

California Architects Board
Board Meeting &
Strategic Planning Session
December 15-16, 2016
Sacramento, California





Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF BOARD MEETING

December 15-16, 2016
Stanley Mosk Library and Courts Building
914 Capitol Mall, Room 500
Sacramento, CA 95814
(916) 651-6466 or (916) 575-7221 (Board)

The California Architects Board will hold a Board meeting, as noted above. The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website: cab.ca.gov. For further information regarding this agenda, please see below or you may contact Mel Knox at (916) 575-7221.

The Board plans to webcast this meeting on its website at cab.ca.gov. Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Agenda **December 15, 2016** **10:30 a.m. to 5:00 p.m.** **(or until completion of business)**

- A. Call to Order/Roll Call/Establishment of a Quorum
- B. President's Procedural Remarks and Board Member Introductory Comments
- C. Public Comment on Items Not on Agenda
(The Board may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].)
- D. Review and Possible Action on September 29, 2016 Board Meeting Minutes
- E. Executive Officer's Report - Update on November 2016 Monthly Report on Board's Administrative/Management; and Examination, Licensing and Enforcement Programs

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(Continued)

F. Election of 2017 Board Officers

G. Regulatory and Enforcement Committee (REC) Report

1. Update on November 8, 2016 REC Meeting
2. Update and Possible Action on Recommendation Regarding Proposed Language to Amend Business and Professions Code Section 5536.22 (Written Contract)
3. Discuss and Possible Action on Recommendation Regarding Proposed Amendment to Title 16, California Code of Regulations (CCR) Sections 152 (Citations) and 152.5 (Contest of Citations, Informal Conference)
4. Update and Possible Action on Recommendation Regarding Proposed Amendments to Board's *Disciplinary Guidelines* and Title 16, CCR Section 154 (Disciplinary Guidelines)

H. Communications Committee Report

1. Update on November 10, 2016 Communications Committee Meeting
2. Update and Possible Action on Recommendation Regarding 2015-2016 Strategic Plan Objective to Collaborate with Professional Organizations and Universities to Raise Awareness at Community Colleges and High Schools About the Profession and the Paths to Licensure
3. Update and Possible Action on 2015-2016 Strategic Plan Objective to Survey Recipients of the Board's Educational Materials to Determine the Effectiveness of Outreach Efforts
4. Update and Possible Action on Recommendation Regarding 2015-2016 Strategic Plan Objective to Collaborate with Department of Consumer Affairs' Office of Public Affairs to Improve Outreach and Communication

I. Executive Committee Report

1. Update on December 1, 2016 Executive Committee Meeting
2. Discuss and Possible Action on Recommendation Regarding 2016 Octavius Morgan Distinguished Service Awards
3. Update and Possible Action on Recommendation Regarding 2015–2016 Strategic Plan Objective to Review, Leverage, and Evaluate Effectiveness of Board's Liaison Program to Build Stronger Relationships with Organizations
4. Discuss and Possible Action on Recommendation Regarding 2015–2016 Strategic Plan Objective to Annually Present Consumer Satisfaction Survey Data to Measure Performance and Identify Areas for Improvement
5. Update and Possible Action on Recommendation Regarding 2015–2016 Strategic Plan Objective to Analyze Fees to Determine Whether they are Appropriate
6. Update and Possible Action on Recommendation Regarding 2015–2016 Strategic Plan Objective to Complete Sunset Review Process and Implement Recommendation(s) to Comply with Legislature's Directives

J. Update on Landscape Architects Technical Committee November 4, 2016 Meeting

(Continued)

K. Closed Session

1. Review and Possible Action on September 29, 2016 Closed Session Minutes
2. Pursuant to Government Code Section 11126(e)(1), the Board will Confer with Legal Counsel on Litigation Regarding *Marie Lundin vs. California Architects Board, et al.*, Department of Fair Employment and Housing, Case No. 585824-164724
3. Pursuant to Government Code Section 11126(c)(3), the Board will Deliberate on Disciplinary Matters

L. Reconvene Open Session

M. Recess

**Agenda
December 16, 2016
9:00 a.m. to 5:00 p.m.
(or until completion of business)**

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

O. Public Comment on Items Not on Agenda

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

P. Strategic Planning Session

Q. Review of Future Board Meeting Dates

R. Adjournment

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

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting [Government Code sections 11125 and 11125.7(a)].

(Continued)

The meeting 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 Mel Knox at (916) 575-7221, emailing mel.knox@dca.ca.gov, or sending a written request to the Board. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code section 5510.15)

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

Denise Campos

Tian Feng

Pasqual V. Gutierrez

Sylvia Kwan

Ebony Lewis

Matthew McGuinness

Robert C. Pearman, Jr.

Nilza Serrano

Barry Williams

PRESIDENT'S PROCEDURAL REMARKS AND BOARD MEMBER INTRODUCTORY COMMENTS

Board President Jon Baker or, in his absence, the Vice President will review the scheduled Board actions and make appropriate announcements.

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

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.

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

REVIEW AND POSSIBLE ACTION ON SEPTEMBER 29, 2016 BOARD MEETING MINUTES

The Board is asked to review and take possible action on the minutes of the September 29, 2016, Board meeting.

Attachment:

September 29, 2016 Board Meeting Minutes (Draft)

MINUTES
BOARD MEETING
CALIFORNIA ARCHITECTS BOARD

September 29, 2016

Los Angeles

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

Board President, Jon Alan Baker called the meeting to order at 10:40 a.m. and Board Secretary, Sylvia Kwan called roll.

Board Members Present

Jon Alan Baker, President
Matthew McGuinness, Vice President
Sylvia Kwan, Secretary
Denise Campos
Tian Feng
Pasqual Gutierrez
Ebony Lewis
Robert C. Pearman, Jr.
Nilza Serrano

Board Members Absent

Barry Williams

Guests Present

Andrew Bowden, Chair, Landscape Architects Technical Committee (LATC)
Kurt Cooknick, Director of Regulation and Practice, The American Institute of Architects, California Council (AIACC)
Katherine Roussel, Career and Outreach Coordinator, Woodbury University School of Architecture (Woodbury)
Michael Hricak, Lecturer, University of Southern California (USC)

Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Marcus Reinhardt, Program Manager Examination/Licensing
Alicia Hegie, Program Manager Administration/Enforcement
Mel Knox, Administration Analyst
Michael Santiago, Attorney, Department of Consumer Affairs (DCA)
Bryce Penney, Television Specialist, DCA

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

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

Mr. Baker 1) announced that Board member Barry Williams has an excused absence; 2) thanked Pasqual Gutierrez and HMC Architects for arranging the meeting site; 3) announced that Katherine Roussel from Woodbury, and Michael Hricak from USC, are scheduled to provide the Board with an update on their Integrated Path to Architectural Licensure (IPAL) programs during Agenda Item G; 4) advised that all motions and seconds will be repeated for the record, and votes on all motions would be taken by roll-call; and 5) announced that the meeting is being webcasted.

C. PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Kurt Cooknick conveyed a message from Michael Strognoff that AIACC will soon raise the issue of improving the quality of continuing education (CE) coursework. Mr. Cooknick suggested that standardization of CE content should be explored.

Andrew Bowden, representing the LATC, announced his presence.

D. REVIEW AND POSSIBLE ACTION ON JUNE 9, 2016 AND JULY 28, 2016 BOARD MEETING MINUTES

Mr. Baker asked for comments concerning the minutes of the June 9, 2016, Board meeting.

- **Nilza Serrano moved to approve the June 9, 2016, Board meeting minutes.**

Robert C. Pearman, Jr. seconded the motion.

There were no comments from the public.

Members Campos, Feng, Gutierrez, Kwan, Lewis, McGuinness, Pearman, Serrano, and President Baker voted in favor of the motion. The motion passed 9-0.

Mr. Baker asked for comments concerning the minutes of the July 28, 2016, Board meeting.

- **Ebony Lewis moved to approve the July 28, 2016, Board meeting minutes.**

Tian Feng seconded the motion.

There were no comments from the public.

Members Campos, Feng, Gutierrez, Kwan, Lewis, McGuinness, Pearman, Serrano, and President Baker voted in favor of the motion. The motion passed 9-0.

E. EXECUTIVE OFFICER'S REPORT

Doug McCauley reported that Alicia Hegje is the Board's new Administration/Enforcement Program Manager. Mr. McCauley reminded the Board that its next Board meeting will be on December 15, and 16, 2016, in Sacramento and will include a Strategic Planning session. He indicated that the Strategic Planning session will be facilitated by DCA's Strategic Organization, Leadership, and Individual Development (SOLID) Training and Planning Solutions. Mr. McCauley reported that the Communications Committee will meet on November 10, 2016, the Executive Committee on December 1, 2016, and the Landscape Architects Technical Committee on October 12, 2016.

Mr. McCauley explained that the Board is currently part of BreEZe Release 3, and that DCA is collaborating with the Release 3 boards and bureaus and the California Department of Technology in preparing a project plan. He noted that a Project Approval Lifecycle Framework, outlining four stages (business analysis, alternative analysis, solution development, and project readiness and approval), was provided to the Board. Mr. McCauley also reported that there were issues with BreEZe implementation and the contract with the prime vendor was terminated; DCA is now exploring other options. He indicated that the final step will be for the Board to implement BreEze, but it is not clear at this time whether it will be with a vendor or with DCA's information technology staff.

Mr. McCauley shared that the most recent edition of the *California Architects* newsletter was published on September 19, 2016, which followed a Special Edition on August 4, 2016. He reminded the Board that two Special Editions of newsletter are now published in a calendar year in addition to the quarterly publications. Mr. McCauley reported that the Board's social media presence continues to increase, and that the Board's Twitter account (@CAArchitectsBd) has exceeded 1,000 followers. He also noted that the Board most recently created an Instagram account.

Mr. McCauley reported that the Board is prepared to release its Request for Proposal (RFP) for an additional architect consultant contract. He explained the significant resource that the consultants are at the Board, as they consult on professional practice issues. He reminded the Board of its Strategic Plan objective to authorize an additional architect consultant contract, but expressed doubt that staff workload, at this time, justifies having three Consultants under contract simultaneously. He informed that staff is launching the process to renew a contract. Ms. Serrano asked how the Board plans to reach out women and minority candidates about the RFP, to which Mr. McCauley informed that the RFP will be shared with the National Organization of Minority Architects (NOMA) and other professional minority and women organizations. Mr. McCauley asked for suggestions of other organizations, to which Ms. Kwan suggested the Asian American Architects and Engineers Association.

Mr. McCauley noted that the number of citations regarding CE has reduced, as anticipated. He also reported that the Enforcement Unit is seeing positive trends among *pending cases* and *average days to close* statistics, which are down significantly from previous years.

Ms. Serrano observed that California candidate performance is low in the 1) Construction Documents & Services, and 2) Programming, Planning, & Practice divisions of the Architect Registration Examination (ARE). She opined it significant that the failure rate for these two divisions continue to exceed 50 percent, and reiterated her desire to see stronger candidate

performance on the examination. Mr. McCauley shared with the Board that the National Council of Architectural Registration Boards (NCARB) recently met with test preparation vendors to update them on the ARE 5.0 in hopes that their clients (candidates) will be better informed about the new examination. Mr. Baker also expressed concern that California candidates perform below the national average across all ARE divisions. Vickie Mayer noted that when ARE 5.0 is eventually launched it will take time for scores to stabilize. Ms. Mayer also noted that California's multiple pathways to licensure enable candidates not only with a college degree to take the ARE, but also those with work experience only. She stated that, when compared to the nation, California's candidate pool and subsequent examination results are diverse in that way. Mr. Baker suggested the Board have a deeper discussion about these observations and explore how to improve California candidate performance on the ARE during the next Strategic Planning session.

Board members and staff provided liaison reports on their assigned organizations and schools as follows:

McCauley

American Council of Engineering Companies
Board for Professional Engineers, Land Surveyors & Geologists
California Building Officials
Contractors State License Board

Baker

NewSchool of Architecture

McGuinness

College of San Mateo
City College of San Francisco
West Valley College, Saratoga
Associated General Contractors of California

Gutierrez

Association of Collegiate Schools of Architecture
California Polytechnic State University, Pomona
Woodbury University
Bakersfield College
Mt. San Antonio College, Walnut
San Bernardino Valley College

Kwan

National Council of Examiners on Engineering and Surveying
Urban Land Institute
Academy of Art University
California College of the Arts
College of Marin, Kentfield
Cosumnes River College, Sacramento

Feng

University of California, Berkeley

Diablo Valley College

Campos

University of California, Los Angeles
Glendale Community College
Rio Hondo College, Whittier

Lewis

USC
Citrus College
East Los Angeles College
Los Angeles Valley College

Serrano

Cerritos College, Norwalk
Los Angeles City College
Orange Coast College, Costa Mesa
Ventura College

Mr. McGuinness informed staff of the need to update points of contact at some of his assigned schools. Ms. Kwan recommended that liaisons contact their school and organization assignments via email with key issues and messages, if engaging with them via telephone is challenging.

F. UPDATE AND POSSIBLE ACTION ON LEGISLATION REGARDING SENATE BILL (SB) 1132 (GALGIANI) [ARCHITECT-IN-TRAINING], SB 1195 (HILL) [BOARD ACTIONS: COMPETITIVE IMPACT], AND SB 1479 (BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT) [EXAM ELIGIBILITY – INTEGRATED DEGREE PROGRAM]

Mr. McCauley informed the Board that SB 1132 (Galgiani), the AIACC proposal to create the “architect-in-training” title for candidates for licensure, was vetoed by Governor Brown. He explained that, based upon the veto message, the Governor concurs with NCARB’s assessment that there is no need for a title other than architect to protect consumers. Mr. McCauley also noted the Governor’s history of vetoing title act bills. Mr. Cooknick stated that AIACC is unsure at this time about how to approach reintroducing the title issue in the future.

Mr. McCauley announced that DCA Legal Counsel Michael Santiago will discuss SB 1195 (Hill) later in the meeting. He explained that the bill is the Legislature’s response to the United States Supreme Court’s *North Carolina Dental Board v. Federal Trade Commission* case. Mr. McCauley reported that SB 1195 was not be successful this legislative cycle, but that similar legislation will likely be introduced when the Legislature reconvenes in January 2017. Mr. Baker emphasized that the Board exists to ensure consumer protection and regulate the practice of architecture; the Board should not promote commerce or marketplace issues.

Mr. McCauley informed that SB 1479 (Chapter 634, Statutes of 2016) was signed into law by the Governor and contains Board-sponsored clarifying language regarding integrated degree programs. He explained that the language contains a general reference to the IPAL initiative to prevent any issues with the name of NCARB’s program.

G. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Mr. McCauley reminded the Board that it previously approved supporting the NCARB Mutual Recognition Arrangement (MRA) between Australia and New Zealand architectural licensing authorities. He informed that for the MRA to be implemented, more than half of all NCARB Member Boards must become formal signatories to it by December 31, 2016. Mr. McCauley also informed that the MRA closely follows the Board's current one with Canada. Mr. Baker asked for affirmation of his understanding that the MRA allows a candidate from Australia to receive an NCARB certificate, not a license to practice. Mr. McCauley confirmed the clarification.

- **Sylvia Kwan moved to authorize President Baker to sign the MRA between NCARB, the Architects Accreditation Council of Australia, and the New Zealand Registered Architects Board.**

Matthew McGuinness seconded the motion.

There were no comments from the public.

Members Campos, Feng, Gutierrez, Kwan, Lewis, McGuinness, Pearman, Serrano, and President Baker voted in favor of the motion. The motion passed 9-0.

Ms. Roussel updated the Board on Woodbury's IPAL programs. She discussed the structure of Woodbury's NCARB-approved BArch and MArch programs, including the programs' application process and architectural firm placement. Ms. Roussel also discussed Woodbury student demographics with the Board.

Mr. Hricak updated the Board on USC's IPAL program. He informed that the program was launched this year and is being introduced to undergraduates. Mr. Hricak expressed content with the positive impact the program has had on students, particularly as it concerns inspiring them to obtain an NCARB Record at an early stage. He spoke about the organizational support the School of Architecture is receiving from the USC Architectural Guild, which helps with architectural firm placement for the IPAL program. Mr. Hricak also noted USC's NotLY (Not Licensed Yet) program as a key element to the IPAL infrastructure at USC. Ms. Serrano expressed her view that, generally, a greater emphasis should be placed on enrolling and educating more domestic students at schools of architecture than international students; Ms. Lewis informed that she recently had a conversation with the Assistant Dean about the issue.

J.* CLOSED SESSION

The Board went into closed session to:

1. Consider action on the June 9, 2016, and July 28, 2016, Closed Session Minutes;
2. Confer with legal counsel on litigation regarding *Marie Lundin vs. California Architects Board, et al.*, Department of Fair Employment and Housing, Case No. 585824-164724;
3. Consider action on one Proposed Settlement; and
4. Consider action on three Proposed Decisions.

K. RECONVENE OPEN SESSION

The Board reconvened open session.

H. PROFESSIONAL QUALIFICATIONS COMMITTEE (PQC) REPORT

Mr. Feng reported on the activities that took place at the July 12, 2016, PQC meeting. He informed the Board that the PQC discussed its Strategic Plan objective to collaborate with California's National Architectural Accrediting Board (NAAB)-accredited programs and NCARB to establish and promote an IPAL. Mr. Feng shared that SB 1479, which has language pertaining to IPAL, was approved by the Governor and becomes effective on January 1, 2017. He also reported that staff will also be monitoring NCARB communications for the latest information relative to IPAL. Mr. Feng indicated that PQC received an update regarding the Strategic Plan objective to conduct a review of the ARE testing environment in order to ensure security and efficiency. He stated that staff contacted NCARB to begin coordination of a mid-2017 site visit. Mr. Feng also noted that PQC received updates regarding NCARB Resolution 2015-02 concerning alternative for certification of foreign architects. He conveyed that the PQC was informed that the Board voted to support the alternative certification method and received clarification on the requirements of the Architectural Experience Program and ARE completion. Mr. Feng articulated that the PQC discussed the Strategic Plan objective to evaluate the profession in order to identify entry barriers for diverse groups.

Marccus Reinhardt reported that, according to the *2016 NCARB by the Numbers* publication, racial and ethnic diversity has doubled in the profession since 2007 when it was at 22 percent. Mr. Reinhardt informed that data for 2015 (the most recent available) indicates that diversity has continued to increase and is now at 44 percent. He also explained that applicants who identified themselves as non-white represented 36 percent of new NCARB Record holders in 2015. This compares to 23 percent of the non-white US population, Mr. Reinhardt explained, based upon 2014 United States Census Bureau data. He advised that, as of July 1, 2016, California's architect population (20,914) consists of 20 percent (4,179) women and 80 percent (16,735) men. Mr. Reinhardt stated that, subsequently, the PQC approved a recommendation to the Board that it evaluate the following recommendations as the foundation to initiate a Strategic Plan objective to encourage and promote California diversity in architecture:

1. Assign a Board member to serve as liaison with NOMA and invite its representatives to attend Board and committee meetings;
 2. Encourage California community colleges with architectural programs to collaborate with NAAB-accredited programs and develop articulation agreements; and
 3. Inspire student interest in the profession through licensed professionals.
- **Denise Campos moved to approve PQC's recommendation to 1) assign a Board member to serve as liaison with NOMA and invite its representatives to attend Board and committee meetings; 2) encourage California community colleges with architectural programs to collaborate with NAAB-accredited programs and develop articulation agreements; and 3) inspire student interest in the profession through licensed professionals.**

Nilza Serrano seconded the motion.

Ms. Campos also observed that, according to the *2016 NCARB by the Numbers* publication, the percentage of NCARB Record holders who are Hispanic/Latino increased in 2015; when Hispanic/Latino ethnicity is factored in, according to the data, minorities made up 44 percent of the talent pool in 2015.

The Board discussed its view of the need for the profession to have a more accommodating attitude toward women and men who require a greater, more flexible work-life balance.

Pasqual Gutierrez moved to amend the motion to use PQC’s recommendation as the foundation to initiate a Strategic Plan objective to encourage and promote California diversity in architecture.

Mr. Gutierrez opined that the Board should have a deeper conversation about its advocacy efforts.

Mses. Campos and Serrano accepted the amended motion.

Mr. Pearman asked about “pipeline leakage,” a term that describes trends in declining participation along the path to professional practice. He asked if the Board ever considered how schools of architecture can address this problem. Mr. Baker opined that pipeline leakage is not simply a school problem, as approximately half of young people choose to use their architecture-related education and skills in other allied industries. He recommended that Board staff explore other professions’ after-graduation employment choices/statistics (e.g., doctors, lawyers) compared to that of the architectural profession. Ms. Kwan suspected low starting salaries compared to other professions as a major contributor to pipeline leakage.

There were no comments from the public.

Members Campos, Feng, Gutierrez, Kwan, Lewis, McGuinness, Pearman, Serrano, and President Baker voted in favor of the motion. The motion passed 9-0.

I. **NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS V. FEDERAL TRADE COMMISSION CASE REVIEW – DEPARTMENT OF CONSUMER AFFAIRS LEGAL COUNSEL**

Mr. Santiago explained that the *North Carolina Dental Board v. Federal Trade Commission* case addressed whether antitrust immunity is afforded to boards, and created a new test for determining whether boards can be held liable for violations of antitrust law. He stated that the case determined that a board, of which a controlling number of decision makers are active market participants, is only entitled to immunity from antitrust action if it meets two requirements: 1) the board must act pursuant to clear the articulated and affirmatively expressed state policy to replace competition with regulation of the profession, and 2) the board’s decisions must be actively supervised by the state. Mr. Santiago stated that this court case does not address all areas of antitrust law, and opined that future cases will be needed to further shape it. He explained that the California Legislature attempted to address those areas of ambiguity in SB 1195 (Hill), but the bill was not successful. Mr. Santiago explained to the Board guidance issued by the Federal Trade Commission (FTC), which expounded on the concept of active supervision. He also explained the California Attorney General’s (AG) opinion, which identified

actions that are likely and less likely to be scrutinized from an anti-trust perspective. Mr. Santiago surmised that a lack of immunity does not mean a board's conduct violates antitrust laws. He then advised the Board to remain focused on its public protection mandate to avoid antitrust challenges.

Mr. McCauley reminded the Board that promoting the profession is not the Board's mandate; the Board exists for the purpose of protecting California consumers. He stated that, with the help of legal counsel and DCA executive staff, he will continue to advise the Board on how best to avoid promoting the profession and to remain focused on consumer protection. Mr. Baker opined that most of the guidance proposed by the FTC and AG about decision-making and oversight practices already exists at the Board.

L. ADJOURNMENT

The meeting adjourned at 2:45 p.m.

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

**EXECUTIVE OFFICER'S REPORT - UPDATE ON NOVEMBER 2016 MONTHLY
REPORT ON BOARD'S ADMINISTRATIVE/MANAGEMENT; AND EXAMINATION,
LICENSING AND ENFORCEMENT PROGRAMS**

Executive Officer, Doug McCauley, will provide an update on the activities of the Board.

Attachment:

November 2016 Monthly Report



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MEMORANDUM

DATE: December 1, 2016

TO: Board Members

FROM: Doug McCauley, Executive Officer

SUBJECT: Monthly Report

The following information is provided as an overview of Board activities and projects as of November 30, 2016.

ADMINISTRATIVE/MANAGEMENT

Board The Board is scheduled to meet on December 15-16, 2016, in Sacramento. The December meeting will include a Strategic Planning session.

BreEZe The Department of Consumer Affairs (DCA) has been working with Accenture, LLP to design, configure, and implement an integrated, enterprise-wide enforcement case management and licensing system called BreEZe. This system supports DCA's highest priority initiatives of job creation and consumer protection by replacing aging legacy business systems with an industry-proven software solution that utilizes current technologies to facilitate increased efficiencies for DCA board and bureau licensing and enforcement programs. More specifically, BreEZe supports applicant tracking, licensing, license renewal, enforcement, monitoring, cashiering, and data management capabilities. Additionally, the system is web-based which allows the public to file complaints and search licensee information and complaint status via the Internet. It also allows applicants and licensees to submit applications, license renewals, and make payments online. BreEZe is being deployed department-wide via three separate releases. Release 1 was implemented on October 9, 2013; Release 2 was implemented on January 19, 2016; and Release 3 is planned to begin development in 2016. The Board is currently part of Release 3.

The State Auditor recommended that DCA conduct a cost-benefit analysis for Release 3 boards and bureaus. Absent any contrary finding in that

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analysis, DCA plans to bring the remaining boards and bureaus into BreZE, but likely will do so in smaller groups. DCA is developing a plan for the boards and bureaus that have not transitioned to the BreZE system. The path forward will include business process planning, during which existing business processes will be mapped (and potentially re-engineered), use cases developed, and solution requirements will be defined. Next, the Department of Technology's four-stage Project Approval Lifecycle will facilitate business analysis justification, alternatives and cost benefit analysis, solution development framework, and project approval. The final step of the process will be implementation, possibly following an agile or agile-hybrid development methodology.

Budget Staff met with the DCA Budget Office on October 4, 2016, to reassess the Board's fund condition related to a Strategic Plan objective assigned to the Board's Executive Committee to analyze the fees to determine whether they are appropriate. An update will be provided to the Executive Committee at its December 1, 2016, meeting in order to make a recommendation for the Board's consideration at its December 15, 2016 meeting.

Communications Committee The Communications Committee met on November 10, 2016, in Sacramento. At the meeting, the Committee addressed its assigned Strategic Plan objectives. The Committee's recommendations will be considered by the Board at its December 15, 2016 meeting.

Executive Committee The Executive Committee met on December 1, 2016, in Sacramento and via teleconference. At the meeting, the Committee addressed its assigned Strategic Plan objectives. The Committee's recommendations will be considered by the Board at its December 15, 2016 meeting.

