</u>	<u>Current Month</u> November 2012	<u>Prior Month</u> October 2012	<u>Prior Year</u> November 2011
Complaints Opened*:	0	2	2
Complaints to Expert:	0	0	0
Complaints to DOI:	0	0	0
Complaints Pending DOI:	0	0	0
Complaints Pending AG:	0	0	0
Complaints Pending DA:	0	0	0
Complaints Closed:	1	2	0
Complaints Pending:	29	30	34
Settlement Cases (§5678.5) Opened:	0	1	1
Settlement Cases (§5678.5) Pending:	4	4	3
Settlement Cases (§5678.5) Closed:	0	0	0
Citations Final:	0	0	0

*Includes both complaint and settlement cases

**Statistics as of November 29, 2012,

NCARB MEMBER E-SOURCE

AT A GLANCE: **Military Licensing Legislation, Intern Think Tank, Alternative to IDP**

Military Licensing Legislation

In February 2012, First Lady Michelle Obama and Dr. Jill Biden jumpstarted an initiative to support members of the military and their spouses by making it easier for their occupational licenses to transfer as they move from state to state. Prior to this initiative, 11 states had pro-military legislation; now there are 24.

While the concept of license portability for members of the military and their spouses has great intentions, implementation for particular professions such as architecture must be carried out thoughtfully. As regulators, you are aware that architecture is a specialized occupation that requires specific education, an extensive internship, and a rigorous examination prior to licensure. Implementing legislation that categorizes architecture along with numerous other occupations thus poses challenges. In their rule-making powers, boards usually have some discretion to meet the dual intent of assisting military family's transition more easily to civilian life while protecting the public against unqualified designers of unsafe buildings.

For military spouses and military-trained persons, the legislation often calls for expedited licensure so long as the applicant holds a license to practice the occupation in another jurisdiction. With regard to architecture regulation, such legislation is consistent with the laws in several states that grant a reciprocal license based on existing licensure in another state that has been obtained based on equivalent or higher standards. Because all states have worked cooperatively through NCARB for so many years, it is fair to say that there is a common standard that virtually all U.S. jurisdictions now follow for initial licensure as an architect:

- Earning a degree from a National Architectural Accrediting Board (NAAB) program
- Completing the Intern Development Program (IDP)
- Passing the Architect Registration Examination (ARE)

This approach of relying on reciprocal architectural registration in another jurisdiction should not cause any diminution in public protection.

However, some forms of this legislation take matters one step further with language that on its face appears to ease the standards for those trained in the military who are transitioning out of service and into the private sector. This form of legislation does not require licensure in another jurisdiction, but instead only requires applicants to have:

- Completed a military program of training,
- Been awarded a military occupational specialty, and
- Performed in that specialty
- All at a level that is substantially equivalent to or exceeds requirements for licensure of the board in which the applicant is seeking a license.

Recent News:

[NCARB's 2012 Survey of Registered Architects](#)

[NCARB to Host Intern Think Tank](#)

[NCARB Broadens Opportunities to Earn IDP Hours](#)

[New Data From NCARB Reveals Key Trends in the Profession](#)

[2012 IDP Coordinators Conference: Sharing Best Practices](#)

ACADEMIC INTERNSHIPS AND CONSTRUCTION WORK

After review and comment by almost all of Member Boards, the Board of Directors voted to remove the 930-hour cap related to academic internships, and made the change retroactive to April 5. The Board also voted to allow construction work for supplemental experience for elective hours. The Council is in the process of updating its system and IDP-related materials and anticipates these changes will be implemented 15 November 2012. The Council would like to thank all boards that reviewed the proposed changes and submitted comments.

CE IMPLEMENTATION UPDATE (October 1, 2012)

Adopted (12)

- Arkansas
effective 1 July 2011
- Alabama
effective 21 November 2011
- North Carolina
effective 1 July 1998
- Colorado

As general legislation applicable to all military-trained persons seeking occupational licensing meaning in our case architects trained as such by the military the legislation does not refer to any requirements for completing a NAAB-accredited program, completing the IDP, or passing the ARE. But the legislation typically evidences a determination to protect the public's health, safety, and welfare by requiring that military-trained applicants meet levels of military training standards "substantially equivalent to or exceeding" the requirements for licensure of architects generally in the state. Having the "substantial equivalency" notion in the legislation is important so that architects trained by the military and architects trained outside of the military meet the same public protection standards. *Due to its potential to undermine these standards, it is imperative that boards be aware of and insist that "substantial equivalency" requirements for military training be included in this type of legislation.*

NCARB will work with any board requesting its help in reviewing proposed legislation and in developing regulations to implement any military-trained or military spouse legislation that has been enacted.

[Click here](#) to see where your state falls in this legislative trend. You can view a summary of the legislation in each jurisdiction. If your state is colored red, you should be especially cognizant that the effort will likely be before your state legislature in the near future.

Military Family Licensing Act: Recommendations

If the "Military Family Licensing Act" comes to your state, here are some recommendations:

Read the bill critically.

There is a good possibility that the bill has no negative impact on the architectural profession due to existing standards for reciprocity.

Collaborate with your AIA State Component Executive.

NCARB and AIA SGN have been collaboratively tracking and analyzing this issue at the national level over the past few months and are currently devising plans to assist individual jurisdictions with the adoption and implementation. A complete analysis and update of this trend will be presented at the MBC/MBE Conference in November.

Keep your eye out for legislation that does not require licensure in another jurisdiction as a prerequisite and only references military training and experience.

For example, the following provision was written into a state's Architect Practice Act:

- "An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the board determines that the military training or experience is not substantially equivalent to the standards of this state."

If you see this kind of attempt in your state, you'll want to ensure that you have either the "unless" provision included above; or even better, a provision that shifts the burden to the applicant instead of the state. For example, the provision above would have been better written as follows:

- "If an applicant with military training or experience demonstrates that the military training or experience is substantially equivalent

effective 1 January 2012

- Ohio
effective 1 January 2012
- Louisiana
effective March 2012
- Texas
effective April 2012
- Mississippi
effective May 2012
- South Dakota
effective July 2012
- Delaware
effective July 2012
- Utah
effective 30 July 2012
- Idaho
effective January 2014

In Progress/ Under Consideration (13)

- Arizona
- Florida
- Guam
- Iowa
- Massachusetts
- Maryland
- New Mexico
- Pennsylvania
- Puerto Rico
- Rhode Island
- Tennessee
- West Virginia
- Wyoming

Member Board Outreach: On the Road

Since June 2012, Council representatives including Ronald B. Blicht, NCARB President; Michael Armstrong, Chief Executive Officer; Kathy Hillegas, Director, Council Relations; and Derek Haese, Assistant Director, Member Board Relations have visited the following Member Boards:

- Arkansas State Board of Architects, Landscape Architects & Interior Designers
- Delaware Board of Architects
- Iowa Board of Architectural Examiners
- Maine State Board of Architects, Landscape Architects, & Interior Designers
- Massachusetts Board of Registration of Architects
- Texas Board of Architectural Examiners

to the standards of this state, then the experience and training requirements of this chapter will have been met."

Should you have any questions pertaining to this legislative initiative or need any assistance with the adoption of regulations to implement this legislation, please do not hesitate to contact Derek Haese, Assistant Director, Member Board Relations, at 202/495-7783 or via e-mail at dhaese@ncarb.org.

- Wisconsin Joint Board of Architects, Landscape Architects and Professional Engineers

If you would like to have NCARB visit with your board, please contact Kathy Hillegas, Director, Council Relations at 202/879-0540 or via e-mail at khillegas@ncarb.org. We look forward to visiting your board!

Intern Think Tank

On December 14-15, the National Council of Architectural Registration Boards (NCARB) is hosting its first Intern Think Tank in Washington, DC, to inform the future of internship and examine the current Intern Development Program's (IDP) implementation and effectiveness.

The Council Would Like Your Help!

Do you know an intern that is passionate about architecture, the profession, and enhancing the intern portion of the licensure process? If so, encourage him or her to apply for the Intern Think Tank!

Applications are due 9 November 2012.

We are looking for 12 intern volunteers. To be considered, interns will need to:

- Write a 300 word essay on the "Why Internship and Licensure Matter"
- Meet the following qualifications:
 - Unlicensed at the time of application, have at least six months of approved IDP experience (930 hours), and an active NCARB Record
 - Available to travel and meet 13-16 December 2012
 - Willingness and ability to participate in approximately five (5) conference calls and conduct up to 10 hours of research throughout the next year
 - Have not held an officer or other leadership position with any architectural collateral organizations (NCARB, AIA, AIAS, ACSA, or NAAB)

They must also list a reference from one of the following groups:

- An NCARB Member Board Executive or Member
- An AIA Component executive or officer
- An architect registered in a U.S. jurisdiction

References will only need to be available to answer questions about their intern applicant during the selection process (November 12-13) and do not need to submit anything at the time the intern submits his or her application.

[\[Learn more\]](#)

E-Source Resource Corner

Each publication of *e-Source* will contain a section in which NCARB will offer detailed information about one of our programs or services. To suggest programs or services you would like to see in an upcoming e-Source Resource Corner, please e-mail Derek Haese, dhaese@ncarb.org.

Alternative to the IDP for NCARB Certification

During the Annual Meeting and Conference in 1992, NCARB Member Boards officially adopted the Intern Development Program (IDP) as the experience requirement for NCARB certification. Following the conference, many jurisdictions amended their regulations to require the completion of IDP for initial licensure. However, not all Member Boards immediately adopted the IDP requirement as their experience requirement for licensure and, therefore, many architects did not have to formally complete IDP to gain their initial license. Understanding that not all licensed architects had to complete IDP for initial licensure, and the difficult nature of having to track down old supervisors to retroactively document internship experience years later to be qualify for NCARB certification, the NCARB membership adopted a formal alternative to the IDP based on licensed experience in 2010.

This formal alternative is outlined in section 2.3 of the [NCARB Certificate Guidelines](#) and is as follows:

2.3 Alternatives to the Experience Requirement

In lieu of completing the Experience Requirement identified in Section 1.3, NCARB will accept registration by an NCARB Member Board for at least five consecutive years together with a certification by the applicant that his or her experience as a registered architect met the intent of the IDP in each of the experience areas, and verification by one or more other architects that the applicant obtained such experience. This alternative shall not apply to applicants initially registered after 1 January 2011.

Architects with at least five (5) consecutive years of licensed practice can complete an "Alternative to IDP" form and certify that their experience as a licensed architect is the equivalent of completing IDP.

Things to Consider:

Does your Board require applicants whom did not have to complete the IDP for initial licensure to retroactively document their internship experience prior to applying for a reciprocal license in your jurisdiction?

Will your board accept this formal alternative to IDP for reciprocal registration?

Agenda Item F

ELECTION OF 2013 BOARD OFFICERS

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 Procedure Manual provides the following:

The Board president shall appoint a Nominations Committee prior to the last meeting of the calendar year and shall give consideration to 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. Notwithstanding the Nominations Committee's recommendations, Board members may be nominated from the floor at the meeting.

Board President Marilyn Lyon appointed herself and Jeffrey Heller as members of the Nominations Committee. The Committee recommends the following slate of officers for 2013 for the Board's consideration based on the qualifications, recommendations, and interest expressed by the Board members:

Sheran Voigt, President
Hraztan Zeitlian, Vice President
Pasqual Gutierrez, Secretary

Ms. Lyon and Mr. Heller will be presenting the recommended slate of officers to the Board for its consideration. The Board will be asked to vote on the recommendation.

Agenda Item G

SELECT THE 2012 OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD RECIPIENTS

The Board, at its September 2000 meeting, voted to establish an annual system for recognizing all of the volunteers who contribute to the Board and to grant a special award for distinguished service. The award was named the Octavius Morgan Distinguished Service Award, after the first Board President. The following guidelines for the award have been approved by the Board.

Purpose: To recognize and thank our committed volunteers on their efforts.

Criteria: Volunteers who, over a period of time, have provided the Board with outstanding and dedicated service. Potential winners would be committee or task forces members, exam commissioners, or others. Board members are eligible, provided they have served the Board five or more years in addition to their terms on the Board.

Number of awards: Three to five per year in order to spread the recognition.

Selection process: Board members and staff would nominate individuals. The Executive Committee would select three to five from the nominated persons. The names of those receiving awards would be announced at the December Board meeting.

Award: The Octavius Morgan Distinguished Service Award recipients would be sent an appropriate item of recognition and would be recognized in the newsletter.

The following individuals have been recipients of the award:

2011 – Denis Henmi, Phyllis A. Newton, and Richard R. Tannahill
2010 - Wayne Holtan, Arlee Monson, and John Petrucelli
2009 - Richard Cooling, Richard Dodd, Morris Gee, and Larry Segrue
2008 - Chad R. Overway, Eric H. Jacobsen, and Bruce L. Macpherson
2007 – John Canestro, Gerald Cole, and Michelle Plotnick
2006 - Allan Cooper, Robert George, and Richard Holden
2005 - Andrew Barker, Robert DePietro, and Paul Neel

2004 - Jim Jordan, Larry Paul, P.K. Reibsamen, and Merlyn Isaak
2003 - Carol Tink-Fox, Jim McGlothin, and Ron Ronconi
2002 - Glenn A. Gall, Lucille M. Hodges, RK Stewart, and Richard T. Conrad
2001 - George Ikenoyama, Fred Yerou, Richard Crowell, Jack Paddon, and Cynthia Easton
2000 - Charles J. Brown, Mackey W. Deasy, and Barry Wasserman

Board members, committee chairs, and staff were asked to submit 2012 nominations for the Board's consideration. A list of recommended awardees will be provided to the Board at the December meeting for its consideration. The Board is asked to approve this year's selection(s) for the Octavius Morgan Distinguished Service Award from the list of recommended individuals.

Agenda Item H

CLOSED SESSION – DISCIPLINARY DECISIONS AND EXAM DEVELOPMENT ISSUES [CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126(C)(1) and (3)]

There are no items to be considered in closed session as of November 28, 2012.

Agenda Item I

DISCUSS AND POSSIBLE ACTION ON BOARD AND NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) EXAMINATION SECURITY/CONFIDENTIALITY POLICIES, INCLUDING BUSINESS AND PROFESSIONS CODE SECTION 123

The American Institute of Architects, California Council (AIACC) asked the Board to place an item on the agenda for the March 2012 meeting in order to discuss concerns regarding NCARB's and the Board's security and confidentiality policies/requirements for the Architect Registration Examination (ARE) and California Supplemental Examination (CSE).

The AIACC provided these concerns:

- The focus on overly broad security and confidentiality requirements for NCARB's ARE and the Board's CSE are hindering the mentoring efforts of the profession.
- Candidates concerned about sanctions for violating the confidentiality agreement that they are required to sign provided by the examination vendor are hesitant to share information with their mentor that could be useful in assisting them with their path to licensure.
- Is the focus on security hindering candidates from achieving licensure?

Board members, at their March 2012 meeting, discussed AIACC's concerns and the possible need to assist candidates in determining to what extent the examination can be discussed with mentors. They were also advised this issue was going to be considered by NCARB's Board of Directors (BOD) at its next scheduled meeting. The Board requested any information from the next BOD meeting be reported at its June 2012 meeting.

The Board again discussed the issue of examination security/confidentiality policies pertaining to the ARE and CSE at its June 2012 meeting. It was reported the issue had been considered by the BOD and that they were not amenable to changing their current security agreement language

after consulting with their legal counsel. However, it was noted the BOD did acknowledge a need to find a mechanism to better communicate interns' options related to discussing examination content with their mentors.

California's statute on examination security (Business and Professions Code section 123) is not as broad in its scope as NCARB's policy (which prohibits discussion of examination content with anyone), and takes into consideration an intern's intent. Therefore, the act of an intern discussing issues, concerns, or difficulties related to the examination with their mentor would not typically constitute subversion under California law. The Board members agreed that the issue should be discussed further with the BOD. Legal Counsel, Don Chang, was asked to draft a summary of California law on examination security, which could be shared with the BOD during future discussions.

Board members, at the September 2012 meeting, continued the discussion on the extent to which candidates and mentors may discuss the ARE during test preparation. Jon Baker forwarded Mr. Chang's opinion to the BOD for their consideration. He reported that after further discussion between the BOD and their legal counsel it was still determined the security language should not be modified. Mr. Baker also said the BOD could sympathize with candidates and that it was not their intention for the security policy to interfere with the learning and preparatory processes of interns and their mentors. The Board requested the issue be kept in the forefront of the BOD's considerations until an amicable resolution is reached.

The Board will be provided with an update and/or additional information with regard to this issue.

Attachments

1. Department of Consumer Affairs (DCA)/Legal Affairs Memorandum on California Examination Security dated August 27, 2012
2. ARE Guidelines, July 2011 edition, page 4 – Exam Content Confidentiality
3. ARE Guidelines, July 2011 edition, page 18 – Examination Security
4. NCARB website information regarding exam security, confidentiality agreement, and other applicable policies and procedures
5. Board's Security of Examination Notice (includes General Provisions of the Business and Professions Code pertaining to examination security)
6. DCA/Office of Professional Examination Services' (OPES) Departmental Procedures Memorandum on Examination Security, DPM-OPES 10-01
7. OPES Examination Security, Informational Series No. 5
8. PSI & DCA Security Policy/Agreement



MEMORANDUM

DATE	August 27, 2012
TO	Doug McCauley, Executive Officer California Architects Board
FROM	 Don Chang, Assistant Chief Counsel Legal Affairs
SUBJECT	Examination Security

The California Architects Board ("Board") has asked what are the limitations or prohibitions that candidates are subject to when taking the California Supplemental Examination.

Section 123 of the Business and Professions Code (all section references are to that Code) addresses examination subversion. It provides:

"It is a misdemeanor for any person to engage in any conduct which *subverts or attempts to subvert* any licensing examination or the administration of an examination, including, but not limited to:

(a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.

(b) Communicating with any other examinee during the administration of a licensing examination; copying answers from another examinee or permitting

one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf.

Nothing in this section shall preclude prosecution under the authority provided for in any other provision of law.

In addition to any other penalties, a person found guilty of violating this section, shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars (\$10,000) and the costs of litigation.

(c) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable."

Thus, section 123 prohibits conduct which subverts or attempts to subvert a licensing examination.

"Subvert" is defined as "a: to bring to nothing, destroy or greatly impair the existence, sovereignty, influence wholeness of, esp. by insidious undermining...b: to make invalid or futile ..." *Websters Third International Dictionary* 1993 page 2281.

