

MINUTES

REGULAR MEETING

CALIFORNIA ARCHITECTS BOARD

December 10-11, 2014

Sacramento, CA

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

Board President Sheran Voigt called the meeting to order at 10:12 a.m., and Board Vice President, Pasqual Gutierrez, called roll.

Board Members Present

Sheran Voigt, President
Pasqual Gutierrez, Vice President
Jon Alan Baker
Matthew McGuinness
Nilza Serrano (arrived at 10:20 a.m.)
Hraztan Zeitlian

Board Members Absent

Denise Campos
Tian Feng
Sylvia Kwan

Guests Present

Kurt Cooknick, Director of Regulation & Practice, The American Institute of Architects, California Council (AIACC)
Gregory Tuss, Deputy Attorney General (DAG), Office of the Attorney General
Raul Villanueva, Personnel Selection Consultant, Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES)

Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Marcus Reinhardt, Program Manager, Examination/Licensing
Justin Sotelo, Program Manager, Administration/Enforcement
Mel Knox, Administration Analyst
Robert Carter, Architect Consultant
Rebecca Bon, Staff Counsel, DCA

Six members of the Board present constitute a quorum. Five members were present at the time of roll. (A quorum was established with Nilza Serrano's arrival at 10:20 a.m.)

B. PRESIDENT'S REMARKS

Ms. Voigt announced that the Board did not have a quorum at the time of the roll call. She indicated that the Board would proceed with business to the furthest extent possible without a quorum.

Ms. Voigt announced Chris Christophersen's resignation from the Board due to an enhanced role with his employer. She also recognized DAG Gregory Tuss' presence at the meeting, and noted that he was scheduled to deliver a presentation on the Board's role in the disciplinary process.

Jon Baker asked to rearrange the agenda to delay action items until a quorum is established. Doug McCauley recommended the Board take time to consider the September minutes for approval, and to receive liaison and Executive Officer's reports, which require no action.

C. PUBLIC COMMENT SESSION

There were no comments from the public.

E.* EXECUTIVE OFFICER'S REPORT

Mr. McCauley informed the Board of the National Council of Architectural Registration Boards' (NCARB) meeting in Long Beach in March 2015 for its Regional Summit. He recommended the members take advantage of the rare opportunity to attend a critical national meeting. Mr. McCauley explained that, by attending the Regional Summit, the Board could use the opportunity to advocate on several issues that affect California.

Mr. McCauley updated the Board on the status of its negative Budget Change Proposal, which is a proposal to reduce the Board's spending authority. He said the proposal is still in the approval process and, if approved by the Governor, will be reflected in the Governor's budget in January.

Mr. McCauley updated the Board on legislative items. He explained the complexities of seeking new legislation on the subject of Senate Bill 850, which concerned the issue of community colleges awarding baccalaureate degrees. Mr. McCauley reported it premature to propose revisions to the prescribed process for identifying community colleges to award baccalaureate degrees. He suggested that the Board monitor the process and, in the future, reconsider sponsoring new legislation that would enable community colleges to award baccalaureate degrees in architecture. Mr. McCauley said that AIACC researched the possibility of seeking new legislation to that effect and found it prudent to wait to pursue.

Mr. McCauley reported that AIACC will likely pursue legislation next year pertaining to construction observation.

Mr. McCauley stated that the Board has embraced Twitter as a valuable tool to communicate with students and emerging professionals. He reported that, since its September 2014 meeting, the Board's number of Twitter followers has increased by 50 percent. To help promote the Board's social media efforts, Mr. McCauley explained that a card was produced with the Twitter logo on one side and Board's handle on the other. He said these cards shall be made available at Board meetings and presentations at schools to increase public awareness about the Board's presence on Twitter.

Mr. McCauley reported that regulatory proposals concerning 1) Architect Registration Examination eligibility, and 2) changes to the Intern Development Program (IDP) are awaiting approval by the Office Administrative Law.