Legislation Senate Bill (SB) 1132 (Galgiani) [Architect-in-Training] is an American Institute of Architects, California Council (AIACC) proposal to create and define a special title for candidates for licensure. As introduced, it would have created the "architect-in-training" title for a person who has received Board confirmation of eligibility for the Architect Registration Examination (ARE) and is employed under the direct supervision of an architect. At its July 28, 2016, Board meeting, the Board voted to support SB 1132 if amended with proposed language to, instead, require enrollment in the Architectural Experience Program (AXP) to use the architect-in-training title. SB 1132 was subsequently amended to include the Board's amendments, but was vetoed by the Governor on September 28, 2016.

SB 1195 (Hill) [Board Actions: Competitive Impact] would grant the DCA Director authority to review any board decision or other action to determine whether it unreasonably restrains trade. This bill is the Legislature's response to the *North Carolina Dental Board v. Federal Trade Commission* case. This case is regarding antitrust immunity for boards, and a key component in the holding is whether there is sufficient "active state supervision" of board actions. This bill addresses that issue by expanding the Director's authority and specifying the elements for the reviews. The Director's review would assess whether the action or decision reflects a clearly articulated and affirmatively expressed state law, and is the result of the board's exercise of ministerial or discretionary judgment. In addition, Director would assess whether the anticompetitive effects of the action or decision are clearly outweighed by the benefit to the

public. SB 1195 was referred to the Senate inactive file. Similar legislation will likely be introduced when the Legislature reconvenes in January 2017.

SB 1479 (Chapter 634, Statutes of 2016) contains the Board-sponsored amendment which clarifies language regarding integrated degree programs that was added to the Architects Practice Act (Act) via the Sunset Review bill last year. The bill updates Business and Professions Code section (BPC) 5550.2, which permits the Board to grant early eligibility to take the Architect Registration Examination (ARE) for students enrolled in a National Council of Architectural Registration Boards (NCARB)-accepted integrated degree program. The amendment incorporates a general reference to the Integrated Path to Architectural Licensure (IPAL) initiative to prevent any issues with the name of NCARB's program. SB 1479 was signed by the Governor on September 25, 2016, and becomes effective January 1, 2017.

BPC 5536.22 (Written Contract) is a proposal submitted by the Board to the Senate Business, Professions and Economic Development Committee (BP&ED) for possible inclusion in an omnibus bill. The amendment to BPC 5536.22 seeks to clarify that the following elements are needed in architects' written contracts with clients for professional services: 1) a description of the project; 2) the project address; and 3) a description of the procedure to accommodate contract changes. BP&ED staff determined that this proposal is substantive and, as such, will need to be included in another bill. At its April 28, 2016, meeting, the Regulatory and Enforcement Committee (REC) accepted staff's recommendation to also include a: 1) statement identifying the ownership and/or reuse of instruments of service prepared by the architect; and 2) notification to the client that the architect is licensed by the Board, in the amendment to BPC 5536.22. Staff developed proposed language for BPC 5536.22 to include these two additional elements, and presented it to the REC for consideration at its November 8, 2016, meeting. At the meeting, the REC supported adding the two additional provisions to the written contract requirement, but expressed concerns that the use of the word "complaints" in the proposed language for subsection (a)(9) could result in frivolous complaints to the Board against architects. The REC ultimately voted to recommend to the Board that it approve the proposed language to amend BPC 5536.22 with the words "concerns about" instead of "complaints concerning" in the proposed subsection (a)(9). The REC's recommendation will be considered by the Board at its December 15, 2016, meeting.

Liaison Program Liaisons last provided reports at the September 29, 2016, Board meeting on assigned organizations and schools. Board members were asked to provide staff with updated school contact information, as appropriate, at that meeting. The next liaison reports are scheduled for the March 2017 Board meeting.

Newsletter The latest issue of the *California Architects* newsletter was published November 4, 2016. The next issue is scheduled for publication in December.

Personnel Wayne West's (Continuing Education Office Technician in the Enforcement Unit) last day at the Board was November 7, 2016. Recruitment efforts are under way to fill his position.

Social Media In expanding the Board’s social media presence, a new Instagram account was launched on September 20, 2016. The Board currently has 1,007 Twitter followers (up from 782 this time one year ago).

Training The following employee(s) have been scheduled to participate in upcoming training:

12/14/16 Customer Service Excellence (Cecilia)
 12/15/16 Managing Time and Workload (Cecilia)

Website In November, the Board’s website was updated to include the approved Summary Reports for the REC and Communications Committee meetings, respectively held on April 28, 2016, and October 21, 2015. The *California Architects* newsletter was also published on the website on November 4, 2016.

EXAMINATION AND LICENSING PROGRAMS

Architect Registration Examination (ARE) The results for ARE divisions taken by California candidates between October 1, 2016, and October 31, 2016, are noted below.

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		# Divisions	Passed	# Divisions	Failed
Building Design & Construction Systems	69	39	57%	30	43%
Building Systems	72	42	58%	30	42%
Construction Documents & Services	185	82	44%	103	56%
Programming, Planning, & Practice	149	72	48%	77	52%
Schematic Design	48	36	75%	12	25%
Site Planning & Design	121	84	69%	37	31%
Structural Systems	62	38	61%	24	39%

The results for ARE divisions taken by California candidates compared to all NCARB candidates for 2015 are shown below:

2015

DIVISION	CALIFORNIA		NATIONAL (NCARB)		Difference
	Total	Passed	Total	Passed	
Building Design & Construction Systems	1,506	53%	9,588	58%	-5%
Building Systems	1,083	70%	6,424	77%	-7%
Construction Documents & Services	1,363	58%	7,816	66%	-8%
Programming, Planning, & Practice	1,127	58%	7,099	64%	-6%
Schematic Design	883	66%	6,173	66%	0%
Site Planning & Design	998	63%	6,493	67%	-4%
Structural Systems	1,325	58%	8,822	60%	-2%

ARE 5.0 Approved by the NCARB Board of Directors (BOD) in June 2013, ARE 5.0 (the newest version of the ARE) launched on November 1, 2016, and consists of six standalone divisions that align with current architectural practice and technology.

Each ARE 5.0 division continues using multiple-choice, check-all-that-apply, and quantitative fill-in-the-blank item types, but also adds “hot spot” and “drag-and-place” item types and case studies to replace the graphic vignettes. NCARB stated the new item types allow for testing at higher levels of cognition through analytical, synthetic, and evaluative exercises, which is more like what an architect does as part of regular practice. A series of short videos for the new item types is available for viewing on YouTube.

In late August 2016 NCARB released the *Architect Registration Examination 5.0 Guidelines*, which was followed on September 8, 2016, by the *ARE 5.0 Handbook*. These guidelines and handbook contain all the pertinent information candidates need to take the ARE. Additionally, on September 13, 2016, NCARB announced the new ARE 5.0 Community, where candidates can learn more about the ARE 5.0, find helpful resources, and engage in discussions with NCARB experts and other candidates. Coinciding with the launch on November 1, 2016, NCARB released additional examination preparation videos. Board staff is continuing to monitor NCARB communications for the latest information regarding ARE 5.0.

California Supplemental Examination (CSE) CSE development is an ongoing process. The Intra-Agency Contract Agreement (IAC) with the Office of Professional Examination Services (OPES) for examination development expires on June 30, 2017. Development of the CSE based

upon the 2014 CSE Test Plan has commenced, with launch of the first corresponding exam scheduled for March 2017.

CSE Results: In November, the computer-delivered CSE was administered to 89 candidates, of which 66 (69%) passed and 29 (31%) failed. The CSE has been administered to 412 candidates during FY 2016/2017 (as of November 30, 2016), of which 289 (70%) passed and 123 (30%) failed. During FY 2015/2016, the computer-delivered CSE was administered to 976 candidates, of which 661 (68%) passed and 315 (32%) failed.

NCARB Architectural Experience Program (AXP) On June 29, 2016, NCARB, as part of a profession-wide effort to retire the term "intern," renamed its Intern Development Program the AXP. NCARB also implemented the last phase of its two-part alignment/streamline process. Now AXP requires candidates to document 3,740 hours in 6 areas that cover all phases of architectural practice. NCARB also overhauled the experience settings and eliminated Setting S with the release of the new AXP Guidelines.

NCARB Integrated Path to Architectural Licensure (IPAL) In September 2013, NCARB convened its Licensure Task Force to explore potential avenues to licensure by analyzing the essential components (education, experience, and examination) and determining where efficiencies can be realized in order to streamline the process. NCARB formally announced its endorsement for the concept of integrated programs on May 30, 2014.

At the Board's March 12, 2015, meeting, Woodbury University (WU) and NewSchool of Architecture & Design (NewSchool) provided the Board with detailed presentations that explained their respective integrated approach. On August 31, 2015, NCARB announced the names of the first 13 National Architectural Accrediting Board (NAAB) accredited programs accepted to participate in the IPAL. The California programs are: NewSchool, University of Southern California (USC), and WU.

NCARB also established a new Integrated Path Evaluation Committee (IPEC) to oversee the ongoing work of this initiative. The IPEC coaches accepted programs, promotes engagement with state boards regarding the necessary statutory or regulatory changes to incorporate integrated path candidates, and oversees the acceptance of future programs. On November 5, 2015, the University of Kansas was added to the list of accepted IPAL schools.

At its December 10, 2015, meeting, the Board was asked by the Association of Collegiate Schools of Architecture, California State Polytechnic University, Pomona, and WU to consider granting early ARE eligibility to students enrolled in any NAAB-accredited program. The Board expressed its intent to monitor the performance of IPAL programs prior to making any decision with respect to extending early eligibility to other accredited programs.

The Board sponsored an amendment (contained within SB 1479) to clarify the language of BPC 5550.2, which authorizes the Board to grant candidates enrolled in an IPAL program early eligibility to take the ARE. SB 1479 was signed by the Governor, and becomes operative on January 1, 2017.

During the Board's March 3, 2016, meeting, each of the three California NCARB-accepted schools provided an update on their respective approach to integration. On June 17, 2016,

NCARB announced four additional programs that have been accepted to join the original cohort, including a second Woodbury University program in California; to date, there are 17 accepted IPAL programs. During the Board's September 29, 2016, meeting, WU and USC provided an update on their programs.

Outreach On November 5, 2016, Examination and Licensing Program Manager, Marcus Reinhardt, remotely participated (via WebEx) in a path to licensure presentation with representatives from The American Institute of Architects (AIA), Santa Clara Valley Chapter and AIA San Mateo County. There were approximately 15 individuals in attendance during the two-hour presentation.

Professional Qualifications Committee (PQC) The next PQC meeting has not yet been scheduled.

Regulation Amendments *California Code of Regulations (CCR) Section CCR 118.5 (Examination Transfer Credit) and 119.8 (Examination Transition Plan - ARE 4.0 to ARE 5.0)* – In early 2013, the NCARB BOD voted unanimously to approve the development of ARE 5.0, the next version of the examination. In May 2014, NCARB released information about the transition from ARE 4.0 to ARE 5.0. Additionally, NCARB made some other improvements, such as dual delivery of both versions for at least 18 months, and the option for candidates to “self-transition” to ARE 5.0.

Staff developed proposed regulatory language to amend CCR 118.5 to allow transfer credit for those passed ARE divisions, and add CCR 119.8 to allow candidates to transition to and obtain credit for ARE 5.0. The Board approved the proposed regulatory language to amend CCR 118.5 and add CCR 119.8 at its September 10, 2015, meeting and delegated authority to the Executive Officer (EO) to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR 118.5 and 119.8:

September 10, 2015	Proposed regulatory language approved by the Board
September 22, 2015	Notice of Proposed Changes in the Regulations submitted to Office of Administrative Law (OAL)
October 2, 2015	Notice of Proposed Changes in the Regulations published by OAL
November 16, 2015	Public hearing, no comments received
December 9, 2015	Final rulemaking file submitted to DCA Legal Office and Division of Legislative and Policy Review
May 6, 2016	Final rulemaking file submitted to Business, Consumer Services, and Housing Agency (Agency) for approval
June 16, 2016	Final rulemaking file approved by Agency
June 26, 2016	Final rulemaking file submitted to Division of Finance (DOF)
August 19, 2016	Final rulemaking file approved by DOF
August 26, 2016	Final rulemaking file submitted to OAL for approval
September 29, 2016	Final rulemaking file approved by OAL
October 1, 2016	Effective date of regulatory change

CCR 109 (Filing of Applications) - NCARB released a new edition of the *IDP Guidelines* which implements the first phase of the overhaul. Specifically, this requires interns to only document the core hour requirement to complete the program. This reduces the total length of the required experience from 5,600 hours to 3,740. Staff developed proposed regulatory language to amend CCR 109 to reflect the new edition of the guidelines. The Board approved the proposed regulatory language at its September 10, 2015, meeting and delegated authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR 109:

September 10, 2015	Proposed regulatory language approved by the Board
September 29, 2015	Notice of Proposed Changes in the Regulations submitted to OAL
October 9, 2015	Notice of Proposed Changes in the Regulations published by OAL
November 23, 2015	Public hearing, no comments received
December 23, 2015	Final rulemaking file submitted to DCA Legal Office and Division of Legislative and Policy Review
April 20, 2016	Final rulemaking file submitted to Agency for approval
May 19, 2016	Final rulemaking file approved by Agency
May 24, 2016	Final rulemaking file submitted to OAL for approval
June 16, 2016	Final rulemaking file approved by OAL
October 1, 2016	Effective date of regulatory change

ENFORCEMENT PROGRAM

Architect Consultants Architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees. In November, there were 21 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for seven 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.

One of the architect consultant contracts expires on January 31, 2017. Staff prepared a Request for Proposal (RFP) for consultant services for three years (February 1, 2017, through January 31, 2020) and submitted it to DCA's Contracts Unit for review on August 23, 2016. The RFP was released on October 5, 2016, and advertised on the Internet under the Cal eProcure system. The RFP was also posted on the Board's website and Twitter account, distributed to the Board's e-subscribers, and shared with AIA, Central Valley Chapter, the Asian American Architects and Engineers Association, the National Organization of Minority Architects, and the Board's subject matter experts. The final date for submission of proposals was November 28, 2016. The proposals received in response to the RFP will be evaluated through a two-phase process, which includes scoring each written proposal (First Phase Evaluation), and each proposer receiving an overall technical score of 30 or more in the first phase will then proceed to an oral interview (Second Phase Evaluation). The Notice of Intent to Award announcing the consultant selected will be posted, as required by law, in the Board's office on

December 12, 2016, and the tentative agreement start date will be February 1, 2017, or upon approval.

Collection Agency Contract The Board's 2015-2016 Strategic Plan contains an objective assigned to the REC to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties. At its November 5, 2015, meeting, the REC reviewed and discussed this objective, and voted to recommend to the Board that it should encourage staff to continue pursuing all avenues for collecting unpaid administrative fines, and specifically, start utilizing a collection agency for unpaid accounts aged beyond 90 days, or at the discretion of the EO. The Board approved the REC's recommendation at its December 10, 2015, meeting. Following the meeting, staff identified outstanding accounts that could be referred to a collection agency and obtained quotes for full-service debt collection services, including "skip-tracing," credit reporting, and filing legal actions as appropriate. Staff is currently in the process of securing a contract with a collection agency through the informal solicitation method [Government Code section (GC) 14838.5] to allow the Board to refer unpaid accounts aged beyond 90 days to a collection agency. The collection agency contract is planned to be presented to the Board for review and possible action in early 2017.

Enforcement Action(s) Peter Thaddeus Barnum (Aptos) The Board issued a one-count citation that included a \$1,500 administrative fine to Barnum, dba PTB Design Build, PTB Designs, PTB Designs Planning, and PTB Designs & Drafting, an unlicensed individual, for alleged violations of BPC 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that on or about July 25, 2016, Barnum's LinkedIn profile stated that his company, PTB Design Build, "offers a broad range of Architectural Services" and is able to "provide a full scope of Architectural Services"; included "Architectural Design," "Architectural Drafting," "Architecture," and "Interior Architecture" under "Skills"; and was listed under the heading "Architecture & Planning." Barnum's advertisement on the Internet at angleslist.com for his company, PTB Design Build, was also listed under the heading "Architect." In addition, Barnum's website, ptbdesigns.com, under the business name "PTB Designs" also stated that his company "offers a broad range of Architectural Services" and is able to "provide a full scope of Architectural Services." Barnum's advertisement on the Internet at houzz.com under the business name "PTB Designs" offered "Architects & Engineers" as "Additional services." Barnum's advertisements on the Internet at local.yahoo.com and yelp.com under the business name "PTB Designs" were also listed under the headings "Architecture" and "Architects," respectively. Furthermore, Barnum's advertisement on the Internet at architecturepractices.com under the business name "PTB Designs Planning" identified his company as an "Architect in Aptos, CA" and stated his company "provides a broad array of Architectural Services." Barnum's advertisement on the Internet at yellowpages.com under the business name "PTB Designs & Drafting" was also listed under the heading "Architects." The citation became final on October 26, 2016.

Tobin T. Dougherty (Nevada City) The Board issued a one-count citation that included a \$500 administrative fine to Dougherty, architect license number C-24452, for alleged violations of BPC 5536.22(a)(3), (4) and (5) (Written Contract). The action alleged that Dougherty's written contract to provide design services for an addition and remodel to an existing residence did not include: the name, address, and license number of the architect; the address of the client; a description of the procedure that the architect and the client will use to accommodate additional

services; and a description of the procedure to be used by either party to terminate the contract. The citation became final on October 10, 2016.

Andrew Paul Goetz (Corona del Mar) The Board issued a one-count citation that included a \$1,000 administrative fine to Goetz, architect license number C-18499, for an alleged violation of BPC 5579 (Fraud in Obtaining a License). The action alleged that Goetz submitted a false statement under penalty of perjury on his 2015 License Renewal Application when he answered “no” to the question, “In the preceding renewal period, have you been disciplined by a public agency or have you been convicted of a crime in any state, the USA and its territories, federal jurisdiction, military court, or other country, which involved a plea or verdict of guilty or a conviction following a plea of nolo contendere?” On or about February 5, 2014, a Decision of an Administrative Law Judge became effective, denying his application for a California Real Estate Salesperson License, but gave him the right to a restricted license. This was based on the Statement of Issues filed against Goetz by the Bureau of Real Estate on August 21, 2013, centering on Goetz’s conviction on or about February 29, 1984 for theft by use of credit card and his conviction on or about January 21, 2005 for violating 13 counts of falsifying records. Goetz paid the fine, satisfying the citation. The citation became final on October 6, 2016.

Gary David Hawkins (Chico) The Board issued a one-count citation that included a \$500 administrative fine to Hawkins, architect license number C-18693, for an alleged violation of BPC 5536.22(a) (Written Contract). The action alleged that Hawkins failed to execute a written contract prior to commencing professional services for a residential remodel located in Durham, California. Hawkins paid the fine, satisfying the citation. The citation became final on October 19, 2016.

John Man Kong Lee (Temple City) The Board issued a one-count citation that included a \$2,500 administrative fine to Lee, dba JLCC Construction and JLCC Design and Construction, an unlicensed individual, for an alleged violation of BPC 5536(b) (Practice Without License or Holding Self Out as Architect). The action alleged that on or about February 28, 2015, Lee prepared drawings for a residential project located in Los Angeles, California. Lee affixed a stamp to the drawings, which read: “REGISTERED PROFESSIONAL ARCHITECT,” “John M Lee,” “34188,” “EXP. DATE 6-30-2016” and the legend “STATE OF CALIFORNIA.” License number 34188 belongs to California licensed architect Myung-Jong Lee. Furthermore, on or about May 14, 2015, Lee’s company, JLCC Construction, submitted an Application for Building Permit and Certificate of Occupancy and an Application for Grading Permit and Grading Certificate to the City of Los Angeles, Department of Building and Safety for the project. On the Applications, Lee used California licensed architect Myung-Jong Lee’s name, address, license number, and Lee’s telephone number without the architect’s knowledge or consent. Lee paid the fine, satisfying the citation. The citation became final on October 4, 2016.

Kiran Mehra (Inyokern) The Board issued a one-count citation that included a \$500 administrative fine to Mehra, architect license number C-12014, for an alleged violation of CCR 160(f)(1) (Rules of Professional Conduct). The action alleged that Mehra failed to inform and obtain the consent of his client in writing prior to altering the scope of work of a residential project by increasing the overall project size from 46’x52’ to 48’x54’. Mehra paid the fine, satisfying the citation. The citation became final on October 5, 2016.

Bruce Arthur Rothe (North Adelaide SA, Australia) The Board issued a two-count citation that included a \$1,500 administrative fine to Rothe, architect license number C-20891, for alleged violations of BPC 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements) and CCR 160(b)(2) (Rules of Professional Conduct). The action alleged that Rothe failed to provide documentation to the Board from the course provider upon an audit of his 2015 License Renewal Application and certified false or misleading information on the Application. He also failed to respond to the Board's requests for information within 30 days in regards to an investigation. The citation became final on October 25, 2016.

Phillip W. Shepherd (Dallas, Texas) The Board issued a one-count citation that included a \$500 administrative fine to Shepherd, architect license number C-12508, for an alleged violation of BPC 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Shepherd certified false or misleading information on his 2016 License Renewal Application. Shepherd paid the fine, satisfying the citation. The citation became final on October 4, 2016.

David Henry Vizcarra (Stockton) The Board issued a one-count citation that included a \$500 administrative fine to Vizcarra, architect license number C-17693, for an alleged violation of BPC 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Vizcarra certified false or misleading information on his 2015 License Renewal Application. Vizcarra paid the fine, satisfying the citation. The citation became final on October 25, 2016.

<u>Enforcement Statistics</u>	<u>Current Month</u> November 2016	<u>Prior Month</u> October 2016	<u>FYTD</u> 2016/17	<u>5-FY Avg</u> 2011/12- 2015/16
Complaints				
Received/Opened (Reopened):	20 (0)	20 (0)	112 (1)	295 (3)
Closed:	14	22	124	303
Average Days to Close:	48 days	126 days	123 days	130 days
Pending:	70	64	71*	106
Average Age of Pending:	129 days	121 days	136 days*	164 days
Citations				
Issued:	1	2	11	40
Pending:	8	10	12*	11
Pending AG: †	5	7	6*	3
Final:	3	9	19	36
Disciplinary Actions				
Pending AG:	4	6	5*	3
Pending DA:	0	0	0*	2
Final:	2	0	4	2
Continuing Education (§5600.05)**				
Received/Opened:	0	4	11	68
Closed:	2	2	8	68
Pending:	4	6	4*	26

Settlement Reports (§5588)**

Received/Opened:	2	1	11	29
Closed:	2	3	14	35
Pending:	6	6	8*	11

* Calculated as a monthly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations."

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

During FY 2016-17 (as of November 30, 2016) 19 citations with administrative fines became final with 30 violations of the provisions of the Act and/or Board regulations. Below are the most common violations that have resulted in enforcement action during the current FY:

- BPC 5536(a) and/or (b) - Practice Without License or Holding Self Out as Architect [33.3%]
- BPC 5536.22(a) - Written Contract [16.7%]
- BPC 5579 - Fraud in Obtaining License [6.7%]
- BPC 5584 - Negligence or Willful Misconduct [3.3%]
- BPC 5586 - Disciplinary Action by a Public Agency [3.3%]
- BPC 5600.05(a)(1) and/or (b) - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements [16.7%]
- CCR 160(b)(2) - Rules of Professional Conduct (Willful Misconduct) [6.7%]
- CCR 160(f)(1) - Rules of Professional Conduct (Informed Consent) [6.7%]
- Other Violations [6.6%]

Regulation Amendments CCR 154 (*Disciplinary Guidelines*) - The Board's 2013 and 2014 Strategic Plans included an objective to review and update the Board's *Disciplinary Guidelines*. The REC reviewed recommended updates to the Board's *Disciplinary Guidelines* in 2013 and 2014. Additionally, at the request of the REC, staff consulted with a representative of AIACC to address a proposed modification to the "Obey All Laws" condition of probation. The representative concurred with the revision and indicated that there was no issue with the proposal. Staff then consulted with the REC Chair who agreed to provide the *Disciplinary Guidelines* with recommended revisions to the Board for consideration at its December 2014 meeting due to the target date established for the Strategic Plan objective. At its December 2014 meeting, the Board approved the proposed revisions to the *Disciplinary Guidelines* and authorized staff to proceed with a regulatory proposal to amend CCR 154 in order to incorporate the revised *Disciplinary Guidelines* by reference. Staff prepared the required regulatory documents for the Board's review and approval at its June 10, 2015, meeting. The Board approved the proposed regulatory language to amend CCR 154 at its June 10, 2015, meeting and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed.

At its August 6, 2015, meeting, the Landscape Architects Technical Committee (LATC) reviewed recommended updates to LATC's *Disciplinary Guidelines* based on the revisions made

to the Board's *Guidelines*. Following the meeting, Legal Counsel advised LATC staff that additional research may be necessary regarding Optional Conditions 9 (CSE) and 10 (Written Examination) in LATC's *Guidelines*. LATC staff subsequently discussed the matter with Legal Counsel on September 30, 2015. Board staff reviewed Legal Counsel's comments as they relate to the Board's *Disciplinary Guidelines*, and determined the Board's *Guidelines* would also need to be amended. On October 21, 2015, Board and LATC staff sent proposed edits to these conditions to Legal Counsel for review. Legal Counsel notified Board and LATC staff on November 12, 2015, that the proposed edits were acceptable, but substantive, and would require re-approval by the Board.