Accordingly, the examples of conduct enumerated in section 122 which are considered to constitute examination subversion, such as, the reproduction of portions of the examination, must be for the purpose of invalidating the integrity of the examination. Where a candidate talks to his or her mentor regarding difficulties that he or she encountered on the examination for the purpose identifying areas of weakness that require further work and experience, we do not believe such an individualized use would be actionable under section 123. Conversely, where a candidate memorizes questions and gives those questions to an examination preparation school for its use in training students to take the examination, such conduct undermines the ability of the examination to evaluate the knowledge, skills and abilities of the candidate and would be subject to the provisions of section 123. Section 123 is directed at action which affects the validity and integrity of a licensing examination as a means of measuring a candidate's knowledge, skills and abilities in protecting the public health safety and welfare.

ARE[®] 4.0 Overview

What is the ARE?

EXAM CONTENT CONFIDENTIALITY

Benefits of NCARB
Certification

Key Organizations

Exam Content
Confidentiality

Using the ARE 4.0
Study Aids

Units, Standards,
and Terms

Rolling Clock and
Maintaining Eligibility

Scheduled
Appointment Times

Six Steps to
Completing
the ARE

Multiple-
Choice
Sections

Graphic
Vignette
Sections



Structural Systems

CONFIDENTIALITY AGREEMENT

- **UNDERSTAND** that all content of the Architect Registration Examination[®] (ARE[®]) is confidential and subject to U.S. copyright laws, and that this Agreement is intended to be a binding agreement between me and the National Council of Architectural Registration Boards (NCARB). By clicking "I Accept" and entering into this Confidentiality Agreement with NCARB, **AGREE** that any action to enforce this Confidentiality Agreement and/or for infringement of NCARB's copyright of the ARE may be commenced in or transferred to the United States District Court (or other court of competent jurisdiction) where NCARB's principal office is located, which currently is the District of Columbia, and I hereby consent to the personal jurisdiction of such court.
- **AGREE** that I will not disclose to anyone by the internet or through any other means—electronic, written or verbal—the substance or details of any test questions, vignettes or other graphics and/or alleged answers. Disclosure includes, but is not limited to, any attempt to use devices such as cameras, audio or scanners to record or transmit test content at or from the testing room. Disclosure also includes any attempt, including internet website and chat room postings, to reproduce, paraphrase, summarize or describe any test content from memory after leaving the testing room. Improper disclosure includes both the initial disclosure by me and the further dissemination by me of ARE test content disclosed by others, and **AGREE** that I will not disclose ARE content that others may have disclosed, nor will I obtain or seek to obtain ARE test content from others.
- **UNDERSTAND** that a violation of this Confidentiality Agreement may result both in civil liability to NCARB for its costs and monetary damages, which may be substantial, and in disciplinary actions taken against me by NCARB and by my local Board of Architecture. **UNDERSTAND** that such disciplinary action may include, without limitation, suspension of my ARE test taking privileges, cancellation of my ARE scores and my inability to obtain future NCARB Certification or to become registered as an architect.

I have read and understand the above Confidentiality Agreement in its entirety.

I ACCEPT

I DECLINE

All NCARB tests are held in strict security and confidence. Before beginning your test, you will be required to accept a confidentiality statement, which prohibits any disclosure of exam content.

By taking divisions of the ARE, you are personally responsible for maintaining the confidentiality of all information relating to the exam. You may not discuss exam content in any manner with anyone, including but not limited to family, friends, other

examinees, and test preparation providers. This agreement also covers Internet chat rooms, mailing list servers, websites, etc. Following completion of your exam, you will also be reminded of your acceptance of the confidentiality statement that you accepted prior to commencing the exam. **Any disclosure of ARE content is strictly prohibited and may result in severe disciplinary action, including the suspension of testing privileges, and/or the cancellation of scores.**

NCARB Board of Directors Policy Regarding Cheating

For further details and to review the Policy and Procedure for testing irregularities visit the NCARB website <http://www.ncarb.org/ARE/Taking-the-ARE/Exam-Security/Policy-and-procedures-for-testing-irregularities>

Six Steps to Completing the ARE

1. Verifying Your Information

2. Paying for the ARE

3. Scheduling an Appointment

4. Taking the ARE

5. Receiving Your Score

6. Retaking the ARE

ARE 4.0 Overview

Multiple-Choice Sections

Graphic Vignette Sections



STEP 4: TAKING THE ARE

Examination Security

To ensure the integrity of the ARE program, specific security measures are enforced during the administration of your examination.

All NCARB tests are held in strict security and confidence.

Before beginning your test, you will be required to accept a Confidentiality Agreement, which prohibits any disclosure of exam content. (A copy of the Confidentiality Agreement can be found on [page 4](#).)

No test material can be copied or removed from the test center.

You are required to sign the test center registration log each time you enter or leave the testing room. As of June 2011, Prometric requires all candidates to be scanned by a hand-held metal detector prior to each entry into the testing room, including returns from breaks. All candidates will be required to submit to the scans, with few exceptions. Candidates refusing to be scanned may not be permitted to test.

You will not be able to refer to notes, language translation dictionaries, or reference materials during the administration of your exam.

You will be observed at all times while taking the examination. This may include direct observation by test center staff, as well as audio and video recording of your examination session.

You are required to leave all personal belongings outside the testing room. Candidates will not be allowed to take anything into the testing room other than those items given to them by the test center administrator (such as pencils, scratch paper, earplugs), and their identification documents (e.g., driver's license, passport).

Prohibited items will not be allowed into the testing room. They include, but are NOT limited to, the following: weapons, pagers, **cellular telephones**, **personal digital assistants**, recording devices, photographic devices, digital watches, **calculators**, briefcases, laptop computers or computer bags, handbags/purses, wallets, books, outerwear (coats, hats, sweatshirts), food, beverages, personal contents in pockets, pens, and other writing implements not given to the candidate by the test center administrator.

Small lockers are provided for candidate use to secure purses, wallets, keys, cellular telephones, pagers, etc. Lockers will NOT accommodate briefcases, laptop computers, or large purses and bags. Do not bring large items (bags, textbooks, notebooks, etc.) to the testing center. Test center staff will not take responsibility for these items; you will be asked to remove large items from the testing center.

Waiting areas at the test center are for candidates only. Friends or relatives who accompany you to the test center will not be permitted to wait in the test center or contact you while you are taking the examination.

Tips

- ▶ Verify that the name printed on your *Authorization to Test* letter is accurate and matches the name printed on your identification. If your name is incorrect, immediately contact your Board of Architecture.
- ▶ When you arrive at the test center, you are required to present an approved form of identification.
- ▶ The name on the ID must match the name on the *Authorization to Test* letter.
- ▶ You will not be admitted to the examination without the proper form of ID, and there will be no refund of your test fee.

[ARE 4.0 Divisions](#)[At the Test Center](#)
[ARE Exam Fees](#)
[EXAM SECURITY](#)[Ready to Take the ARE?](#)
[Receiving Your Score](#)
[ARE ROLLING CLOCK](#)[Scheduled Appointment Times](#)
[Whom Should I Contact If...](#)

EXAM SECURITY

All NCARB tests are held in strict security and confidence and are protected by U.S. copyright laws. Before beginning your test, you will be required to accept NCARB's Confidentiality Agreement, which prohibits any disclosure of exam content.

All candidates will be scanned by a hand-held metal detector prior to each entry into the testing room, including returns from breaks. All candidates will be required to submit to the scans, with few exceptions. Candidates refusing to be scanned may not be permitted to test.

You are not allowed to:

- Copy or remove test materials from the test center.
- Refer to notes, language translation dictionaries, or reference materials during the administration of your exam.
- Bring cell phones, personal digital assistants (PDAs), calculators, weapons, pagers, recording devices, photographic devices, digital watches, briefcases, laptops, purses, wallets, books, outerwear (coats, hats, sweatshirts), food, beverages, and personal contents in pockets into the test center.

Small lockers are provided for candidates use to secure purses, wallets, keys, cell phones, etc. Lockers will not accommodate large items such as laptops, briefcases, etc.

For more information on exam security see the links below and the [ARE 4.0 Guidelines](#).

[Confidentiality Agreement](#)[NCARB Board of Directors Policy Regarding Cheating and Disclosure](#)[NCARB Board of Directors Policy and Procedures for Test Irregularities](#)[December 2008 Message to ARE Candidates from Director, ARE Erica Brown](#)

RELATED CONTENT

[NCARB Looks at Exam Security](#)

A quiet phenomenon has begun to take shape in computer-based test centers and Internet chat rooms across the United States: A small but growing number of candidates are willfully attempting to circumvent established guidelines surrounding exam security by disseminating test content. Candidates for the Architect Registration Examination (ARE) are no exception.

[\[more\]](#)

[Defining Your Moral Compass](#)

For interns approaching the threshold of their career as a licensed architect, staying true to their moral compass is critical to the health, safety, and welfare of the public they serve.

[\[more\]](#)

[NCARB BOD Takes Action Against ARE Confidentiality Agreement Violators](#)

Recently, eight ARE candidates had their testing privileges suspended and scores cancelled for posting exam content and/or questions on the internet.

[\[more\]](#)

[NCARB Announces ARE Security and Development Fee](#)

NCARB will increase the fees for the Architect Registration Examination® (ARE®) by \$40 per division effective 1 October 2009. The increase is due to recent incidents of exam content disclosure by ARE candidates.

[\[more\]](#)

Exam Security

**NCARB Board of Directors
Policy Regarding Cheating and
Disclosure
Policy and Procedures for
Testing Irregularities
NCARB Confidentiality
Agreement
A Message from NCARB to all
ARE Candidates**

NCARB CONFIDENTIALITY AGREEMENT

You are personally responsible for maintaining the confidentiality of all information relating to the exam. You may not discuss exam content in any manner with anyone, including but not limited to family, friends, other examinees, and test preparation providers. This agreement also covers internet chat rooms, mailing list servers, web sites, etc.

Following completion of your exam, you will also be reminded of your acceptance of the confidentiality statement that you accepted prior to commencing the exam. Any disclosure of ARE content is strictly prohibited and may result in severe disciplinary action, including the suspension of testing privileges, and/or the cancellation of scores.

Candidates found to have violated the Confidentiality Agreement are referred to NCARB's Committee on Professional Conduct. The Committee reviews each case and then recommends a disciplinary action. The cases are then forwarded to the NCARB Board of Directors for review and final disciplinary action. All disciplinary actions taken by the Board of Directors are final and become a part of each individual's permanent NCARB Record. Individual candidates may also be subject to additional disciplinary measures from their state board.

When exam content is disclosed, NCARB works with our test consultant, Prometric, to determine the impact on the exam. If NCARB finds that it is necessary to remove (or turn off) content, the ability to continuously deliver the ARE is seriously jeopardized. There are also significant financial ramifications that will be passed on to all candidates because of the need to replace the exposed content and retain attorneys to defend the exam's copyright and integrity.

[Exam Security](#)

[NCARB Board of Directors Policy Regarding Cheating and Disclosure](#)
[Policy and Procedures for Testing Irregularities](#)
[NCARB Confidentiality Agreement](#)
[A Message from NCARB to all ARE Candidates](#)

NCARB BOARD OF DIRECTORS POLICY REGARDING CHEATING AND DISCLOSURE

NCARB staff and legal counsel are authorized to investigate alleged cheating and attempts to disclose the substance of ARE questions and to take appropriate action. Such action may include holding scores and suspension of future ARE testing privileges pending resolution of the matter and, with the approval of the president, commencing legal action against any person threatening the integrity of the ARE.

Further action may include referral of the matter to the Council's Committee on Professional Conduct for its recommendation to the Board of Directors. Such recommendations may include the cancellation of ARE scores and the suspension of future ARE testing for up to three years from NCARB's discovery of the incident, or such longer period as may be warranted in exceptional circumstances; and in appropriate circumstances seeking recovery of costs and civil damages in a court of law.

The Member Board making the individual eligible for the ARE shall be informed of NCARB's action and that such action shall be retained in records maintained by NCARB.

RELATED CONTENT

[ARE Guidelines](#)

Updated July 2011! The ARE 4.0 Guidelines is essential reading for anyone preparing for or taking the Architect Registration Examination® (ARE®).
[\[more\]](#)

Exam Security

NCARB Board of Directors
 Policy Regarding Cheating and Disclosure
 Policy and Procedures for Testing Irregularities
 NCARB Confidentiality Agreement
 A Message from NCARB to all ARE Candidates

POLICY AND PROCEDURES FOR TESTING IRREGULARITIES

Per Board of Directors – April 2009

The following policy has been established by NCARB's Board of Directors to provide procedures in the event of Architect Registration Examination® testing irregularities. The Board anticipates that these procedures will be applicable to most of the irregularities described. Nevertheless, the Board reserves the right in particular instances to impose any sanction it believes appropriate for testing irregularities, either more or less than those noted below. Action taken by the NCARB Board of Directors is final. In addition, if the individual subsequently seeks NCARB Certification, the matter will be considered in deciding whether or not to grant NCARB Certification.

The ARE® is copyrighted and at the time each candidate takes the ARE, he or she also enters into a confidentiality agreement pledging, among other things, not to disclose any ARE questions or their content. Disclosure of test questions or content is cheating as well as a violation of NCARB's copyright and the confidentiality agreement. In addition to the sanctions described below, where warranted NCARB will pursue all legal remedies available to recover monetary damages caused by such conduct and to enjoin violations of its rights with respect to the ARE.

Upon discovery of any testing irregularity in any category below, the NCARB staff shall have the authority to place a 'hold' on pending scores and all open exam authorizations to test and cancel any scheduled exam(s) pending further investigation, review by the Professional Conduct Committee, and action by NCARB's Board of Directors (if applicable). In the event that no action is taken or only a warning letter is issued, NCARB will reopen any closed authorizations to test and assist the candidate in rescheduling the canceled exam(s) at no additional cost to the candidate.

If any action results in the dissemination of ARE content, the action will be classified under category four below.

Procedures for Testing Irregularities

Category 1 Unauthorized Access to Devices or Materials Outside Testing Room – Electronic devices and written materials may not be accessed at any time during the examination appointment, except for persons testing under approved special accommodations conditions. Any other personal items (not including electronic devices and written materials) placed in lockers or other storage areas outside the testing room may be accessed by candidates ONLY during a scheduled break. A report will be filed identifying any candidate observed accessing unauthorized electronic devices or written materials during any scheduled or unscheduled break.

The consequences may be any or all of the following:

- Issue warning letter to candidate.
- Cancellation of score for the division.
- Suspension of test taking authorization for all divisions for up to 1 year from date of test administration.

Notification of action taken will be forwarded to the candidate and the candidate's board.

Category 2 Presence of Unauthorized Devices or Materials in Testing Room – No electronic or other devices whatsoever (whether in the "on" or "off" position) and no written materials of any kind are permitted in the testing room, except for persons testing under approved special accommodations conditions. Prohibited devices include, but are not limited to, calculators, cell phones, pagers, personal digital assistants, text messaging devices, audio or video recording devices, scanners, language translators, and other devices. Prohibited written materials include, but are not limited to, any notes, books or written material whatsoever, whether or not related to the ARE. *No devices or written materials should be taken into the testing room, even if they are not used or referred to. If they are observed being used or referred to in the testing room, then such conduct is a more serious matter that is addressed under Category 3.*

The consequences may be any or all of the following:

- Confiscation of unauthorized devices or materials by Test Center Administrator.
- Issue warning letter to candidate.
- Cancellation of score for the division.
- Suspension of test authorization for all divisions for up to 1 year from date of test administration.

Notification of action taken will be forwarded to the candidate and the candidate's board.

Category 3 Use of Unauthorized Devices or Materials in Testing Room – The use of or reference to any device or any written materials in the testing room is strictly prohibited (other than as authorized for persons testing under approved special accommodations conditions) and will conclusively be presumed to be for purposes of assistance on the ARE.

The consequences may be any or all of the following:

- Confiscation of unauthorized devices or materials by Test Center Administrator.
- Immediate dismissal from the test center.
- Issue warning letter to candidate.
- Cancellation of score for the division.
- Suspension of test taking authorization for all divisions for up to **5 years** from date of test administration, or **such longer period as may be warranted in exceptional circumstances.**
- Prohibit granting of an NCARB Certificate for up to 3 years from date of initial registration, or **such longer period as may be warranted in exceptional circumstances.**

Notification of action taken will be forwarded to the candidate and the candidate's board.

Category 4 Dissemination of ARE Content – Disclosure to anyone by the internet or through any other means—electronic, written or verbal—of the substance or details of any test questions, vignettes or other graphics and/or alleged answers is strictly prohibited. Disclosure includes, but is not limited to, any attempt to use devices such as cameras, audio, or scanning devices to record or transmit test content at or from the testing room. Disclosure also includes any attempt, including internet web site and chat room postings, to reproduce, paraphrase, summarize, or describe any test content from memory after leaving the testing room, whether by means of a recitation or description of the content or details of any test question, the depiction or description of vignettes or other graphic representations of test questions, the description or depiction of alleged answers to written or graphic questions, or other means. Improper disclosure includes both the initial disclosure by a test taker and the further dissemination of ARE content by others. *Simply put: whatever is seen on the ARE should not be repeated, paraphrased, summarized, or described in any manner whatsoever.*

These prohibitions on disclosure also apply to forwarding, re-posting, or other disclosure of ARE content that others have disclosed. *Simply put: if someone else purports to disclose what he or she saw on the ARE, no one else should forward, re-post, or otherwise disclose that information.*

The consequences may be any or all of the following:

- Confiscation of unauthorized devices or materials by Test Center Administrator.
- Immediate dismissal from the test center.
- Issue warning letter to candidate.
- Cancellation of score(s) for the division(s) disseminated and any subsequent division(s) taken prior to the end of any period of test authorization suspension.
- Suspension of test taking authorization for all divisions for up to **5 years** from date of discovery of dissemination or 30-day response letter, or **such longer period as may be warranted in exceptional circumstances.**
- Prohibit granting of an NCARB Certificate for up to **3 years** from date of initial registration, or **such longer period as may be warranted in exceptional circumstances.**

Notification of action taken will be forwarded to the candidate and the candidate's board.

Category 5 Seeking ARE Content – A candidate or anyone else who willfully obtains or seeks to obtain ARE test content disclosed by others is also subject to sanctions. Simply put: candidates should not seek an unfair advantage by seeking or obtaining ARE test content in preparing for their examination or in an attempt to assist other candidates.