Mr. McCauley acknowledged that the Enforcement Unit's number of pending cases has increased. He explained that a significant amount of continuing education (CE) coursework audits were recently referred to the unit, causing a surge in the number of pending cases from this time one year ago. Mr. McCauley indicated that the unit's case load will return to normal levels over time.

Mr. Gutierrez asked about the California Supplemental Examination (CSE) pass rates for fiscal year (FY) 2014/2015 in comparison to pass rates for FY 2013/2014. Marccus Reinhardt clarified that FY 2014/2015 statistics reflect a partial year and not the entire year.

Mr. McCauley updated the Board on the steps to complete its Sunset Review process. He reported that the Sunset Review Report was submitted to the Legislature on October 31, 2014, and noted that the Board will receive a list of issues to address approximately two weeks before its hearing. He also explained that he will meet with DCA executive staff and AIACC before the Sunset Review hearing. He informed the Board that an Executive Committee meeting will likely be scheduled two weeks before the hearing in order to properly address issues that may arise.

- **Sheran Voigt moved to delegate authority to the President and Executive Officer to make any policy decisions with regard to preparing for the Board's Sunset Review hearing and to convene the Executive Committee, if needed.**

Nilza Serrano seconded the motion.

The motion passed 6-0.

Mr. McCauley delivered his liaison report, stating that the California chapter of the American Council of Engineering Companies identified three issues of concern to the Board: water resources, indemnification, and transportation. He reported that the Contractors State Licensing Board (CSLB) identified unlicensed operator stings and service repair scams as significant consumer protection issues of interest to the Board. He said that a new CSLB Registrar will soon be selected to replace Steve Sands. Mr. McCauley also reported that the Board for Professional Engineers, Land surveyors and Geologists (BPELSG) is also in the midst of its Sunset Review, and has implemented computer testing. He said that BPELSG is considering an increase to the number of days its exam is offered.

Ms. Voigt reported that she contacted representatives at all three of her assigned community colleges, but only spoke briefly with the representative at College of the Desert.

Mr. Gutierrez reported that, in addition to the introductory letters that were sent to schools and organizations by staff, he authored personal letters to his contacts. He reported that a conference call is scheduled for January 8, 2015 with Woodbury University on the topic of Woodbury's collaboration with the Board concerning integrated paths to licensure.

Ms. Serrano reported that she contacted representatives at all three of her assigned community colleges, but only spoke briefly with the representative at Cerritos College. She reported that the department leadership at Cerritos believes students should spend more time in school due to liability concerns in architecture. She explained the leadership's belief that their students should be more familiar with liability exposure as future practitioners.

Mr. Baker reported that most of his contact has been with NewSchool of Architecture and Design. He said that NewSchool is very interested in the "accelerated path to architectural licensing" initiative from NCARB and reminded the Board that Mitra Kanaani, Professor of Architecture at NewSchool, has spoken before the Board on two occasions in 2014. Mr. Baker reported difficulties engaging in meaningful discussion with his assigned community colleges.

Matthew McGuinness reported on his conversation with the Chair of the architecture department at City College of San Francisco. Mr. McGuinness expressed the Chair's desire for industry organizations (including the Board) to exercise greater social responsibility. He said the Chair recognizes a strong need to reduce barriers for entry into the architectural profession and create conditions that provide access to people other than those who are most privileged in our society.

Mr. Zeitlian volunteered to be the liaison to the Southern California Institute of Architecture (SCI-Arc) for future reports, previously held by Mr. Baker. He reported that SCI-Arc leadership is pro-licensure alignment, citing a recent interview conducted with the Institute's Director. Mr. Zeitlian also reported that the University of Southern California has responded to NCARB's Request for Information & Interest, and will also be submitting a Request for Proposal (RFP). He said the University of California, Los Angeles expressed a strong support for the Board to allow candidates to begin earlier testing; however, it is not interested in submitting an RFP at this time due to staffing concerns. Mr. Zeitlian also reported that the Association of Collegiate Schools of Architecture is interested in encouraging all colleges to consider submitting an RFP. He said Citrus College's focus is gaining accreditation status.