On November 25, 2015, Legal Counsel further advised staff to include the current version of the Board's Quarterly Report of Compliance form (1/11) as "Attachment A" in the Board's *Disciplinary Guidelines*, as this method was previously approved by OAL for the 2000 edition of the *Guidelines*. At its December 10, 2015, meeting, the Board reviewed and approved the additional recommended revisions to the Board's *Disciplinary Guidelines* and the proposed regulation to amend CCR 154, and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for Legal Counsel's review and approval on March 15, 2016. On April 8, 2016, Legal Counsel advised staff that further substantive changes were necessary prior to submission to OAL. Staff developed recommended revisions to the *Guidelines* in response to Legal Counsel's concerns, and presented those revisions to the REC for review and consideration at its November 8, 2016, meeting. At the meeting, the REC voted to recommend to the Board that it approve the additional revisions to the *Disciplinary Guidelines* and authorize staff to proceed with the regulatory change to amend CCR 154 in order to incorporate the revised *Guidelines* by reference. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR 154 will be presented to the Board for consideration at its December 15, 2016, meeting.

Regulatory and Enforcement Committee (REC) The REC met on November 8, 2016, in Sacramento and via teleconference. At the meeting, the REC addressed its assigned Strategic Plan objectives. The REC's recommendations will be considered by the Board at its December 15, 2016 meeting.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

LATC ADMINISTRATIVE/MANAGEMENT

Committee The next LATC meeting is scheduled for January 17-18, 2017, in Sacramento.

Personnel Program Manager, Trish Rodriguez accepted a promotion with the California Board of Pharmacy effective November 18, 2016. Recruitment efforts are underway to fill both the LATC's Enforcement Analyst and Program Manager vacancies. In the interim, Gretchen KJose, Retired Annuitant, will be handling many of the duties of the Program Manager.

Training The following employees have been scheduled to participate in upcoming training:

12/6/16	Word 2010 – Level 2 (Stacy)
12/20/16	Research, Analysis and Problem Solving (Tremaine)
1/10-12/17	Rulemaking (Stacy)

Website In November, staff published the updated “Licensee Search” lists and the May 24, 2016, LATC meeting minutes to the website.

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) BPC 139 requires that an Occupational Analysis (OA) be conducted every five to seven years. An OA was completed by OPES for the LATC in 2014. The Test Plan developed from the 2014 OA is being used during content development of the CSE. The CSE development is based on an ongoing analysis of current CSE performance and evaluation of examination development needs. The current IAC with OPES for examination development expires on June 30, 2017. Staff recruits subject matter experts to participate in examination development workshops to focus on item writing and examination construction. Monthly examination development workshops began on August 25, 2016, and will conclude on December 2, 2016.

Landscape Architect Registration Examination (LARE) The next LARE administration will be held from December 5-17, 2016. The candidate application deadline was October 21, 2016. Test results are released five-six weeks following the last day of administration.

Regulation Amendments *CCR 2615 (Form of Examinations) – Reciprocity Requirements* - At its meeting on February 10, 2015, LATC directed staff to draft proposed regulatory language to specifically state that California allows reciprocity to individuals who are licensed in another jurisdiction, have ten years of practice experience, and have passed the CSE. At the LATC meeting on November 17, 2015, the Committee approved proposed amendments to CCR 2615(c)(1), and recommended that the Board authorize LATC to proceed with a regulatory change. At its December 10, 2015, meeting, the Board approved the regulatory changes and delegated authority to the EO to adopt the corresponding regulations to amend CCR 2615 provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed.

Following is a chronology, to date, of the processing of LATC’s regulatory proposal for CCR 2615:

November 17, 2015	Proposed regulatory language approved by the LATC
December 10, 2015	Proposed regulatory language approved by the Board
August 2, 2016	Notice of Proposed Changes in the Regulations submitted to OAL
August 12, 2016	Notice of Proposed Changes in the Regulations published by OAL
September 27, 2016	Public hearing, public comments received during 45-day period

The LATC received extensive input during the public comment period expressing concern about the proposed length of post-licensure experience (at least 10 years, within the past 15 years) to be required of reciprocity candidates who do not meet California's educational requirements (specifically, a degree in landscape architecture). At its November 4, 2016, meeting, LATC reviewed and discussed the comments, heard from several members of the audience, and directed staff to provide additional research and possible options for its next meeting in January 2017.

CCR 2620(a)(13), Expand Eligibility Requirements to Allow Credit for Teaching Under a Licensed Landscape Architect – At the LATC meeting on February 10, 2015, the Committee agreed that up to one year of experience/training credits should be granted for teaching under the supervision of a licensed landscape architect. At the May 13, 2015, LATC meeting, the Committee approved the proposed language to amend CCR 2620 by adding subsection (a)(13) which provides one year of teaching credit under the supervision of a landscape architect in a degree program as specified in CCR 2620(a)(1), (2), and (4). At the August 6, 2015, LATC meeting, the Committee recommended that the Board authorize LATC to proceed with a regulatory change. At its September 10, 2015, meeting, the Board approved the regulatory changes and delegated authority to the EO to adopt the regulation to amend CCR 2620 provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR 2620:

August 6, 2015	Proposed regulatory language approved by the LATC
September 10, 2015	Proposed regulatory language approved by the Board
October 9, 2015	Notice of Proposed Changes in the Regulations published by OAL
November 30, 2015	Public hearing, no comments received
March 24, 2016	Final rulemaking file submitted to DCA Legal Office and Division of Legislative and Policy Review
June 10, 2016	Final rulemaking file submitted to Agency for approval
July 25, 2016	Final rulemaking file approved by Agency
August 2, 2016	Final rulemaking file submitted to OAL for approval
September 13, 2016	Regulation approved by OAL
January 1, 2017	Effective date of regulatory change

CCR 2620.5 (Requirements for an Approved Extension Certificate Program) – LATC established the original requirements for an approved extension certificate program based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB). These requirements are outlined in CCR 2620.5. In 2009, LAAB implemented changes to their university accreditation standards. Prompted by the changes made by LAAB, LATC drafted updated requirements for an approved extension certificate program and recommended that the Board authorize LATC to proceed with a regulatory change. At the December 15-16, 2010, Board meeting, the Board approved the regulatory change and delegated authority to the EO to adopt the regulations to amend CCR 2620.5 provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed. The regulatory proposal to amend CCR 2620.5 was published by the OAL on June 22, 2012.

In 2012, the LATC appointed the University of California Extension Certificate Program Task Force, which was charged with developing procedures for the review of the extension certificate programs, and conducting reviews of the programs utilizing the new procedures. The Task Force held meetings on June 27, 2012, October 8, 2012, and November 2, 2012. As a result of these meetings, the Task Force recommended additional modifications to CCR 2620.5 to further update the regulatory language with LAAB guidelines and LATC goals. At the November 14, 2012, LATC meeting, LATC approved the Task Force's recommended modifications to CCR 2620.5, with an additional edit. At the January 24-25, 2013, LATC meeting, LATC reviewed public comments regarding the proposed changes to CCR 2620.5 and agreed to remove a few proposed modifications to the language to address the public comments. The Board approved adoption of the modified language for CCR 2620.5 at their March 7, 2013, meeting.

On July 17, 2013, a Decision of Disapproval of Regulatory Action was issued by OAL. The disapproval was based on OAL's determination that the regulatory package did not meet the necessity standard of the GC section 11349.1, subdivision (a)(1). GC 11349(a) defines "necessity" as demonstrating the need for the regulatory change through evidence not limited to facts, studies, and expert opinion. Based on OAL's disapproval, staff worked with DCA Legal Counsel and the Task Force Chair to refine the proposed language and identify appropriate justification that would meet OAL's requirements.

In May 2014, the LATC Special Projects Analyst prepared draft language for CCR 2620.5 incorporating Legal Counsel's recommendation that regulatory language be added to address the application, approval, denial, and annual review processes. On December 8, 2014, staff was advised by LAAB that the accreditation standards are scheduled to be reviewed and updated beginning with draft proposals in the spring of 2015. LAAB anticipated adopting new standards in early 2016. On December 30, 2014, staff met with the Task Force Chair to discuss proposed changes to CCR 2620.5 and the probability that new LAAB accreditation standards will be implemented in 2016. Staff also met with Legal Counsel on January 14, 2015, to discuss justifications to proposed changes and again on January 28, 2015, to further review edits and justifications.

Proposed regulatory language was presented to the LATC at its February 10-11, 2015, meeting. At this meeting, the Committee approved the appointment of a new working group to assist staff in substantiating recommended standards and procedures in order to obtain OAL approval. Linda Gates and Christine Anderson, former LATC members and University of California extension program reviewers, were appointed to the working group.

On June 5, 2015, LAAB confirmed that they are in the process of updating their Standards and Procedures for the Accreditation of Landscape Architecture Programs. The process included a public call for input and commentary that took place in the fall of 2014. LAAB met in the summer of 2015 to draft revisions to the Standards. In the fall of 2015, additional public input and comments were received.

On October 8, 2015, LATC received a copy of LAAB's proposed revisions which included several suggested changes to curriculum requirements. LAAB implemented its new Accreditation Standards and Procedures in March 2016, making significant changes to the

curriculum requirements beginning in 2017. Staff has recommended that LATC review the LAAB Accreditation Standards and Procedures at its January 2017 meeting, and determine how to proceed.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR 2620.5:

November 22, 2010	Proposed regulatory language approved by LATC
December 15, 2010	Proposed regulatory language approved by 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
November 30, 2012	40-Day Notice of Availability of Modified Language posted on website
January 9, 2013	Written comment (one) received during 40-day period
January 24, 2013	Modified language to accommodate public comment approved by LATC
February 15, 2013	Final rulemaking file submitted to DCA's Legal Office and Division of Legislative and Policy Review
March 7, 2013	Final approval of modified language by Board
May 31, 2013	Final rulemaking file submitted to OAL for approval
July 17, 2013	Decision of Disapproval of Regulatory Action issued by OAL
August 20, 2013	LATC voted not to pursue a resubmission of rulemaking file to OAL
February 21, 2014	Staff worked with Task Force Chair to draft justifications for proposed changes
December 8, 2014	LAAB reported that accreditation standards are scheduled to be reviewed and updated in 2015
February 10, 2015	LATC approved the appointment of a new working group to assist staff
October 8, 2015	LATC received LAAB's suggested revisions to curriculum requirements
March 2016	LAAB implemented its new Accreditation Standards and Procedures

CCR 2649 (Fees) – BPC 128.5 requires agencies within DCA to reduce license or other fees if the fund balance meets or exceeds 24 months in reserve at the end of any FY. The LATC had 24.7 months of funds in reserve at the end of FY 2012-13. To address the fund condition, the LATC initiated fiscal management measures consisting of a negative budget change proposal to reduce LATC's spending authority by \$200,000, and implemented a temporary license renewal fee reduction from \$400 to \$220 for one license renewal cycle, July 1, 2015 through June 30, 2017, with the intention of extending the license renewal fee reduction for an additional renewal cycle if the fund condition did not drop below the 24-month reserve level.

In FY 2015-16, the LATC had 27.4 months of funds in reserve. Based on projections including the current temporary license renewal fee reduction of \$220, at the end of FY 2016-17, there will be approximately 20.6 months of funds in reserve. At the LATC meeting on May 24, 2016, the Committee approved the extension of the license renewal fee reduction through June 30, 2019. Once the reduction completes its term, the LATC is projected to have 7.1 months of funds in reserve. To extend the reduction of the license renewal fee, a regulatory change to amend CCR 2649 is necessary.

This regulatory proposal would amend CCR 2649 subsection (f), to reduce the fee for the biennial renewal of a license from \$400 to \$220 for licenses expiring on or after July 1, 2017 through June 30, 2019.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR 2649:

May 24, 2016	Proposed regulatory language approved by LATC
June 9, 2016	Proposed regulatory language approved by Board
October 14, 2016	Notice of Proposed Changes in the Regulations published by OAL
November 30, 2016	Public hearing, no public comments received

Strategic Plan Objectives LATC's Strategic Plan for 2015–2016 contains numerous objectives. Below is a summary of objectives currently in-work:

Create and Disseminate Consumer's Guide - to educate the public on the differences between landscape architects, landscape contractors, and landscape designers. At its November 17, 2015, LATC meeting, staff presented to the Committee a draft of the *Consumer's Guide to Hiring a Landscape Architect*, which is based on the Board's *Consumer's Guide to Hiring an Architect*. The Committee reviewed the guide and directed staff to continue revisions by adding information conveyed through the Department of Water Resources' Independent Technical Panel regarding water conservation measures and techniques; and a table illustrating the differences and requirements between landscape architects, designers, and contractors. Following discussion, the Committee agreed to create a subcommittee to complete revisions to the guide. At its February 10, 2016, meeting, the Committee reviewed the guide and recommended additional information regarding drought conditions and the Model Water Efficient Landscape Ordinance to be included in the guide. LATC agreed to review the revised draft at its next meeting in May to allow time for the subcommittee and staff to incorporate the recommended edits. Staff presented the revised guide to the Committee at its May 24, 2016, meeting. The Committee voted to approve the presented draft of the *Consumer's Guide to Hiring a Landscape Architect* for publication with minor edits to be made to the professional qualifications chart. Staff completed the edits and worked with DCA's Digital Print Services on the design of the guide. Two LATC members reviewed the proposed graphics and design layout and provided images for replacement in the Guide. The LATC reviewed the revised design and layout at its November 4, 2016, meeting. The Committee asked staff to obtain and include graphics that reflect drought tolerant landscapes. Completion of this task will address the Strategic Plan objective to "create and disseminate printed document(s) to educate the public on the differences between landscape architects, landscape contractors, and landscape designers."

Expand Credit for Education Experience - to include degrees in related areas of study, i.e., urban planning, environmental science or horticulture, etc., to ensure that equitable requirements for education are maintained. At the November 17, 2015, LATC meeting, the Committee directed staff to agendaize this objective at its next meeting. At its meeting on February 10, 2016, the Committee agreed to table the objective until its upcoming Strategic Planning session in January 2017.

Review Expired License Requirements (CCR 2624 and 2624.1) - to assess whether any revisions are needed to the regulations, procedures, and instructions for expired license requirements. At the August 6, 2015 LATC meeting, the Committee reviewed the procedures and expired license requirements contained in BPC 5680.2 (License Renewal – Three Years After Expiration) and CCR 2624 and 2624.1, and directed staff to assess whether the Board’s procedures and requirements should be considered for use by LATC. At the November 17, 2015, LATC meeting, the Committee reviewed re-licensure requirements of various state landscape architect licensing boards and three DCA licensing boards, and directed staff to research re-licensure procedures for additional state boards and agendaize this objective at its next meeting. At its meeting on February 10, 2016, the Committee directed staff to draft proposed language to amend the LATC’s relicensure procedures to require an individual whose license has been expired for less than five years to pay any accrued fees, and to require the holder of a license that has expired for more than five years to reapply for licensure and retake the CSE. At its meeting on May 24, 2016, the Committee voted to amend BPC 5680.2 and repeal CCR 2624 and 2624.1. Prior to the meeting, staff discovered BPC 5680.1 included language that would also need to be amended. It was noted to the Committee that BPC 5680.1 would be included when presented to the Board for its consideration. At its June 9, 2016, meeting, the Board voted to amend BPC 5680.1 and 5680.2 and repeal CCR 2624 and 2624.1. Staff worked with DCA Legal Counsel to draft the amendment of BPC 5680.1 and 5680.2. Once the amendments to BPC 5680.1 and 5680.2 are passed by the Legislature and signed by the Governor, staff will prepare the rulemaking file to repeal CCR 2624 and 2624.1.

LATC ENFORCEMENT PROGRAM

Disciplinary Guidelines As part of the Strategic Plan established by LATC at the January 2013, meeting, LATC set an objective of collaborating with the Board in order to review and update LATC’s *Disciplinary Guidelines*. At its December 2014 meeting, the Board approved the proposed updates to their *Disciplinary Guidelines* and authorized staff to proceed with the required regulatory change in order to incorporate the revised *Disciplinary Guidelines* by reference. At its February 10, 2015, meeting, LATC approved proposed revisions to its *Disciplinary Guidelines* based on the recent Board approval for their *Guidelines*. Staff provided the revised *Disciplinary Guidelines* to the new Deputy Attorney General Liaison for review. He suggested several amendments, which staff added to the *Guidelines*. The amended *Disciplinary Guidelines* and proposed regulatory package was approved by LATC at its August 6, 2015, meeting and by the Board at their September 10, 2015, meeting.

On October 21, 2015, staff sent DCA Legal Counsel suggested edits to the Optional Conditions section in the *Disciplinary Guidelines* for review. Legal Counsel notified staff on November 12, 2015, that the edited portions were sufficient and substantive, and would require re-approval by the Board. On November 25, 2015, Legal Counsel further advised staff to include the current version of the Board’s Quarterly Report of Compliance form (1/11) as “Attachment A” in the *Disciplinary Guidelines*. At its December 10, 2015, meeting, the Board approved the revised *Disciplinary Guidelines* and the proposed regulation to amend CCR 2680, and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for Legal Counsel’s review and approval on March 15, 2016. On April 8, 2016, Legal Counsel advised

staff that further substantive changes were necessary prior to submission to OAL. Board staff developed recommended revisions to the *Guidelines* in response to Legal Counsel's concerns, and presented those revisions to the REC for review and consideration at its November 8, 2016, meeting. At the meeting, the REC voted to recommend to the Board that it approve the additional revisions to the *Disciplinary Guidelines* and authorize staff to proceed with the regulatory change to amend CCR 154 in order to incorporate the revised *Guidelines* by reference. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR 154 will be presented to the Board for consideration at its December 15, 2016, meeting.

Once approved, LATC staff will update its *Guidelines* to include approved changes to be considered by the LATC.

Following is a chronology, to date, of the processing of the regulatory proposal for CCR 2680:

August 5, 2015	Proposed regulatory changes approved by LATC
September 10, 2015	Proposed regulatory changes approved by Board
December 10, 2015	Proposed regulatory changes approved by Board (including DCA Legal Counsel recommended edits)

<u>Enforcement Statistics</u>	<u>Current Month</u> November 2016	<u>Prior Month</u> October 2016	<u>FYTD</u> 2016/17	<u>5-FY Avg</u> 2011/12 – 2015/16
Complaints				
Received/Opened (Reopened):	0 (0)	0 (0)	3 (0)	26 (0)
Closed:	1	0	9	36
Average Days to Close:	107	N/A	116 days	360 days
Pending:	5	3	3*	213
Average Age (Pending):	134 days	234 days	234 days*	301 days
Citations				
Issued:	0	0	1	3
Pending:	0	0	0*	2
Pending AG: †	0	0	0*	2
Final:	1	1	3	2
Disciplinary Actions				
Pending AG:	0	0	0*	1
Pending DA:	0	0	0*	0
Final:	0	0	0	1
Settlement Reports (§5678)**				
Received/Opened:	0	0	0	1
Closed:	0	0	0	1
Pending:	1	1	1*	1

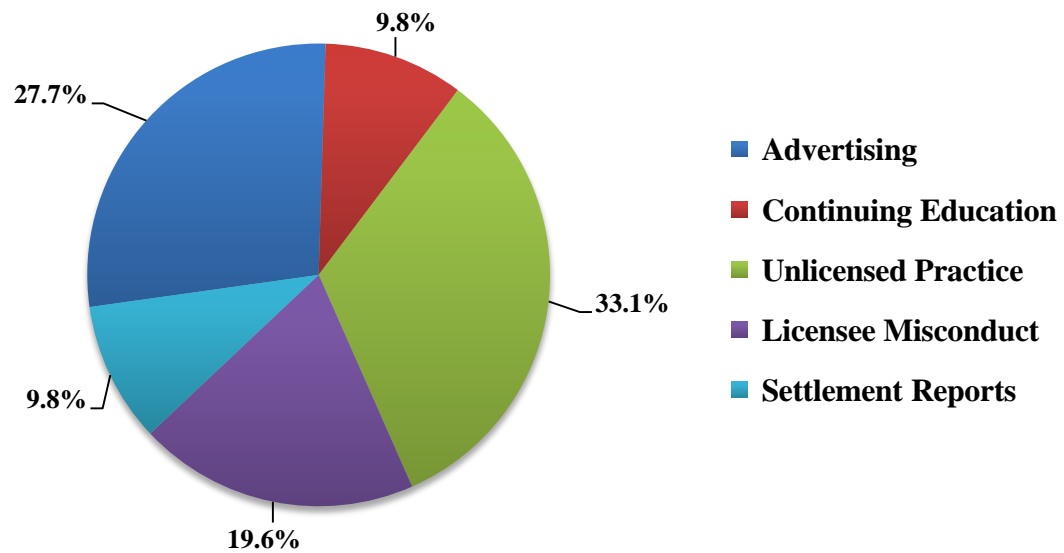
* Calculated as a monthly average of pending cases.

** Also included within "Complaints" information.

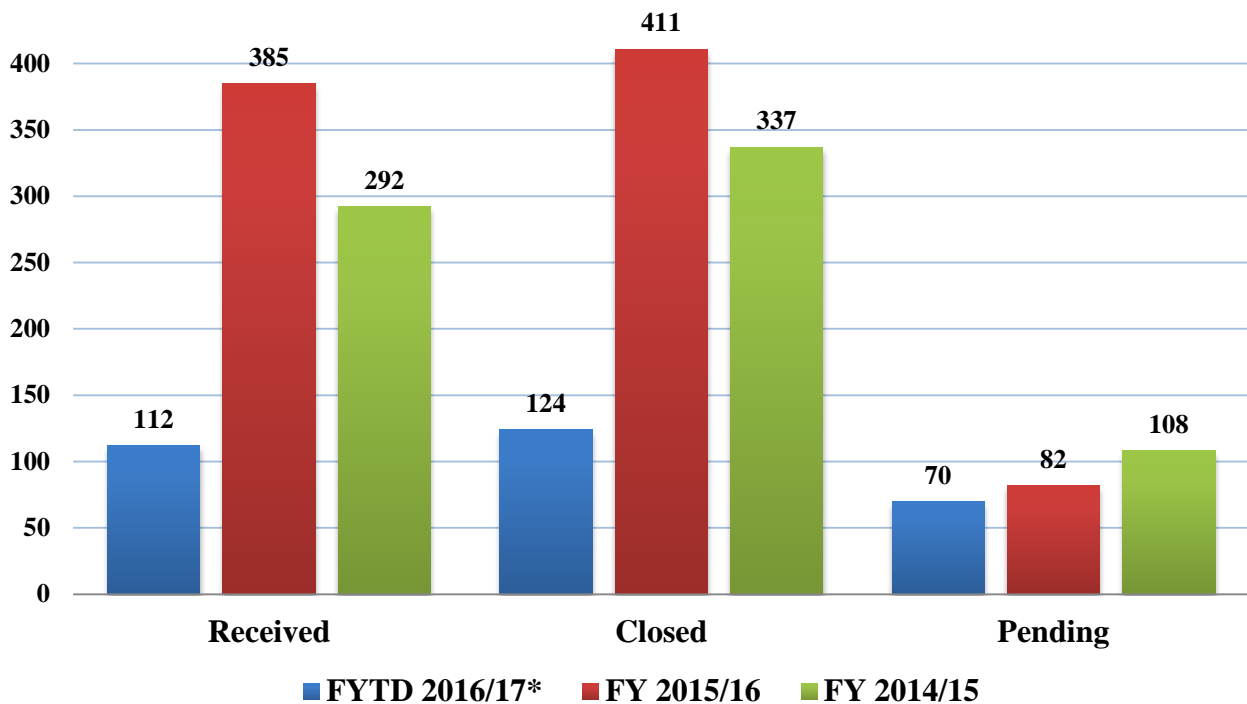
† Also included within "Pending Citations."

ENFORCEMENT PROGRAM REPORT

Types of Complaints Received FYTD 2016/17*

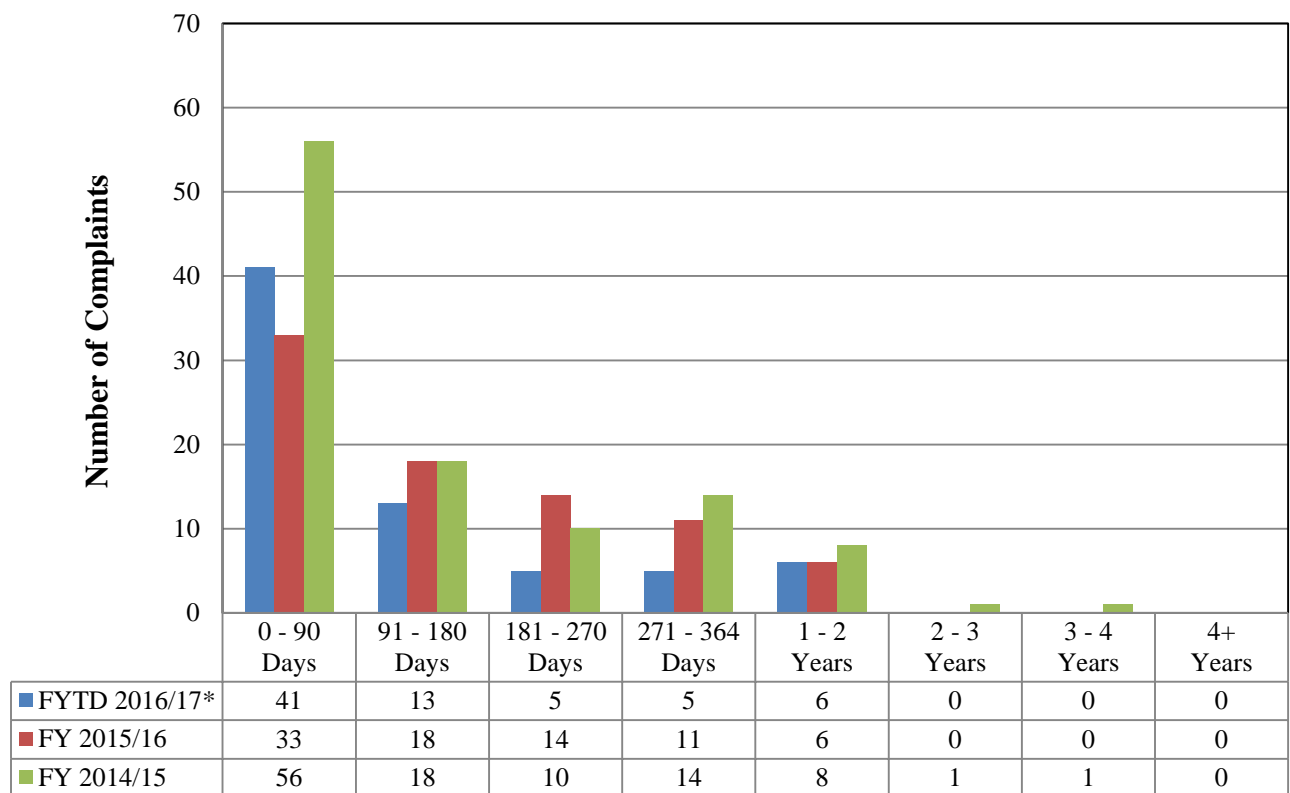


Complaints Received, Closed, and Pending by FY



* FYTD reflects data as of November 30, 2016.