The consequences may be any or all of the following:

- Issue warning letter.
- Cancellation of score(s) for the division(s) disseminated and any subsequent division(s) taken prior to the end of any period of test authorization suspension.
- Suspension of test authorization for all divisions for up to **5 years** from date of discovery of dissemination or 30-day response letter, or **such longer period as may be**

warranted in exceptional circumstances.

- Prohibit granting of an NCARB Certificate for up to 3 years from date of initial registration, or **such longer period as may be warranted in exceptional circumstances.**

Notification of action taken will be forwarded to the candidate and the candidate's board.

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Exam Security

NCARB Board of Directors
Policy Regarding Cheating and Disclosure
Policy and Procedures for Testing Irregularities
NCARB Confidentiality Agreement
A Message from NCARB to all ARE Candidates

A MESSAGE FROM NCARB TO ALL ARE CANDIDATES

NCARB's mission is to protect the health, safety, and welfare of the public by assuring that those licensed as architects meet the qualifications to practice independently. The ARE is one tool we utilize to serve our mission.

All NCARB exams are created under strict security and held in confidence. All exam questions and vignettes are also registered under the U.S. Copyright Act. Before beginning any test, you are required to accept a "Confidentiality Agreement," which prohibits any disclosure of exam content.

As you may have heard, several candidates have recently been contacted regarding ARE Forum posts that have crossed the line from "helping" to divulging content from the exam. Some candidates have received a warning letter from me. Others are being referred to the NCARB Committee on Professional Conduct (PCC). This Committee will review each incident and make a disciplinary recommendation to the NCARB Board of Directors. Depending on the severity of the disclosure, these candidates may have their exam score canceled and/or all of their eligibilities suspended for six months to three years or more. In addition, the disciplinary action is reported to the candidate's registration board. In the past three years, there have been eight cases heard by the PCC related to examination discipline. The candidates affected have had testing privileges suspended and scores canceled for dissemination of exam content. **At the next PCC meeting, there will be eight cases being reviewed related to candidates posting inappropriate content on the ARE Forum.**

For the first time in ARE history, we have felt it necessary to "turn off" some of the content that has been disclosed on this web site. The amount of information exposed was so severe that we no longer feel confident that a candidate who receives these questions or vignettes is being accurately evaluated for competency. Where the exposure is substantial, NCARB is now forced to expend significant sums replacing examination questions that can no longer be used because of this exposure; **we can and will exercise all of our legal rights to recover our damages from those who exposed the content.** In addition to violations of their "Confidentiality Agreement," individuals would also be charged with civil violations of the U.S. Copyright Act.

I am sure you are thinking, "Why do I care about this? I just want to get my exams done." Well, here are **four reasons why you should care**:

- The ARE depends on a pool of items from which we create every exam. This pool is limited. Every time we have to remove an item from the pool, it reduces our ability to protect the integrity of the exam. If enough content is divulged by candidates, **we will be forced to stop delivering an entire division for a significant period of time to protect the content and this could, under certain circumstances, delay everyone's ability to complete the ARE.**
- Many candidates have asked why we have a six-month wait to retake a failed division. A waiting period protects the pool of items as you are never allowed to see the same version of a division if you retest. Thanks to your fellow candidates who did not abide by the "Confidentiality Agreement," we have now been forced to turn content off. If divulging content continues, **we will be forced to lengthen the re-take waiting period.**
- The development and operational costs to deliver the ARE in computer based format are significantly higher than the income we receive from candidates who are testing. A large portion of the development and operational costs of the ARE is actually subsidized by NCARB Record holders. If we need to replace compromised content, **NCARB will consider passing this expense on to our candidate population.**
- The ARE is, likely, the last component needed for you to receive your license to practice. NCARB is not here to keep people out of the profession. However, it is our responsibility to accurately assess the competence of all who attempt to become licensed. If a person passes the ARE due to studying actual exam content on a web site, and not because they are truly competent, we are not providing our mandated responsibility to the public and a needed service to the profession.

ARE candidates utilize various tools to prepare for the examination. The ARE Forum is one of many. It is only human to want to help your fellow interns through the process. Next time you sit down to write a review of your most recent exam division, please remember that there is a fine line between "helping" and "cheating."

"Helping" means:

- Sharing what study guides you used;
- Discussing concepts highlighted in study material;
- Reviewing graphic solutions to the NCARB Practice Program and noting obvious errors;
- Supporting each other and celebrating each other's success.

"Cheating" means, quite simply, discussing with others anything that you saw on your exam. This includes:

- Identifying terms or concepts contained in exam questions;
- Sharing answers to questions you had on your exam;

RELATED CONTENT

NCARB BOD Takes Action Against ARE Confidentiality Agreement Violators

Recently, eight ARE candidates had their testing privileges suspended and scores cancelled for posting exam content and/or questions on the internet.

[\[more\]](#)

NCARB Announces ARE Security and Development Fee

NCARB will increase the fees for the Architect Registration Examination® (ARE®) by \$40 per division effective 1 October 2009. The increase is due to recent incidents of exam content disclosure by ARE candidates.

[\[more\]](#)

NCARB Member Boards Approve Four Resolutions at Annual Meeting

All 54 of the NCARB's Member Boards were present in Chicago, IL, for the Council's 90th Annual Meeting and Conference. Attendees heard updates on the Architect Registration Examination® (ARE®) content disclosure issues, changes to the Intern Development Program (IDP), and plans for the new NCARB web site.

[\[more\]](#)

- Referring others to “check out” information you saw on your exam;
- Identifying program elements including building names, building heights, setbacks, parking requirements, etc... and code requirements from your graphic vignettes;
- Asking others to repost content that has been removed from the ARE Forum, or any other web site.

Doing any of the above risks having your exam score(s) canceled, eligibilities suspended and significantly (if not permanently) delaying your architectural registration. **It also could expose you to legal action.** In short, if you follow the guidelines above, you will not hear from me in the future. If you do not abide by the rules set forth in the “Confidentiality Agreement,” you will be hearing from me.

If you have any doubts about what you are posting, don’t post it. If you have any questions about what is acceptable to post, please contact us at are@ncarb.org.

Sincerely,
Erica Brown, AIA
Director, Architect Registration Examination
National Council of Architectural Registration Boards

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Edmund G. Brown Jr.
GOVERNOR

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Security of Examination (Confidentiality)

California law authorizes State agencies to maintain the security of their licensing examinations. Section 123 of the Business and Professions Code makes it a misdemeanor for any person to subvert or attempt to subvert any licensing examination or the administration of an examination. A person found guilty of these actions is liable for the actual damages sustained by the agency administering the examination, not to exceed \$10,000 and the costs of litigation. Section 123.5 provides that the superior court may issue an injunction restraining such activity, and Section 496 provides that the Board may deny, suspend, revoke or otherwise restrict the license of an applicant or a licensee who has violated this section. The complete provisions of Sections 123, 123.5, and 496 are on the reverse side of this form.

A violation of Section 123 may disqualify the candidate, and the California Architects Board may initiate appropriate administrative action to deny issuance of a license. If you have any questions regarding these or any other provisions of law regarding architectural practice, please contact the Board at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834, (916) 574-7220.

The following sections of the Business and Professions Code were enacted to ensure that state agencies can maintain the security of their exams.

§ 123. Subversion of Licensing Examinations - Misdemeanor

It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:

- (a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.
- (b) Communicating with any other examinee during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf.

Nothing in this section shall preclude prosecution under the authority provided for in any other provision of law.

In addition to any other penalties, a person found guilty of violating this section, shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars (\$10,000) and the costs of litigation.

- (c) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

§ 123.5 Engagement in Practices Constituting a Violation Under § 123; Injunction or Restraining Order

Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of Section 123, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of a board, the Attorney General or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other provision of law.

§ 496. Denial, Suspension; or Violation of § 123; Revocation of License

A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to subversion of licensing examinations.

DEPARTMENTAL PROCEDURES MEMORANDUM



DISCIPLINE	Office of Professional Examination Services
SUBJECT	Examination Security
NUMBER	DPM-OPES 10-01
SUPERCEDES	NEW
ISSUE DATE	April 8, 2010

PURPOSE

This Departmental Procedures Memorandum (DPM) establishes standards and provides guidance for the security of licensing examination programs.

APPLICABILITY

This memorandum applies to all employees, governmental officials, consultants, and temporary staff of the Department of Consumer Affairs (DCA), and any of its divisions, bureaus, boards, programs, and other constituent agencies.

AUTHORITY

Business and Professions (B&P) Code sections 123, 123.5, and 496
 Penal Code section 496c

BACKGROUND

It is the policy of DCA that all DCA information shall be protected from unauthorized access, use, modification, disclosure, or destruction. The Office of Professional Examination Services (OPES) recognizes that the security of licensing examinations is critical to the mission of DCA in serving the interests of California consumers. Based on the B&P Code provisions listed above in "Authority," this DPM provides standards and guidelines specific to the development and maintenance of a comprehensive examination security plan.

PROCEDURES

Roles and Responsibilities

Anyone accessing examination material is responsible for protecting that information according to his or her role(s):

- The information **owner** is the designated program executive or manager responsible for making classification and control decisions regarding the examination (e.g. boards, bureaus, DCA employees, etc.)
- The **custodian** is any person or organizational unit acting as a caretaker of an examination (e.g. exam developers, consultants, contractors, vendors, etc.)
- The **user** is anyone with access to examination material (e.g. proctors, candidates, candidate assistants, and subject matter experts, etc.)

Access Control

Every person granted access to examination material shall be provided a copy of this DPM, and shall be required to sign a security agreement, which includes a copy of the relevant B&P Code sections (Appendix A). Access to or transferal of examination material will only be allowed on a need-to-know basis at all access levels—owner, custodian, or user. All access or transferal shall be documented in order to record chain of custody.

Physical Security

- All examination material shall be properly stored in a secure area from the time it is created until the time it is destroyed. All materials not essential for future reference shall be destroyed (e.g. shred paper documents and/or physically destroy electronic media that cannot be securely overwritten).
- Every person handling examination material shall have access to a secure area for storage.
- Access to any area containing examination material shall be physically restricted to only those persons authorized by the owner, or his or her designee.
- Any entity contracted for printing, reproducing, storing, and/or shipping examination material will be instructed to follow protocols for confidential handling, including requiring official signature(s) for inventory control and/or release.
- Certain items—such as electronic devices, calculators, writing instruments, reference materials, purses, clothing, and food and beverage containers—that present a security risk to or can be used to subvert the examination shall be restricted during examination-related workshops or examination administration.
- Subject matter experts shall present valid identification, sign a security/confidentiality agreement, and secure personal belongings during examination workshops.

Electronic Security

- Electronic records containing examination material shall be stored on network file servers. Examination material may not be stored on local workstation hard drives, Web servers, privately owned computer equipment, publicly accessible computers, or portable electronic media (i.e. floppy disks, CD/DVD/USB devices).
- Computer systems storing examination material shall contain controls that protect the security and integrity of the information; including user IDs and passwords; audit controls such as failed login attempts; security monitoring for malware; and physical security that restricts access to computer systems.
- Desktop and laptop computers used to access examination material shall be encrypted using strong cryptography and security protocols that are compliant with the most current Federal Information Processing Standards (FIPS) issued by the National Institute of Standards and Technology (NIST).
- Computer monitors used to display examination material shall be positioned in a manner such that the material is not visible to unauthorized viewers. An active terminal with access to examination material shall be password protected and never left unattended.

Examination Administration

- Facilities selected for test sites shall be inspected for potential security issues and audited as required by OPES.
- Physical and electronic security standards described above shall also be followed in facilities used for examination administration.
- The Department shall take preventative measures to anticipate sophisticated electronic devices used to subvert examinations; i.e. easily concealed cameras, transmitters, recorders, and wireless devices, etc.
- Contracted computer-based testing vendors shall request approval from the owner of the examination material before entering into any agreements or discussion with a third party concerning that material.
- Proctors should be assigned according to the number of candidates:
 - Written paper and pencil exams – ideally a ratio of one for every 20-30 candidates, with a minimum of two proctors.
 - Computer-based testing – sites with eight-seat capacity shall require one proctor; sites with sixteen-seat capacity shall require a minimum of two proctors at all times; sites with thirty-seat capacity or more shall require a minimum of three proctors.
- Candidates and candidate assistants shall present valid identification, sign a security/confidentiality agreement, and secure personal belongings during the examination administration.
- Candidate assistants (readers, markers, and interpreters) shall be requested by the candidates and approved in advance by the owner.

Legal Issues

- Any and all suspected or actual breaches of examination security should be investigated and reported to the appropriate authorities, i.e. owner, custodian, or administrator.
- Persons who subvert or attempt to subvert any licensing examination or the administration of an examination will be prosecuted to the full extent of the law.
- Where appropriate, boards, bureaus, or committees may be able to supplement the civil and criminal actions with administrative sanctions.

Business Continuity

- Data related to breaches of examination security shall be documented and analyzed for trends; including, but not limited to information such as date, location, individuals involved, witnesses, circumstances, and resolution, if any.
- Owners, as defined above, shall produce, maintain, and test business continuity plans to ensure the security and availability of critical examination programs in the event of a major disruption.

RELATED DOCUMENTS

- DCA Policies
 - ISO 05-01 *Acceptable Use of Information Technology Systems*
 - ISO 06-01 *Information Security Policy*
 - ISO 07-01 *Communications Devices*
 - ADM 99-02 *Incompatible Work Activities*

- DCA DPMs
 - ISO 04-01 *Firewall Configuration Requirements*
 - ISO 05-01 *Server Security Standards*
 - ISO 07-01 *Portable Computing Device Security*
 - ISO 06-02 *Information Security Incident Reporting Procedures*
 - ISO 05-03 *Password Standards*
 - ISO 06-03 *Disposal of Confidential Information*
 - PERS 02-05 *Examination Proctor Program*

QUESTIONS

If you have any questions regarding this DPM, please contact OPES at (916) 575-7240.



Sonja Merold, Chief
Office of Professional Examination Services

Attachment – Examination Security Agreement



Examination Security Agreement

As an employee, governmental official, consultant, subject matter expert, and/or temporary staff of the Department of Consumer Affairs (DCA); and any of its divisions, bureaus, boards, programs, and other constituent agencies, you may have access to confidential licensing examination materials. These materials include any portions of future, current, or previously administered examinations, answer keys, and other confidential materials, the disclosure of which would subvert the examining process.

California law authorizes state agencies to maintain the security of their licensing examinations. The most specific of these laws, section 123 of the Business and Professions (B&P) Code, makes it a misdemeanor for any person to subvert or attempt to subvert any licensing examination or the administration of an examination. A person found guilty of these actions is liable for the actual damages sustained by the agency administering the examination, not to exceed \$10,000 and the costs of litigation. The complete provisions of B&P Code sections 123, 123.5, and 496 are attached.

By signing this form, you agree to assume personal responsibility for keeping examination material secure. You also agree to avoid future activities that would compromise security of examination material.

I have read the above statements and understand the law regarding misuse of confidential material. I accept the responsibility for maintaining strict confidentiality of licensing examination material and information to which I have access and agree to keep these materials confidential.

(Printed Name)

(Witness Printed Name)

(Address)

(Witness Signature)

(City, State, ZIP)

(Date)

(Signature)

(Date)

(Affiliation)

- DCA employee
- Subject matter expert
- Consultant/vendor
- Examination proctor
- Candidate assistant

Business and Professions Code

Division 1, Chapter 1, Section 123:

It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:

- (a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.
- (b) Communicating with any other candidate during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf.

Nothing in this section shall preclude prosecution under the authority provided for in any other provision of law.

In addition to any other penalties, a person found guilty of violating this section, shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars (\$10,000) and the costs of litigation.

- (c) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

Division 1, Chapter 1, Section 123.5:

Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of Section 123, the superior court in and for the county wherein acts or practices takes place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of a board, the Attorney General or the district attorney of the county.

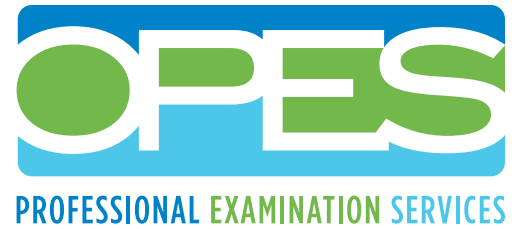
The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other provision of law.

Division 1.5, Chapter 5, Section 496:

A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to subversion of licensing examinations.

EXAMINATION SECURITY

**Purpose**

The Office of Professional Examination Services (OPES) recognizes that the security of licensing examinations is critical to the mission of the Department of Consumer Affairs (DCA) in serving the interests of California consumers. California law authorizes State agencies to maintain the security of their licensing examinations. The most specific of these laws, section 123 of the Business and Professions (B&P) Code, makes it a misdemeanor for any person to subvert or attempt to subvert any licensing examination or the administration of an examination. A person found guilty of these actions is liable for the actual damages sustained by the agency administering the examination, not to exceed \$10,000 and the costs of litigation.

Process

As an applicant, licensee, employee, governmental official, contractor, consultant, and/or temporary staff of DCA; and any of its divisions, bureaus, boards, programs, and other constituent agencies, you may have access to confidential licensing examination materials. This may include any portions of future, current, or previously administered examinations, answer keys, and other confidential materials, the disclosure of which would subvert the examination process.

OPES has implemented a variety of controls to ensure the integrity, security and appropriate level of confidentiality of licensure examination programs. These controls vary according to the sensitivity of the information, and will include restricting and/or prohibiting certain items, such as electronic devices, when conducting examination-related workshops or during examination administration. You will be required to sign one or more agreements accepting responsibility for maintaining strict confidentiality of licensing examination material and information to which you have access.

Authority

The following documents address the security of DCA information in general, which includes confidential testing materials:

B&P Code sections 123, 123.5, 496, and 584

DCA Policies:	ISO 05-01	Acceptable Use of Information Technology Systems
	ISO 06-01	Information Security Policy
	ISO 07-01	Communications Devices
	ADM 99-02	Incompatible Work Activities
DCA DPM:	ISO 07-01	Portable Computing Device Security
	ISO 06-02	Information Security Incident Reporting Procedures
	PERS 02-05	Examination Proctor Program

Contact

To learn more about these and other examination-related services, please contact the Office of Professional Examination Services at (916) 575-7240.