Mr. McCauley spoke on the national effort to develop additional paths to licensure through degree programs. He explained the concept of students taking divisions of the national examination while fulfilling requirements of the IDP with the view to be eligible for licensure upon graduation. Mr. Baker asked about collaboration between the Board and universities, to which Mr. McCauley said that the Board has taken positive steps toward being accessible to schools throughout the process. Mr. McCauley reminded members that all accredited schools of architecture were invited to the February 2014 Board meeting to participate in discussions concerning national efforts to integrate licensing into degree programs. He suggested that schools again be invited to the March 2015 Board meeting in Long Beach, especially those schools that intend to submit an RFP. Mr. McGuinness voiced concern that only private schools would entertain the RFP since public schools may have fewer resources. He encouraged the Board to be mindful of how that dynamic may influence the process. Mr. Zeitlian expressed his desire for the Board to be a proactive leader for allowing candidates to begin earlier testing.

Robert Carter reported on his contact with the California Building Officials (CALBO). He said CALBO is engaged in issues concerning 1) roof-mounted solar panel systems for residential use, and 2) the education of building officials and staff in rural and underserved communities, particularly on the central coast and in the central valley. Mr. Carter said CALBO will be the host organization for an upcoming International Code Council meeting in Long Beach.

The Board reviewed Tian Feng's and Sylvia Kwan's liaison reports, which were presented in writing in their absence.

D. APPROVE THE SEPTEMBER 10, 2014 BOARD MEETING MINUTES

Ms. Voigt asked for comments concerning the September Board Meeting Minutes.

- **Jon Baker moved to approve the September 10, 2014, Board Meeting Minutes with minor edits to pages 4, 7, and 8.**

Pasqual Gutierrez seconded the motion.

The motion passed 6-0.

F. ELECTION OF 2015 BOARD OFFICERS

Ms. Voigt informed the Board that two members, Messrs. Baker and Gutierrez, are seeking the position of Board President in 2015. In his absence, Ms. Voigt expressed Mr. Feng's desire to serve the Board in any officer position. Ms. Voigt then proposed the following slate of officers for 2015 based on the qualifications and interest expressed by the Board members: Jon Baker, President; Pasqual Gutierrez, Vice President; and Tian Feng, Secretary.

- **Matthew McGuinness moved to elect Jon Baker for President in 2015.**

Pasqual Gutierrez seconded the motion.

The motion passed 6-0.

Ms. Voigt asked for a motion concerning the position of Vice-President.

- **Matthew McGuinness moved to elect Pasqual Gutierrez for Vice-President in 2015.**

Nilza Serrano seconded the motion.

The motion passed 6-0.

Ms. Voigt asked for a motion concerning the position of Secretary.

- **Matthew McGuinness moved to elect Tian Feng for Secretary in 2015.**

Nilza Serrano seconded the motion.

The motion passed 6-0.

G. SELECT THE 2014 OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD RECIPIENTS

Ms. Voigt explained that members of the Board donate the cost of the Octavius Morgan Distinguished Service Awards to annual recipients. She asked the Board if members wish to continue the tradition of purchasing these awards with personal funds. Mr. McCauley reminded

the Board of the Executive Order on this issue. He reminded the Board that members have opined in the past that the Octavius Morgan Distinguished Service Award is too important to discontinue.

- **Jon Baker moved to continue the practice of donating the cost of the Octavius Morgan Distinguished Service Award with the personal funds of Board members.**

Mr. Baker shared his view that volunteers should be recognized for their valuable contribution to the Board. He said their contribution to California consumers cannot be overlooked.

Nilza Serrano seconded the motion.

The motion passed 5-1 (Hraztan Zeitlian opposed).

Ms. Voigt acknowledged two Octavius Morgan Distinguished Service Award nominees for their efforts to advance the Board's mission, values, and strategic goals.

- **Matthew McGuinness moved to approve that Albert Okuma and Charles Smith be awarded the Octavius Morgan Distinguished Service Award for 2014.**

Nilza Serrano seconded the motion.

The motion passed 6-0.

H. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Mr. Reinhardt explained that the NCARB Board of Directors, at its September 11-13, 2014 meeting, solicited comments from Member Boards concerning proposed changes to streamline and overhaul the IDP. He further explained that, on August 12, 2014, the Board President provided those comments to NCARB on behalf of the Board in support of NCARB's IDP proposals. Mr. Reinhardt asked the Board to ratify the action taken by the Board President as well as the comments submitted to NCARB.

- **Jon Baker moved to ratify the action taken by the Board President and the comments submitted to NCARB concerning proposed changes to IDP.**

Nilza Serrano seconded the motion.

The motion passed 6-0.

Mr. Reinhart asked the Board to also ratify similar comments to NCARB's proposed changes to the Broadly Experienced Architect (BEA) and Broadly Experienced Foreign Architect (BEFA) programs. Mr. Baker stated that program changes to BEA and BEFA may not proceed as initially proposed, and that NCARB may modify or retract its proposed changes.

- **Jon Baker moved to ratify the action taken by the Board President and the comments submitted to NCARB concerning proposed changes to BEA and BEFA programs.**

Nilza Serrano seconded the motion.

The motion passed 6-0.

I. PROFESSIONAL QUALIFICATIONS (PQ) COMMITTEE REPORT

Mr. Baker reported on the activities which occurred at the PQ Committee meeting held on April 9, 2014. He reported that the Committee was updated with the Strategic Plan objectives for initiatives that promote licensure and additional paths to licensure. Mr. Baker also reported that the Committee discussed the upcoming Occupational Analysis (OA), review of the national examination, and linkage study.

Mr. Gutierrez explained the PQ Strategic Plan objective to monitor, analyze, and encourage initiatives for schools of architecture that promote curriculum in health, safety, and welfare, and alternative paths to licensure should be reexamined. He said the Board will need to greater align itself with NCARB on this issue during the upcoming Strategic Planning session. Mr. Gutierrez said the nomenclature now used is “integrated path to licensure.”

J. DEPUTY ATTORNEY GENERAL PRESENTATION: THE BOARD’S ROLE IN THE DISCIPLINARY PROCESS

DAG Gregory Tuss, provided a presentation on the Board’s role in the disciplinary process for cases that warrant formal enforcement or disciplinary action by the Board. Mr. Tuss stressed the importance of the Board to focus on identifying appropriate penalties that adequately protect the public.

K. DISCUSS AND POSSIBLE ACTION ON 2014 STRATEGIC PLAN OBJECTIVE TO REVIEW AND UPDATE THE BOARD’S DISCIPLINARY GUIDELINES

Justin Sotelo presented proposed revisions to the Board’s Disciplinary Guidelines. He explained the basis for the proposed revisions and the actions taken by the Regulatory and Enforcement Committee (REC). Mr. Sotelo asked the Board to consider either their 1) approval with staff authorization to proceed with the required regulatory change proposal to amend California Code of Regulations (CCR) section 154, or 2) referral of this item back to the REC for a formal recommendation to the Board.

Mr. Baker requested that staff modify the heading for Business and Professions Code section 5586 for greater clarity.

Mr. Sotelo also briefed the Board on the proposed modification to the “Obey All Laws” standard condition of probation, which was recommended by the Board’s DAG liaison. He referred members to the DAG’s list of eight justifications for modifying the condition, which were included in the agenda item cover sheet. Mr. McCauley further explained the basic standard for architects, which is compliance with the Architects Practice Act. He said, once that standard has been breached, architects on probation should be 1) on their best behavior, 2) held to a higher standard, and 3) demonstrating rehabilitation. Mr. Tuss said grey areas may exist when determining which violations of law to consider. He reiterated his earlier point about proper discipline of an architect in the context of adequate public protection. Mr. Baker stated there may be instances when state law may not comply with federal law. He said, therefore, it may be impossible to simultaneously “obey all laws,” particularly if laws do not involve the practice of architecture. Mr. Baker asked if legal counsel is comfortable with that proposed modification.