Comparison of Age of Pending Complaints by FY



* FYTD reflects data as of November 30, 2016.

Closure of Complaints by FY

Type of Closure	FYTD 2016/17*	FY 2015/16	FY 2014/15
Cease/Desist Compliance	33	56	9
Citation Issued	12	77	62
Complaint Withdrawn	5	6	2
Insufficient Evidence	4	20	13
Letter of Advisement	40	158	185
No Jurisdiction	7	14	11
No Violation	17	62	40
Referred for Disciplinary Action	2	4	6
Other (i.e., Duplicate, Mediated, etc.)	4	14	9

* FYTD reflects data as of November 30, 2016.

Disciplinary and Enforcement Actions by FY

Action	FYTD 2016/17*	FY 2015/16	FY 2014/15
Disciplinary Cases Initiated	2	4	5
Pending Disciplinary Cases	4	6	6
Final Disciplinary Orders	4	4	1
Final Citations	19	65	47
Administrative Fines Assessed	\$24,000	\$79,750	\$78,000

* FYTD reflects data as of November 30, 2016.

Most Common Violations by FY

During FY 2016/17 (as of November 30, 2016), 19 citations with administrative fines became final with 30 violations of the provisions of the Architects Practice Act and/or Board regulations. The most common violations that resulted in enforcement action during the current and previous two fiscal years are listed below.

Business and Professions Code Section (BPC) or California Code of Regulations Section (CCR)	FYTD 2016/17*	FY 2015/16	FY 2014/15
BPC 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect	33.3%	24.5%	41.8%
BPC 5536.1(c) – Unauthorized Practice	0%	4.1%	5.1%
BPC 5536.22 (a) – Written Contract	16.7%	3.1%	5.1%
BPC 5584 – Negligence or Willful Misconduct	3.3%	5.1%	2.5%
BPC 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements**	16.7%	52.0%	31.6%
CCR 160(b)(2) – Rules of Professional Conduct	6.7%	7.1%	5.1%

* FYTD reflects data as of November 30, 2016.

** Assembly Bill 1746 (Chapter 240, Statutes of 2010) became effective January 1, 2011 and amended the coursework provisions of BPC 5600.05 by requiring an audit of license renewals beginning with the 2013 renewal cycle and adding a citation and disciplinary action provision for licensees who provide false or misleading information.

ELECTION OF 2017 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 for a nomination process as follows:

The Board president shall appoint a Nominations Committee prior to the last meeting of the calendar year and shall 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. The results of the Nominations Committee's findings and recommendations will be provided to the Board members in the meeting packet prior to the election of officers. Notwithstanding the Nominations Committee's recommendations, Board members may be nominated from the floor at the meeting.

Board President Jon Baker appointed Pasqual V. Gutierrez and Nilza Serrano as members of the Nominations Committee. All Board members were surveyed as to their interest, and the Nominations Committee recommends the following slate of officers for 2017 for the Board's consideration based on the qualifications, recommendations, and interest expressed by the Board members:

Nominations Committee Recommended Slate of Officers for 2017

President - Matthew McGuinness

Vice President - Sylvia Kwan

Secretary - Tian Feng

There were no other individuals who were nominated or volunteered for specific officer positions.

At this meeting, Mr. Gutierrez and Ms. Serrano will be presenting the recommended slate of officers to the Board for its consideration. The Board is asked to consider the slate as recommended by the Committee and elect the officers for 2017.

REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT

1. Update on November 8, 2016 REC Meeting
2. Update and Possible Action on Recommendation Regarding Proposed Language to Amend Business and Professions Code Section 5536.22 (Written Contract)
3. Discuss and Possible Action on Recommendation Regarding Proposed Amendment to Title 16, California Code of Regulations (CCR) Sections 152 (Citations) and 152.5 (Contest of Citations, Informal Conference)
4. Update and Possible Action on Recommendation Regarding Proposed Amendments to Board's *Disciplinary Guidelines* and Title 16, CCR Section 154 (Disciplinary Guidelines)

UPDATE ON NOVEMBER 8, 2016 REC MEETING

The REC met on November 8, 2016, in Sacramento. Attached is the Notice of Meeting.

REC Chair, Matthew McGuinness, will provide the Board with an update on the meeting.

Attachment:

November 8, 2016 Notice of Meeting



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF MEETING

REGULATORY AND ENFORCEMENT COMMITTEE

November 8, 2016

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

(or until completion of business)

California Architects Board, Sequoia Room

2420 Del Paso Road, Suite 109

Sacramento, CA 95834

(916) 574-7220

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

Robert De Pietro
Frank De Pietro and Sons
825 Colorado Boulevard, Suite 114
Los Angeles, CA 90041
(323) 257-4253

Michael Merino
AECOM
999 Town and Country Road
Orange, CA 92868
(714) 567-2480

The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website: cab.ca.gov. For further information regarding this agenda, please see reverse or you may contact Kristin Walker at (916) 575-7203.

AGENDA

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

B. Public Comment on Items Not on Agenda

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

C. Review and Possible Action on April 28, 2016, REC Meeting Summary Report

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

(Continued on Reverse)

- D. Enforcement Program Update
- E. Update and Possible Recommendation Regarding 2015-2016 Strategic Plan Objective to Identify and Pursue Needed Statutory and Regulatory Changes so Laws and Regulations are Consistent with Current Architectural Practice to Promote Public Health, Safety, and Welfare
- F. Update and Possible Recommendation Regarding 2015-2016 Strategic Plan Objective to Pursue Recruitment of Additional Architect Consultant to Ensure Continuity and Effectiveness in Board's Enforcement Program
- G. Discuss and Possible Recommendation Regarding Proposed Amendments to Title 16, California Code of Regulations (CCR) sections 152 (Citations) and 152.5 (Contest of Citations, Informal Conference)
- H. Update and Possible Recommendation Regarding Proposed Amendments to Board's *Disciplinary Guidelines* and Title 16, CCR section 154 (Disciplinary Guidelines)
- I. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the REC Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the REC are open to the public. The meeting may be cancelled without notice. For meeting verification, call (916) 575-7203 or access the Board's website at cab.ca.gov just prior to the meeting.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the REC prior to the REC taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the REC, but the REC Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the REC to discuss items not on the agenda; however, the REC can neither discuss nor take official action on these items at the time of the same meeting [Government Code sections 11125 and 11125.7(a)].

The meeting 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 Kristin Walker at (916) 575-7203, emailing kristin.walker@dca.ca.gov, or sending a written request to the Board. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code section 5510.15)

UPDATE AND POSSIBLE ACTION ON RECOMMENDATION REGARDING PROPOSED LANGUAGE TO AMEND BUSINESS AND PROFESSIONS CODE SECTION 5536.22 (WRITTEN CONTRACT)

The California Architects Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to identify and pursue needed statutory and regulatory changes so laws and regulations are consistent with current architectural practice to promote public health, safety, and welfare, such as amending the Architects Practice Act (Act) written contract requirement.

Business and Professions Code section (BPC) 5536.22 currently requires that an architect's written contract:

1. Describe the services to be provided by the architect;
2. Describe the basis of compensation and method of payment;
3. Identify the name, address, and license number of the architect and the name and address of the client;
4. Describe the procedure to accommodate additional services; and
5. Describe the procedure to be used by both parties to terminate the contract.

The Board's 2013 and 2014 Strategic Plans also contained an objective to determine whether a provision concerning "scope of work" should be added to the written contract requirement in BPC 5536.22. At its April 25, 2013, meeting, the REC considered staff's recommended revisions to add: the project scope; the project address; the name and address of the project owner; and a description of the procedure to accommodate contract changes, including changes in the project scope, to the written contract requirement. At the meeting, the REC assigned a working group, comprised of members Phyllis Newton and Gary McGavin, to further refine the proposed language before making a recommendation to the Board. The working group met on July 15, 2013, and based on its discussion, in an effort to add clarification and reduce miscommunication and confusion between the architect and the client, the working group ultimately decided to propose that a description of the project and address, and a procedure to accommodate contract changes be added to the written contract requirement.

Staff subsequently revised the proposed language for BPC 5536.22 and submitted the changes to the Board's legal counsel for review on October 21, 2013. Legal counsel made minor edits which were approved by the REC on April 24, 2014, and recommended to the Board. At its June 12, 2014, meeting, the Board subsequently approved the REC's recommendations, and proposed language to add a description of the: 1) project and address; and 2) procedure to accommodate contract changes, to the written contract requirements.

On January 11, 2016, the Board submitted a proposal to amend BPC 5536.22 to the Senate Business, Professions and Economic Development Committee (BP&ED) for possible inclusion in an omnibus clean-up bill. BP&ED staff determined that the proposal is substantive and must be included in another bill in 2017.

Staff reviewed the laws and regulations regarding the practice of architecture in other states, and found that two other states (Nevada and Ohio) currently require an architect to execute a written

contract with the client prior to providing professional services for a project. Both states require an architect's written contract to include a statement identifying the ownership and/or reuse of documents prepared by the architect, in addition to the five elements currently required by BPC 5536.22.

To improve the protections afforded to consumers and architects through the written contract requirement, staff recommended that, in addition to the amendments to BPC 5536.22 that were previously approved by the Board, the REC also consider requiring a: 1) statement identifying the ownership and/or reuse of documents prepared by the architect; and 2) notification to the client that the architect is licensed and the Board is the licensing entity, in an architect's written contract. At its April 28, 2016, meeting, the REC reviewed and discussed the objective, and recommended that staff develop proposed language to amend BPC 5536.22 that includes these two additional provisions for the REC's consideration at its next meeting.

Based on the REC's recommendation, staff developed two additional provisions (highlighted in yellow) for the proposed language to amend BPC 5536.22 (see attachment) which would require the written contract between an architect and a client to include a: 1) statement identifying the ownership and use of instruments of service prepared by the architect; and 2) notification to the client that the architect is licensed by the Board. This proposed language to further amend BPC 5536.22 was subsequently reviewed and approved by legal counsel on November 2, 2016.

At its November 8, 2016, meeting, the REC reviewed and discussed the proposed language to amend BPC 5536.22. The REC supported adding the two additional provisions to the written contract requirement, but expressed concerns that the use of the word "complaints" in the proposed language for subsection (a)(9) could result in frivolous complaints to the Board against architects. The REC ultimately voted to recommend to the Board that it approve the proposed language to amend BPC 5536.22 with the words "concerns about" instead of "complaints concerning" in the proposed subsection (a)(9) [highlighted in green].

The Board is asked to consider the REC's recommendation and take possible action.

Attachment:

Proposed Language to Amend Business and Professions Code Section 5536.22

PROPOSED LANGUAGE TO AMEND BUSINESS AND PROFESSIONS CODE SECTION 5536.22

Amend Section 5536.22 of the Business and Professions Code to read:

- (a) An architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. That written contract shall be executed by the architect and the client, or his or her representative, prior to the architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following items:
- (1) A description of the project for which the client is seeking services.
 - (2) A description of the services to be provided by the architect to the client.
 - (3) A description of any basis of compensation applicable to the contract and the method of payment agreed upon by both parties.
 - (4) The name, address, and license number of the architect, and the name and address of the client and the project address.
 - (5) A description of the procedure that the architect and the client will use to accommodate additional services.
 - (6) A description of the procedure that the architect and the client will use to accommodate contract changes including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment.
 - (7) A description of the procedure to be used by either party to terminate the contract.
 - (8) A statement identifying the ownership and use of instruments of service prepared by the architect.
- the California Architects Board. Any questions or concerns about an architect may be CA 95834.”
- (b) This section shall not apply to any of the following:
- (1) Professional services rendered by an architect for which the client will not pay compensation.
 - (2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the architect’s services are of the same general kind which the architect has previously rendered to and received payment from the same client.
 - (3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.
 - (4) Professional services rendered by an architect to a professional engineer registered to practice engineering under Chapter 7 (commencing with Section 6700), or to a land surveyor licensed under Chapter 15 (commencing with Section 8700).

DISCUSS AND POSSIBLE ACTION ON RECOMMENDATION REGARDING PROPOSED AMENDMENTS TO TITLE 16, CALIFORNIA CODE OF REGULATIONS (CCR) SECTIONS 152 (CITATIONS) AND 152.5 (CONTEST OF CITATIONS, INFORMAL CONFERENCE)

Title 16, California Code of Regulations section (CCR) 152 (Citations) [Attachment 1] authorizes the California Architects Board's Executive Officer (EO) to issue citations containing orders of abatement and/or administrative fines pursuant to Business and Professions Code sections (BPC) 125.9 or 148 against an architect or an unlicensed person for violations of the Architects Practice Act (Act) or Board regulations. Following the issuance of a citation, a cited person may request an informal conference and/or a formal administrative hearing, as outlined in CCR 152.5 (Contest of Citations, Informal Conference). An informal conference provides a cited person with the opportunity to review the acts charged in the citation and demonstrate to the EO that there was not a violation of the Act as alleged in the citation.

Staff requests the Board consider amendments to CCR 152.5 that would allow the EO to delegate to a designee, such as the Assistant Executive Officer or the Enforcement Program Manager, the authority to hold an informal conference with a cited person and make a decision to affirm, modify, or dismiss a citation. This delegation would only be utilized in the event the EO knows one of the parties in the investigation or for simple unlicensed cases.

Staff also suggests the Board consider additional revisions to CCR 152.5, including:

- Changing the deadline for requesting an informal conference from 10 days after service of the citation to 30 days of the date of issuance of the citation, for consistency with the deadline for requesting a formal administrative hearing as provided for in BPC 125.9(b)(4).
- Authorizing the EO or a designee to extend the 60-day period for holding the informal conference for good cause.
- Clarifying that the decision to affirm, modify, or dismiss a citation is made following (rather than at the conclusion of) an informal conference, and a copy of the decision will be transmitted to the cited person within 30 days after the conference.

Staff worked with legal counsel to prepare the proposed regulatory language to amend CCR 152.5 (Attachment 2) to include the above-referenced revisions.

At its November 8, 2016, meeting, the REC reviewed and discussed staff's draft proposed regulation to amend CCR 152.5, and voted to recommend to the Board that it approve the regulation to amend CCR 152.5 and authorize staff to proceed with the regulatory change.

The Board is asked to consider the REC's recommendation and take possible action.

Attachments:

1. Title 16, California Code of Regulations Section 152
2. Proposed Regulatory Language, Title 16, California Code of Regulations Section 152.5

TITLE 16, CALIFORNIA CODE OF REGULATIONS SECTION 152

(a) The Board's executive officer is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to sections 125.9 or 148 of the code against an architect or an unlicensed person who has committed any acts or omissions which are in violation of the Architects Practice Act or any regulation adopted pursuant thereto.

(b) A citation shall be issued whenever any order of abatement is issued or any fine is levied. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statutes or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

(c) Where citations include an assessment of an administrative fine, they shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows:

(1) Class "A" violations are violations which the executive officer has determined involve an unlicensed person who has violated Business and Professions Code section 5536, including but not limited to, acting in the capacity of or engaged in the practice of architecture. A class "A" violation is subject to an administrative fine in an amount not less than seven hundred and fifty dollars (\$750) and not exceeding two thousand five hundred dollars (\$2,500) for each and every violation.

(2) Class "B" violations are violations which the executive officer has determined involve either a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has caused physical damage to a structure or building or to real property or monetary damage to a client or member of the public or a person who has committed a class "C" violation and has one or more prior, separate class "C" violations. A class "B" violation is subject to an administrative fine in an amount not less than one thousand dollars (\$1,000) and not exceeding two thousand five hundred dollars (\$2,500) for each and every violation.

(3) Class "C" violations are violations which the executive officer has determined involve a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has not caused either the death or bodily injury to another person or physical damage to a structure or building or to real property or monetary damage to a client or a member of the public. A class "C" violation is subject to an administrative fine in an amount not less than two hundred and fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) for each and every violation.

(d) In assessing the amount of an administrative fine, the executive officer shall consider the following criteria:

(1) The good or bad faith exhibited by the cited person.

(2) The nature and severity of the violation.

(3) Evidence that the violation was willful.

(4) History of violations of the same or similar nature.

(5) The extent to which the cited person has cooperated with the board's investigation.

(6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.

(7) Such other matters as justice may require.

(e) Notwithstanding the administrative fine amounts specified in subsection (c), a citation may include a fine between \$2,501 and \$5,000 if one or more of the following circumstances apply:

(1) The citation involves a violation that has an immediate relationship to the health and safety of another person.

(2) The cited person has a history of two or more prior citations of the same or similar violations.

(3) The citation involves multiple violations that demonstrate a willful disregard of the law.

(4) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.

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

Note: Authority cited: Sections 125.9 and 5526, Business and Professions Code. Reference: Sections 125.9, 148, 149, 5510.1 and 5560, Business and Professions Code.

CALIFORNIA ARCHITECTS BOARD
PROPOSED REGULATORY LANGUAGE

Article 8. Disciplinary Proceedings

Amend Section 152.5 as follows:

Section 152.5. Contest of Citations, Informal Conference.

(a) In addition to requesting an administrative hearing as provided for in subdivision (b)(4) of section 125.9 of the code, the cited person may request an informal conference to review the acts charged in the citation. A request for an informal conference shall be made in writing, within ~~ten (10)~~thirty (30) days ~~after service of the date of issuance~~ of the citation, to the executive officer.

(b) The executive officer or his or her designee shall hold, within sixty (60) days from the receipt of the request, an informal conference with the cited person. The sixty-day (60-day) period may be extended by the executive officer or his or her designee for good cause. ~~At the conclusion of~~Following the informal conference, the executive officer or his or her designee may affirm, modify or dismiss the citation, including any fine levied, order of abatement or order of correction issued. The executive officer or his or her designee shall state in writing the reasons for his or her action and transmit a copy of his or her findings to the cited person within thirty (30) days after the informal conference.

Unless an administrative hearing as provided for in subdivision (b)(4) of section 125.9 of the code was requested in a timely manner, an informal conference decision which affirms the citation shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement or order of correction.

(c) If the citation, including any fine levied or order of abatement or correction, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If the cited person desires a hearing to contest the new citation, he or she shall make a request in writing, within thirty (30) days of ~~receipt~~the date of issuance of the informal conference decision, to the executive officer. The hearing shall be conducted as provided for in subdivision (b)(4) of section 125.9 of the code.

A cited person may not request an informal conference for a citation which has been modified following an informal conference.

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

UPDATE AND POSSIBLE ACTION ON RECOMMENDATION REGARDING PROPOSED AMENDMENTS TO BOARD'S *DISCIPLINARY GUIDELINES* AND TITLE 16, CCR SECTION 154 (DISCIPLINARY GUIDELINES)

The California Architects Board's 2013 and 2014 Strategic Plans contained an objective to review and update the Board's *Disciplinary Guidelines*. The Regulatory and Enforcement Committee (REC) reviewed recommended updates to the Board's *Disciplinary Guidelines* in 2013 and 2014. At its December 2014 meeting, the Board approved the proposed revisions to the *Disciplinary Guidelines* based on input provided by staff, the Board's legal counsel from the Department of Consumer Affairs (DCA), Deputy Attorney General (DAG) liaisons, and the REC. Additionally, the Board authorized staff to proceed with a regulatory proposal to amend Title 16, California Code of Regulations section (CCR) 154 in order to incorporate the revised *Disciplinary Guidelines* by reference. The Board subsequently approved the proposed regulatory language to amend CCR 154 at its June 10, 2015, meeting and delegated the authority to the Executive Officer (EO) to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed.

At its August 6, 2015, meeting, the Landscape Architects Technical Committee (LATC) reviewed recommended updates to LATC's *Disciplinary Guidelines* based on the revisions made to the Board's *Guidelines*. Following the meeting, legal counsel advised LATC staff that additional research may be necessary regarding Optional Conditions 9 (California Supplemental Examination) and 10 (Written Examination) in LATC's *Guidelines*. LATC staff subsequently discussed the matter with legal counsel on September 30, 2015. Board staff reviewed legal counsel's comments as they relate to the Board's *Disciplinary Guidelines*, and determined the Board's *Guidelines* would also need to be amended. On October 21, 2015, Board and LATC staff sent proposed edits to these conditions to legal counsel for review. Legal counsel notified Board and LATC staff on November 12, 2015, that the proposed edits were acceptable, but substantive, and would require re-approval by the Board. On November 25, 2015, legal counsel further advised staff to include the current version of the Board's Quarterly Report of Compliance form (1/11) as "Attachment A" in the Board's *Disciplinary Guidelines*, as this method was previously approved by the Office of Administrative Law (OAL) in the 2000 edition of the *Guidelines*.

At its December 10, 2015, meeting, the Board reviewed and approved the additional recommended revisions to the Board's *Disciplinary Guidelines* and the proposed regulation to amend CCR 154, and delegated authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for legal counsel's approval on March 15, 2016. On April 8, 2016, legal counsel advised staff that further substantive changes were again necessary prior to submission to OAL, and recommended: comparing the Board's *Guidelines* to other DCA boards' and bureaus' disciplinary guidelines; lowering the minimum penalty of 90 days suspension and 5 years probation; adding recommended penalties for additional violations of the Architects Practice Act (Act), general provisions of the Business and Professions Code (BPC), and Board regulations, if necessary; and further refining the timelines in Optional Conditions 9 and 10 as they relate to the tolling provisions.

Based on legal counsel's recommendations, staff is proposing additional revisions to the Board's *Disciplinary Guidelines*, including:

- Expanding the content of the "General Considerations" section to better assist Administrative Law Judges in preparing proposed decisions and DAGs in negotiating stipulated settlements.
- Adding recommended maximum and minimum penalties for violations of BPC:
 - § 5536 (Practice Without License or Holding Self Out as Architect);
 - § 5536.1 (Signature and Stamp on Plans and Documents; Unauthorized Practice);
 - § 5536.22 (Written Contract);
 - § 5536.4 (Instruments of Service – Consent);
 - § 5536.5 (State of Emergency – Practice Without License or Holding Self Out as Architect);
 - § 5558 (Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services; Filing Requirements);
 - § 5588 (Report of Settlement or Arbitration Award);
 - § 5600.05 (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements);
 - § 140 (Failure to Record and Preserve Cash Transactions Involving Wages);
 - § 141 (Effect of Disciplinary Action Taken by Another State or the Federal Government);
 - § 143.5 (Provision Prohibited in Settlement Agreements);
 - § 490 (Conviction of Crime; Suspension, Revocation – Grounds); and
 - § 499 (False Statement in Support of Another Person's Application).
- Amending the recommended minimum penalties for violations of the Act, general provisions of the BPC, and Board regulations based upon changes made to the standard and optional conditions of probation.
- Lowering the minimum recommended penalty for less egregious violations of the Act (i.e., written contract requirement, mailing address and business entity reporting requirements, etc.) to stayed revocation with three years probation.
- Adding model language for disciplinary orders involving license revocation, probation, public reproof, the surrender of a license, a petition for reinstatement, a petition to revoke probation, and the denial of a license application.
- Adding a severability clause, a license surrender option, and requirements for a probationer to maintain an active and current license and notify the Board of any changes to his or her address, telephone number, and employment, to the standard conditions of probation.
- Adding an ethics course and the procedures for the notification to clients to the optional conditions of probation.
- Amending the language of Optional Conditions 9 (California Supplemental Examination) and 10 (Written Examination) to revise the timelines within the "condition subsequent" option as they relate to the tolling provisions, and provide a "condition precedent" option that would require a probationer to take and pass the examination(s) prior to resuming or continuing practice.

- Making minor, technical or non-substantive changes, such as adding page numbers to the table of contents, renaming and updating the Quarterly Probation Report form (Rev. 9/2016), and renumbering the conditions of probation.

The Board's *Disciplinary Guidelines* with the additional recommended revisions highlighted in yellow (see Attachment 1) and the proposed regulatory language to amend CCR 154 (see Attachment 2) were approved by DCA legal counsel on November 1, 2016.

At its November 8, 2016, meeting, the REC reviewed and discussed the additional recommended revisions to the Board's *Disciplinary Guidelines*. The REC voted to recommend to the Board that it approve the additional revisions to the Board's *Disciplinary Guidelines* and authorize staff to proceed with the regulatory change to amend CCR 154 in order to incorporate the revised *Disciplinary Guidelines* by reference.

The Board is asked to consider the REC's recommendation and take possible action.