Candidate Full Name: _____ SSN (last four digits ONLY) or ID: _____

Exam Name: _____ Telephone Number: _____

For office use only	
Identification presented:	
1. Driver's License:	State _____ Number _____ Exp. Date _____
2. _____	Number _____
Authorization Documents presented:	
Type or ID number	_____

PSI & DCA Security Policy

I HAVE READ THE FOLLOWING PSI SECURITY AGREEMENT AND CONSENT TO TAKE THE LICENSING EXAMINATION UNDER THE CONDITIONS STATED HEREIN.

- I will not give or receive assistance while taking the test, including the use of unauthorized notes.
- I will maintain the confidentiality of the test.
- I will not have in my possession a cell phone, pager, camera or other unauthorized materials.
- I understand that violating the confidential nature of the licensing test can result in severe civil or criminal penalties, invalidation of the test scores reports to the authorized agency.

Candidate Signature: _____ Date: _____

PSI Proctor Signature: _____ Date: _____

*DCA Security Procedures are posted in the PSI testing lobby.

Agenda Item J

DISCUSS AND POSSIBLE ACTION ON CALIFORNIA SUPPLEMENTAL EXAMINATION RESULTS

The Board and the Department of Consumer Affairs' Office of Professional Examination Services (OPES) launched the latest examination form of the California Supplemental Examination (CSE) on October 1, 2012. Initial test scoring and item analysis, using a very small sample group, indicated the examination form was not performing at an acceptable level. Subsequent analyzes showed essentially the same results with no signs of acceptable improvement and a very low pass rate. Board staff consulted with OPES, and after conferring with the Board President, it was determined that the performance of the examination form was such the Board should suspend the examination. CSE candidates who had previously scheduled an administration of the poorly performing examination form had their appointments canceled to avoid exposing them to a psychometrically unsound experience. The affected candidates were contacted by Board staff, informed of the situation, and provided rescheduling information.

The Board held a special teleconference meeting on November 20, 2012, to discuss the matter with OPES and determine a course of action. Unfortunately, due to the lack of a quorum, the Board met as a committee. The outcome of the meeting was to make a recommendation to the Board ratifying the suspension of the CSE as the appropriate course of action.

A new examination form is planned to be launched on December 11, 2012. CSE candidates who sat for an examination administration between October 1, 2012, and November 9, 2012, and failed will be granted a free retest.

The Board is asked to consider the recommendation from the Committee the suspension of the CSE.

Agenda Item K

REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT

1. Update on October 11, 2012 REC Meeting
2. Review and Approve Recommendation Regarding Strategic Plan Objective to Define “Instruments of Service” for a Potential Regulatory Proposal
3. Review and Approve Recommendation Regarding Strategic Plan Objective to Initiate a Conversation with The American Institute of Architects, California Council to Explore the Feasibility of a Qualifications-Based Selection Enforcement Process (Senate Bill 1424)

Agenda Item K.1

UPDATE ON OCTOBER 11, 2012 REC MEETING

The REC met on October 11, 2012, in Sacramento via teleconference. Attached is the notice of the meeting. Committee Chair Sheran Voigt will provide an update on the meeting.



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MODIFIED NOTICE OF MEETING REGULATORY AND ENFORCEMENT COMMITTEE

October 11, 2012
10:00 a.m. to 12:00 p.m.
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

The California Architects Board (CAB) will hold a Regulatory and Enforcement Committee (REC) meeting via teleconference, as noted above, and at the following locations:

Sheran Voigt
2391 Meadow Ridge Drive
Chino Hills, CA 91707

Michael Merino
629 North Main Street
Orange, CA 92868

Robert De Pietro
Frank De Pietro and Sons
825 Colorado Boulevard, Suite 114
Los Angeles, CA 90041

Fermin Villegas
Atkinson, Andelson, Loya, Rund & Romo
12800 Center Court Drive S., Suite 300
Cerritos, CA 90703

Robert George
851 Cherry Avenue
San Bruno, CA 94066-2900

AGENDA

- A. Review and Approve May 10, 2012 REC Summary Report
- B. Update, Discuss, and Possible Action on Strategic Plan Objective to Define "Instruments of Service" for a Potential Regulatory Proposal
- C. Update, Discuss, and Possible Action on Strategic Plan Objective to Initiate a Conversation with The American Institute of Architects, California Council to Explore the Feasibility of a Qualifications-Based Selection Enforcement Process (Senate Bill 1424)
- D. Discuss and Possible Action on Regulatory Proposal Regarding Board Delegation to Executive Officer Regarding Stipulated Settlements to Revoke or Surrender License

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

A quorum of Board members may be present during all or portions of the meeting, and if so, such members will only observe the REC meeting. Agenda items may not be addressed in the order noted below. The meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Hattie Johnson at (916) 575-7203, emailing Hattie.Johnson@dca.ca.gov, or sending a written request to the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, CA 95834. Providing your requests at least five business days before the meeting will help to ensure availability of the requested accommodation.

The notice and agenda for this meeting and other meetings of the CAB can be found on the Board's Web site: cab.ca.gov. For further information regarding this agenda, please contact Hattie Johnson at (916) 575-7203.

Agenda Item K.2

REVIEW AND APPROVE RECOMMENDATION REGARDING STRATEGIC PLAN OBJECTIVE TO DEFINE “INSTRUMENTS OF SERVICE” FOR A POTENTIAL REGULATORY PROPOSAL

The Board’s 2012 Strategic Plan directs the Regulatory and Enforcement Committee (REC) to define “instruments of service” and determine whether a regulation is required defining such.

This issue arose based upon a question by the Certified Access Specialist Institute (CASI), which represents approximately 150 certified access specialists (CASp) in California, the majority of which are architects and building officials. CASI inquired whether CASp services performed by a California licensed architect are considered instruments of architectural services and covered under the requirements of the Architects Practice Act (Act).

There are several references (below) describing the documents an architect may prepare or exercise responsible control over, and which also demonstrate the term “instruments of service” includes more than just final documents for construction.

- Business and Professions Code section (BPC) 5535.1: uses “...*architectural instruments of service...*” in definition of responsible control;
- BPC 5536.1 (a) and (c): uses “...*plans, specifications, and instruments of service...*” in defining documents to be signed and stamped;
- BPC 5536.22: uses “...*plans and specifications for the construction, alteration, improvement, or repair of a building or structure...*” in clarifying statement of licensure and signing and stamping;
- BPC 5536.25: uses “...*plans, specifications reports, or documents...*” and “...*or other contract documents...*” in defining types of documents an architect would sign and stamp for which they are not responsible for damages due to unauthorized changes;
- BPC 5537 (a): uses “...*plans, drawings, or specifications...*” in description of documents for exempt project types;
- BPC 5537 (b): uses “...*plans, drawings, specifications, or calculations...*” to describe documents to be signed and stamped by an architect or engineer to mitigate non-conventional framing issues;
- BPC 5538: uses “...*plans, drawings, specifications, instruments of service, or other data...*” in definition of exempt non-structural or non-seismic projects; and
- California Code of Regulations section (CCR) 151: uses “...*any instrument of service...*” and “...*all stages of the design documents...*” in aiding and abetting definition.

The Landscape Architects Practice Act, CCR section 2602(f) defines instruments of service as:

“Instruments of service” means finalized working drawings, contract proposals, site analyses, environmental review documents, inspection reports, cost estimates, planning studies, and specifications which have been prepared by a person who holds a valid license to practice

landscape architecture in this State or which have been prepared under his or her immediate and responsible direction.”

The American Institute of Architects defines instruments of service in Volume 1 of their *Architect's Handbook of Professional Practice* as:

“Instruments of service: drawings, specifications, and other documents prepared by the architect as part of the design process. In addition to drawings and specifications comprising the construction documents, instruments of service may be in any medium and include sketches, preliminary drawings, outline specifications, calculations, studies, analyses, models, and renderings.”

REC member Phyllis Newton, at the May 10, 2012 meeting, volunteered to assist in researching case law for this issue. Her findings are included in the attached Memo.

REC members discussed, at the October 11, 2012 meeting, whether BPC section 5500.1, the definition of the practice of architecture, should be reviewed. As the REC discussed the definition, members agreed that the practice of architecture has changed considerably since the 1950 legal definitions and that it includes a much broader range of services than would fit into the historical definitions of “instruments of service,” which tend to focus on construction documents and other drawings. Since the Act’s definition focuses on the “...*planning of sites and the design...of buildings...and structures...*”, the REC suggested this definition in BPC section 5500.1 should perhaps be reviewed precedent to any task of defining the “instruments of service” to be used in providing professional services. The REC concluded that the definition of the practice should be studied in light of the ever changing environment including regulatory criteria from outside forces.

The REC voted to recommend to the Board that an analysis of the contemporary practice of architecture should be performed to determine if the definition of the “practice of architecture” should be revised. This would be followed by a further review of the definition for “instruments of service.”

The Board is asked to consider the REC’s recommendation.

Attachments

1. Memo From Phyllis Newton Regarding Definition of “Instruments of Service,” dated July 26, 2012
2. Business and Professions Code Section 5500.1, Practice of Architecture Defined

MEMO

To: Hattie Johnson
From: Phyllis A. Newton
Date: July 26, 2012
Re: Definition of “Instruments of Service”

You asked for assistance in locating a definition of the term “Instruments of Service” as that term relates to the practice of architecture in California. The following are the results of a limited search conducted on July 25, 2012.

AIA Definition

Section 1.1.7 of the General Conditions of the Contract for Construction (AIA A-201 2007 Edition) provides the following definition:

§1.1.7 INSTRUMENTS OF SERVICE

Instruments of service are representations, in any medium of expression now known or later developed, of the tangible and intangible creative work performed by the Architect and the Architect’s consultants under their respective professional services agreements. Instruments of Service may include, without limitation, studies, surveys, models, sketches, drawings, specifications, and other similar materials.

Case Law

Using the AIA Citator, I did not find any cases interpreting Section 1.1.7 of the A-201. I did, however, find two very old California cases that address the question of what constitutes “Instruments of Service.” Whether these definitions would be relevant today is questionable.

In *Joseph v. Drew*, the plaintiffs were licensed architects in partnership with a licensed general contractor. *Joseph v. Drew* (1950) 36 Cal.2d 575. The name of the firm included the contractor’s last name along with the two architects until the contractor’s death. Thereafter, the firm’s name only included the names of the two licensed architects and the firm only engaged in the practice of architecture.

During the existence of the partnership, the defendants retained the firm to prepare drawings and specifications for several proposed buildings. Although some fees were paid, the plaintiffs brought an action to recover outstanding fees. In response, the defendants asserted that the plaintiffs were not legally competent to collect fees for architectural services since one of the partners was not an architect. They also sought recovery of the fees they previously had paid. All of the services were performed by the licensed architects. The lower court found that the plaintiffs were not entitled to collect their outstanding fees and also ordered that the paid fees be returned.

Section 5536 of the Architects Act provided in relevant part: “This chapter does not prevent an architect from forming a partnership with persons who are not architects but the name of the architect shall appear as the architect on all **instruments of service** and in no case may the other members of the partnership be designated as architects.” Although many of the plans and specifications submitted to the defendants contained the firm name which included the contractor’s last name, the plans

submitted to the building department only identified the two architects and their respective license numbers.

To assist the court in determining whether the firm failed to meet the statutory requirement of identifying the architects on all instruments of service, one of the plaintiff's, who the court noted was a duly qualified and competent witness, testified that the term "instruments of service" has a generally accepted meaning when used in connection with the architectural profession; that as so used the term refers to the 'final' plans and specification 'utilized for the actual construction of the building' as distinguished from 'preliminary' sketches and drawings." Thus, according to the plaintiff, only the plans submitted to the building department were required to carry the legend identifying the plaintiff architects.

The defendants, on the other hand, argued that the term "instruments of service" should be construed "as an all-inclusive phrase covering plans, drawings, specifications and other data relating to the practice of architecture – in short, all written instruments issued by the architect." The court held, however, that because the defendants had not offered any evidence to contradict the definition of instruments of service provided by the plaintiffs when they had the opportunity to do so, the uncontroverted testimony was to be accepted. As the term was defined, the plaintiffs satisfied the statute. Accordingly, the lower court's ruling was overturned and the architects were permitted to recover their fees.

Approximately five years later, in *People v. John Lloyd Wright*, the defendant was charged, in two separate actions, with violating the Civil Engineers Act and the Architects Act, respectively. *People v. John Lloyd Wright* (1955), 131 Cal.App.2^d Supp. 583. The defendant was not licensed under either act. The lower court dismissed both complaints without leave to amend and the state appealed.

In the action under the Architects Act, the defendant was charged with engaging in the practice of architecture in violation of section 5537 and in advertising that he was an architect in violation of section 5536. At the time, section 5537 provided:

This chapter does not prohibit a person from making any plans or drawings for his own buildings or from furnishing to other persons, plans, drawings, specifications, instruments of service, or other data for buildings if, prior to accepting employment or commencing work on such plans, drawings, specifications, instruments of service, or other data, the person so furnishing such plans, drawings, specification, instruments of service, or data, fully informs such other person or persons, in writing, that he, the person proposing to furnish such plans, drawings, specifications, instruments of service or data, is not an architect.

This section was adopted in 1939 from the original 1901 Act as amended in 1929. The 1929 amendment substituted the words "plans, drawings, specifications, **instruments of service**, or other data for buildings" for what was previously simply "plans or other data for buildings." (Emphasis added.) The court noted that the words "instruments of service" had been determined in *Joseph v. Drew* (see above), "to signify to the profession the final plans and specifications utilized for the actual construction of the building as distinguished from preliminary sketches and drawings."

In affirming the lower court's dismissal of the complaint under the Architects Act, the court noted that section 5537 expressly authorized the defendant to perform the services outlined in the statute subject to giving the required notice.

Architects Practice Act Business and Professions Code

§ 5500.1 Practice of Architecture Defined

- (a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.
- (b) Architects' professional services may include any or all of the following:
- (1) Investigation, evaluation, consultation, and advice.
 - (2) Planning, schematic and preliminary studies, designs, working drawings, and specifications.
 - (3) Coordination of the work of technical and special consultants.
 - (4) Compliance with generally applicable codes and regulations, and assistance in the governmental review process.
 - (5) Technical assistance in the preparation of bid documents and agreements between clients and contractors.
 - (6) Contract administration.
 - (7) Construction observation.
- (c) As a condition for licensure, architects shall demonstrate a basic level of competence in the professional services listed in subdivision (b) in examinations administered under this chapter.

Agenda Item K.3

REVIEW AND APPROVE RECOMMENDATION REGARDING STRATEGIC PLAN OBJECTIVE TO INITIATE CONVERSATION WITH THE AMERICAN INSTITUTE OF ARCHITECTS, CALIFORNIA COUNCIL TO EXPLORE THE FEASIBILITY OF A QUALIFICATIONS-BASED SELECTION ENFORCEMENT PROCESS (SENATE BILL 1424)

The Board's 2012 Strategic Plan directs the Regulatory and Enforcement Committee (REC) to initiate a conversation with The American Institute of Architects, California Council (AIACC) to explore the feasibility of a qualifications-based selection (QBS) enforcement process.

Government Code section 4526, also known as the "Mini-Brooks Act," mandates that contracts with state and local agencies for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms, be awarded on demonstrated competence and professional qualifications rather than competitive bidding. This law also mandates that state agencies adopt by regulation (and provides local agencies discretionary authority to adopt by ordinance), procedures that assure that these services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the public agencies.

Senate Bill (SB) 1424 (Harman) was introduced on February 24, 2012. This bill would have required that architects licensed by the Board, as well as professional engineers and land surveyors registered with the Board for Professional Engineers, Land Surveyors, and Geologists, comply with the above law when competing for contracts with state or local agencies for architectural, engineering, or land surveying services. The bill was heard on April 23, 2012 by the Senate Business, Professions, and Economic Development Committee. It failed to pass. AIACC has indicated it will re-introduce the bill next year.

Board staff met with Kurt Cooknick, Director of Regulation and Practice, AIACC on September 26, 2012, to discuss concerns such as how difficult it might be to prosecute a licensee who violated such a statute. In addition, staff advised Mr. Cooknick that this appeared to be an issue related to local agencies that contract for professional services. Mr. Cooknick indicated he would discuss this issue and the Board's concerns with the AIACC Board in November.

The REC, at its October 11, 2012 teleconference meeting, voted to recommend to the Board that AIACC's legislation should be re-focused on the violators of the QBS process rather than licensees.

The Board is asked to consider the REC's recommendation.

Attachments

1. Government Code Sections 4525 – 4629.20
2. SB 1424 (Harman)
3. Bill Analysis

Qualification Based Selection: State Law

Government Code, Title 1, Division 5,

Chapter 10, §§4525—4529.5

Chapter 10.1, §§4529.10—4529.20

4525. Definitions in the Little Brooks Act

For purposes of this chapter, the following terms have the following meanings:

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, landscape architecture, engineering, environmental services, land surveying, or construction project management.

(b) "State agency head" means the secretary, administrator, or head of a department, agency, or bureau of the State of California authorized to contract for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services.

(c) "Local agency head" means the secretary, administrator, or head of a department, agency, or bureau of any city, county, city and county, whether general law or chartered, or any district which is authorized to contract for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services.

(d) "Architectural, landscape architectural, engineering, environmental, and land surveying services" includes those professional services of an architectural, landscape architectural, engineering, environmental, or land surveying nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.

(e) "Construction project management" means those services provided by a licensed architect, registered engineer, or licensed general contractor which meet the requirements of Section 4529.5 for management and supervision of work performed on state construction projects.

(f) "Environmental services" means those services performed in connection with project development and permit processing in order to comply with federal and state environmental laws. "Environmental services" also includes the processing and awarding of claims pursuant to Chapter 6.75 (commencing with Section 25299.10) of Division 20 of the Health and Safety Code.

[Amended; Chapter 432, Statutes of 1993]

4526. Selection must be made on demonstrated competence and professional qualifications state and local

Notwithstanding any other provision of law, selection by a state or local agency head for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. In order to implement this method of selection, state agency heads contracting for private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services shall adopt by regulation, and local agency heads contracting for private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services may adopt by ordinance, procedures that assure that these services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the public agencies. Furthermore, these procedures shall assure maximum participation of small business firms, as defined by the Director of General Services pursuant to Section 14837.

In addition, these procedures shall specifically prohibit practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit government agency employees from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract under this section which would subject those employees to the prohibition of Section 87100.