Rebecca Bon informed the Board that other boards within DCA have blanket requirements for their professionals to “obey all laws” while staff maintains discretion to pursue infractions of law. Mr. McCauley said the Board may exercise discretion, for example, in certain Vehicle Code violations. He said the Board has discretion to apply penalties as deemed appropriate based on facts and circumstances of a particular case.

- **Jon Baker moved to approve the proposed revisions to the Board’s Disciplinary Guidelines with a minor modification to BPC 5586 heading and authorize staff to proceed with a regulatory proposal to amend CCR section 154.**

Nilza Serrano seconded the motion.

The motion passed 5-1 (Matthew McGuinness opposed).

I.* PROFESSIONAL QUALIFICATIONS (PQ) COMMITTEE REPORT

Raul Villanueva gave a presentation on the results of the Board’s OA. He covered the:

1. OA’s response rate and demographic results;
2. OA’s results of task and knowledge ratings; and
3. CSE Test Plan.

Mr. Baker asked about the relevancy of questions to the OA, to which Mr. Villanueva explained that, indeed, all questions are relevant.

Mr. McCauley noted the issue of disabled access is not only mandated to be a topic of CE of architects, but is also mandated to be a topic of the examination. He said the topic of disabled access should be highlighted as part of the CSE Test Plan.

Ms. Serrano asked about exam demographics, to which Mr. Villanueva replied that OPES is prohibited from collecting gender and ethnic demographics. Ms. Serrano opined that the information cannot be collected and used to make decisions, but can be collected and used for information purposes. Mr. Villanueva said that information can be given only on a volunteer basis.

L. 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 to consider possible action on proposed enforcement decisions and stipulations.

M. ADJOURNMENT

Ms. Voigt asked for a motion to adjourn.

- **Pasqual Gutierrez moved to adjourn.**

Hraztan Zeitlian seconded the motion.

The motion passed 6-0.

The meeting adjourned at 2:25 p.m.

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

Board President Sheran Voigt called the meeting to order at 9:00 a.m. on December 11, 2014, and Board Vice President, Pasqual Gutierrez, called roll.

Board Members Present

Sheran Voigt, President
Pasqual Gutierrez, Vice President
Jon Alan Baker
Tian Feng
Sylvia Kwan
Matthew McGuinness
Nilza Serrano
Hraztan Zeitlian

Board Members Absent

Denise Campos

Guests Present

Kurt Cooknick, Director of Regulation & Practice, AIACC
Ted Evans, Strategic Planner & Facilitator, DCA Strategic Organization, Leadership, and Individual Development (SOLID)
Dennis Zanchi, Organizational Development Manager, DCA SOLID

Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Marccus Reinhardt, Program Manager, Examination/Licensing
Justin Sotelo, Program Manager, Administration/Enforcement
Mel Knox, Administration Analyst
Rebecca Bon, Staff Counsel, DCA

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

O. PUBLIC COMMENT SESSION

There were no comments from the public.

P. STRATEGIC PLANNING SESSION

Dennis Zanchi and Ted Evans from SOLID facilitated the Board's strategic planning session and lead the Board through its review of accomplishments for 2014, its mission, values, and strategic

goals, which assisted members in developing objectives for 2015-16. The Board decided at this year's session to transition to a two-year Strategic Plan.

SOLID will update the Strategic Plan with changes made during this session, and the Board will review and finalize the plan at its next meeting.

Q. REVIEW OF SCHEDULE

Mr. McCauley identified the following dates in 2015 for Board meetings:

- March 5 or 12, 2015 (members will be surveyed for availability);
- June 10, 2015;
- September 10, 2015; and
- December 10-11, 2015.

R. ADJOURNMENT

Ms. Voigt asked for a motion to adjourn.

- **Matthew McGuinness moved to adjourn.**

Sylvia Kwan seconded the motion.

The motion passed 8-0.

The meeting adjourned at 2:02 p.m.

**Agenda items for this meeting were taken out of order to accommodate the schedule of guest speakers. The order of business conducted herein follows the transaction of business.*