Attachments:

1. Board's *Disciplinary Guidelines* with Proposed Revisions
2. Proposed Regulatory Language, Title 16, California Code of Regulations Section 154

PENDING REGULATORY CHANGE

California Architects Board
*Public Protection Through
Examination, Licensure, and Regulation*



DISCIPLINARY GUIDELINES

CALIFORNIA ARCHITECTS BOARD

*Public Protection Through Examination,
Licensure, and Regulation*

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TABLE OF CONTENTS

I.	INTRODUCTION	<u>1</u>
II.	GENERAL CONSIDERATIONS	<u>1</u>
	A. Proposed Decisions.....	<u>1</u>
	B. Stipulated Settlements	<u>2</u>
	C. Cost Reimbursement	<u>2</u>
	D. Factors to be Considered	<u>2</u>
	E. Substantial Relationship Criteria.....	<u>3</u>
	F. Criteria for Rehabilitation	<u>3</u>
III.	DISCIPLINARY GUIDELINES.....	<u>4</u>
	A. Business and Professions Code Sections	<u>4</u>
	B. General Provisions of Business and Professions Code ..	<u>10</u>
	C. <u>Title 16</u> , California Code of Regulations.....	<u>12</u>
	D. Violation of Probation	<u>14</u>
IV.	MODEL DISCIPLINARY ORDERS	<u>15</u>
	A. Licensee	<u>15</u>
	B. Petition for Reinstatement	<u>15</u>
	C. Petition to Revoke Probation	<u>16</u>
	D. Applicant.....	<u>16</u>
IV.	CONDITIONS OF PROBATION.....	<u>17</u>
	A. Standard Conditions	<u>17</u>
	B. Optional Conditions.....	<u>19</u>
V.	REHABILITATION CRITERIA	
VI.	ATTACHMENT A: QUARTERLY PROBATION	
	REPORT	<u>23</u>

I. Introduction

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

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

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

The Board recognizes that these recommended penalties and conditions of probation are merely guidelines and that mitigating or aggravating circumstances and other factors may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken.

Additional copies of this document may be obtained by contacting the ~~CAB~~Board at its office in Sacramento, California. There may be a charge assessed sufficient to cover the cost of production and distribution of copies.

II. General Considerations

A. Proposed Decisions

The Board requests that proposed decisions following administrative hearings include the following:

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

B. Stipulated Settlements

The Board will consider agreeing to stipulated settlements to promote cost-effective consumer protection and to expedite disciplinary decisions. The respondent should be informed that in order to stipulate to a settlement with the Board, he/she may be required to admit to the violations set forth in the accusation or statement of issues. All proposed stipulated settlements must be accompanied by a memorandum from the Deputy Attorney General addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

C. Cost Reimbursement

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including, but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

D. Factors to be Considered:

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

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.
2. Actual or potential harm to any consumer, client, or the general public.
3. Prior disciplinary record.
4. ~~Number and/or variety of current violations.~~ Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code. Number and/or variety of current violations.
5. Aggravating evidence.
6. ~~Mitigating~~ evidence.
7. ~~Rehabilitation evidence.~~ Evidence, if any, of rehabilitation submitted by the ~~applicant~~ respondent.
8. ~~In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.~~
9. ~~Overall criminal record.~~
10. ~~Time passed since the act(s) or offense(s) occurred.~~ The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant. Time passed since the act(s) or offense(s) occurred.
9. Whether the respondent's conduct was intentional or negligent, demonstrated incompetence, or, if the respondent is being held to account for conduct committed by another, the respondent had knowledge of or knowingly participated in such conduct.
10. Any financial benefit to the respondent from his/her misconduct.
11. Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.

11912. Recognition by the respondent of his ~~or~~ her wrongdoing and demonstration of corrective action to prevent recurrence.

E. Substantial Relationship Criteria

Title 16, California Code of Regulations section 110 states:

For the purposes of denial, suspension, or revocation of the license of an architect pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions and duties of an architect if to a substantial degree it evidences present or potential unfitness of an architect to perform the functions authorized by his/her license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but not be limited to, those involving the following:

- (a) Any violation of the provisions of Chapter 3, Division 3 of the Business and Professions Code.

F. ~~Rehabilitation Criteria~~Criteria for Rehabilitation

(For cases involving an applicant, the conviction of a crime, the reinstatement of licensure, or the reduction of penalty)

Title 16, California Code of Regulations, ~~Title 16~~, section 110.1, ~~Criteria for Rehabilitation states:~~ requires the Board, when considering the denial of an architect's license under Section 480 of the Business and Professions Code; the suspension or revocation of a license based on the conviction of a crime; a petition for reinstatement of a license; or a petition for reduction of penalty, to consider the following criteria:

- (a) When considering the denial of an architect's license under Section 480 of the Business and Professions Code, the Board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) Evidence, if any, of rehabilitation submitted by the applicant.

- (b) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering the petition for reinstatement of the license of an architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

III. Disciplinary Guidelines

The offenses are listed by section number in the Business and Professions Code or California Code of Regulations. The standard terms of probation as stated herein shall be included for all probations. The optional conditions of probation as stated herein, are to be considered and imposed along with any other optional conditions if facts and circumstances warrant. The number(s) in brackets ~~listed after each condition of probation~~ refers to the specific standard or optional conditions of probation listed on pages 9-12.

A. Business and Professions Code Sections

Section 5536

Practice Without License or Holding Self Out as Architect

MAXIMUM: Revocation or denial of license application

MINIMUM: Issue initial license (if applicable), stayed revocation, and 5 years probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Cost reimbursement [#16]

c. Restitution [#17] (if applicable)

Section 5536.1

Signature and Stamp on Plans and Documents; Unauthorized Practice

MAXIMUM: Revocation or denial of license application

MINIMUM: Issue initial license (if applicable), stayed revocation, and 5 years probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Cost reimbursement [#16]

c. Restitution [#17] (if applicable)

Section 5536.22

Written Contract

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years probation on all standard conditions [#1-10] and the following optional conditions:

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

Section 5536.4

Instruments of Service – Consent

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years probation on all standard conditions [#1-10] and the following optional conditions:

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

Section 5536.5

State of Emergency – Practice Without License or Holding Self Out as Architect

MAXIMUM: Revocation or denial of license application

MINIMUM: Issue initial license (if applicable), stayed revocation, and 5 years probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]
- c. Restitution [#17] (if applicable)

Section 5558

Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services; Filing Requirements

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years probation on all standard conditions [#1-10] and the following optional condition:

- a. Cost reimbursement [#16]

Section 5577

Conviction of a Crime Substantially Related to the Qualifications, Duties, and Functions of an Architect

MAXIMUM: Revocation ~~or denial of license application~~

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] and the following optional conditions:

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

~~ba.~~ Cost reimbursement [#1216]

~~eb.~~ Criminal probation reports [#1418]

Section 5578

Acts in Violation of the Architects Practice Act

The appropriate penalty depends on the nature of the offense.

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years probation on all standard conditions [#1-10] and the following optional conditions:

a. Cost reimbursement [#16]

b. Restitution [#17] (if applicable)

Section 5579

Fraud or Misrepresentation in Obtaining License

MAXIMUM/MINIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Cost reimbursement [#16]

Section 5580

Impersonation or Use of Assumed or Corporate Name

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [\[#11\]](#), and 5 years probation [on all standard conditions](#) [\[#1-10\]](#) ~~on~~and the following [optional](#) conditions:

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

~~ba.~~ ~~Continuing education courses~~[Ethics course](#) ~~[#11]~~[14](#)

~~eb.~~ Cost reimbursement ~~[#12]~~[16](#)

~~ec.~~ Restitution ~~[#13]~~[17](#) [\(if applicable\)](#)

Section 5582

Aiding and Abetting the Unlicensed Practice of Architecture

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [\[#11\]](#), and 5 years probation [on all standard conditions](#) [\[#1-10\]](#) ~~on~~and the following [optional](#) conditions:

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

~~ba.~~ ~~Continuing education courses~~[Ethics course](#) ~~[#11]~~[14](#)

~~eb.~~ Cost reimbursement ~~[#12]~~[16](#)

~~ec.~~ Restitution ~~[#13]~~[17](#) [\(if applicable\)](#)

Section 5582.1

Signing Others Instruments of Service or Permitting Misuse of Name

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [\[#11\]](#), and 5 years probation [on all standard conditions](#) [\[#1-10\]](#) ~~on~~and the following [optional](#) conditions:

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

~~ba.~~ ~~Continuing education courses~~[Ethics course](#) ~~[#11]~~[14](#)

~~eb.~~ Cost reimbursement ~~[#12]~~[16](#)

~~ec.~~ Restitution ~~[#13]~~[17](#) [\(if applicable\)](#)

Section 5583 Fraud or Deceit

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

- a. ~~All standard conditions of probation~~ Ethics course [#1-7] 14
- b. Continuing education courses [#14] 15
- c. Cost reimbursement [#12] 16
- d. Restitution [#13] 17 (if applicable)

Section 5584 Negligence

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

- a. ~~All standard conditions of probation~~ ~~[#1-7]~~
- b. ~~California Supplemental Examination~~ ~~[#9]~~
- ea. Continuing education courses [#14] 15
- eb. Cost reimbursement [#12] 16
- ec. Restitution [#13] 17 (if applicable)

Section 5584 Willful Misconduct

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on~~and the following optional conditions:

- a. ~~All standard conditions of probation~~ Ethics course [#1-7] 14
- b. Continuing education courses [#14] 15
- c. Cost reimbursement [#12] 16
- d. Restitution [#13] 17 (if applicable)

Section 5585

Incompetency or Recklessness

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

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

~~b~~a. California Supplemental Examination ~~[#9]~~12

~~e~~b. Continuing education courses ~~[#11]~~15

~~d~~c. Cost reimbursement ~~[#12]~~16

~~e~~d. Restitution ~~[#13]~~17 (if applicable)

Section 5586

Disciplinary Action by a Public Agency

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

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

~~b. California Supplemental Examination~~ ~~[#9]~~

~~e~~a. Continuing education courses ~~[#11]~~15

~~d~~b. Cost reimbursement ~~[#12]~~16

~~e~~c. Restitution ~~[#13]~~17 (if applicable)

Section 5588

Report of Settlement or Arbitration Award

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years probation on all standard conditions [#1-10] and the following optional condition:

a. Cost reimbursement [#16]

Section 5600.05

License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years probation on all standard conditions [#1-10] and the following optional conditions:

- a. Continuing education courses [#15]
- b. Cost reimbursement [#16]

B. General Provisions of Business and Professions Code

Section 125.6

Discrimination by Licensee

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 60 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on and~~ the following optional conditions:

- ~~a. All standard conditions of probation [#1-7]~~
- ~~b.~~ Cost reimbursement [#1216]

Section 140

Failure to Record and Preserve Cash Transactions Involving Wages

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years probation on all standard conditions [#1-10] and the following optional condition:

- a. Cost reimbursement [#16]

Section 141

Effect of Disciplinary Action Taken by Another State or the Federal Government

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] and the following optional conditions:

- a. Continuing education courses [#15]
- b. Cost reimbursement [#16]
- c. Restitution [#17] (if applicable)

Section 143.5

Provision Prohibited in Settlement Agreements

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Cost reimbursement [#16]

Section 480(a)

Denial of Licenses

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

RECOMMENDED DISCIPLINE**MAXIMUM:** Denial of license application

MINIMUM: Issue initial license, stayed revocation, and 5 years probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Continuing education courses [#15]

c. Cost reimbursement [#16]

d. Restitution [#17] (if applicable)

Section 490

Conviction of Crime; Suspension, Revocation – Grounds

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] and the following optional conditions:

a. Cost reimbursement [#16]

b. Criminal probation reports [#18]

Section 496

Subversion of Licensing Examinations or Administration of Examinations

RECOMMENDED DISCIPLINE **MAXIMUM:** ~~Denial or~~ Revocation or denial of license application

MINIMUM: Issue initial license (if applicable), stayed revocation, and 5 years probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Continuing education courses [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

Section 499

False Statement in Support of Another Person's Application

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]

C. Title 16, California Code of Regulations

Article 9. Professional Conduct

Section 160

Rules of Professional Conduct

a. Competence

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

- ~~a. All standard conditions of probation [#1-7]~~
- ~~b~~a. California Supplemental Examination [#~~9~~12]
- ~~e~~b. Continuing education courses [#~~14~~15]
- ~~d~~c. Cost reimbursement [#~~12~~16]
- ~~e~~d. Restitution [#~~13~~17] (if applicable)

b. Willful Misconduct

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

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

~~ba.~~ ~~California Supplemental Examination~~ Ethics course [#914]

~~eb.~~ Continuing education courses [#1415]

~~dc.~~ Cost reimbursement [#1216]

~~ed.~~ Restitution [#1317] (if applicable)

c. Conflict of Interest

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

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

~~ba.~~ ~~Continuing education courses~~ Ethics course [#1414]

~~eb.~~ Cost reimbursement [#1216]

~~dc.~~ Restitution [#1317] (if applicable)

d. Full Disclosure

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

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

~~ba.~~ ~~Continuing education courses~~ Ethics course [#1414]

~~eb.~~ Cost reimbursement [#1216]

~~dc.~~ Restitution [#1317] (if applicable)

e. Copyright Infringement

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

- a. ~~All standard conditions of probation~~ Ethics course [#1-714]
- b. Continuing education courses [#1415]
- c. Cost reimbursement [#1216]
- d. Restitution [#1317] (if applicable)

f. Informed Consent

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days actual suspension [#11], and 5 years probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

- a. ~~All standard conditions of probation~~ [#1-71]
- ba. Continuing education courses [#1415]
- eb. Cost reimbursement [#1216]
- dc. Restitution [#1317] (if applicable)

D. Violation of Probation

Maximum Penalty

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

Minimum Penalty

Actual suspension and/or extension of probation.

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

IV. Model Disciplinary Orders

A. Licensee

Revocation of License

Architect License No. _____, issued to respondent _____, is revoked.

Respondent shall relinquish and shall forward or deliver his/her license to practice architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision. Respondent may not reapply or petition the Board for reinstatement of his/her revoked license for three (3) years from the effective date of this Decision.

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

Option: As a condition precedent to reinstatement of his/her revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$ _____. Said amount shall be paid in full prior to the reinstatement of his/her license unless otherwise ordered by the Board.

Revocation Stayed and License Placed on Probation

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

Public Reprimand

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

Surrender of License

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

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

B. Petition for Reinstatement

Grant Petition with No Restrictions on License

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

Grant Petition and Place License on Probation

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

Grant Petition and Place License on Probation After Completion of Conditions Precedent

The petition for reinstatement filed by petitioner _____ is hereby granted and petitioner's architect license shall be fully reinstated upon the following conditions precedent:

Upon completion of the conditions precedent above, petitioner's architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Deny Petition

The petition for reinstatement filed by petitioner _____ is hereby denied.

C. Petition to Revoke Probation

Revocation of Probation

Architect License No. _____, issued to respondent _____, is revoked.

Extension of Probation

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

D. Applicant

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

Grant Application with No Restrictions on License

The application filed by respondent _____ for initial licensure is hereby granted and an architect license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees.

Grant Application and Place License on Probation

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

Grant Application and Place License on Probation After Completion of Conditions Precedent

The application filed by respondent _____ for initial licensure is hereby granted and an architect license shall be issued to respondent upon the following conditions precedent:

Upon completion of the conditions precedent above and successful completion of all licensing requirements including payment of all fees, respondent shall be issued an architect license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Deny Application

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

V. Conditions of Probation

A. Standard Conditions

(To be included in all Cases of Probation)

Severability Clause

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

1. Obey All Laws

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

2. Submit Quarterly Reports

Respondent, within 10 days of completion of the quarter, shall submit quarterly written reports to the Board ~~on using the Board's a-Quarterly Probation Report of Compliance~~ form (1/001/11 Rev. 9/2016) obtained from the Board (Attachment ~~A~~).

3. Personal Appearances

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

4. Cooperate During Probation

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

5. Maintain Active and Current License

Respondent shall maintain an active and current license to practice architecture in California for the length of the probation period. Failure to pay all fees and meet applicable coursework requirements prior to respondent's license expiration date shall constitute a violation of probation.

6. Notification of Changes to Address, Telephone Number, and/or Employment

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

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

Respondent shall provide a list of all states, United States territories, and elsewhere in the world where he ~~or~~/she has ever been licensed as an architect or held any architecture related professional license or registration within 30 calendar days of the effective date of this ~~d~~Decision. Respondent shall further provide information regarding the status of each license and registration and any changes in the license or registration status within ~~ten~~10 calendar days, during the term of probation. Respondent shall inform the Board if he or she applies for or obtains an architectural license or registration outside of California within ~~ten~~10 calendar days, during the term of probation.

In the event respondent should leave California to reside or to practice outside the State or for any reason stop practicing architecture in California, respondent shall notify the Board or its designee in writing within ~~ten~~10 days of the dates of departure and return, or the dates of non-practice or the resumption of practice within California. Respondent's probation is tolled, if and when he or she ceases practicing in California. Non-practice is defined as any period of time exceeding ~~thirty~~30 days in which respondent is not engaging in any activities defined in Section 5500.1 of the Business and Professions Code. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period. Respondent shall not be relieved of the obligation to maintain an active and current license with the Board. It shall be a violation of probation for ~~R~~respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total of five years.

All provisions of probation other than the quarterly report requirements, examination requirements, costs reimbursement, restitution, and education requirements, shall be held in abeyance until respondent resumes practice in California. All other provisions of probation shall recommence on the effective date of resumption of practice in California. ~~Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period.~~

68. Violation of Probation

If respondent violates probation in any respect, the Board, after giving respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If an accusation or a petition to revoke probation is filed against respondent during probation or the matter is referred to the Attorney General's office, the Board shall have continuing jurisdiction ~~until the matter is final,~~ and the period of probation shall be automatically extended until the matter is final.

If ~~a~~ respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat

the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

~~If respondent violates probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.~~

9. License Surrender While on Probation

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

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board.

710. Completion of Probation

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

B. Optional Conditions

811. Suspension

Respondent is suspended from the practice of architecture for _____ days beginning on the effective date of ~~the~~this Decision.

912. California Supplemental Examination

Option 1 (Condition Subsequent)

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

If respondent fails to pass said examination within ~~6~~six months, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he/she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. The term of probation shall be extended by the period of time during which respondent ceased practice. Failure to pass the required examination no later than 100 days one year prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

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

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

1013. Written Examination

Option 1 (Condition Subsequent)

Within one year of the effective date of this Decision, Respondent shall take and pass (specified) sections of the Architect Registration Examination (ARE).

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he/she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. The term of probation shall be extended by the period of time during which respondent ceased practice. Failure to pass the required examination no later than 100 days one year prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

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

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

14. Ethics Course

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

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

1115. Continuing Education Courses

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

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

1216. Cost Reimbursement

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

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

1317. Restitution

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

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

1418. Criminal Probation Reports

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

15. Relinquish License and Wall Certificate

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

1619. Notification to Clients/Cessation of Practice

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

Rehabilitation Criteria

California Code of Regulations, Title 16, Division 2, Section 110.1, Criteria for Rehabilitation states:

- (a) When considering the denial of an architect's license under Section 480 of the Business and Professions Code, the Board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:
- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
 - (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
 - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
 - (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
 - (5) Evidence, if any, of rehabilitation submitted by the applicant.
- (b) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:
- (1) Nature and severity of the act(s) or offense(s).
 - (2) Total criminal record.
 - (3) The time that has elapsed since commission of the act(s) or offense(s).
 - (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
 - (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
 - (6) Evidence, if any, of rehabilitation submitted by the licensee.
- (c) When considering the petition for reinstatement of the license of an architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).



~~Web: cab.ca.gov~~

Edmund G. Brown Jr.
GOVERNOR

DATE: _____ QUARTER: _____ YEAR: _____

CLIENT NAME: _____ TELEPHONE #: () _____
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

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

CLIENT NAME: _____ TELEPHONE #: () _____
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

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

CLIENT NAME: _____ TELEPHONE #: () _____
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

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

CALIFORNIA ARCHITECTS BOARD
PROPOSED REGULATORY LANGUAGE

Article 8. Disciplinary Proceedings

Amend Section 154 as follows:

Section 154. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled “Disciplinary Guidelines” [~~2000~~[Rev. 12/2016](#)] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 5510.1 and 5526, Business and Professions Code; and Section 11425.50(e), Government Code. Reference: Sections 125.3, 125.6, [140, 141, 143.5](#), 480(a), [490, 496, 499, 5536, 5536.1, 5536.22, 5536.4, 5536.5](#), 5553, 5560, 5561.5, 5565, 5577, 5578, 5579, 5580, 5582, 5582.1, 5583, 5584, ~~and~~ 5585, [5586, 5588, and 5600.05](#), Business and Professions Code; and Section 11425.50(e), Government Code.

COMMUNICATIONS COMMITTEE REPORT

1. Update on November 10, 2016 Communications Committee Meeting
2. Update and Possible Action on Recommendation Regarding 2015-2016 Strategic Plan Objective to Collaborate with Professional Organizations and Universities to Raise Awareness at Community Colleges and High Schools About the Profession and the Paths to Licensure
3. Update and Possible Action on 2015-2016 Strategic Plan Objective to Survey Recipients of the Board's Educational Materials to Determine the Effectiveness of Outreach Efforts
4. Update and Possible Action on Recommendation Regarding 2015-2016 Strategic Plan Objective to Collaborate with Department of Consumer Affairs' Office of Public Affairs to Improve Outreach and Communication

Agenda Item H.1

UPDATE ON NOVEMBER 10, 2016 COMMUNICATIONS COMMITTEE MEETING

The Communications Committee met on November 10, 2016, in Sacramento. Attached is the notice of the meeting. Committee Chair, Sylvia Kwan, will provide an update on the meeting.

Attachment:

November 10, 2016 Notice of Meeting



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF MEETING

COMMUNICATIONS COMMITTEE

November 10, 2016
10:00 a.m. to 2:00 p.m.
(or until completion of business)
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 574-7220

The California Architects Board (Board) will hold a Communications Committee meeting, as noted above. The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website: cab.ca.gov. For further information regarding this agenda, please see reverse or you may contact Mel Knox at (916) 575-7221.

AGENDA

- A. Call to Order/Roll Call/Establishment of a Quorum
- B. Public Comment on Items Not on Agenda
(The Communications Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].)
- C. Review and Possible Action on October 21, 2015, Communications Committee Meeting Summary Report
- D. Review and Possible Action on Potential Articles for *California Architects* Newsletter
- E. Update and Possible Action on 2015-2016 Strategic Plan Objective to Collaborate with Professional Organizations and Universities to Raise Awareness at Community Colleges and High Schools About the Profession and the Paths to Licensure

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SACRAMENTO,
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www.cab.ca.gov

(Continued on Reverse)

- F. Update and Possible Action on 2015-2016 Strategic Plan Objective to Enhance Relationships with Veterans Administration Counseling Centers to Provide Information Regarding the Architecture Profession and Paths to Licensure
- G. Update and Possible Action on 2015-2016 Strategic Plan Objective to Survey Recipients of the Board's Educational Materials to Determine the Effectiveness of Outreach Efforts
- H. Discuss and Possible Action on 2015-2016 Strategic Plan Objective to Collaborate with Department of Consumer Affairs' Office of Public Affairs to Improve Outreach and Communication
- I. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Communications Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Communications Committee are open to the public. The meeting may be cancelled without notice. For meeting verification, call (916) 575-7221 or access the Board's website at cab.ca.gov just prior to the meeting.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Communications Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Communications Committee, but the Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Communications Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting [Government Code sections 11125 and 11125.7(a)].

The meeting 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 Mr. Knox at (916) 575-7221, emailing mel.knox@dca.ca.gov, or sending a written request to the Board. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5510.15).

UPDATE AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2015-2016 STRATEGIC PLAN OBJECTIVE TO COLLABORATE WITH PROFESSIONAL ORGANIZATIONS AND UNIVERSITIES TO RAISE AWARENESS AT COMMUNITY COLLEGES AND HIGH SCHOOLS ABOUT THE PROFESSION AND THE PATHS TO LICENSURE

The 2015-2016 Strategic Plan contains an objective assigned to the Communications Committee to collaborate with professional organizations and universities to raise awareness at community colleges and high schools about the profession and the paths to licensure.

The Board's liaison program, which, in part, exists to facilitate the exchange of information between the Board, universities, and community colleges, enables the Board to raise awareness about the profession and the paths to licensure.

There are a variety of organizations with missions addressing careers and education. A number of them are regional partnerships, such as: Alliance for Education, Bay Area Industry Education Council, Marin County School to Career Partnership, NextEd, and Linked Learning Alliance. Staff initiated contact with Northern and Southern organizations and developed a poster for community colleges designed to convey pathways to licensure.

At the December 10, 2015, Board meeting, the Board approved the Communications Committee's recommendation for continued collaboration with organizations and universities to raise awareness at community colleges and high schools, and to connect to entities with local American Institute of Architects components in these efforts, and continue production of the poster. Board staff designed a mock-up poster and presented it to the Communications Committee at its November 10, 2016, meeting.

The Committee approved the poster's written content, and requested staff to further enhance its design elements. Board member and Communications Committee Vice Chair, Nilza Serrano, volunteered to work with staff to enhance the poster's design elements for the Board's consideration (Attachment 1). The initial draft is also included (Attachment 2).

At this meeting, the Board is asked to review the draft poster for community colleges and take possible action before dissemination.

Attachments:

1. Poster | "You Can Become an Architect" - Community College (Revised)
2. Poster | "You Can Be One" - Community College (Initial)

YOU CAN

The **California Architects Board** offers a variety of pathways to become licensed. Your associate degree counts toward the requirements to become an architect.