[Amended, Chapter 314, Statutes of 1991]

4526.5 Public contract code

A state agency head entering into a contract pursuant to this chapter shall, in addition to any other applicable statute or regulation, also follow Section 6106 of the Public Contract Code.

[Added, Chapter 1128, Statutes of 1990]

4527. Qualification for state contracts—optional locally

In the procurement of architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services, the state agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data.

(a) When the selection is by a state agency head, statewide announcement of all projects requiring architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services shall be made by the agency head through publications of the respective professional societies. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him or her, no less than three of the firms deemed to be the most highly qualified to provide the services required.

(b) When the selection is by a local agency head, the agency head may undertake the procedures described in subdivision (a). In addition, these procedures shall specifically prohibit practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit government agency employees from participating in the selection process when these employees have a relationship with a person or business entity seeking a contract under this section.

[Amended, Chapter 314, Statutes of 1991]

4528. Mandatory state procedures—optional locally

(a) When the selection is by a state agency head the following procedures shall apply:

(1) The state agency head shall negotiate a contract with the best qualified firm for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services at compensation which the state agency head determines is fair and reasonable to the State of California or the political subdivision involved.

(2) Should the state agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price the agency head determines to be fair and reasonable to the State of California or the political subdivision involved, negotiations with that firm shall be formally terminated. The state agency head shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the state agency head shall terminate negotiations. The state agency head shall then undertake negotiations with the third most qualified firm.

(3) Should the state agency head be unable to negotiate a satisfactory contract with any of the selected firms, the state agency head shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this chapter until an agreement is reached.

(b) When the selection is by a local agency head, the local agency head may undertake the procedures described in subdivision (a).

[Amended, Chapter 314, Statutes of 1991]

4529. Exception for non-professional services

This chapter shall not apply where the state or local agency head determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest.

[Amended, Chapter 1016, Statutes of 1988]

4529.5. Evidence of expertise and experience

Any individual or firm proposing to provide construction project management services pursuant to this chapter shall provide evidence that the individual or firm and its personnel carrying out onsite responsibilities have expertise and experience in construction project design review and evaluation, construction mobilization and supervision, bid evaluation, project scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project.

[Added, Chapter 698, Statutes of 1987]

4529.10. A/E defined

For purposes of Article XXII of the California Constitution and this act, the term "architectural and engineering services" shall include all architectural, landscape architectural, environmental, engineering, land surveying, and construction project management services.

4529.11. STIP projects subject to Article XXII

All projects included in the State Transportation Improvement Program programmed and funded as interregional improvements or as regional improvements shall be subject to Article XXII of the California Constitution. The sponsoring governmental entity shall have the choice and the authority to contract with qualified private entities for architectural and engineering services. For projects programmed and funded as regional improvements, the sponsoring governmental entity shall be the regional or local project sponsor. For projects programmed and funded as interregional improvements, the sponsoring governmental entity shall be the State of California, unless there is a regional or local project sponsor, in which case the sponsoring governmental entity shall be the regional or local project sponsor. The regional or local project sponsor shall be a regional or local governmental entity.

4529.12. A/E services must be procured by fair process

All architectural and engineering services shall be procured pursuant to a fair, competitive selection process which prohibits governmental agency employees from participating in the selection process when they have a financial or business relationship with any private entity seeking the contract, and the procedure shall require compliance with all laws regarding political contributions, conflicts of interest or unlawful activities.

4529.13. Design and safety standards not changed: alternate design-build procurement permitted

Nothing contained in this act shall be construed to change project design standards, seismic safety standards or project construction standards established by state, regional or local governmental entities. Nor shall any provision of this act be construed to prohibit or restrict the authority of the Legislature to statutorily provide different procurement methods for design-build projects or design-build-and-operate projects.

4529.14. Standard accounting practices apply

Architectural and engineering services contracts procured by public agencies shall be subject to standard accounting practices and may require financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget.

4529.15. Article XXII only applies to A/E

This act only applies to architectural and engineering services defined in Government Code section 4529.10. Nothing contained in this act shall be construed to expand or restrict the authority of governmental entities to contract for fire, ambulance, police, sheriff, probation, corrections or other peace officer services. Nor shall anything in this act be construed to expand or restrict the authority of governmental entities to contract for education services including but not limited to, teaching services, services of classified school personnel and school administrators.

4529.16. No loss of federal funds

This act shall not be applied in a manner that will result in the loss of federal funding to any governmental entity.

4529.17. Provisions severable

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

4529.18. Supremacy of Proposition 35

If any act of the Legislature conflicts with the provisions of this act, this act shall prevail.

4529.19. Proposition 35 to be construed liberally

This act shall be liberally construed to accomplish its purposes.

4529.20. Applicable to all governmental agencies

This act seeks to comprehensively regulate the matters which are contained within its provisions. These are matters of statewide concern and when enacted are intended to apply to charter cities as well as all other governmental entities.

Introduced by Senator HarmanFebruary 24, 2012

An act to add Sections 5536.23, 6749.5, and 8759.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1424, as introduced, Harman. Professions and vocations: architects, professional engineers, and land surveyors: contracting with state or local agencies.

Existing law provides for the licensure and regulation of persons engaged in the practice of architecture by the California Architects Board and authorizes that board to discipline architects. Existing law provides for the licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, and authorizes that board to discipline professional engineers and licensed land surveyors.

Existing law allows the making of contracts by state and local agency heads for architectural, landscape architectural, engineering, environmental services, land surveying, or construction project management services based on demonstrated competence and professional qualifications rather than competitive bidding. Existing law also requires state and local agencies to adopt procedures that prohibit unlawful activity in the making of contracts for these services, including rebates or kickbacks, and requires that individuals or firms proposing to provide services under these provisions provide evidence to the state or local agency of their expertise and experience in the provision of these services.

This bill would require that architects licensed by the California Architects Board, as well as professional engineers and land surveyors

licensed by the Board for Professional Engineers, Land Surveyors, and Geologists, comply with these provisions when competing for contracts with state or local agencies for the provision of architectural, engineering, or land surveying services.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5536.23 is added to the Business and
- 2 Professions Code, to read:
- 3 5536.23. When competing to provide architectural services to
- 4 a state or local agency, an architect shall comply with the
- 5 provisions of Chapter 10 (commencing with Section 4525) of
- 6 Division 5 of Title 1 of the Government Code.
- 7 SEC. 2. Section 6749.5 is added to the Business and Professions
- 8 Code, to read:
- 9 6749.5. When competing to provide engineering services to a
- 10 state or local agency, a professional engineer shall comply with
- 11 the provisions of Chapter 10 (commencing with Section 4525) of
- 12 Division 5 of Title 1 of the Government Code.
- 13 SEC. 3. Section 8759.5 is added to the Business and Professions
- 14 Code, to read:
- 15 8759.5. When competing to provide land surveying services
- 16 to a state or local agency, a professional land surveyor shall comply
- 17 with the provisions of Chapter 10 (commencing with Section 4525)
- 18 of Division 5 of Title 1 of the Government Code.

|Hearing Date: April 16, 2012 |Bill No:SB
| |1424 |

SENATE COMMITTEE ON BUSINESS, PROFESSIONS
AND ECONOMIC DEVELOPMENT
Senator Curren D. Price, Jr., Chair

Bill No: SB 1424 Author:Harman
As Introduced: February 24, 2012 Fiscal:Yes

SUBJECT: Professions and vocations: architects, professional engineers, and land surveyors: contracting with state or local agencies.

SUMMARY: Requires architects, engineers and land surveyors, when competing to provide services to a public agency, to comply with the law relating to entering into contracts based on demonstrated competence and professional qualifications rather than competitive bidding.

Existing law, the Business and Professions Code (BPC):

- 1)Licenses and regulates the practice of architecture under the Architects Practice Act by the California Architects Board (CAB) within the Department of Consumer Affairs (DCA).
 - a) Provides that CAB may take disciplinary action against an architect for the commission of an act or omission that is grounds for disciplinary action under the Architects Practice Act. (BPC § 5560)
 - b) Provides that the fact that an architect is practicing in violation of the Architects Practice Act is grounds for disciplinary action. (BPC § 5578)
- 2)Licenses and regulates the practice of professional engineers under the Professional Engineers Act, and land surveyors under the Professional Land Surveyors Act by the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG), within the DCA.

- a) Provides that BPELSG may take disciplinary action against an engineer for a violation of any provision of the Professional Engineers Act. (BPC § 6775)
- b) Provides that BBELSG may take disciplinary action against a land surveyor for any violation of any provision of the Professional Land Surveyors Act or of any other law relating to or involving the practice of land surveying. (BPC § 8780)

Existing law, the Government Code (GC):

- 1) Requires state and local agencies (public agencies) to enter into contracts for architectural, landscape architectural, engineering, environmental services, land surveying, or construction project management services based on demonstrated competence and professional qualifications rather than competitive bidding. (GC § 4526)
- 2) Requires public agencies to adopt procedures that prohibit unlawful activity in the making of contracts for these services, including rebates or kickbacks. (GC § 4526)
- 3) Requires that individuals or firms proposing to provide services under these provisions provide evidence to the state or local agency of their expertise and experience in the provision of these services. (GC § 4529.5)

This bill:

- 1) Provides within the Architects Practice Act, that when competing to provide architectural services to a public agency, an architect shall comply with the law relating to entering into contracts based on demonstrated competence and professional qualifications rather than competitive bidding.
- 2) Provides within the Professional Engineers Act, that competing to provide engineering services to a public agency, a professional engineer shall comply with the law relating to entering into contracts based on demonstrated competence and professional qualifications rather than competitive bidding.
- 3) Provides within the Professional Land Surveyors Act, that when competing to provide land surveying services to a public agency, a professional land surveyor shall comply with the law relating to entering into contracts based on demonstrated competence and professional qualifications rather than competitive bidding.

FISCAL EFFECT: Unknown. This bill has been keyed "fiscal" by Legislative Counsel.

COMMENTS:

1.Purpose. This bill is sponsored by American Institute of Architects, California Council (Sponsor) to add a clause in the Practice Acts of architects, professional engineers, and land surveyors that they are required to follow the Mini-Brooks Act (Government Code 4525 et seq).

According to the Sponsor, the Mini-Brooks Act, requires a Qualifications Based Selection (QBS) criteria which allows for a process for selecting competing design professional firms according to their qualifications for the project rather than price. If the public agency and the design firm can reach an agreement that includes a fair and reasonable price to the public agency, the two parties can enter into a contract.

The Sponsor indicates that more public agencies are using price as a selection criteria, asking for an estimate of cost before qualifications and the scope of the project have been established, with some coming very close to selecting design professionals using a low-bid method of selection. Likewise, more design professionals are engaging in competition practices that violate the QBS law

The Sponsor believes that the bill will allow architects, professional engineers, and land surveyors to not be pressured into providing a price before entering into negotiations that will determine the level of services needed to design the project and meet the needs of the public agency. This bill would make a violation of the Mini-Brooks Act a violation of the design professional's licensure, thus empowering the design professional to follow the intent of existing California law, according to the Sponsor.

2.Background. The California Qualifications Based Selection (QBS) statute, effective January 1, 1990, allows for a process designed to rank competing design professional firms according to their qualifications for the project. After ranking the competing firms, the public agency negotiates with the top ranked firm on the scope of services and fees. If the two parties can reach an agreement that includes a price that is "fair and reasonable" to the public agency, the two parties can enter into a contract.

The Sponsor states that while the QBS statute is very clear that price is a negotiation item, as opposed to a selection item, a 2000 statute enacted by the voters with the passage of Proposition 35 arguably allows public agencies to use price as a selection item. This was not, according to the Sponsor, the intent of Proposition 35; nevertheless, it is being used to justify the use of price as a selection criteria by some public agencies.

The reason for qualifications and competence being the ranking criteria and price being a negotiated item is a recognition that the success of a project depends on the quality of the work performed by the design professional. Additionally, at the time for the Request for Qualifications, there is nothing for the design professional to competitively bid because full expectations of the project have not been determined.

3. Qualifications Based Selection (QBS). QBS refers to a procurement process established by the United States Congress as a part of the federal Brooks Act (40 USC 1101 et. seq.) and further developed as a process for public agencies to use for the selection of architectural and engineering services for public construction projects. It is a competitive contract procurement process whereby consulting firms submit qualifications to a procuring entity (public agency) who evaluates and selects the most qualified firm, and then negotiates the project scope of work, schedule, budget, and fees.

A primary element under a QBS procurement is that the cost of the work (price) is not considered when making the initial selection of the best or most appropriate provider of the professional services required. Fees for services will be negotiated, however, following selection and before contracting.

Many states in the US have adopted their own versions of the Brooks Act, commonly called a "Mini-Brooks Act."

The QBS process is intended for public agencies to select a qualified and competent design professional for the project at a fair and reasonable price to the public agency. For example, a local health care district that is building a hospital should hire an architect with experience and demonstrated competence in designing health care facilities, and the state when building a bridge or dam should hire a design team with experience and demonstrated competence in designing bridges or dams, respectively. The QBS process is intended to enable the design professionals to be selected based upon their qualifications and experience rather based upon the

lowest bid.

4. Proposition 35. In 2000, California voters enacted Proposition 35 which amended the California Constitution to allow the state and local governments to contract with qualified private entities for architectural and engineering services for all phases of a public works project. Since 1934, governmental entities in California had been allocated most public works architectural and engineering contracts because courts interpreted the Constitution to give civil servants a first right to these projects.

Since enacted, it has been argued that by requiring "a fair competitive selection process" Proposition 35 limited public agencies to choosing the lowest bidder, rather than using a qualifications-based procedure. The Sponsor states that was not the intent of the authors of Proposition 35; nevertheless, it is being used to justify the use of price as a selection criteria by some public agencies.

5. Arguments in Support. The California Land Surveyors Association (CLSA) states that the QBS bid/selection process initially ensures that all design professionals are qualified for the project, and that the price of the project is not considered until after the selection and ranking of the qualified design professional. Unfortunately, according to CLSA, many state and local agencies are forcing design professionals to compete on the basis of price, rather than on the basis of qualification for the specific project. SB 1424 merely requires that design professionals (architects, engineers, and land surveyors) comply with the existing provisions of California's QBS statute contained in Government Code 4525 et seq. If a design professional fails to comply with this existing and well known body of California law, the architect, engineer, or land surveyor would be subject to a disciplinary action from their specific licensing board, according to CLSA.

6. Arguments in Opposition. Professional Engineers in California Government (PECG) believes existing law provides sufficient clarity with respect to how architects and engineers bid on services. PECG does not believe any additional legislation is necessary. Further, PECG believes that the qualification based selection system does not provide the best deal to the taxpayer because cost is not the primary rationale for awarding contracts. Anything governments can do to inject cost as more of a subjective factor can only benefit taxpayers, according to PECG.

7. Policy Issues . By explicitly stating within the respective licensing acts for architects, engineers and land surveyors, that an

architect, engineer or land surveyor must comply with the provisions of the Government Code relating to entering into contracts based on demonstrated competence and professional qualifications, rather than competitive bidding, this bill shifts enforcement of the contract process to the respective licensing boards. It is unclear whether the California Architects Board or the Board for Professional Engineers, Land Surveyors, and Geologists is capable of, or equipped to enforce the law relating to contracting with public agencies.

In addition, the requirements that this bill would place upon architects, engineers and land surveyors may be unclear. The bill requires the architects, engineers and land surveyors to comply with contracting law requirements placed upon public agencies (specifically, Chapter 10 (commencing with Section 4525) of Division 5 of Title I of the Government Code). That law places requirements upon state agencies and local agencies contracting for projects. It is unclear how design professionals comply with mandates placed upon public agencies.

SUPPORT AND OPPOSITION:

Support:

American Institute of Architects, California Council (Sponsor)
California Land Surveyors Association

Opposition:

Professional Engineers in California Government

Consultant:G. V. Ayers

Agenda Item L

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

1. Update on November 14, 2012 LATC Meeting
2. Update on November 2, 2012 University of California Extension Certificate Program Review Task Force Meeting
3. Update on October 18, 2012 Exceptions and Exemptions Task Force Meeting

Agenda Item L.1

UPDATE ON NOVEMBER 14, 2012 LATC MEETING

The LATC met on November 14, 2012 in Los Angeles. Attached is the notice of the meeting. Program Manager Trish Rodriguez will provide an update on the meeting.

Attachment

LATC November 14, 2012 Notice of Meeting



NOTICE OF MEETING

November 14, 2012

9:00am – 1:00pm

Landscape Architects Technical Committee

University of California, Los Angeles

1317 Perloff Hall, Room 1302

Los Angeles, CA 90095

The Landscape Architects Technical Committee (LATC) will hold a meeting as noted above. The agenda items may not be addressed in the order noted and the meeting will be adjourned upon completion of the agenda which may be at a time earlier than that posted in this notice. The meeting is open to the public and held in a barrier free facility according to the Americans with Disabilities Act. Any person requiring a disability-related modification or accommodation to participate in the meeting may make a request by contacting John Keidel at (916) 575-7230, emailing latc@dca.ca.gov, or sending a written request to LATC, 2420 Del Paso Road, Suite 105, Sacramento, California, 95834. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Agenda

- A. Call to Order – Roll Call – Establishment of a Quorum
Chair's Remarks
Public Comment Session
- B. Approve August 14, 2012 LATC Summary Report
- C. Program Manager's Report
- D. Overview and Discussion of Occupational Analysis Process and Request Authorization for Staff to Enter into Intra-Agency Contract with Office of Professional Examination Services
- E. Exceptions and Exemptions Task Force Report and Review and Approve Recommendation for a Legal Opinion on Business and Professions Code Section 5641, Chapter Exceptions, Exemptions

(Continued on Reverse)

- F. University of California (UC) Extension Certificate Program Task Force Report Including Review and Approval of Draft UC Extension Certificate Program Review Documents:
 - 1. Review and Approval Procedures
 - 2. Self-Evaluation Report
 - 3. Visiting Team Guidelines
 - 4. Annual Report Format
 - 5. Visiting Team Report Template

- G. Review Proposed Amendments to California Code of Regulations (CCR) Section 2620.5, Requirements for an Approved Extension Certificate Program, and Possible Action

- H. Report on Council of Landscape Architectural Registration Boards (CLARB)
 - 1. Election Results
 - 2. Present New Landscape Architect Registration Examination Data

- I. Review Tentative Schedule and Confirm Future LATC Meeting Dates

Adjourn

Please contact John Keidel at (916) 575-7230 for additional information related to the meeting. Notices and agendas for LATC meetings can be found at www.latc.ca.gov.