Become an Architect



Your AA/AS degree plus work experience under an architect can qualify you to take the required examinations to become an architect. The most important step you can take toward becoming an architect is to start today!

- Visit the Board's career website to learn more: **architect.ca.gov**
- Follow the Board on Twitter **[@CAArchitectsBd](https://twitter.com/CAArchitectsBd)**
- Learn about degree programs by visiting **studyarchitecture.com**
- Join The American Institute of Architecture Students (**aias.org**)
- Connect with a local chapter of a professional group, such as The American Institute of Architects (**aia.org**)
- Ask your professor, counselor, or a local architect for other resources.

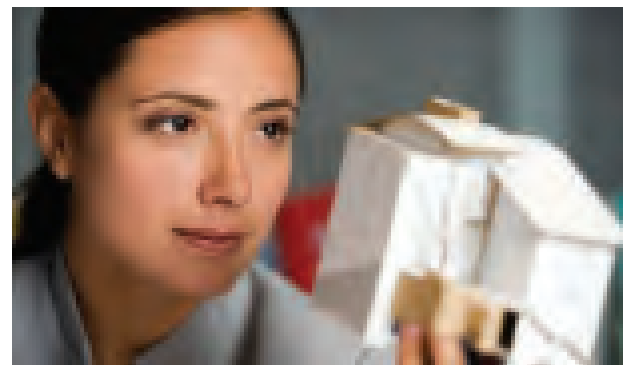
Architects design the environment in which we live, learn, work and play, while ensuring the public's health, safety and welfare. The power of design can inspire, motivate and educate, as well as improve communities, the environment and quality of life for generations. Architecture is a noble calling, a pursuit of passion and an opportunity to change the world. Take the first step today and **be one**.



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YOU CAN



The California Architects Board offers a variety of pathways to become licensed. Your associate degree counts toward the requirements to become an architect.

Become an Architect

Your AA/AS degree plus work experience under an architect can qualify you to take the required examinations to become an architect.

The most important step you can take toward becoming an architect is to start today!

- Visit the Board's career website to learn more: architect.ca.gov
- Follow the Board on Twitter @CAArchitectsBd
- Learn about degree programs by visiting studyarchitecture.com
- Join The American Institute of Architecture Students (aias.org)

- Connect with a local chapter of a professional group, such as The American Institute of Architects (aia.org)
- Ask your professor, counselor, or a local architect for other resources.

Architects design the environment in which we live, learn, work, and play, while ensuring the public's health, safety, and welfare. The power of design can inspire, motivate, and educate, as well as improve communities, the environment, and quality of life for generations.

Architecture is a noble calling, a pursuit of passion, and an opportunity to change the world. Take the first step today and **be one.**



BE ONE



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UPDATE AND POSSIBLE ACTION ON 2015-2016 STRATEGIC PLAN OBJECTIVE TO SURVEY RECIPIENTS OF THE BOARD'S EDUCATIONAL MATERIALS TO DETERMINE THE EFFECTIVENESS OF OUTREACH EFFORTS

The 2015-2016 Strategic Plan contains an objective assigned to the Communications Committee to survey recipients of the Board's educational materials to determine the effectiveness of outreach efforts.

To support its strategic priorities, the Board has historically provided outreach and education 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); and the architectural education community.

Examples of the Board's outreach materials include:

- Consumer's Guide to Hiring an Architect (print and website)
- Consumer Tips for Design Projects (print and website)
- *California Architects* Quarterly Newsletter (website)
- Board website (cab.ca.gov)
- Architectural Careers website and Bookmark (architect.ca.gov)
- Twitter Card
- California Supplemental Examination Handbook (print and website)
- Architects Practice Act (laws and regulations)
- Disciplinary Guidelines
- Press releases

Other outreach programs or efforts that the Board utilizes on a regular basis include:

- Building Official Contact Program: The Board's Architect Consultants are always available on-call to respond to telephone calls, emails, and/or personal contacts. These types of contacts generally include discussions regarding the Board's policies and interpretations of the Architects Practice Act, stamp and signature requirements, scope of architectural practice, and presentations at International Code Council chapter meetings.
- Architect Consultant Education/Information Program: The Board's Architect Consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees.
- Liaison Program: Board member liaisons are assigned to organizations and schools and provide updates to the Board bi-annually.
- School and Association Presentations (including joint presentations with National Council of Architectural Registration Boards staff)

Last year, at its December 10, 2015, meeting, the Board approved the Communications Committee's recommendation to develop a printed survey that could be inserted in the *Consumer's Guide to Hiring an Architect* publication and an additional survey for distribution to California building officials as part of the Building Official Contact Program. Staff created a draft of the two surveys (see Attachments) and presented them to the Communications Committee at its November 10, 2016, meeting for consideration. The Committee approved the draft surveys for the Board's consideration, with a minor edit to the *Consumer's Guide to Hiring an Architect* Survey.

At this meeting, the Board is asked to review the draft surveys and take possible action before implementing the surveys.

Attachments:

1. *Consumer's Guide to Hiring an Architect* Survey (Draft)
2. Building Official Presentation Evaluation (Draft)

The California Architects Board (Board) is seeking your assistance in ensuring its [Consumer's Guide to Hiring an Architect](#) provides information helpful to the public. Please take a moment to complete the following questions:

Not Organized 0 1 2 3 4 5 6 7 8 9 10 Extremely Organized

Not Helpful 0 1 2 3 4 5 6 7 8 9 10 Extremely Helpful

Not Likely 0 1 2 3 4 5 6 7 8 9 10 Extremely Likely

6. Which section did you find **least** helpful?

- ☐ The practice of architecture
- ☐ Finding and selecting an architect
- ☐ The contract for design services
- ☐ What to do if a problem occurs with your project
- ☐ Special provisions in the event of a natural disaster
- ☐ Where to notify the Board

7. Overall, how would you rate the publication?

Not Good											Excellent
0	1	2	3	4	5	6	7	8	9	10	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

8. What additional information would you like us to include in the publication?

9. What is your project type?

- ☐ Single-family residential
- ☐ Multi-unit residential
- ☐ Nonresidential less than 100,000 square feet
- ☐ Nonresidential over 100,000 square feet
- ☐ Specialized structure, such as essential services buildings, hospitals, schools.

10. What stage are you at in your project?

- ☐ Pre-design
- ☐ Schematic design (concepts)
- ☐ Design development
- ☐ Construction documents
- ☐ Bidding or negotiations
- ☐ Construction

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Building Official Presentation Evaluation

Your feedback helps the Board improve its presentations and measure how we meet your needs. Please complete this evaluation and return to the presenter before you leave. The Board greatly appreciates your participation.

Please circle the rating score which most accurately describes your impression.

Scale: 1 = Strongly Disagree 2 = Disagree 3 = Neutral 4 = Agree 5 = Strongly Agree

Question	Rating				
1. The purpose and objectives of the presentation were clear.	1	2	3	4	5
2. The presentation was organized and structured.	1	2	3	4	5
3. Effective use of visual tools was made during the presentation.	1	2	3	4	5
4. Presentation time was well managed and the pace satisfactory.	1	2	3	4	5
5. There was sufficient time for Q & A.	1	2	3	4	5
6. The presenter was prepared and had a good command of the subject matter.	1	2	3	4	5
7. Audience questions were responded to effectively by the presenter.	1	2	3	4	5
8. The presenter was audible and spoke clearly.	1	2	3	4	5
9. Overall, the presentation met my expectations.	1	2	3	4	5

Are there additional topics you would like the Board to include in future presentations?

Do you have any suggestions on how the Board can improve future presentations?

Date: _____

UPDATE AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2015-2016 STRATEGIC PLAN OBJECTIVE TO COLLABORATE WITH DEPARTMENT OF CONSUMER AFFAIRS' OFFICE OF PUBLIC AFFAIRS TO IMPROVE OUTREACH AND COMMUNICATION

The 2015-2016 Strategic Plan contains an objective assigned to the Communications Committee to partner with the Contractors State License Board (CSLB) to identify and implement best practices for educating consumers about the Board in order to improve consumer education efforts. In addition, the Strategic Plan contains another objective initially assigned to the Executive Committee to collaborate with the Department of Consumer Affairs' (DCA) Office of Public Affairs (OPA) to improve outreach and communication. This objective was reassigned to the Communications Committee due to the similar nature of the two objectives.

The DCA's OPA is responsible for responding to media inquiries; creating and executing marketing plans for the Department's various initiatives; and developing consumer education and media campaigns. CSLB has its own Public Affairs Office (PAO), which is responsible for public, industry, and media relations. The PAO provides a variety of services, including: proactive media and advertising campaigns; responses to media inquiries; publication and newsletter development and distribution; and contractor education and outreach. CSLB has a robust communications program with an entire team of staff; it should be noted that CSLB has a total of over 400 staff and a budget in excess of \$60 million.

Staff discussed the two objectives with DCA's OPA and CSLB and identified the following ways to potentially collaborate:

- 1) Develop a joint consumer-oriented website that explains the entire design and construction process, common issues, etc. Board of Registration for Professional Engineers, Land Surveyors, and Geologists, Landscape Architects Technical Committee, and the Bureau of Real Estate could also participate.
- 2) Create a joint "messaging calendar" to facilitate a coordinated information campaign centered around specific events (Building Safety Week, Great Shake Out, energy conservation tips, etc.).
- 3) Seek "earned media" via opinion pieces on key topics (importance of a written contract, verifying licensure, value of permits (plan review and inspection services), etc.

As a reminder, staff previously noted the following ways to potentially collaborate with CSLB:

- 1) Coordinated social media presence - social media is one of CSLB's most important and effective outreach tools. Social media expansion has allowed CSLB to better interact with licensees, news media, and consumers. While Facebook is CSLB's primary social media outreach tool, other devices such as Twitter, YouTube, Flickr, etc. are utilized by CSLB. One staff person is dedicated to maintaining posts. Additionally, success has been achieved by scheduling automatic social media posts and utilizing hashtags, which increases

engagement with followers and allows users to find information on specific content. The Board currently uses Twitter and InstaGram.

- 2) CLSB hosts the “Senior Scam Stopper” program, which is conducted in conjunction with legislators and provides information to senior citizens from a variety of state and local government agencies. There may be a way for the Board to partner on such events. These sessions focus on construction-related scams (mostly home improvement) and how to hire a contractor.
- 3) CSLB plays an important role in protecting consumers affected by natural disasters. For years, CSLB has served as a member of the Governor’s Office of Emergency Services’ disaster recovery team. As such, CSLB plays an important role as one of the first agencies to respond during the recovery process when structures are destroyed from wildfires, flood, earthquakes, or any other natural disaster. CSLB staffs tables at Local Assistance Centers set-up for affected communities. During the most recent wildfires, Board staff provided the *Consumer’s Guide to Hiring an Architect* and Consumer Tips for Design Projects handout to CSLB for distribution at the Local Assistance Centers. In addition, the Board communicated with Building Officials to offer further consumer protection tips and Board resources to assist with recovery efforts.

At its November 10, 2016, meeting, the Communications Committee approved staff’s three above-mentioned recommendations to potentially collaborate with DCA’s OPA and CSLB for the Board’s consideration. The Board is asked to consider the Communications Committee’s recommendation and take possible action for potential collaboration with these entities.

EXECUTIVE COMMITTEE REPORT

1. Update on December 1, 2016 Executive Committee Meeting
2. Discuss and Possible Action on Recommendation Regarding 2016 Octavius Morgan Distinguished Service Awards
3. Update and Possible Action on Recommendation Regarding 2015–2016 Strategic Plan Objective to Review, Leverage, and Evaluate Effectiveness of Board’s Liaison Program to Build Stronger Relationships with Organizations
4. Discuss and Possible Action on Recommendation Regarding 2015–2016 Strategic Plan Objective to Annually Present Consumer Satisfaction Survey Data to Measure Performance and Identify Areas for Improvement
5. Update and Possible Action on Recommendation Regarding 2015–2016 Strategic Plan Objective to Analyze Fees to Determine Whether they are Appropriate
6. Update and Possible Action on Recommendation Regarding 2015–2016 Strategic Plan Objective to Complete Sunset Review Process and Implement Recommendation(s) to Comply with Legislature’s Directives

UPDATE ON DECEMBER 1, 2016 EXECUTIVE COMMITTEE MEETING

The Executive Committee met on December 1, 2016, in Sacramento and various teleconference locations in California. Attached is the notice of the meeting. Committee Chair, Jon Alan Baker, will provide an update on the meeting.

Attachment:

December 1, 2016 Notice of Meeting



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF MEETING

EXECUTIVE COMMITTEE

December 1, 2016
10:00 a.m. to 2:00 p.m.
(or until completion of business)
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 574-7220

The California Architects Board (Board) will hold an Executive Committee meeting, as noted above, and via teleconference at the following locations:

BakerNowicki Design Studio
731 Ninth Avenue, Suite A
San Diego, CA 92101
(619) 795-2450

Kaiser Center / BART Offices
300 Lakeside Drive, 22nd Floor, Room 2236
Oakland, CA 94612
(510) 464-6549

Kwan Henmi Architecture & Planning
456 Montgomery Street, Suite 200
San Francisco, CA 94104
(415) 901-7200

The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website: cab.ca.gov. For further information regarding this agenda, please see reverse or you may contact Mel Knox at (916) 575-7221.

AGENDA

- A. Call to Order /Roll Call/Establishment of a Quorum
- B. Public Comment on Items not on the Agenda
(The Committee may not discuss or take any action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)]).
- C. Review and Possible Action on November 24, 2015, Executive Committee Meeting Summary Report
- D. Selection of 2016 Octavius Morgan Distinguished Service Awardees to be Recommended to Board for Approval

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SUITE 105
SACRAMENTO,
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www.cab.ca.gov

(Continued on Reverse)

- E. Update and Possible Action on 2015–2016 Strategic Plan Objective to Review, Leverage, and Evaluate the Effectiveness of Board’s Liaison Program to Build Stronger Relationships with Organizations
- F. Update and Possible Action on 2015–2016 Strategic Plan Objective to Annually Present Consumer Satisfaction Survey Data to Measure Performance and Identify Areas for Improvement
- G. Update and Possible Action on 2015–2016 Strategic Plan Objective to Implement BreEZe, an Enterprise-Wide Licensing and Enforcement System, to Improve Consumer, Candidate, and Licensee Services
- H. Update and Possible Action on 2015–2016 Strategic Plan Objective to Analyze Fees to Determine Whether they are Appropriate
- I. Update and Possible Action on 2015–2016 Strategic Plan Objective to Complete Sunset Review Process and Implement Recommendation(s) to Comply with Legislature’s Directives
- J. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Executive Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Executive Committee are open to the public. The meeting may be cancelled without notice. For meeting verification, call (916) 575-7221 or access the Board’s website at cab.ca.gov just prior to the meeting.

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The meeting 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 Mr. Knox at (916) 575-7221, emailing mel.knox@dca.ca.gov, or sending a written request to the Board. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5510.15).

DISCUSS AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2016 OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARDS

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 subject matter experts/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 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 noted in the newsletter. Board members will purchase the item of recognition from their own monies if prohibitions are in place from making the purchase from Board funds (motion approved at December 5-6, 2012, Board meeting).

The following individuals have been recipients of the award:

2015 – Robert Greig and Alex Rogic
2014 – Albert Okuma and Charles Smith
2013 – Loangle Newsome and Linda Zubiate
2012 – Victor Newlove, Roger North, and Roger Wilcox
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

Staff were asked to submit nominations for 2016 recipients to the Executive Committee for consideration at its December 1, 2016, meeting. The Committee reviewed the nominations and selected recipients for this year's award for recommendation to the Board. A list of the

recommended nominees will be provided to the Board prior to its December 15, 2016, meeting. The Committee also recommended that the Octavius Morgan Distinguished Service Award candidate pool be expanded.

At this meeting, the Board is asked to consider the 2016 Octavius Morgan Distinguished Service Award nominees, reconfirm that Board members will purchase the awards from their own personal funds, and consider the Executive Committee's recommendation to expand the Award's candidate pool.

UPDATE AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2015–2016 STRATEGIC PLAN OBJECTIVE TO REVIEW, LEVERAGE, AND EVALUATE EFFECTIVENESS OF BOARD’S LIAISON PROGRAM TO BUILD STRONGER RELATIONSHIPS WITH ORGANIZATIONS

The California Architects Board’s 2015-2016 Strategic Plan contains an objective assigned to the Executive Committee to review, leverage, and evaluate the effectiveness of the Board’s liaison program to build stronger relationships with organizations.

The Board’s liaison program is designed to ensure that the Board exchanges information with key entities. Liaisons are assigned to organizations and schools, and are responsible for 1) establishing and maintaining contact with these entities, and 2) biannually reporting back to the Board on their activities and objectives.

In 2014, the Board incorporated the following enhancements into the liaison program:

1. Staff distributes reporting requirement reminders for liaisons on a quarterly basis;
2. Staff provides liaisons with talking points (including integrated and multiple path to licensure);
3. Liaisons collaborate with staff when communicating licensing information to candidates; and
4. Biannual reporting requirements modified to deliver reports in the spring and fall months, in alignment with the academic calendar.

To enhance the ongoing effectiveness of the liaison program in line with this Strategic Plan objective, staff recommended the development of a standardized summary template to be used by Board liaisons. The template would summarize each contact with their assigned organizations and schools, and solicit feedback in terms of how the relationship with each entity could be improved. The development and use of such templates could also assist with the liaisons’ biannual reports to the Board. The recommendation was approved by the Executive Committee at last year’s November 24, 2015, meeting.

The Board, at its December 10, 2015, meeting, approved the Executive Committee’s recommendation to continue with the 2014 improvements noted above. The Board also approved the Committee’s recommendation for additional enhancements to: 1) develop a standardized summary template to be used by liaisons, 2) expand talking points to include community colleges, and 3) monitor the liaison program for one year and reassess its effectiveness after implementing the enhancements. Each of these enhancements was implemented in 2016.

The Executive Committee met on December 1, 2016, to discuss the effectiveness of the liaison program. The Committee determined that the liaison program remains valuable, and voted to recommend that the Board continue with current program implementation efforts.

At this meeting, the Board is asked to consider the Executive Committee’s recommendation and take possible action.

DISCUSS AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2015–2016 STRATEGIC PLAN OBJECTIVE TO ANNUALLY PRESENT CONSUMER SATISFACTION SURVEY DATA TO MEASURE PERFORMANCE AND IDENTIFY AREAS FOR IMPROVEMENT

The 2015-2016 Strategic Plan contains an objective assigned to the Executive Committee to annually present consumer satisfaction survey data to measure performance and identify areas for improvement.

The Board currently utilizes a general customer survey for candidates, licensees, and consumers who have filed complaints against architects/unlicensed individuals. The survey allows the user to rate specific services provided by the Board and is available on the Board's website and via hyperlink on Board staff email correspondence. Attached are the results and comments from the general survey for fiscal years (FY) 2014/15 and 2015/16 for the Board's review (Attachments 1.1 and 1.2).

Additionally, the Board utilizes a Department of Consumer Affairs (DCA) consumer complaint-specific survey, which is provided to complainants when an enforcement case is closed. A hyperlink to the survey is included in the complainant's closure letter. The results captured by the complaint-specific survey are used in the Board's Sunset Review Reports. Attached are the results from the complaint-specific survey for January 1, 2015, through December 1, 2016, for the Board's review (Attachment 2).

As previously reported by staff, the general customer survey is perhaps too broad for the various categories of constituents the Board serves. As currently structured, the survey requires the user to answer and navigate through questions not specific to their situations, often times answering "N/A." Last year, at its November 24, 2015, meeting, the Executive Committee approved staff's recommendation to work with DCA Strategic Organization, Leadership, and Individual Development (SOLID) on a better means of collecting data for the general survey, and to make necessary enhancements/improvements to the complaint-specific survey while still preserving what is needed for future Sunset Review reporting data.

As directed, staff is identifying potential improvements and modifications to the general survey so that it is better tailored to the Board's various constituents. The goal is to produce a survey that allows the Board to collect more reliable data, while enabling the Board to better assess its performance and identify potential areas for improvement. The new survey, once complete and approved, will replace the website and email link survey.

At its December 1, 2016, meeting, the Executive Committee reviewed the results from both surveys, and suggested in the future staff provide a list of changes that have been made to the Board's practices and operations based on the survey results and commentary. The Committee also made a recommendation for the Board to continue with current efforts to develop enhanced surveys.

At this meeting, the Board is asked to consider the Executive Committee's recommendation and take possible action.

Attachments:

1. General Customer Survey Results and Comments (FYs 2014/15 & 2015/16)
2. Complaint-Specific Survey Results (January 1, 2015 - December 1, 2016)

GENERAL CUSTOMER SURVEY RESULTS

FISCAL YEARS 2014/15 & 2015/16

Overall Customer Satisfaction

Strongly Agree & Agree: 82%*

Strongly Disagree & Disagree: 18%**

Board staff is courteous when contacted by phone.			
	Responses	%	
Strongly Agree	41	72%	
Agree	10	18%	
Disagree	4	7%	
Strongly Disagree	2	3%	
Total	57	100%	

The processing of my application was accurate.			
	Responses	%	
Strongly Agree	22	51%	
Agree	16	37%	
Disagree	3	7%	
Strongly Disagree	2	5%	
Total	43	100%	

Board staff assistance is efficient.			
	Responses	%	
Strongly Agree	51	66%	
Agree	12	16%	
Disagree	6	8%	
Strongly Disagree	8	10%	
Total	77	100%	

The processing of my renewal was timely.			
	Responses	%	
Strongly Agree	15	63%	
Agree	8	33%	
Disagree	1	4%	
Strongly Disagree	0	0%	
Total	24	100%	

Board staff assistance is accurate.			
	Responses	%	
Strongly Agree	50	70%	
Agree	13	18%	
Disagree	6	8%	
Strongly Disagree	3	4%	
Total	72	100%	

The processing of my renewal was accurate.			
	Responses	%	
Strongly Agree	14	66%	
Agree	5	24%	
Disagree	1	5%	
Strongly Disagree	1	5%	
Total	21	100%	

Board's Web site contains useful information.			
	Responses	%	
Strongly Agree	25	34%	
Agree	33	45%	
Disagree	9	13%	
Strongly Disagree	6	8%	
Total	73	100%	

The processing of my name change or change of address was accurate.			
	Responses	%	
Strongly Agree	12	75%	
Agree	4	25%	
Disagree	0	0%	
Strongly Disagree	0	0%	
Total	16	100%	

Board's Web site is organized so that information is easy to find.			
	Responses	%	
Strongly Agree	21	29%	
Agree	35	48%	
Disagree	11	15%	
Strongly Disagree	6	8%	
Total	73	100%	

The complaint process was described fully and accurately.			
	Responses	%	
Strongly Agree	10	44%	
Agree	4	17%	
Disagree	4	17%	
Strongly Disagree	5	22%	
Total	23	100%	

The processing of my application was timely.			
	Responses	%	
Strongly Agree	24	50%	
Agree	9	19%	
Disagree	11	23%	
Strongly Disagree	4	8%	
Total	48	100%	

Overall, I was satisfied with the service I received from the Board.			
	Responses	%	
Strongly Agree	52	64%	
Agree	12	15%	
Disagree	8	10%	
Strongly Disagree	9	11%	
Total	81	100%	

* Percentage of "Strongly Agree" (337) and "Agree" (161) combined responses of overall total (608).

** Percentage of "Strongly Disagree" (46) and "Disagree" (64) combined responses of overall total (608).

GENERAL SURVEY DISAGREE COMMENTS

Architect Registration Examination Process

- It takes an extremely long time to process ANY amount of relatively straight forward paperwork during the licensure process. Information on the website is often vague or incomplete, and doesn't give a useful sense of the process or the timing to the applicant.
- Felt like CAB representative was very generic with her answers, made no attempt to clarify her statements, and feels like it was a waste of my time to try to communicate with her.

Consumer Complaint

- 30 days is too long. Wants faster response time to complaint, and feels like the Board should have more power of cases that clearly detail fraudulent action on behalf on an architect. Feels like an Architect ripped her off and she's on a fixed income.
- Hasn't received any response on claim despite several attempts to ascertain some form of an update.

Consumer Question

- Wanted information on architectural design for a tract of homes built in the late 80s; however, Board did not have this information. Therefore, dissatisfied because he feels like someone "knows" the answer.

License Renewal

- Wanted to know if a course with the AIA Continuing Education seal/logo acceptable to CAB for license renewal, received boilerplate government answer; not helpful.

GENERAL SURVEY STRONGLY DISAGREE COMMENTS

Architect Registration Examination Process

- CAB representative was extremely responsive and courteous; did not state reason for strong disagreement.
- Answer the phone! All I get is a machine and a promise of a timely response. Please let me speak to a human by phone.
- Dead "Licensure Lookup" link on website without any notification that link was broken.

Consumer Complaint

- Clearly 5536.22 of the B&P Code means nothing! Use the LAWS already on the books.
- Phone number listed on the email correspondence from the CAB representative was incorrect. Sent in time sensitive questions and received no correspondence. After attaining correct phone number CAB representative showed little, if any, knowledge of how social media and portfolio website editing works, and contradicted herself on more than one occasion; received non-helpful boilerplate responses that didn't answer questions. Felt that there was a language barrier on the part of Cab representative because of how many times questions had to be repeated and remained unanswered.

License Renewal

- Applicant frustrated that California does not currently offer online licensing renewal options.
- Web site does not indicate the address where to mail the renewal to, nor does it indicate that mailing address is the same as CAB office location.

Continuing Education Audit

- Felt like he/ she'd been deceived in written form by certain Enforcement Technician, and had to carry out extensive action to correct the matter at great expense to himself/herself.