Agenda Item L.2

UPDATE ON NOVEMBER 2, 2012 UNIVERSITY OF CALIFORNIA EXTENSION CERTIFICATE PROGRAM REVIEW TASK FORCE MEETING

The University of California (UC) Extension Certificate Program Review Task Force was charged with developing the procedures for review of the UC extension certificate programs. The procedures will incorporate new standards outlined in the proposed language for California Code of Regulations section 2620.5, Requirements for an Approved Extension Certificate Program.

At the June 27, 2012, Task Force meeting, the Task Force drafted the Review and Approval Procedures and the Self-Evaluation Report. The Task Force met again on October 8, 2012 and November 2, 2012 to finalize the documents and develop three additional documents: Visiting Team Guidelines, Annual Report Format, and Visiting Team Report Template. The Task Force approved the documents at the November 2, 2012 meeting for the Landscape Architects Technical Committee's (LATC) consideration. At the November 14, 2012 LATC meeting, LATC reviewed and approved all of the documents with minor edits for use in reviewing the extension certificate programs.

The site reviews are estimated to occur between January and March 2013. The Self-Evaluation Report will be provided to each of the schools and reviewed by site review teams prior to their visit.

Agenda Item L.3

UPDATE ON OCTOBER 18, 2012 EXCEPTIONS AND EXEMPTIONS TASK FORCE MEETING

The Exceptions and Exemptions Task Force is charged with determining how the Landscape Architects Technical Committee (LATC) can ensure clarity about Business and Professions Code (BPC) Division 3, Chapter 3.5, Article 3, section 5641 Chapter Exceptions, Exemptions, while ensuring that these provisions protect the public.

At the May 24, 2012, Exceptions and Exemptions Task Force meeting, the Task Force discussed the charge of the Task Force to ensure the provisions in BPC section 5641 are clear. Members were asked to submit information to be reviewed and considered at the next meeting on October 18, 2012.

At the October 18, 2012 meeting, Task Force members provided information for discussion on how LATC can ensure clarity regarding BPC section 5641. After reviewing the provisions in BPC section 5641, and discussing different options on expanding the interpretation and understanding of the language, the Task Force recommended that Don Chang, Department of Consumer Affairs Legal Counsel, provide a legal opinion for BPC section 5641. At the November 14, 2012, LATC meeting, LATC approved the recommendation of the Task Force to request a legal opinion. Once the legal opinion is completed, it will be reviewed by the LATC for possible action.

Agenda Item M

ADJOURNMENT

Time: _____

Agenda Item N

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

Jon Alan Baker

Pasqual V. Gutierrez

Jeffrey D. Heller

Marilyn Lyon

Matthew McGuinness

Michael Merino

Fermin Villegas

Sheran Voigt

Hraztan Zeitlian

Agenda Item O

PUBLIC COMMENT SESSION

Members of the public may address the Board at this time. The Board President may allow public participation during other agenda items at their discretion.

Agenda Item P

STRATEGIC PLANNING SESSION

The Board is scheduled, at this meeting, to update its strategic plan, which will be facilitated by the Department of Consumer Affairs, Strategic Organization, Leadership, and Individual Development team.

Attachments

1. Session Agenda
2. Facilitator Biographies
3. 2012 Strategic Plan

California Architects Board
Strategic Planning Session
Agenda
12/6/2012
9am – 4pm

- ▶ Introductions
- ▶ Board Accomplishments
- ▶ Review of Mission, Vision and Values
- ▶ Strategic Goals
- ▶ Review SWOT Analysis
- ▶ Develop New Objectives
- ▶ Next Steps/ Evaluations / Adjournment



Facilitator Biographies

Tom Roy

Facilitation Specialist

Tom Roy has been working in Strategic Planning with DCA for over 2 years. He has assisted in the completion and implementation of strategic plans for 15 DCA Boards, Bureaus and programs and action planning for 10 DCA Boards, Bureaus and programs. In addition, he has actively assisted programs within the department to identify and implement process improvement initiatives. Tom is the lead departmental analyst responsible for collecting, vetting and posting DCA Enforcement Performance Measures. Tom has a Bachelor of Arts degree in Psychology from Chico State, and is a certified ToPS facilitator and strategic planner.

Roy Fleshman

Facilitation Specialist

Roy Fleshman joined the SOLID planning team in October 2012. Roy brings facilitation experience from the US Army and National Guard. He has over 300 hours of formal military training in facilitation and strategic planning. His last assignment with the US Army was in 2009 assigned to the National Guard Marksmanship Training Center. The Center is home of various marksmanship teams, one of the two Army Sniper courses, and the Small Arms Master Gunner Course. Roy is a certified Senior Army Instructor who has taught at the Center as well as at the US Army Parachute School. His primary responsibility was facilitating meetings at the federal level among multi-agency leadership in the fight against the global war on terror. Roy has also worked in the private sector as a trainer for Dewalt, Black & Decker and a property and asset manager for multi-family and commercial properties. Roy has a BA in Political Science from St. Martin's University and is a graduate of various military technical and leadership courses.

Terrie Meduri

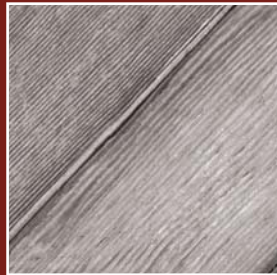
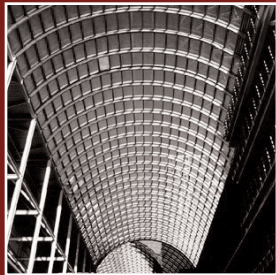
Facilitation Specialist

Terrie Meduri has 10 years of Organization Development and Training experience facilitating meetings, workshops, trainings for colleges, health care and government organizations focusing on strategic planning, communication techniques, management practices, sales processes, and system implementations. With a Master of Human Resources and Organization Development, from the University of San Francisco and a Bachelor of Science in Business Management, from the University of Phoenix, Terrie applies business models and strategies when collaborating with participants. As an enthusiastic facilitator, Terrie incorporates adult learning, participant-centered techniques, addressing visual, auditory and kinesthetic modalities to guide participants toward consensus and productive outcomes. Terrie has collaborated with leadership, subject matter experts, stakeholders and work groups through strategic planning, system implementations, workflow design, process improvements, and training development.

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STRATEGIC PLAN



12

California Architects Board

Public Protection Through Examination, Licensure, and Regulation

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Introduction

Each day, millions of Californians work and live in environments designed by licensed architects. The decisions of architects about scale, massing, spatial organization, image, materials, and methods of construction impact not only the health, safety, and welfare of the present users, but of future generations as well. To safeguard the public health, safety, and welfare; reduce the possibility of building failure; encourage sustainable and quality design; and provide access for persons with disabilities, those who are authorized to design complex structures must meet minimum standards of competency. It is equally necessary that those who cannot meet minimum standards by way of education, experience, and examination be prevented from misrepresenting themselves to the public.

The California Architects Board (CAB) was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. The activities of CAB benefit consumers in two important ways.

First, regulation protects the public at large. The primary responsibility of an architect is to design buildings that meet the owner's requirements for function, safety, and durability; satisfy reasonable environmental standards; and contribute esthetically to the surrounding communities. To accomplish this, the architect's design must satisfy the applicable requirements of law and also must be a correct application of the skills and knowledge of the profession. It should be emphasized that the results of faulty design may be injurious not only to the person who engages the architect but also to third parties who inhabit or use the building.

Second, regulation protects the consumer of services rendered by architects. The necessity of ensuring that those who hire architects are protected from incompetent or dishonest architects is self-evident.

CAB is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), which is part of the State and Consumer Services Agency under the aegis of the Governor. DCA is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While DCA provides administrative oversight and support services, CAB has policy autonomy and sets its own policies, procedures, and regulations.

CAB is composed of ten members: five public and five architects. The five architect members are all appointed by the Governor. Three of the public members are also gubernatorial appointees; while one public member is appointed by the Assembly Speaker and the other is appointed by the Senate Rules Committee. Board members may serve up to two four-year terms. Board members fill non-salaried positions but are paid \$100 a day for each meeting day they attend and are reimbursed travel expenses.

Effective July 1, 1997, the Board of Landscape Architects' regulatory programs came under the direct authority of DCA. During the period of July 1, 1997 through December 31, 1997, CAB exercised all delegable powers under the provisions of an interagency agreement between CAB and DCA. Effective January 1, 1998, CAB assumed administrative responsibility for regulating landscape architects. Under the enabling legislation, the Legislature created the Landscape Architects Technical Committee (LATC) which acts in an advisory capacity to CAB. The Committee, which consists of five licensed landscape architects, performs such duties and functions that have been delegated to it by CAB.

Background on Strategic Planning

To meet the changing demands of an increasingly diverse population, growing interstate and international economic transitions, and changing public expectations, CAB takes an active role in planning its future. Like other regulatory agencies, CAB must be responsive to the public interest while at the same time working within resource constraints.

CAB first convened a special meeting of its members and senior staff on October 17 and 18, 1994, to conduct a strategic planning process for the organization. CAB spent the next six months refining the plan and developing an action plan to implement the goals the organization had identified as central to meeting its mission and vision. On April 19, 1995, CAB approved its first strategic plan. CAB reviews and amends the plan annually and the CAB Executive Committee monitors plan implementation on a regular basis.

In each subsequent year, CAB has reviewed and updated the strategic plan in response to changing conditions, needs, and priorities. At each session, the Board reviews progress on objectives over the previous year, updates the environmental scan in response to changing economic and technological climates, reviews its mission and values statements, and strategizes to meet the challenges of the coming year.

CAB's committees and task forces are charged with developing detailed descriptions of the key strategies used to implement each objective.

The LATC develops its own strategic plan for regulating landscape architects. Its plan is reviewed and approved by CAB, and the LATC is responsible for implementing its own strategic plan. The LATC adopted its first strategic plan on April 16, 1998; subsequently, the LATC strategic plan was approved by CAB at its meeting on May 14, 1998. The LATC continues to update its plan annually.

CAB External Environment

In developing its strategic plan, CAB assesses the external factors which significantly impact the field of architecture in general and CAB's mission in particular. These external factors have been grouped in nine categories (see Appendix B for details):

- Consumer and client issues
- Architectural practice
- Architectural education and training
- Construction industry
- Economy
- Government approach
- Interstate and international practice
- Demographics
- Information technology

Although these external factors influence architecture throughout the U.S., the setting for architectural practice in California is distinct from that of other states in terms of the breadth, magnitude, and complexity of the individual circumstances that create its context. California's physical size, large and diverse

population, varied landscape and climate, high seismicity, distinctive legal framework, and massive economy create an unusually demanding context for architectural practice.

Additionally, the varying interplay of these conditions for specific projects gives rise to more complicated settings for the conduct of architectural practice in this state. These factors are delineated in detail in Appendix B beginning on page 25.

In 2001, CAB conducted a job analysis survey of the profession to identify and quantify the minimum architectural skills and competencies necessary to ensure the public health, safety, and welfare. The survey results assigned top importance to issues that related to (in order of importance):

- Laws, codes, regulations, and standards
- Communication of design solutions for project implementation
- Relationships with relevant regulatory agencies
- Role of architect in relation to client and users
- Program information related to design solution
- Integration of appropriate building systems and materials
- Relationships with consultants and team members

A review of these items revealed that laws, codes, regulations, and standards ranked highest in this latest survey, followed by design solutions and scope, and architect's role in relation to regulatory agencies and client. Water infiltration followed by codes and regulations ranked highest in a survey conducted more than a decade earlier. This suggests that the profession is becoming more sophisticated and is accepting an expanded level of challenge. Building mechanics and technical considerations are still very important, but they have been joined by concerns dealing with universal design, regulations and regulatory agencies, and the expanding role of the architect as he/she interacts with clients, users, and other consultants.

In 2007, CAB conducted another job analysis survey of the profession which was used to develop a new test plan and examination items for the California Supplemental Examination (CSE).

Recent Accomplishments

Through strategic action and ongoing collaboration, CAB has successfully accomplished a long list of its top priorities in recent years. Some examples include implementation and assessment of the Comprehensive Intern Development Program (CIDP) [see below], stronger outreach to students and interns, enhancing the Board's relationship with the National Council of Architectural Registration Boards (NCARB), etc. This section briefly reviews key accomplishments as identified by the Board during its 2012 strategic planning session.

Sunset Review

The Board successfully completed the Sunset Review process in 2011. In September 2010, CAB submitted its required sunset report to the Senate Business, Professions, and Economic Development Committee. In this report, CAB described actions it has taken since the Board's prior review to address the recommendations of Joint Legislative Sunset Review Committee, and outlined the programmatic and operational changes, enhancements and other important policy decisions or regulatory changes made by CAB. There were no findings or follow-up actions from the Legislature and the Board received the maximum possible extension to its sunset date.

Elimination of CIDP

The CIDP was designed as an overlay to the national program to enrich the internship experience by fostering a stronger context for mentoring and learning. It encouraged better communication between the intern and supervisor, while enhancing accountability by requiring interns to submit evidence-based documentation of practical intern experience in the form of work samples and written narratives. The Board analyzed the effectiveness of CIDP and the need for this supplemental requirement in light of the vast improvements to NCARB's Intern Development Program (IDP) in the last few years, culminating in IDP 2.0. In June 2011, the Board voted to discontinue the CIDP. The action will take effect upon codification of a regulatory amendment expected in the spring of 2012.

California Supplemental Examination (CSE) Format

CAB conducted an objective study of the CSE and possible format options. Based on study results, CAB approved transitioning the CSE from an oral format to a computer-based, multiple choice format, which was launched in February 2011. The new exam format is much more accessible to candidates, as it is available six days a week, year round at 13 different sites throughout California, rather than the previous oral format, which was offered six times per year alternating between the Bay Area and Orange County. For out-of-state candidates, there are 10 additional exam sites across the United States. Transitioning to a computerized format has increased defensibility of CSE results, and helped to expand the Board's capacity to serve candidates while preserving resources.

Improving Enforcement

Through its enforcement staff, contracted architect consultants, the Division of Investigation, and the Office of the Attorney General, CAB takes action against licensees and unlicensed individuals who have potentially violated the law. The Board has continued to improve the timeliness of its actions.

E-newsletter

In its ongoing effort to improve communication with licensees, students and others, CAB has transitioned to an electronic-only newsletter. This is an essential tool for communicating with constituencies about the value of the architectural license, and distributing information related to examinations and regulatory changes in a timely and effective fashion. Based on the number of hits it is receiving, the newsletter's readership is expanding under the new format.

Key Strategic Issues

While discussing the external environment, a number of issues were identified by CAB in the areas of education, experience, examinations, and the current supply of architects. CAB recognizes that these broader issues are interrelated and require attention. CAB has identified six specific key issues facing the organization: enforcement, post-licensure competency, internship, information technology, education, and the National Council of Architectural Registration Boards' (NCARB) relations. CAB determined the details of each issue and methods by which it may address each of them.

ENFORCEMENT

CAB's enforcement staffing and budget have increased, with more resources dedicated to setting professional standards and investigating consumer complaints. The Joint Committee on Boards, Commissions & Consumer Protection has recommended that CAB ensure that a greater percentage of its budget be applied toward enforcement.

While the Regulatory and Enforcement Committee (REC) has made great strides in improving the complaint handling and disciplinary processes, complex policy questions regarding responsible control and construction observation need to be addressed. Other key enforcement issues include:

- Compliance with building codes especially those affecting occupant health and safety and accessibility for people with disabilities;
- Potential increase in unlicensed practice activity;
- Rules governing architectural business names and use of the terms "architect," "architecture," and "architectural," as well as associations of licensed architects with unlicensed individuals; and
- Definition of responsible control in light of building information modeling (BIM), electronic document preparation, geographically remote project staff, etc.

POST-LICENSE COMPETENCY

In fall 1998, CAB conducted five customer focus group meetings to gather broad-based input for the annual update of the Board's strategic plan. During the focus group meetings, some questions were raised about the post-licensure competency of architects. As a result, the Board created the Task Force on Post-Licensure Competency to study this issue, to consider CAB's role in ensuring licensees' continued competency, and to investigate possible solutions, including the possibility of mandatory continuing education (CE) for all California-licensed architects.

In March 2000, CAB contracted with Professional Management and Evaluation Services, Inc., to conduct a scientifically-defensible statewide study of the post-licensure competency and professional development of California architects in order to provide CAB with valid and reliable data upon which to make future policy decisions about these issues.

The survey was sent to California-licensed architects; allied design professionals (engineers and landscape architects); California general building contractors; regulators (building officials, plan checkers, and planners); end-users (clients and developers); and forensic, insurance, and legal professionals. Numerous scientific analyses were conducted to determine that the data were reliable.

Based on the results of the survey and the recommendations of the Task Force on Post-Licensure Competency, CAB concluded that: 1) overall, California architects did not have serious or significant post-licensure competency problems; 2) at the present time, a broad-based, mandatory continuing education program was not warranted; and 3) CAB will continue to review the need for targeted actions to correct or improve identified areas of potential competency problems as they relate to public health, safety, and welfare. The identified areas of potential competency problems include:

- Coordination of consultants' work products to avoid conflicts in documentation and additional costs and time delays;
- Appropriate review and check of documents to avoid design conflicts, schedule delays, and increased costs;
- Appropriate observation procedures during site visits to identify potential construction problems and avoid added cost and time;
- Clear communication of technical instructions, design decisions, and changes to consultants in a timely manner to minimize errors and to meet schedule;
- Code issues that span multiple areas; and
- Business/contract management competency.

INTERNSHIP

Over the years, CAB has sought to set appropriate standards of entry into the practice in order to balance the need to protect the public with the need to ensure that unreasonable barriers to entering the practice are not established. CAB is concerned about the minimum level of competency of its candidates as derived through their internship. Virtually all architectural licensing boards have a three-year experience requirement in addition to the five-year educational requirement (or the equivalent). Presently, 49 U.S. jurisdictions require completion of the IDP as prescribed by NCARB. Completion of IDP not only helps ensure the minimal competence of architectural candidates, but also facilitates interstate and international practice.

CAB has determined the public would benefit from a required structured internship program. The goals of such a program are to: 1) improve the competency of entry-level architects, and 2) facilitate reciprocity. To this end, CAB sought regulatory changes to require completion of IDP effective January 1, 2005. In response to concerns over the "seat-time" (number of hours) nature of IDP, CAB also implemented a requirement for a component, which provides evidence and documentation regarding the intern's experience. The evidence-based program developed by CAB is called CIDP.