COMPLAINT-SPECIFIC SURVEY RESULTS

January 1, 2015 - December 1, 2016

How well did we explain the complaint process to you?		
	<u>Responses</u>	<u>%</u>
Very Good	2	50%
Good	0	0%
Poor	1	25%
Very Poor	1	25%
Total	4	100%

Overall, How well did we handle your complaint?		
	<u>Responses</u>	<u>%</u>
Very Good	1	25%
Good	0	0%
Poor	1	25%
Very Poor	2	50%
Total	4	100%

How clearly was the outcome of your complaint explained to you?		
	<u>Responses</u>	<u>%</u>
Very Good	1	25%
Good	1	25%
Poor	0	0%
Very Poor	2	50%
Total	4	100%

If we were unable to assist you, were alternatives provided to you?		
	<u>Responses</u>	<u>%</u>
Yes	1	25%
No	1	25%
N/A	2	50%
Total	4	100%

How well did we meet the time frame provided to you?		
	<u>Responses</u>	<u>%</u>
Very Good	1	25%
Good	0	0%
Poor	0	0%
Very Poor	3	75%
Total	4	100%

Did you verify the provider's license prior to service?		
	<u>Responses</u>	<u>%</u>
Yes	3	75%
No	0	0%
N/A	1	25%
Total	4	100%

How courteous and helpful was staff?		
	<u>Responses</u>	<u>%</u>
Very Good	1	25%
Good	1	25%
Poor	1	25%
Very Poor	1	25%
Total	4	100%

Thank you for taking the time to complete this survey. Your opinion matters to us and will help us improve our enforcement processes. Please add any comments you wish to provide:	
<u>Date</u>	<u>Responses</u>
1/15/2015	Issuing a warning, or caution nine months after a complaint is similar to a policeman pulling you over in Los Angeles for a stop sign in San Francisco and then wagging his finger at you.
4/6/2016	Need more Inf and phone call or letter and our records back Thank you ...
7/18/2016	Thank you, we need you.
9/8/2016	(This complaint contained extensive information concerning a specific case; it is summarized below to preserve Board members' ability to act upon it pursuant to the Administrative Procedure Act.) Summary: this complaint expressed disagreement with the disposition of the case and alleged disinterest on behalf of the Board's expert.

UPDATE AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2015–2016 STRATEGIC PLAN OBJECTIVE TO ANALYZE FEES TO DETERMINE WHETHER THEY ARE APPROPRIATE

The Board's 2015-2016 Strategic Plan contains an objective assigned to the Executive Committee to analyze fees to determine whether they are appropriate.

Staff monitors the Board's budget, expenditures, revenue, and fund condition very closely with the Department of Consumer Affairs (DCA) Budget Office. The Board has had a strong tradition of frugality and staying within its budget. Each June Board meeting, the members are provided a detailed budget update.

The Board previously took two different actions related to the Board's fees and fund condition (i.e., biennial license renewal fee increase and reduction of spending authority). The Board approved an increase of the renewal fee from \$200 to \$300 and a \$300,000 reduction in its spending authority, effective January 1, 2011, and July 1, 2015, respectively. These two actions were based on the advice and guidance of the DCA Budget Office staff and management.

The fee increase has enabled the Board to keep its fund solvent for multiple years and maintain the fund balance within the Department of Finance's (DOF) recommended reserve range. Also of note, the renewal fee had not increased in the prior 20+ years. Additionally, other Board fees (Architect Registration Examination eligibility, California Supplemental Examination, reciprocity, etc.) have remained unchanged as there has been no demonstrated need to change them. The Board voluntarily reduced its spending authority \$300,000 beginning fiscal year (FY) 2015/16 with the submittal, and subsequent DOF approval, of a negative Budget Change Proposal (BCP). FY 2015/16 was the first FY the budget reduction had been applied to the Board's budget authority and will be applied ongoing. It should be noted that despite challenging State budget realities, a voluntary budget reduction was in the best interest of the Board and of the State of California due to the Board's reversion each FY.

Staff met with DCA Budget Office personnel in FY 2015/16 to examine the Board's budget and fund condition and to analyze whether its fees are appropriate in light of this Strategic Plan objective. At that time, it was determined by Budget Office staff that the Board's fund condition was appropriate and that a budget or fee change was not recommended. Budget Office staff also indicated that DOF would not recommend the Board make any adjustments given the Board's fund condition and its downward trend. Additionally, it was recommended that the Board re-assess this issue after the completion of FY 2015/16, due to the recent spending authority reduction as a result of the Board's negative BCP.

Last year, at its December 10, 2015, meeting, the Board approved the Executive Committee's recommendation to follow Budget Office staff's guidance. The Board subsequently directed staff to monitor the objective for an additional year and reassess the Board's fund condition after the conclusion of FY 2015/16.

As directed, Board staff met with DCA Budget Office personnel on October 4, 2016, to examine the Board's budget and fund condition and to analyze whether its fees remain appropriate. During this

meeting, it was determined by Budget Office staff that the Board's current fund condition remains appropriate and that a budget or fee change is not recommended. Based on the Budget Office assessment of the Board's fund condition, the Executive Committee, at its December 1, 2016, meeting, approved staff's recommendation for the Board to maintain fees at their current levels, and continue to monitor its fund condition with DCA Budget Office staff until such time their determination changes.

The Board is asked to consider the Executive Committee's recommendation and take possible action.

Attachment:

Analysis of Fund Condition

0706 - California Architects Board Analysis of Fund Condition

Prepared 11/1//2016

2016-17 Budget Act w_Workload Revenue

	ACTUAL 2015-16	Budget Act CY 2016-17	BY 2017-18	BY + 1 2018-19
BEGINNING BALANCE	\$ 4,869	\$ 5,651	\$ 4,841	\$ 5,264
Prior Year Adjustment	\$ 17	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,886	\$ 5,651	\$ 4,841	\$ 5,264
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	\$ 4	\$ 1	\$ 4	\$ 1
125700 Other regulatory licenses and permits	\$ 458	\$ 366	\$ 460	\$ 366
125800 Renewal fees	\$ 3,727	\$ 2,550	\$ 3,720	\$ 2,550
125900 Delinquent fees	\$ 71	\$ 38	\$ 70	\$ 38
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 26	\$ 11	\$ 16	\$ 13
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 4,288	\$ 2,968	\$ 4,272	\$ 2,970
Transfers from Other Funds	\$ -	\$ -	\$ -	
Transfers to Other Funds	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 4,288	\$ 2,968	\$ 4,272	\$ 2,970
Totals, Resources	\$ 9,174	\$ 8,619	\$ 9,113	\$ 8,234
EXPENDITURES				
Disbursements:				
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for California (State Operations)	\$ 7	\$ 4	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 3,516	\$ 3,774	\$ 3,849	\$ 3,926
Total Disbursements	\$ 3,523	\$ 3,778	\$ 3,849	\$ 3,926
FUND BALANCE				
Reserve for economic uncertainties	\$ 5,651	\$ 4,841	\$ 5,264	\$ 4,308
Months in Reserve	17.9	15.1	16.1	12.9

UPDATE AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2015–2016 STRATEGIC PLAN OBJECTIVE TO COMPLETE SUNSET REVIEW PROCESS AND IMPLEMENT RECOMMENDATION(S) TO COMPLY WITH LEGISLATURE’S DIRECTIVES

The Board’s 2015-2016 Strategic Plan contains an objective assigned to the Executive Committee to complete the Sunset Review process and implement recommendation(s) to comply with the Legislature’s directives.

The Board’s 2014 Sunset Review Report was submitted to the Legislature on October 31, 2014 and the hearing was conducted on March 18, 2015. Prior to the hearing, the Board was provided with a list of seven issues to address at the hearing, followed with a formal written response within 30 days after the hearing (see attachment).

The presentation at the hearing received positive feedback from the committees* (Senate Business, Professions, and Economic Development Committee and Assembly Business and Professions Committee met jointly to conduct the hearing). Only two questions were raised at the hearing and they were regarding: 1) the process for determining content for the California Supplemental Examination; and 2) possible causes for the non-compliance rate on continuing education audits. The Board’s responses at the hearing were satisfactory to the committees* and also received positive feedback.

The Board’s written response submitted after the hearing addressed seven issues raised by legislative committee* staff related to 1) travel restrictions; 2) pro-rata; 3) BreEZe implementation; 4) streamlining licensure; 5) continuing education audit failure rate; 6) information sharing with national disciplinary database; and 7) collection of fines. There were no directives made by the Legislature during or after the hearing; however, within the seven issues addressed in our written response there are several actionable items the Board should monitor or implement. Below is a summary of each issue, the recommendation from the legislative committee* staff, and a brief status update with an assessment of potential actions. In most instances, the Board’s responses were deemed appropriate and satisfactory by the committees* at the 2015 legislative hearing and as such the only needed action will be an update in the 2018 report.

Travel Restrictions

Participation in national affairs and approval of travel to do so has been an issue raised by most boards. Under the prior administration, out-of-state travel was prohibited and boards were unable to participate with their national associations. The committees* recognized the importance of participation in national affairs, and the legislative committee* staff recommendation reflects that.

Legislative Committee Staff Recommendation: The Committees should encourage the Board to pursue opportunities at which its Members and Officers can interact directly with their national peers, and provide a strong voice for California's unique perspective and needs. The Board should inform the Committees of whether it continues to face travel restrictions that prohibit it from attending meetings where its representation could significantly impact California's ability to ensure that national examinations or standards reflect California's needs and protect California licensees, candidates for licensure, and consumers.*

The Department of Consumer Affairs (DCA) has been an effective advocate for mission-critical participation at the national level and the Board has been successful in securing approval for the travel for participation in the National Council of Architectural Registration Boards (NCARB) Annual Meeting and Conference, Regional Summit, and various committees. In fact, no trips have been denied since the prior administration. Maintaining participation in NCARB is an ongoing priority for the Board and will continue to be so. Accordingly, there is no need for additional action at this time.

Pro rata

Pro Rata is the assessment on boards to fund the support services provided by DCA, such as legal, accounting, and human resources. The committees* raised this as a “cross-cutting issue” for all boards to address in the hearings.

Legislative Committee Staff Recommendation: The Board should advise the Committees about the basis upon which pro rata is calculated, and the methodology for determining what services to utilize from DCA. In addition, the Board should discuss whether it could achieve cost savings by providing some of these services in-house.*

As a cross-cutting and impactful fiscal issue, the Legislature identified the need to investigate the matter further. Senate Bill (SB) 1243 (Chapter 395, Statutes of 2014) required DCA to provide a one-time study of its process for distributing administrative costs (pro rata) among its 39 boards, bureaus, committees, and boards. The purpose of the study was to:

- Determine if the current methodology is the most productive and cost efficient manner for DCA and the boards;
- Consider whether some services provided by DCA should be outsourced or charged based on usage; and,
- Consider whether boards should be allowed to opt out of paying and receiving certain administrative services.

SB 1243 also requires DCA to submit a report of the accounting of the pro rata calculation of administrative expenses to the Legislature by July 1, 2015 and annually thereafter. In December 2014, DCA contracted with CPS HR Consulting (CPS) to conduct the study in accordance with SB 1243. The report includes specific recommendations being implemented by DCA.

In the Board’s response to the issue at its 2015 hearing, it was noted that the Board currently utilizes most of the pro rata services to attain efficiencies and cost savings. Centralized services are more practical and efficient, particularly for organizations the size of the Board and smaller. Board staff would need special high-level expertise in certain administrative services to be effective. It would be difficult to achieve an “economy of scale” if the Board were to assume pro rata-related services. The Board has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management. Staff is monitoring the effects of the implementation of the recommendations from the SB 1243 study and continually seeks to identify new efficiencies. At this time there is no need for additional action.

BreEZe Implementation

“BreEZe” is DCA's integrated, enterprise wide enforcement case management and licensing system. This system supports DCA's highest priority initiatives of job creation and consumer protection by replacing aging legacy business systems with an industry-proven software solution that utilizes current technologies to facilitate increased efficiencies for DCA board and bureau licensing and enforcement programs. More specifically, BreEZe supports applicant tracking, licensing, license renewal, enforcement, monitoring, cashiering, and data management capabilities. Additionally, the system is web-based, which allows the public to file complaints and search licensee information and complaint status via the Internet. It also allows applicants and licensees to submit applications, license renewals, and make payments online.

Legislative Committee Staff Recommendation: The Board should inform the Committees of any difficulties it foresees as a result of having to remain on its legacy system, and whether any additional stop-gap technological measures are needed until BreEZe is implemented. The Board should inform the Committees of how costs related to BreEZe will impact its fund condition.*

BreEZe is being deployed department-wide via three separate releases. Release 1 was implemented on October 9, 2013; Release 2 was implemented on January 19, 2016; and Release 3 is planned to begin development in 2016. The Board is currently part of Release 3. DCA's current status on Release 3 is noted below.

“The Department is developing a plan for the boards and bureaus that have not transitioned to the BreEZe system. The path forward will include business process planning, during which existing business processes will be mapped (and potentially re-engineered), use cases developed, and solution requirements will be defined. Next, the Department of Technology's four-stage Project Approval Lifecycle (PAL) will facilitate business analysis justification, alternatives and cost benefit analysis, solution development framework, and project approval. The final step of the process will be implementation possibly following an agile or agile-hybrid development methodology.”

Board staff is conducting an assessment of the impact due to delayed implementation of BreEZe for Release 3 boards and bureaus and coordinating efforts with DCA to develop stop-gap measures that may involve modifications to the legacy systems. At this time the primary challenge will be the transition of examination history. Board staff has crafted a temporary means of capturing Architect Registration Examination scores on an initial basis. In the future, it may be possible for scores to be maintained by the NCARB, the vendor for the national examination.

The Board routinely monitors its fund condition and works very closely with DCA's Budget Office. The Budget Office has provided the Board's fund condition projected to fiscal year (FY) 2016/17, which includes anticipated BreEZe costs. The Board and the Budget Office do not foresee an issue with the Board's fund condition based on the current projections for BreEZe costs. The Board's fund condition will have a 15.1-month balance in fiscal year (FY) 2016/17, the year the BreEZe program was planned to be implemented for the Board.

This item will be an important component of the Board's operations and the Sunset Review Report. As such, it should continue to be a specific objective in the Strategic Plan.

Licensure and Licensee Population

The components for licensure consist of a national multi-division national examination (as well as the California Supplemental Examination), a national structured internship program, and an education (or experience or education/experience equivalents) requirement. The licensure process is candidate-driven, in that candidates determine when they wish to test and how they fulfill the experience requirements. As such, the time to attain licensure varies from individual to individual. *NCARB by the Numbers* indicates that for many candidates the process can take over 12 years, even though it is designed to take 8 years.

Legislative Committee Staff's Recommendation: The Board should continue to explore streamlined paths to licensure as a way to simplify the licensure process. The Board should continue monitoring the efforts of, and working closely with, NCARB, to ensure that any proposed changes to the licensure process do not affect competency or create reciprocity issues, and that California's needs are represented at the national level. The Board should monitor workforce capacity to determine if the demand for licensed architects is, and will continue to be, met.*

The Board is working closely with the three institutions that have established NCARB-recognized "Integrated Path to Architectural Licensure" (IPAL) programs: NewSchool of Architecture & Design, University of Southern California, and Woodbury University. The three institutions have provided the Board with detailed presentations that explained their respective integrated approach at multiple meetings. IPAL programs provide students the opportunity to complete requirements for licensure while earning their degree. The Board sponsored legislation, Assembly Bill 177 (Chapter 428, Statutes of 2015), to accommodate early eligibility to test for students enrolled in IPAL programs.

The Board should continue to monitor NCARB's IPAL initiative, collaborate with the three existing California programs, provide support to any future emerging California programs, and assess other future opportunities to ensure a streamlined licensure process. Staff will determine whether the Employment Development Department currently has the capacity to provide data, and will monitor The American Institute of Architects and NCARB resources.

This item will be an important initiative and key component of the Sunset Review Report. As such, it should continue to be a specific objective in the Strategic Plan.

Continuing Education

The Board's current continuing education (CE) requirement was established via SB 1608 (Chapter 549, Statutes of 2008). The requirement was subsequently amended by AB 1746 (Chapter 240, Statutes of 2010) to shift the compliance mechanism to an audit system rather than the previous requirement that all licensees submit documentation upon renewal.

Legislative Committee Staff's Recommendation: The Board should inform the Committees of why its failure rate for CEs is so high, and how it can reduce that rate. The Board should continue to monitor the trend regarding CEs at the national level.

The Board's response at the 2015 hearing indicated that the compliance rate is influenced by the fact that disabled access CE was a new requirement and that the deterrent effect of citations has not been firmly established. The Board is required to report to the Legislature by January 1, 2019, on "the

level of licensee compliance with the requirements, any actions taken by the board for noncompliance with the requirements, the findings of board audits, and any recommendations of the board for improving the process.” Staff strongly recommends that this subject be addressed primarily in the required report and preparation of the report should be a key objective in the Strategic Plan. In addition, staff notes that further actions on CE would be inappropriate at this time due to the Legislature’s opposition and the national trend toward streamlining licensure rather than adding components.

Information Sharing with National Disciplinary Database

NCARB’s Disciplinary Database provides an important means to verify the disciplinary actions against licensees in other states. Staff utilizes the system upon receipt of a consumer complaint and at the time of issuing licenses. NCARB has been requesting information of its member boards to garner full participation, increase the effectiveness of the system, and provide data that can drive additional further efforts.

Legislative Committee Staff’s Recommendation: The Board should inform the Committees of the specific types of information it would like to disclose to NCARB, and provide the Committees with the specific code sections that prevent the Board from disclosing that information. The Board should also weigh the benefits of sharing disciplinary information to assist other regulatory entities against the individual privacy rights, and potential threats to those rights.*

A 2.0 version of the NCARB Disciplinary Database was recently launched and the Board continues to find that this is a useful tool. The updated version provides enhanced functionality. Board staff has shared information with NCARB based upon current statutes governing the release of information. Since the relevant statutes are cross-cutting and apply to all California agencies, and given the sensitivity of privacy issues, the Board should continue to work within its current authority and there is no need for additional action.

Collection of Fines

The Board collects a greater percentage of citation penalties than other design-related boards, as was noted in the 2014 Sunset Review Report. To bolster those efforts, the Board’s Strategic Plan contains an objective to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties.

Legislative Committee Staff’s Recommendation: The Board should continue to explore ways to improve its enforcement efforts and collect fines. The Board should examine other agencies that are authorized to release SSNs to collection agencies, and whether there are any privacy or security issues that may arise if such information was transmitted. The Board should work with other licensing boards, such as the Contractors State Licensing Board, the Bureau of Real Estate, and the Board of Professional Engineers, Land Surveyors, and Geologists, to determine the feasibility of sharing disciplinary information for purposes of leveraging other professional licenses as a way to achieve compliance; how such a system would operate; and what changes would be necessary.

Staff is currently in the process of contracting with a collection agency to fulfill this objective. Opportunities to partner with other boards have been discussed and full implementation of BreZE may be able to facilitate new opportunities from cross-board collaboration on collection. While the

release of SSNs to collection agencies has been discussed, this is a highly sensitive privacy issue. However, collection agencies have mechanisms that enhance collection efforts and staff recommends that those be implemented and measured rather than further action on SSNs at this time. There is no need for additional action at this time.

At its December 1, 2016, meeting, the Executive Committee considered the background and status on the Sunset Review issues, and approved the recommended actions as noted above for the Board's consideration.

At this meeting, the Board is asked to consider the Executive Committee's recommendations and take possible action.

Attachment:

California Architects Board & Landscape Architects Technical Committee Sunset Background Paper Responses (Submitted April 16, 2015)

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
SUNSET BACKGROUND PAPER RESPONSES**

ISSUE #1: TRAVEL RESTRICTIONS. Should the Committees encourage travel to professional conferences or meetings that directly affect licensure of California licensees?

Legislative Staff's Recommendation: The Committees should encourage the Board to pursue opportunities at which its Members and Officers can interact directly with their national peers, and provide a strong voice for California's unique perspective and needs. The Board should inform the Committees of whether it continues to face travel restrictions that prohibit it from attending meetings where its representation could significantly impact California's ability to ensure that national examinations or standards reflect California's needs and protect California licensees, candidates for licensure, and consumers.

The Board/LATC concurs with the Committees' recommendation. Participation in national affairs is critical for the Board and LATC. The national examinations save the Board and LATC literally millions of dollars by not having to replicate the national examinations. In addition, the Board relies on the Intern Development Program to ensure that candidates receive experience in crucial areas of practice.

The Board and LATC have had recent success on travel, with approvals to attend three key out-of-state national sessions. In addition, three recent sessions have been in California, where the Board was also able to participate. These approved trips for the Board were funded by our national nonprofit - the National Council of Architectural Registration Boards (NCARB), so no State funds were spent. The Board has not received approval to travel with State funds since 2010. LATC was approved to travel to the Annual Business Meeting of the Council of Landscape Architectural Registration Boards (CLARB) in 2009 and 2014 with State funds, but CLARB does not offer "funded trips." LATC was denied the opportunity to attend a CLARB session that was held in California. Sending a Board member to the Annual Meeting costs a fraction of the Board's budget - approximately .0005.

The Board just participated in the NCARB Regional Summit on March 13-14 in Long Beach. At that meeting, the main proposal discussed would restrict existing reciprocity standards and prevent nearly 2,000 California architects from practicing in other states. California was the only state advocating to preserve the existing pathway. Through our efforts, we built a coalition to oppose the measure when it is up for a vote in June at the Annual Business Meeting. There is much more to be done to defeat the measure, but much of the effort takes place on-site at the meeting. In order to succeed, the Board must be in attendance with a strong delegation. This is because there are approximately 250 people in attendance from the 54 member jurisdictions, as well as NCARB executive staff and leadership from the American Institute of Architects, National Architectural Accrediting Board, Association of Collegiate Schools of Architecture and American Institute of Architects - Students. Persuading a group of that size requires a delegation of at least four,

but a larger group has greater odds for success and also helps with succession planning so that new Board/LATC members can learn first-hand about the national associations and develop the relationships needed to protect California's interests.

The Board is in the process of submitting an out-of-state trip request to DCA to add two members in addition to the two that were previously approved. This will provide the Board a strong delegation to work to defeat the resolution.

The professions, via the American Institute of Architects - California Council and California Council of the American Society of Landscape Architects, understand the importance of participation and regularly and consistently support the Board's engagement in NCARB and CLARB. The Board appreciates that DCA and Administration have been approving some of the trips, and the Board encourages ongoing and increased support for the criticality of national issues.

(Note: This was Issue #1 for LATC in the Sunset Background Paper.)

ISSUE #2: PRO RATA. What services does the Board receive for its share of pro rata?

Legislative Staff's Recommendation: The Board should advise the Committees about the basis upon which pro rata is calculated, and the methodology for determining what services to utilize from DCA. In addition, the Board should discuss whether it could achieve cost savings by providing some of these services in-house.

The Board/LATC's share of the department's pro rata is calculated based on authorized position counts, licensing and enforcement record counts, prior year workload, and interagency agreements. The Board/LATC currently utilizes most of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise in certain administrative services to be effective. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

Senate Bill 1243 (Chapter 395, Statutes of 2014) requires DCA to conduct a study and submit a report to the Legislature on its pro rata calculation of administrative expenses by July 1, 2015. The study will assess whether the pro rata system is the most productive, efficient, and cost-effective methodology and whether some of the services should be outsourced or charged on an as-needed basis. The study will also include consideration of whether the boards should be permitted to elect not to receive (and be charged for) certain administrative services. As part of the study, the Board/LATC has participated in a survey of its use of DCA's services. Based on the outcome of the study and the DCA's report to the Legislature, the Board/LATC will reassess its continued use of the DCA's pro rata services.

(Note: This was Issue #4 for LATC in the Sunset Background Paper.)

ISSUE #3: BREEZE IMPLEMENTATION. The Board was supposed to be part of BreEZe's Release Three, which has now been delayed until at least 2016.

Legislative Staff's Recommendation: The Board should inform the Committees of any difficulties it foresees as a result of having to remain on its legacy system, and whether any additional stop-gap technological measures are needed until BreEZe is implemented. The Board should inform the Committees of how costs related to BreEZe will impact its fund condition.

Substantial difficulties are foreseeable, as a result of having to remain on the legacy systems, due to numerous significant changes to the national Architect Registration Examination (ARE) and potential changes to other national programs. Board/LATC staff is conducting an assessment of the impact due to delayed implementation of BreEZe for Release 3 boards and bureaus and coordinating efforts with DCA to develop stop-gap measures that could involve significant modifications to the legacy systems.

The Board believes, however, that due to the changes to the ARE, the corresponding changes to the “business model analysis” that was prepared in preparation for BreEZe approximately five years ago, are so significant that the current delay and repositioning of BreEZe may actually be a strategic advantage. Had BreEZe actually rolled out with the ARE consisting of seven divisions, as it does now, it would be completely dysfunctional, as the ARE previously had nine divisions. To add further complexities, there are intricate new rules that place restrictions on candidates' eligibility, which would have further exacerbated the problems.

The Board/LATC routinely monitors its fund condition and works very closely with DCA's Budget Office. The Budget Office has provided the Board/LATC's fund condition projected to fiscal year (FY) 2016/17, which includes anticipated BreEZe costs. The Board/LATC and the Budget Office do not foresee an issue with the Board/LATC's fund condition based on the current projections for BreEZe costs. The Board's fund condition will have an 11-month reserve in FY 2016/17, the year the BreEZe program is planned to be implemented for the Board.

(Note: This was Issue #3 for LATC in the Sunset Background Paper.)

ISSUE #4: LICENSURE AND LICENSEE POPULATION. Should the Board continue to explore ways to streamline the licensure process? Should the Board examine whether there is a shortage of licensed architects and capacity for architecture programs to train students?