In 2006, CAB held a workshop titled *Preparing Candidates for Successful Internships* to solicit perspectives from educators and practitioners regarding how to best prepare candidates for successful internships and, ultimately, for careers in architecture.

As a result of recent changes made by NCARB to IDP, CAB continues to assess its internship requirement.

INFORMATION TECHNOLOGY

Rapid changes in information technology continue to have dramatic impact on the profession of architecture. As the profession adapts to these changes, CAB needs to monitor how changes in practice necessitate changes in regulation. Electronic seals, plan checking, permitting, and data transfer are some of the issues CAB must address. Additionally, the increased use of BIM has raised questions of responsibility, control of documents, and quality of work.

CAB must continue to utilize the most advanced technologies to manage and improve its internal operations. The Governor has made “electronic government” (e-government) a priority, so CAB must be prepared to address electronic application filing, license renewal, and expanded information dissemination.

CAB charged the REC with continuing to monitor the impact of emerging technologies in the field of architecture on CAB’s ability to ensure public health, safety, and welfare.

EDUCATION

CAB’s main area of responsibility regarding education is the establishment of requirements for licensure. CAB currently requires five years of educational equivalents as a condition for licensure, but defines educational equivalents in a number of ways, including work experience under an architect.

CAB’s role with architectural education is identified as:

- Setting educational requirements for licensure in California.
- Influencing national education policy through collateral organizations.
- Providing students and candidates information on licensing.
- Serving as an information resource to the state’s architectural education community.

CAB has determined that the state’s architectural schools comprise one of its key constituent groups. The October 1999 Education Summit identified the need for CAB to establish an ongoing relationship with the state’s architectural programs to coordinate communication and to provide needed information. CAB held the 2001 Education Forum in conjunction with The American Institute of Architects, California Council’s (AIACC) Monterey Design Conference at the Asilomar Conference Center. The Education Forum reinforced the belief that CAB should continue to work in partnership with schools of architecture and the AIACC to facilitate information exchange and problem solving. The 2002 Architectural Educator/Practitioner Workshop, held in October at Woodbury University, also showed the value in collaborating with schools. CAB also held an Architectural Educators/Practitioners Workshop in February 2006 at California State Polytechnic University, Pomona. CAB will continue to fine-tune its relationship with the schools and work to better inform students about licensure, professional practice, and the Board.

NCARB RELATIONS

CAB's goal is to influence NCARB's decision-making to benefit its constituency – the public of California. That public includes licensees who are certificate holders, candidates who are taking the national exam, and interns participating in IDP. To that end, CAB members devote hundreds of hours working on NCARB committees creating the exam, improving IDP, negotiating international agreements, etc. At the same time, CAB provides input on how it believes NCARB can build on its successes and continue to improve. Fortunately, the NCARB Board of Directors and their staff have become more responsive and are moving to improve their services, but CAB feels more needs to be done.

CAB continues to seek leadership positions and build on relationships established by previous Board members and to increase its presence on NCARB committees and on the NCARB regional counterpart, the Western Conference of Architectural Registration Boards (WCARB). CAB will continue to work with other large states (e.g., Florida, Texas, New York) and with WCARB member boards, recognizing common ground in practice and recognizing reciprocity as an issue of consumer protection.

Mission

The mission of the CAB is to protect the public health, safety, and welfare through the regulation of the practice of architecture and landscape architecture in the state by:

- Ensuring that those entering the practice meet standards of competency by way of education, experience, and examination;
- Establishing standards of practice for those licensed to practice;
- Requiring that any person practicing or offering to practice architecture be licensed;
- Protecting consumers and users of architectural services;
- Enforcing the laws, codes, and standards governing architectural practice in a fair, expeditious, and uniform manner;
- Empowering consumers by providing information and educational materials to help them make informed decisions; and
- Overseeing the activities of the LATC to ensure it regulates the practice of landscape architecture in a manner which safeguards the well being of the public and the environment.

Vision

CAB will play a major role in ensuring that architects provide quality professional services.

- California architects will possess the knowledge, skills, and abilities enabling them to meet the expectations of clients and consumers.
- California architects will be competent in all areas of practice and will adhere to professional standards of technical competency and conduct.
- Candidates will have access to the necessary education and training opportunities.
- Consumers will have access to an adequate supply of architects and will have the information they need to make informed choices for procuring architectural services.

Values

CAB will strive for high quality in all its programs, making it an effective and efficient architectural regulatory organization.

To that end, CAB will:

- Be participatory, through continuing involvement with NCARB and other organizations;
- Be professional, by treating all persons who interact with CAB as valued customers;
- Focus on prevention, providing information and education to consumers, candidates, clients, licensees, and others;
- Be progressive, utilizing the most advanced means for providing services; and
- Be proactive, exercising leadership among consumer protection and professional practice groups.

Goals

CAB has established six goals, which provide the framework for the results it wants to achieve in furtherance of its mission.

PROFESSIONAL QUALIFICATIONS

Ensure the professional qualifications of those practicing architecture by setting requirements for education, experience, and examinations.

PRACTICE STANDARDS

Establish regulatory standards of practice for California architects.

ENFORCEMENT

Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

PUBLIC AND PROFESSIONAL AWARENESS

Increase public and professional awareness of CAB's mission, activities, and services.

ORGANIZATIONAL RELATIONSHIPS

Improve effectiveness of relationships with related organizations in order to further CAB's mission and goals.

ORGANIZATIONAL EFFECTIVENESS AND CUSTOMER SERVICE

Enhance organizational effectiveness and improve the quality of customer service in all programs.

Constituencies and Needs

As indicated in the table below, CAB has different constituencies who depend on it for meeting their various needs. In addition, CAB obtains useful information and feedback from these groups that helps to further its mission.

INDIVIDUALS	CONSTITUENCY NEEDS	CONSTITUENCY CONTRIBUTIONS
Public – users of facilities	Safety, welfare, accessibility to persons with disabilities, and recourse	Comments on the quality of services rendered
Clients – procurers of services	Enforcement, regulation of practice, and recourse, qualified architects	Comments on the quality of services rendered
Students	Information and coordination with schools, and preparation for CIDP/IDP	Comments about the clarity of the licensing process
Candidates	Fair exams, access to licensure, and information	Comments about the clarity of the licensing process
Interns	Fair exams, access to licensure, and information	Comments about the clarity of the licensing process, regulation of the profession and practice trends
Licensees	Regulation of practice and unlicensed practice and information	Comments about the clarity of the licensing process
Building Officials	Maintaining standards, regulation, and information	Comments regarding the quality of projects submitted by registered architects
ORGANIZATIONS	CONSTITUENCY NEEDS	CONSTITUENCY CONTRIBUTIONS
Legislature	Protection of the public interest and efficient administration of program	Comments on clarity, fairness and appropriateness of regulation
Executive Branch	Protection of the public interest and efficient administration of program	Comments on clarity, fairness and appropriateness of regulation
Office of Emergency Services	Screening and recruitment of inspectors and response to declared emergencies	Comment on public health, safety and welfare issues
Federal Emergency Management Agency	Support and information	Comment on public health, safety and welfare issues
Seismic Safety Commission	Information dissemination, collaboration, setting minimum practice standards, and response to earthquakes	Comment on public health, safety and welfare issues
Division of the State Architect	Support and information	Comment on public health, safety and welfare issues

Constituencies and Needs (cont.)

ORGANIZATIONS	CONSTITUENCY NEEDS	CONSTITUENCY CONTRIBUTIONS
California Building Officials (CALBO) and Office of Statewide Health, Planning, and Development	Information and coordination	Comment on public health, safety and welfare issues
NCARB	Information, participation, and support	Information and support
AIA; AIACC; and other professional architectural organizations	Regulation of the profession, information, and interstate/international reciprocity	Information and support
Architectural Schools	Information and coordination	Information and support
Association of Collegiate Schools of Architecture	Information and coordination	Enforcement of Architects Practice Act provisions
DCA	Support and information	Information and support
Office of the Attorney General	Information and coordination	Information and support
Board for Professional Engineers, Land Surveyors, and Geologists	Information and coordination	Information and support
Contractors State License Board	Information and coordination	Information and support

Action Plan

The Action Plan is a dynamic framework for the many activities CAB performs in promoting and meeting its goals. The goals and objectives are assigned to committees, subcommittees, task forces, staff, or individuals, as appropriate, who create more detailed action plans in order to meet the goals and objectives set by CAB. Objectives identified by the Board as critical are shown in blue highlight and priority in yellow highlight in the pages that follow.

- Professional Qualifications 14
- Practice Standards 16
- Enforcement 17
- Public and Professional Awareness 18
- Organizational Relationships 19
- Organizational Effectiveness and Customer Service 20

Professional Qualifications

GOAL: Ensure the professional qualifications of those practicing architecture by setting requirements for education, experience, and examinations.

ONGOING RESPONSIBILITIES

Analyze and recommend educational and experience requirements.

Work toward interstate/international reciprocal recognition with other architectural registration jurisdictions.

Review and make recommendations to revise the Architects Practice Act and CAB's regulations to reflect current practice.

Provide advice and input, with AIACC, to the academic community and National Architectural Accrediting Board (NAAB) regarding the quality and comprehensiveness of architectural curricula, as well as preparation of students for architectural licensure, and the supply of architects.

Oversee the content, development, and administration of the CSE.

Review the Architect Registration Examination (ARE) and the CSE to ensure they fairly and effectively test the knowledge, skills, and abilities of importance to architectural practice in California.

Administer CIDP/IDP.

Work with NCARB, AIA/AIACC to refine CIDP/IDP as appropriate.

Explore ways to incorporate and emphasize knowledge of building codes and accessibility requirements in CIDP/IDP, ARE, and CSE, specifically Business and Professions Code section (BPC) 5550.1.

Monitor sustainable development and green building trends and the importance of these issues to consumers.

Monitor implementation of the Certified Access Specialist Program.

LEAD RESPONSIBILITY

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

OBJECTIVES

1. Develop a continuing education strategy and framework based on NCARB research and data.

2. Develop a system to audit completion of coursework on disability access requirements pursuant to Assembly Bill 1746 (Chapter 240, Statutes of 2010).

3. Review AIACC's 2011 Architectural Education Summit Report to determine potential follow-up items for CAB.

4. Prepare a recommendation on the feasibility of establishing a "broadly experienced intern" pathway for submission to NCARB.

LEAD RESPONSIBILITY

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

TARGET DATE

December 2012

December 2012

December 2012

December 2012

OBJECTIVES (cont.)	LEAD RESPONSIBILITY	TARGET DATE
5. Pursue a regulatory amendment to establish a pathway for candidates holding an NCARB certificate through the Broadly Experienced Foreign Architect (BEFA) Program.	Professional Qualifications Committee	June 2013
6. Execute contract renewal with NCARB for the ARE.	Staff	June 2013
7. Conduct and complete an occupational analysis of the practice of architecture in California to be used for the ongoing development of the CSE.	Professional Qualifications Committee	December 2013
8. Sponsor legislation to amend BPC section 30 to accept individual taxpayer identification numbers in lieu of social security number requirement for foreign-licensed professionals.	Professional Qualifications Committee	December 2013
9. Conduct a national audit of NCARB's and CAB's test specifications to determine appropriate content of the CSE.	Professional Qualifications Committee	January 2014

Practice Standards

GOAL: Establish regulatory standards of practice for California architects.

ONGOING RESPONSIBILITIES

Identify areas of practice that require attention by CAB and make recommendations for revising standards of practice contained in the Architects Practice Act and regulations.

Monitor methods of practice and proposed changes in laws that may impact architectural practice and assess their impact on the regulatory process.

Review need to enact additional rules of professional conduct.

Monitor impact of emerging technology and global trends on goals and objectives.

Monitor impact of building code adoption and analyze implications on exemptions defined in BPC section 5537, as it relates to materials and methods of construction.

Monitor the application of alternative project delivery methods and tools for their potential effect on the public's health, safety, and welfare.

Communicate with building officials regarding the statutory requirements for architects' stamps and signatures.

LEAD RESPONSIBILITY

Regulatory & Enforcement Committee

Regulatory & Enforcement Committee

Regulatory & Enforcement Committee

Regulatory & Enforcement Committee

Regulatory & Enforcement Committee

Regulatory & Enforcement Committee

Regulatory & Enforcement Committee

OBJECTIVES

LEAD RESPONSIBILITY

TARGET DATE

1. Pursue an amendment to clarify consumers' rights with respect to confidentiality.

Regulatory & Enforcement Committee

December 2013

Enforcement

GOAL: Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

ONGOING RESPONSIBILITIES

- Coordinate efforts with NCARB on regulatory and enforcement issues.
- Oversee effectiveness of building official contact program.
- Actively enforce laws and regulations pertaining to unlicensed activity.
- Monitor impacts of new technology on enforcement procedures.
- Implement identified alternative enforcement tools.
- Review literature regarding the impact of technology on the profession.
- Maintain CAB presence at CALBO and International Code Council (ICC) chapters.
- Monitor the enforcement of penalties and continue to explore creative ways of collecting fines due.
- Monitor DCA's enforcement legislation.

LEAD RESPONSIBILITY

- Regulatory & Enforcement Committee
- Regulatory & Enforcement Committee
- Regulatory & Enforcement Committee/Staff
- Regulatory & Enforcement Committee
- Regulatory & Enforcement Committee
- Regulatory & Enforcement Committee
- Regulatory & Enforcement Committee
- Regulatory & Enforcement Committee
- Regulatory & Enforcement Committee

OBJECTIVES

OBJECTIVES	LEAD RESPONSIBILITY	TARGET DATE
1. Prepare memorandum for Board's review and discussion regarding fingerprint requirement for licensees to determine its potential application to CAB.	Staff	June 2012
2. Review DCA's best practices, and analyze and adjust CAB's enforcement procedures where appropriate.	Regulatory & Enforcement Committee	December 2012
3. Define "instruments of service" for a potential regulatory proposal.	Regulatory & Enforcement Committee	December 2012
4. Initiate a conversation with AIACC to explore the feasibility of a Qualifications-Based Selection enforcement process.	Regulatory & Enforcement Committee	December 2012
5. Respond to Certified Access Specialist Institute questions regarding Architects Practice Act.	Regulatory & Enforcement Committee	December 2012

Public and Professional Awareness

GOAL: Increase public and professional awareness of CAB's mission, activities, and services.

ONGOING RESPONSIBILITIES

Monitor CAB Communications Plan and recommend expanded communication vehicles as needed.

Disseminate information to licensees, candidates, consumers, government agencies, students, schools, and others about the value of the architectural license.

Fine tune, update, and promote written materials and CAB's website.

Maintain a presence at schools of architecture to inform students about licensing requirements.

Use CAB newsletter to communicate with licensees on such topics as: 1) changes in state regulations, including building code changes, access compliance, and license requirements; and 2) current and upcoming issues such as BIM, IDP, integrated project delivery (IPD), sustainable design, etc.

Implement recommendations for greater use of electronic communication.

Continue CAB's school and student outreach programs.

Expand the consumer content on CAB's website.

LEAD RESPONSIBILITY

Communications Committee

Staff

Communications Committee

Staff

Communications Committee

Communications Committee

Communications Committee

Communications Committee/Regulatory & Enforcement Committee

OBJECTIVES

1. Prepare a concise CAB mission statement for use in all communications.

2. Establish a social media presence for CAB.

3. Review and finalize CAB schools presentation materials.

4. Expand the CAB e-news distribution list.

LEAD RESPONSIBILITY

Communications Committee

Communications Committee

Communications Committee

Communications Committee

TARGET DATE

June 2012

December 2012

December 2012

December 2012

Organizational Relationships

GOAL: Improve effectiveness of relationships with related organizations in order to further CAB's mission and goals.

ONGOING RESPONSIBILITIES

- Maintain working relationship with NCARB.
- Maximize involvement in NCARB and WCARB and obtain appointments to committees and elected office positions.
- Maintain working relationship with AIA, AIACC, and other professional architectural organizations.
- Work with AIACC to advance CAB's goals and objectives.
- Maintain working relationship with DCA and other state agencies.
- Maintain communications with allied organizations (i.e., contractors, engineers, building officials, and insurance providers).
- Maintain communication with educational community through liaison program.
- Recruit qualified potential representatives for CAB committees.
- Maintain relationships with major organizations representing primary constituencies including CAB Board member liaisons as needed.
- Monitor proposed legislation which directly or indirectly affects architectural practice.
- Ensure programs, activities, and services are accessible to persons with disabilities.
- Integrate best practices, relevant information, and strategies between CAB and LATC.
- Continue to hold CAB meetings at campuses, including community colleges; engage faculty in dialogues regarding the value of licensure.

LEAD RESPONSIBILITY

- Executive Committee
- Executive Committee
- Executive Committee
- Executive Committee
- Executive Committee
- Executive Committee
- Executive Committee
- Executive Committee
- Executive Committee
- Executive Committee
- Staff
- Staff
- Executive Committee

OBJECTIVES

OBJECTIVES	LEAD RESPONSIBILITY	TARGET DATE
1. Review CAB's liaison program and determine its future focus for agencies and schools.	Executive Committee	December 2012
2. Advance CAB's position with respect to interior designers'	Executive Committee	December 2012

Performance Measures

CAB measures its performance by the (1) competence of the architects it licenses, (2) quality of services CAB provides, and (3) competitiveness of the marketplace.

COMPETENCE OF ARCHITECTS

Architects are expected to possess certain knowledge, skills, and abilities. Consumers and clients desire architectural services to be delivered by well-qualified architects. These are the qualities an architect should possess to meet those expectations. CAB's role is to focus on those areas that directly impact public health, safety, and welfare.

TECHNICAL EXPERTISE

- Ability to prepare a clear and complete set of working drawings
- Ability to take a concept and work with the client to get it built
- Knowledge of regulatory requirements, including safety, access, and code issues
- Project sustainability
- Understanding of building systems, including materials, structures, and technologies
- Knowledge of how a building is built

LEGAL AND ETHICAL PERFORMANCE

- Knowledge of legal requirements
- Utilize written contracts
- Follow rules of conduct
- Meet contractual obligations

COMMUNICATION SKILLS

- Graphic communication skills
- Oral communication skills
- Written communication skills

CREATIVE ABILITIES

- Design ability, creativity, and knowledge of current design trends

LEADERSHIP SKILLS

- Community leadership
- Project management
- Consensus building

MANAGEMENT SKILLS

- Budget and financial management
- On-time delivery
- Contract administration

CAB can utilize the following methods and benchmarks to measure whether it is improving the competence of California architects:

- Number and type of complaints
- Focus group meetings with various constituent and user groups
- Building official surveys

QUALITY OF CAB SERVICES

CAB has many constituencies it must serve. They are delineated in the Constituencies and Needs section beginning on page 11. One of CAB's goals is to enhance organizational effectiveness and improve the quality of customer service in all programs.

The following methods and benchmarks can provide a basis to measure CAB's performance:

- Number and type of complaints
- Focus group meetings with various constituent groups
- Building official surveys

COMPETITIVENESS OF THE MARKETPLACE

CAB needs to ensure that consumers operate in a fair, competitive marketplace that provides them with a choice of qualified architects. CAB must protect the public's health, safety, and welfare while being careful not to over-regulate the marketplace. It appears that CAB has not set unreasonable barriers to entering the practice given the large number of architects available.

The following methods and benchmarks can provide a basis to measure CAB's performance:

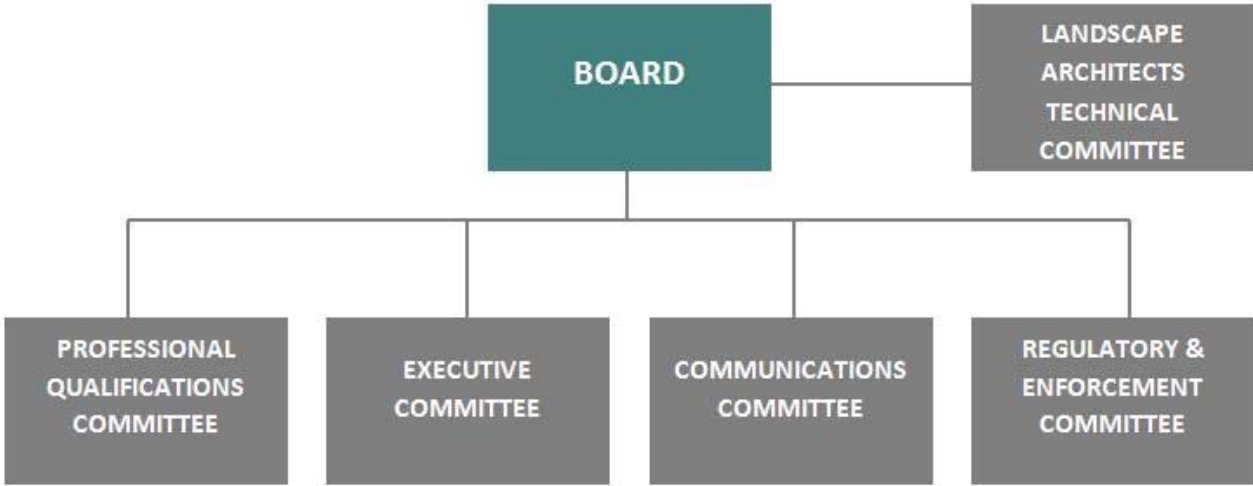
- Comparison with other jurisdictions (per capita, distribution, etc.)
- Exam pass rates
- Trends
- Number of qualified architects

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Appendix A: Organizational Structure

CAB has developed the organizational structure below to implement its strategic plan. CAB will establish subcommittees and task forces as needed.



Appendix B: External Factors Influencing CAB

Every annual update to CAB's strategic plan is preceded by an environmental scan. From an examination of CAB's external environment CAB members and staff identify the potential issues and challenges, which may affect CAB's ability to carry out its mission over the long term. The following trends and assumptions were identified, but may not be universally accepted by all practitioners, and help form the foundation of CAB's strategic plan.

CONSUMER AND CLIENT ISSUES

- The potential expansion of public works projects will expand opportunities for architects.
- Consumer expectations are on the rise, and clients of architectural services are demanding higher levels of service and quality and expect lower costs.
- Concerns about climate change and energy efficiency, drought conditions, and the environment have made green building standards a mainstream issue. Increasingly, clients are demanding that architects utilize "sustainable" or "green" building materials and strategies.
- Demand for application of sustainable design practices and use of sustainable materials and technologies will require architects and other design professionals to acquire relevant knowledge and skills.
- Clients are increasingly awarding jobs based on competitions, ultimately affecting the quality of products and services.
- New computer software has resulted in more clients attempting drawings or other aspects of architecture on their own, without the use of a licensed architect.

ARCHITECTURAL PRACTICE

Evolution of Firms

- The trend toward specialization in architectural practice will continue.
- Architectural practice is expanding beyond its traditional scope, and more architects are practicing outside the limits of their primary expertise.
- Firms continue to reinvent themselves in response to market changes and new trends in practice, including emerging technologies.
- International practice opportunities are increasing.

Project Delivery

- The increasing use of alternative project delivery, including IPD and the application of BIM, will impact the assignment of responsible control and liability.
- Changes in technology, alternative project delivery methods, regulations, among other factors, continue to redefine the standard of care.
- The Internet allows architects to work on projects at great distances from their home offices.
- The improper use of BIM by unlicensed individuals may negatively affect the public's health, safety, and welfare.
- The number of turn-key and design/build projects continues to increase, thereby increasing potential conflicts of interest between contractors and owners. Responsible control is taken out of the hands of the architect and leaves the owner without a clear advocate.
- The use of program/construction managers is on the rise.

- As the role of construction manager in project delivery grows, so does the potential threat to public health, safety, and welfare, as construction managers are not regulated.
- The use of team approaches to project management and development is increasing.
- The use of public/private partnerships is increasing in light of public sector budget constraints.
- Increasingly, architects are signing blueprints that are created outside of their realm of observation, often outside of the country.

Market Conditions

- Potential gaps in the supply of architects resulting from the recent economic downturn may lead to an increase in unlicensed practice in the future.
- The marketplace is experiencing increased pressures to lower fees, increase services, and operate in a compressed time frame environment.
- Consolidation of architectural firms continues.
- The role of principal has evolved from mentor into business manager.
- Architects' salaries are low relative to business and high-tech fields.
- An increasing number of principals are spending less time on traditional architectural functions and more time on business development, client relations, and operating the business.

Liability

- The ability to practice architecture is increasingly restricted by the ability to obtain professional liability insurance.
- Construction defect liability is an issue in the Legislature.

Miscellaneous

- Use of the legislative process to impact architectural practice is increasing.
- Building security will be a growing concern in the foreseeable future.
- Fewer practitioners have close ties to academia than in years past.

ARCHITECTURAL EDUCATION AND TRAINING

- The increasing cost of education is further reducing the number of architects and creating a gap between education and practice.
- License and examination fee increases, changing requirements, and modifications to exam format and structure are creating challenges for those interested in becoming licensed.
- Increasingly, architecture students are choosing not to take the licensure exam, which may reflect a change in the perception of the license as a gateway to professional practice.
- Architectural education needs to evolve to address strategic issues and changes in the field, including new technologies, building systems, and practice trends.
- There is a growing need for partnership among academia, practitioners, and CAB.
- Internships will need to focus on public health, safety, and welfare items, such as construction methods, life safety, Americans with Disabilities Act compliance, and construction document coordination.
- NAAB appears to have reduced its focus on ensuring that students effectively demonstrate four of the core competencies related to architectural practice.

- Global outsourcing may reduce potential internship opportunities.
- Technology is increasingly used to provide continuing education opportunities.

CONSTRUCTION INDUSTRY

- Changes in model codes affect local standards and review processes.
- Codes remain in flux.
- Materials' specifications are changing.
- The shift to metric standard continues.
- Trend toward new configurations of professional teams to include designing, building, and construction. This can result in an unclear definition of the architect's responsibility (e.g., in relation to construction defects).
- Building technologies have remained the same, but there are changes in building materials (e.g., straw bale and adobe blocks in residential construction).
- Demand for "green" (environmentally sensitive, energy efficient) architecture is increasing.
- While the construction management function is expanding, it is still unregulated, potentially affecting the public's health, safety, and welfare.
- The construction industry lacks qualified craftspeople to meet current demands.

ECONOMY

- Economic cycles are less predictable, resulting in more rapid fluctuations affecting job security and the demand for qualified professionals.
- Fiscal conservatism continues to influence the economic decision-making of consumers and clients, resulting in fewer business opportunities for practicing architects.
- Greater competition for jobs has the potential to impact the quality of services and consumer protection.
- International investors are becoming a bigger factor in the California economy.
- Growing international practices and outsourcing of architectural services puts downward pressure on labor costs and quality of service.
- More clients are demanding faster project delivery.
- Alternative careers (e.g., entertainment, computers) are expanding.
- The economic downturn may result in the loss of quality architects from the profession.
- The quality of plan checking is likely to be affected by downsized local building departments.

GOVERNMENT

- The Sunset Review process has been re-instituted and is underway.
- Uncertainty in the political realm continues.
- State-mandated furloughs are resulting in a decrease in CAB's capacity to oversee the licensure process and enforce licensure requirements.
- Severe State budget constraints are likely to continue.
- Efforts to restructure and streamline government continue.
- In 2004, Sunset Review recommended that CAB allocate more funding towards addressing enforcement issues, diverting funding from possible research and development efforts.

- Not all reportable civil action judgments, settlements, arbitration awards, or administrative actions with values greater than \$5,000 in cases involving architects are being reported to CAB as required by law.
- Unregulated construction management may have a negative effect on architectural control.
- Electronic service delivery using the Internet is increasingly common.
- Changes in the California Legislature make it important to renew contacts and develop new relationships.

INTERSTATE AND INTERNATIONAL PRACTICE

- The practice of architecture is becoming increasingly interstate and international in nature. Architects are using foreign firms to do construction documents. The opening of the international marketplace, symbolized by the North American Free Trade Agreement and General Agreement on Tariffs and Trade, broadens the scope of trade.
- This trend increases the need for greater uniformity of licensing requirements as more out-of-state consultants are hired and technology increases the ease of communications and information transfer.
- There is increased foreign investment in California businesses and infrastructure.
- NCARB continues to emphasize consistency in licensing requirements to achieve reciprocity.

DEMOGRAPHICS

- California's population continues to become more diverse. All regions of California are projected to continue to grow.
- California's population is aging and individuals of the "baby boom" generation are beginning to retire, resulting in a decrease in the number of experienced, practicing architects.
- California's population is growing in high-risk areas (e.g., flood plains, earthquake-prone regions).
- California's infrastructure, roads, utilities, and housing supply are not keeping pace with its growing population.
- Increased elderly and young populations affect needed services.
- Increased cultural diversity affects consumers, regulators, and the education system.
- Increase in population affects natural resources (e.g., air, water, and space), infrastructure, and the education system.

INFORMATION TECHNOLOGY

- Electronic technology greatly expands both opportunities and challenges for communication and control over the preparation of technical documents.
- Technology also impacts the regulatory environment, as products such as engineering software and prototype plans become increasingly available.
- Changes in technology necessitate changes in regulation of architects to address issues such as computer-aided design, supervision/apprenticing of interns, etc.
- Technology has put less emphasis on paper documents.
- Some architects lack technological competency. Their challenge is to learn how to manage and regulate the technology properly.
- Technological innovations in modeling and engineering have created opportunities for new designs and new structures.

- Technology is impacting record documentation and the assignment of liability and negligence.
- Web-based project management will continue to impact project delivery, thereby making document control, accuracy, and integrity more critical.
- The adoption of BIM techniques has introduced new concerns regarding consumer protection and user safety in buildings.

Appendix C: Communications Plan

To support its strategic priorities, the California Architects Board (CAB) conducts information and outreach activities. This plan presents key messages, existing communications channels, and preliminary strategies for improving external communications.

AUDIENCES

CAB provides information to six main audiences:

- Consumers (clients of architects)
- Candidates and pre-candidates (interns and students)
- Professionals (licensed architects)
- Building officials
- Allied professionals (other design and construction professional associations and licensing boards)
- Architectural education community

CONSUMERS (CLIENTS OF ARCHITECTS)

Messages and Key Information

Consumers need information on how to choose the right architect and how to address complaints during or after projects. Other important consumer information includes:

- Guidelines on hiring architects, including criteria
- Consumer rights
- Assistance available from CAB

This information requires greater visibility and needs to be targeted more directly to specific audiences based on the importance of data as it relates to the public's health, safety, and welfare.

Existing Communications Channels

- Consumer's Guide to Hiring an Architect (print and website)
- Information sheets (print and website)
- Post-disaster forums and press releases
- Press releases

Preliminary Strategies

- Articles in trade association and consumer magazines
- Articles in local newspapers (home sections)
- Outreach via related associations, such as local boards of realtors
- Liaison with Department of Consumer Affairs (DCA)

CANDIDATES AND PRE-CANDIDATES (INTERNS AND STUDENTS)

Messages and Key Information

Candidates for examinations and those considering the profession need accurate, timely information. Students need information and guidance about the necessary requirements of the practice of

architecture, and exam candidates need detailed information about the licensure process to avoid costly mistakes. Other important information includes:

- Education requirements
- Experience requirements
- Written and supplemental examination requirements
- License requirements
- Practice limitations for those without licenses
- Background on CAB
- Standards of practice information
- Other states' requirements (e.g., in regard to reciprocity)

Existing Communications Channels

- Architectural Careers website and bookmark
- Candidate's Handbook (website)
- Comprehensive Intern Development Program (CIDP) Handbook
- National Council of Architectural Registration Boards website and documents
- The American Institute of Architects, California Council (AIACC), Construction Specifications Institute (CSI), and Society of American Registered Architects (SARA) meetings, chapter meetings, and publications
- Seminar presentations

Preliminary Strategies

- Expand information and applications available on CAB's website
- Provide more information to students and provide it earlier in their educational endeavors
- Create and distribute a poster to schools to display information referencing CAB's website and available publications

PROFESSIONALS (LICENSED ARCHITECTS)

Messages and Key Information

Licensed professionals require up-to-date information to stay current in the field and provide quality architectural services. This pertains especially to sole practitioners and unaffiliated architects.

Important information topics include:

- Architects Practice Act (law and regulations)
- Standards of practice
- Disciplinary actions
- Issues of practice (e.g., codes, professional trends, etc.)

Existing Communications Channels

- CAB's quarterly newsletter (website)
- Architects Practice Act with Rules and Regulations (website)
- AIACC, CSI, and SARA meetings, chapter meetings, and publications

Preliminary Strategies

- Upgrade graphics on reports and publications
- Develop contact plan for AIACC (Executive Committee) and its chapters
- Expand publication dissemination to licensees
- Update the CIDP/IDP Communication Plan

BUILDING OFFICIALS

Messages and Key Information

Building officials need to know which plans require professionals, and who are licensed architects. Other information needed by these agencies includes:

- Architects Practice Act (laws and regulations)
- Guidance in interpreting the Act
- Licensee information
- Disciplinary actions

Existing Communications Channels

- Building Official Information Guide (print)
- Architects Practice Act with Rules and Regulations (website)
- California Building Officials (CALBO) meetings
- Tables at CALBO meetings
- International Conference of Building Officials (ICBO) chapter meetings
- Visits to building officials
- Annual surveys

Preliminary Strategies

- Work with ICBO to create code pamphlets

ALLIED PROFESSIONALS

(OTHER DESIGN AND CONSTRUCTION PROFESSIONAL ASSOCIATIONS AND LICENSING BOARDS)

Messages and Key Information

Professional associations for design and construction industries (e.g., contractors, engineers, geologists, and building industry associations) need to be kept informed of CAB's activities which may impact their organizations and the industries they represent. Likewise, the state licensing boards which regulate those industries need to be kept informed of activities that may impact their boards and the professions they regulate.

Existing Communications Channels

- Newsletters
- Website
- DCA Executive Officers Council
- Website links to affiliated professionals' websites

- Architectural/engineering meetings

Preliminary Strategies

- Interact with Board for Professional Engineers, Land Surveyors, and Geologists and Contractors State License Board (Executive Committee)

ARCHITECTURAL EDUCATION COMMUNITY

Messages and Key Information

California schools with architectural programs (i.e., colleges, universities, and community colleges) and high schools need to know about licensure and candidate information. These include:

- Examination/licensure requirements
- Candidate exam pass rates
- CIDP/IDP
- CAB programs

Existing Communications Channels

- Candidate's Handbook (website)
- Summary of Architect Registration Examination pass rates by school
- Education forums

Preliminary Strategies

- Expand education forums
- Meet at schools when possible
- Distribute CIDP Handbook

GRAPHIC STANDARDS

CAB will maintain and update its graphic standards to ensure clarity, consistency, and accuracy of information in all printed materials and publications.

WEBSITE

The Internet is being used effectively as a tool to reach all audiences through links to and from related sites. The current site functions well and has outstanding graphics. CAB will continue to improve website access, ease of use, and value to users.

Agenda Item Q

REVIEW OF SCHEDULE

December 2012

5-6 25	Board Meeting/Strategic Planning Session <i>Christmas</i>	Ontario <i>Office Closed</i>
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January 2013

TBD 1 21	Landscape Architects Technical Committee (LATC) Meeting/ Strategic Planning Session <i>New Year's Day</i> <i>Martin Luther King, Jr. Day</i>	Sacramento <i>Office Closed</i> <i>Office Closed</i>
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February

18	<i>Presidents' Day</i>	<i>Office Closed</i>
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March

TBD 1-3 15-16	Board Meeting Council of Landscape Architectural Registration Boards (CLARB) Spring Meeting Western Conference of Architectural Registration Boards Joint Regions 1, 2 & 6 Meeting	TBD Scottsdale, AZ Providence, RI
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May

27	<i>Memorial Day</i>	<i>Office Closed</i>
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June

TBD 19-20 20-22	Board Meeting National Council of Architectural Registration Boards Annual Meeting and Conference The American Institute of Architects National Convention	TBD San Diego Denver, CO
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July

4	<i>Independence Day</i>	<i>Office Closed</i>
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September

TBD 2 26-28	Board Meeting <i>Labor Day</i> CLARB Annual Meeting	TBD <i>Office Closed</i> Minneapolis, MN
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November

11 28-29	<i>Veteran's Day</i> <i>Thanksgiving Holiday</i>	<i>Office Closed</i> <i>Office Closed</i>
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December

TBD 25	Board Meeting <i>Christmas</i>	TBD <i>Office Closed</i>
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Board Meeting	December 5-6, 2012	Ontario, CA
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Agenda Item R

ADJOURNMENT

Time: _____