Legislative Staff's Recommendation: The Board should continue to explore streamlined paths to licensure as a way to simplify the licensure process. The Board should continue monitoring the efforts of, and working closely with, NCARB, to ensure that any proposed changes to the licensure process do not affect competency or create reciprocity issues, and that California's needs are represented at the national level. The Board should monitor workforce capacity to determine if the demand for licensed architects is, and will continue to be, met.

The Board concurs with the Committees' recommendations. There is an ongoing objective from the Board's 2014 Strategic Plan to collaborate with California's National Architectural Accrediting Board (NAAB) accredited programs to establish and promote an Additional Path to Architectural Licensure (APAL). NCARB has taken a leadership role at the national level with the APAL; the Board is working with California schools and has hosted two summits (February 26, 2014 and March 12, 2015) to further those efforts.

NCARB has released its Request for Proposal (RFP), responses to which are due June 1, 2015. After a review of the RFPs, NCARB will provide an endorsement of those programs that conform to the programmatic requirements. The Board will continue its monitoring of NCARB and the national trends with respect to efforts for developing a streamlined licensure process.

Board staff will also coordinate with the Employment Development Department on conducting an analysis of the demand for architects and whether it will continue to be met in the long-term.

ISSUE #5: CONTINUING EDUCATION (CE). The Board notes that it has examined its CE requirement due to recent legislation and changes to the NCARB Model Law, and continues to monitor its CE requirement to ensure reciprocity issues do not exist.

Legislative Staff's Recommendation: The Board should inform the Committees of why its failure rate for CEs is so high, and how it can reduce that rate. The Board should continue to monitor the trend regarding CEs at the national level.

The Board concurs with the Committees' recommendation. Continuing education (CE) on disability access requirements is a relatively new (since July 1, 2009) requirement; audits were only required as of January 1, 2013. The statistics provided in the Board's Sunset Review Report represent the first year audits were conducted, and the first time licensees certified on their renewal application the CE requirement was fulfilled.

Prior to the commencement of audits, licensees submitted all relevant coursework provider documentation to the Board for review and acceptance before a license could be renewed (more than 20,000 records). The Board's audit failure rate is in fact comparable to other DCA entities that audit, which have averaged 13%.

The Board believes that two factors may help reduce the noncompliance rate. First, the deterrent effect of citations should improve audit results. The first group of citations was served in early 2015. Once those citations are adjudicated, practitioners will know that the Board takes strong actions against violations. In addition, the Board is coordinating with professional organizations for increased communication to licensees. Common noncompliance violations include: coursework taken after license renewal/audit notification; coursework taken more than two years prior to license renewal; deficient coursework (number of hours); failure to respond to audit in a timely manner; and, incorrect coursework taken and/or submitted. The Board will use this data in its communications efforts to assist architects in complying with this requirement.

The Board will continue monitoring, through NCARB, the national trends relative to CE initiatives and changes to the NCARB Model Laws.

ISSUE #6: INFORMATION SHARING. The Board reports that it is unable to share relevant disciplinary information of its licensees with a national database due to information-sharing restrictions.

Legislative Staff's Recommendation: The Board should inform the Committees of the specific types of information it would like to disclose to NCARB, and provide the Committees with the specific code sections that prevent the Board from disclosing that information. The Board should also weigh the benefits of sharing disciplinary information to assist other regulatory entities against the individual privacy rights, and potential threats to those rights.

The Board concurs with the Committees' recommendation.

The Board currently utilizes the NCARB Disciplinary Database by disclosing actions, such as Accusations and Statements of Issues, taken against licensees. Other NCARB Member Boards can view this information by securely accessing the database; additionally, prior to the Board issuing a license, the database is utilized to confirm whether disciplinary action has been taken against an individual in another state. A 2.0 version of the NCARB Disciplinary Database was recently launched and the Board continues to find that this is a useful tool.

Identifying information that is captured in the database includes: 1) an individual's full name; 2) State license number; and 3) the NCARB Record Number and/or Certificate Number (if an individual possesses either of these). Other identifying information that can be captured in the database is date of birth (DOB) and last four digits of Social Security Number (SSN). However, the Board cannot share DOB and SSN due to the Information Practices Act of 1977 (Civil Code section 1798 et seq.).

The Board will continue to weigh the benefits of sharing disciplinary information against the privacy rights of individuals.

ISSUE #7: COLLECTION OF FINES. The Board notes that it is seeking ways to increase collection of fines, particularly in cases of unlicensed practice when it does not have the leverage of a license to incentivize payment.

Legislative Staff's Recommendation: The Board should continue to explore ways to improve its enforcement efforts and collect fines. The Board should examine other agencies that are authorized to release SSNs to collection agencies, and whether there are any privacy or security issues that may arise if such information was transmitted. The Board should work with other licensing boards, such as the Contractors State Licensing Board, the Bureau of Real Estate, and the Board of Professional Engineers, Land Surveyors, and Geologists, to determine the feasibility of sharing disciplinary information for purposes of leveraging other professional licenses as a way to achieve compliance; how such a system would operate; and what changes would be necessary.

The Board/LATC concurs with the Committees' recommendations.

The Board currently has an ongoing objective from its 2014 Strategic Plan to “pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties” and is committed to continuous improvements with regard to all enforcement efforts.

The Board's fine collection success has averaged about 62% over the last three fiscal years, while other construction/design boards have averaged 37%.

Should the Board pursue authority to release SSNs to collection agencies, it would fully investigate whether there are any privacy or security issues that may arise. The Board has noted that the Respiratory Care Board is authorized to release SSNs to collection agencies via Business and Professions Code section 3778 (Chapter 586, Statutes of 2003); the Board is currently not aware of other agencies with similar authority.

As part of its Strategic Plan objective, the Board/LATC will research the feasibility of working with other licensing boards in sharing disciplinary information for purposes of leveraging other professional licenses. Other strategies the Board/LATC has utilized with regard to fine collection: Franchise Tax Board Intercept Program; payment plans; revised enforcement letters; etc. In addition, the Board is working with DCA to explore the possibility of establishing a collections unit in DCA to assist boards in collecting citation penalties.

(Note: This was Issue #5 for LATC in the Sunset Background Paper.)

ISSUE #8: CONTINUED REGULATION BY THE BOARD. Should the licensing and regulation of architects be continued and be regulated by the current Board membership?

Legislative Staff's Recommendation: Recommend that the licensing and regulation of architects continue to be regulated by the current Board members of the California Architects Board in order to protect the interests of the public and be reviewed once again in four years.

The Board/LATC concurs with the Committees' recommendation.

(Note: This was Issue #6 for LATC in the Sunset Background Paper and the Board/LATC concur with that recommendation.)

Note: as indicated on the cover memo, the following issue was unique to LATC.

LATC ISSUE #2: PATHWAYS TO LICENSURE. Should the LATC consider ways to streamline its licensure process or make its licensure process more flexible to accommodate out-of-state applicants?

Legislative Staff's Recommendation: The LATC should continue to work closely with the Board to identify opportunities to initiate efficiencies in its licensure system, and consult with stakeholders to ensure that the path to licensure is efficient and effective. The LATC should also continue to discuss the possibility of expanding the definition of “education credit” to encompass a certain amount of licensed experience, and to consider granting education credit for degrees related to landscape architecture, while ensuring that licensees retain their competence and that consumers are protected by any changes in eligibility.

The LATC concurs with the Committees' recommendation. During this last reporting period, LATC has expanded its pathways to licensure to allow partial degrees, and architecture degrees to meet education requirements. The LATC is researching other related degrees that can meet the education requirement for licensure.

Efficiencies in the licensure processes were improved by permitting candidates to take certain sections of the national exam upon graduation. On the horizon are changes to allow credit for teaching under a landscape architect. LATC will also work closely with the Board on its efforts on the Accelerated Path to Architectural Licensure.

In addition, the LATC has received license applications from candidates who are licensed in other states but do not meet specific California requirements, namely a degree in landscape architecture. The LATC is reviewing reciprocity requirements of other states to determine possible changes to improve efficiencies. Initial research revealed varying minimum standards across states including education only, experience only, varying degree types, and acceptance of reciprocity from other states. The LATC will work closely with CLARB to establish the minimum years of licensed experience to qualify to take the California Supplemental Exam in order to become licensed in California. The LATC will also work closely with other stakeholders to ensure that the path to licensure is efficient and effective.

Agenda Item J

UPDATE ON LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE NOVEMBER 4, 2016 MEETING

The Landscape Architects Technical Committee met on November 4, 2016, in Sacramento. Attached is the notice of the meeting. Executive Officer, Doug McCauley, will provide an update on the meeting.

Attachment:

November 4, 2016 Notice of Meeting

NOTICE OF MEETING

November 4, 2016
10:30 a.m. – 3:30 p.m.
(or until completion of business)

2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7230 (LATC)

The Landscape Architect Technical Committee (LATC) will hold a meeting, as noted above. The notice and agenda for this meeting and other meetings of the LATC can be found on the LATC's website: latc.ca.gov. For further information regarding this agenda, please see reverse or you may contact Trish Rodriguez at (916) 575-7230.

The LATC plans to webcast this meeting on its website. Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at the physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast. The meeting may be cancelled without notice. For meeting verification, call (916) 575-7230 or access the LATC website at <http://www.latc.ca.gov>.

AGENDA

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair's Procedural Remarks and LATC Member Introductory Comments
- C. Public Comment on Items Not on Agenda
(The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].)
- D. Review and Possible Action on May 24, 2016 LATC Meeting Minutes
- E. Program Manager's Report on Administration, Examination, Licensing, and Enforcement
- F. Discuss and Possible Action on Public Comments Regarding California Code of Regulations (CCR) Title 16, Section 2615 (Form of Examinations) Reciprocity Requirements

(Continued)

- G. Council of Landscape Architectural Registration Boards (CLARB)
 - 1. Update on Landscape Architect Registration Examination (LARE) Administration
 - 2. Review and Ratify 2016-2017 Board of Directors and Committee on Nominations Elections Ballot
 - 3. Update on 2016 CLARB Annual Meeting
- H. Discuss and Possible Action on Strategic Plan Objective to Adopt New Methods and Identify New Resources to Effectively Educate Consumers Regarding Health, Safety, and Welfare Issues Within Landscape Architecture
- I. Discuss and Possible Action on Strategic Plan Objective to Explore Methods for Developing a Teleconferenced Educator's Roundtable Comprised of School Representatives to Increase Collaboration and Communication for Future LATC Strategic Plans
- J. *North Carolina State Board of Dental Examiners v. Federal Trade Commission Case Review* – Department of Consumer Affairs Legal Counsel
- K. Election of LATC Officers for Fiscal Year 2016/17
Discuss and Possible Action on LATC Officer Election Procedures
- L. Review Tentative Schedule and Confirm Future LATC Meeting Dates
- M. Adjournment

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

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the LATC prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting [Government Code sections 11125 and 11125.7(a)].

The meeting 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 Ms. Rodriguez at (916) 575-7230 emailing trish.rodriquez@dca.ca.gov, or sending a written request to the LATC. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the LATC in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code section 5620.1)

CLOSED SESSION

1. Review and Possible Action on September 29, 2016 Closed Session Minutes
2. Pursuant to Government Code Section 11126(e)(1), the Board will Confer with Legal Counsel on Litigation Regarding *Marie Lundin vs. California Architects Board, et al.*, Department of Fair Employment and Housing, Case No. 585824-164724
3. Pursuant to Government Code Section 11126(c)(3), the Board will Deliberate on Disciplinary Matters

RECONVENE OPEN SESSION

The Board will reconvene open session following closed session.

RECESS

Time: _____

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

Denise Campos

Tian Feng

Pasqual V. Gutierrez

Sylvia Kwan

Ebony Lewis

Matthew McGuinness

Robert C. Pearman, Jr.

Nilza Serrano

Barry Williams

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

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.

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

STRATEGIC PLANNING SESSION

At this meeting, the Board is scheduled to update its strategic plan, which will be facilitated by the Department of Consumer Affairs' Strategic Organization, Leadership, and Individual Development staff. Attached is an agenda for the session and the 2015-16 Strategic Plan.

Attachments:

1. Strategic Planning Session Agenda
2. 2015-16 Strategic Plan

California Architects Board
Strategic Planning Session
Agenda

December 16, 2016
9:00 a.m. – 5:00 p.m.

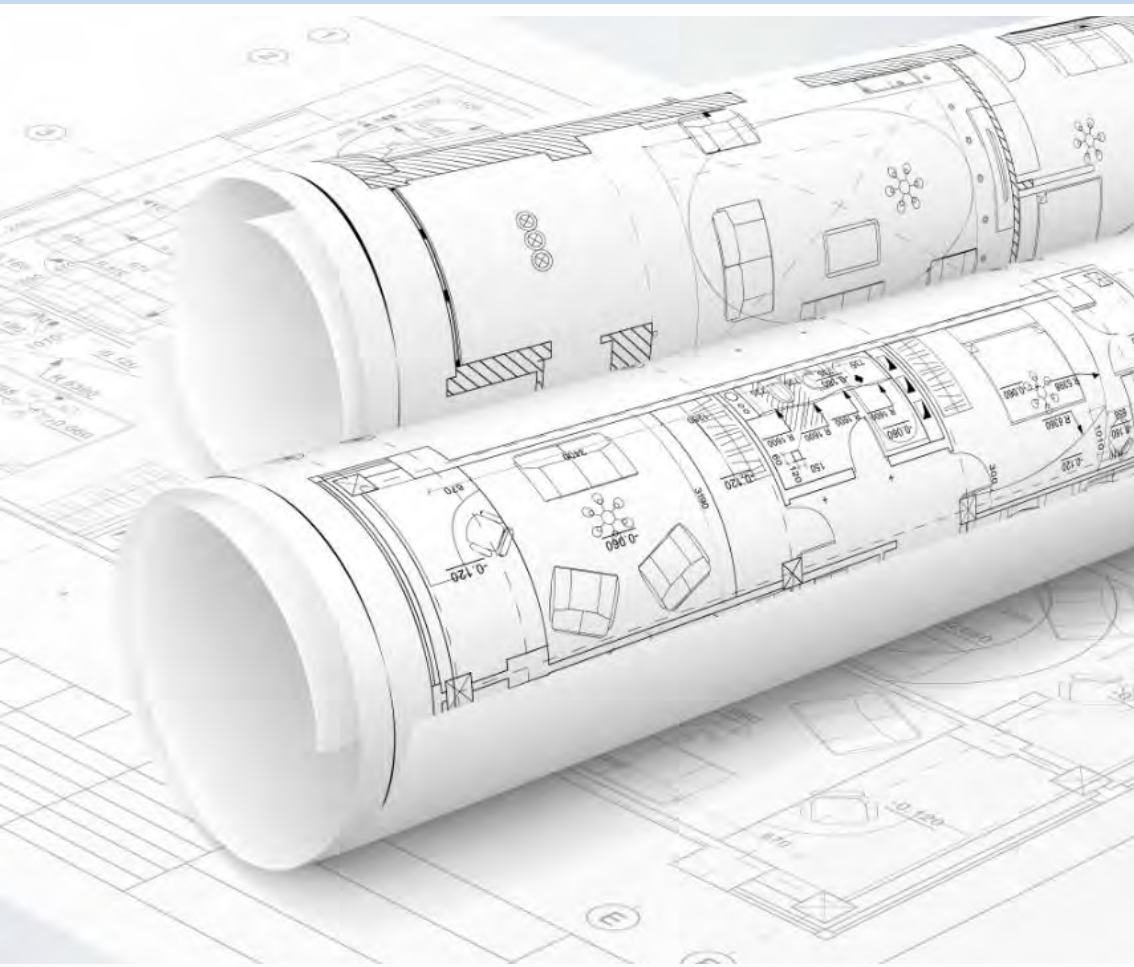
- ▶ Introductions
- ▶ Board Accomplishments
- ▶ Review of Mission, Vision and Values
- ▶ Strategic Goals
- ▶ Review SWOT Analysis
- ▶ Develop New Objectives
- ▶ Next Steps/ Evaluations / Adjournment

Department of Consumer Affairs

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

2015–2016



Strategic Plan

Approved: March 12, 2015

Table of Contents

BOARD MEMBERS	1
MESSAGE FROM THE BOARD PRESIDENT.....	2
ABOUT THE CALIFORNIA ARCHITECTS BOARD.....	3
HOW THE BOARD ACHIEVES ITS MISSION	4
2014 BOARD ACCOMPLISHMENTS.....	5
MISSION, VISION, & VALUES	6
STRATEGIC GOALS	7
GOAL 1: PROFESSIONAL QUALIFICATIONS	8
GOAL 2: PRACTICE STANDARDS.....	9
GOAL 3: ENFORCEMENT.....	10
GOAL 4: PUBLIC AND PROFESSIONAL AWARENESS	11
GOAL 5: ORGANIZATIONAL RELATIONSHIPS	12
GOAL 6: ORGANIZATIONAL EFFECTIVENESS AND CUSTOMER SERVICE	13
STRATEGIC PLANNING PROCESS.....	14
APPENDIX A: ORGANIZATIONAL STRUCTURE.....	15

Board Members

Jon Alan Baker, President | Architect Member

Pasqual V. Gutierrez, Vice President | Architect Member

Tian Feng, Secretary | Architect Member

Denise Campos | Public Member

Sylvia Kwan | Architect Member

Ebony Lewis | Public Member

Matthew McGuinness | Public Member

Nilza Serrano | Public Member

Barry Williams | Architect Member

Douglas R. McCauley, Executive Officer

Message from the Board President

2014 was a year of major accomplishments, significant initiatives, and continuing leadership in the regulation of the architectural profession.

In perhaps the most significant endeavor in over 25 years, the Board embarked upon an effort to redesign the licensure process. The goal is to collaborate with schools of architecture to integrate licensure components into the degree programs. A comprehensive national focus on this initiative has provided invaluable analysis and served as a catalyst to encourage schools to develop such programs. The Board applauds the California schools that have accepted this challenge. We look forward to providing the necessary support to ensure that the internship and examination requirements are a prime focus of degree programs, thereby helping more graduates become licensed and enter the profession.

2014 also marked the completion of the Board's "occupational analysis" (OA), a significant project that measures the current knowledge, skills, and abilities that are necessary in the profession. Conducted every five to seven years, the OA surveys the profession as to what tasks are required, how often they are performed, and how important they are to protect the public health, safety, and welfare. That data is then formatted into a "test plan" that is the basis for the content on the California Supplemental Examination.

The Sunset Review process was a major undertaking in 2014. This endeavor takes place approximately every four years. It commences with the preparation of a major report, which was submitted in October of 2014, describing the Board's programs, metrics, and recommendations for improvement. The process fosters a healthy self-examination, and an opportunity to showcase innovations and learn from best-practices. Hearings are to take place in early-2015.

The outcomes from Sunset Review will help drive future strategies. In addition, the 2015-2016 Strategic Plan reflects the Board's first multi-year planning process. This enabled the Board to focus on robust issues to ensure we are proactive, preventive, and a leader in consumer protection.

About the California Architects Board

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, 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 was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. The activities of the Board 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.

The Board is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), which is part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. DCA is responsible for consumer protection through the regulation of licensees. While DCA provides administrative oversight and support services, the Board sets its own policies, procedures, and regulations.

The Board 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, the California Architects Board exercised all delegable powers under the provisions of an interagency agreement with DCA. Effective January 1, 1998, the Board 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 the Board. The LATC, which consists of five licensed landscape architects, performs such duties and functions that have been delegated to it by the Board.

How the Board Achieves its Mission

Regulation

The Board establishes regulations for examination and licensing of the profession of architecture in California, which today numbers approximately 21,000 licensed architects and approximately 7,500 candidates who are in the process of meeting examination and licensure requirements.

Licensing

A candidate must have five years of education equivalents* to be eligible for the Architect Registration Examination (ARE). Candidates must complete the Intern Development Program (IDP), as administered by the National Council of Architectural Registration Boards (NCARB), and the ARE prior to receiving eligibility for the California Supplemental Examination (CSE). Successful completion of the CSE is required to fulfill the Board's requirements for licensure.

* Credit for education and training is outlined in the Table of Equivalents contained in California Code of Regulations, Title 16, Division 2, section 117.

Enforcement

The Board has an active enforcement program designed to ensure the laws governing the practice of architecture are enforced in a fair and judicious manner. The program consists of a local building official contact program, consumer education, and professional information outreach designed to prevent and assist in the early detection of violations. The Board enforces legal compliance for licensees by taking disciplinary actions against those in violation of laws and regulations.

The Board's enforcement program works to address three main goal areas:

1. Establishing regulatory standards of practice for those licensed as architects
2. Increasing public awareness of the Board's mission, activities, and services
3. Protecting consumers by preventing violations, and effectively enforcing laws, codes, and standards when violations occur

The Board is responsible for investigating complaints against licensees and unlicensed individuals. The Board retains the authority to make final decisions on all enforcement actions.

2014 Board Accomplishments

1. Completed 2014 Sunset Review Report.
2. Completed 2014 Occupational Analysis (OA), including focus groups.
3. Implemented a continuing education (CE) enforcement audit system.
4. Promoted *Accelerated Path to Architectural Licensure* through collaboration with NCARB and the National Architectural Accrediting Board (NAAB) programs.
5. Continued success on enforcement performance measures.
6. Effectively managed fiscal resources and requested a reduction in spending authority (negative Budget Change Proposal).
7. Expanded and improved communication through the effective use of social media (Twitter) and conversion of the Board's newsletter format.
8. Continued to maximize involvement in national issues.
9. Adopted a regulatory proposal to streamline and enhance IDP (duration, entry point).
10. Expanded options through which foreign licensees can receive reciprocal licensure through adoption of regulations permitting the Board to accept NCARB's Broadly Experienced Foreign Architect program.

Mission

The California Architects Board protects consumers in an efficient and effective manner by establishing standards for professional qualifications, ensuring competence through examinations, setting practice standards, and enforcing the Architects Practice Act.

Vision

The California Architects Board 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

The California Architects Board will strive for high quality in all of its programs, making it an effective and efficient architectural regulatory organization. To that end, the Board will:

- Be participatory, through continuing involvement with NCARB and other organizations;
- Be professional, by treating all persons who interact with the Board 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.

Strategic Goals

1 *PROFESSIONAL QUALIFICATIONS*

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

2 *PRACTICE STANDARDS*

Establish regulatory standards of practice for California architects.

3 *ENFORCEMENT*

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

4 *PUBLIC AND PROFESSIONAL AWARENESS*

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

5 *ORGANIZATIONAL RELATIONSHIPS*

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

6 *ORGANIZATIONAL EFFECTIVENESS AND CUSTOMER SERVICE*

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

GOAL 1: Professional Qualifications

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

- 1.1 Collaborate with California’s NAAB-accredited programs at schools and NCARB to establish and promote an “accelerated path to architectural licensure.”
- 1.2 Reclassify the CSE item bank based upon the results of the 2014 Occupational Analysis (OA) in order to ensure the item content reflects the critical tasks and knowledge related to newly-licensed architects as identified by the OA and to maintain relevance with contemporary practice.
- 1.3 Conduct a review of the ARE testing environment in order to ensure security and efficiency.
- 1.4 Evaluate the profession in order to identify entry barriers for diverse groups.
- 1.5 Conduct a review of the ARE and linkage study to meet the requirements of Business and Professions Code section 139 and DCA policy on licensure examination validation and to identify those areas of California architectural practice for which the ARE and CSE are appropriate for assessing candidate competency, thus ensuring a valid and defensible examination process.

GOAL 2: Practice Standards

Establish regulatory standards of practice for California architects.

- 2.1 Identify and pursue needed statutory and regulatory changes so laws and regulations are consistent with current architectural practice to promote public health, safety, and welfare, such as amending the Architects Practice Act written contract provisions, etc.
- 2.2 Monitor The American Institute of Architects, California Council (AIACC) legislation requiring the architect of record to perform mandatory construction observation to promote consumer protection.
- 2.3 Review the Board's OA to identify marketplace trends that impact consumer protection.

GOAL 3: Enforcement

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

- 3.1 Pursue recruitment of an additional Architect Consultant to ensure continuity and effectiveness in the Enforcement Program.
- 3.2 Modify and expand the reports to Board members regarding enforcement activities to identify the most common violations and disciplinary actions.
- 3.3 Pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties.
- 3.4 Monitor NCARB action on title for interns to ensure appropriate consumer protection.

GOAL 4: Public and Professional Awareness

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

- 4.1 Partner with Contractors State License Board to identify and implement best practices for educating consumers about the Board in order to improve consumer education efforts.
- 4.2 Collaborate with professional organizations and universities to raise awareness at community colleges and high schools about the profession and the paths to licensure.
- 4.3 Survey recipients of the Board's educational materials to determine the effectiveness of outreach efforts.
- 4.4 Enhance relationships with Veterans Administration counseling centers to provide information regarding the architecture profession and paths to licensure.

GOAL 5: Organizational Relationships

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

- 5.1 Review, leverage, and evaluate the effectiveness of the Board's Liaison Program to build stronger relationships with organizations.
- 5.2 Increase the Board's participation in NCARB.

GOAL 6: Organizational Effectiveness and Customer Service

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

- 6.1 Annually present consumer satisfaction survey data to measure performance and identify areas for improvement.
- 6.2 Collaborate with DCA Office of Public Affairs to improve outreach and communication.
- 6.3 Implement BreEZe, an enterprise-wide licensing and enforcement system, to improve consumer, candidate, and licensee services.
- 6.4 Analyze fees to determine whether they are appropriate.
- 6.5 Complete Sunset Review process and implement recommendation(s) to comply with the Legislature's directives.

Strategic Planning Process

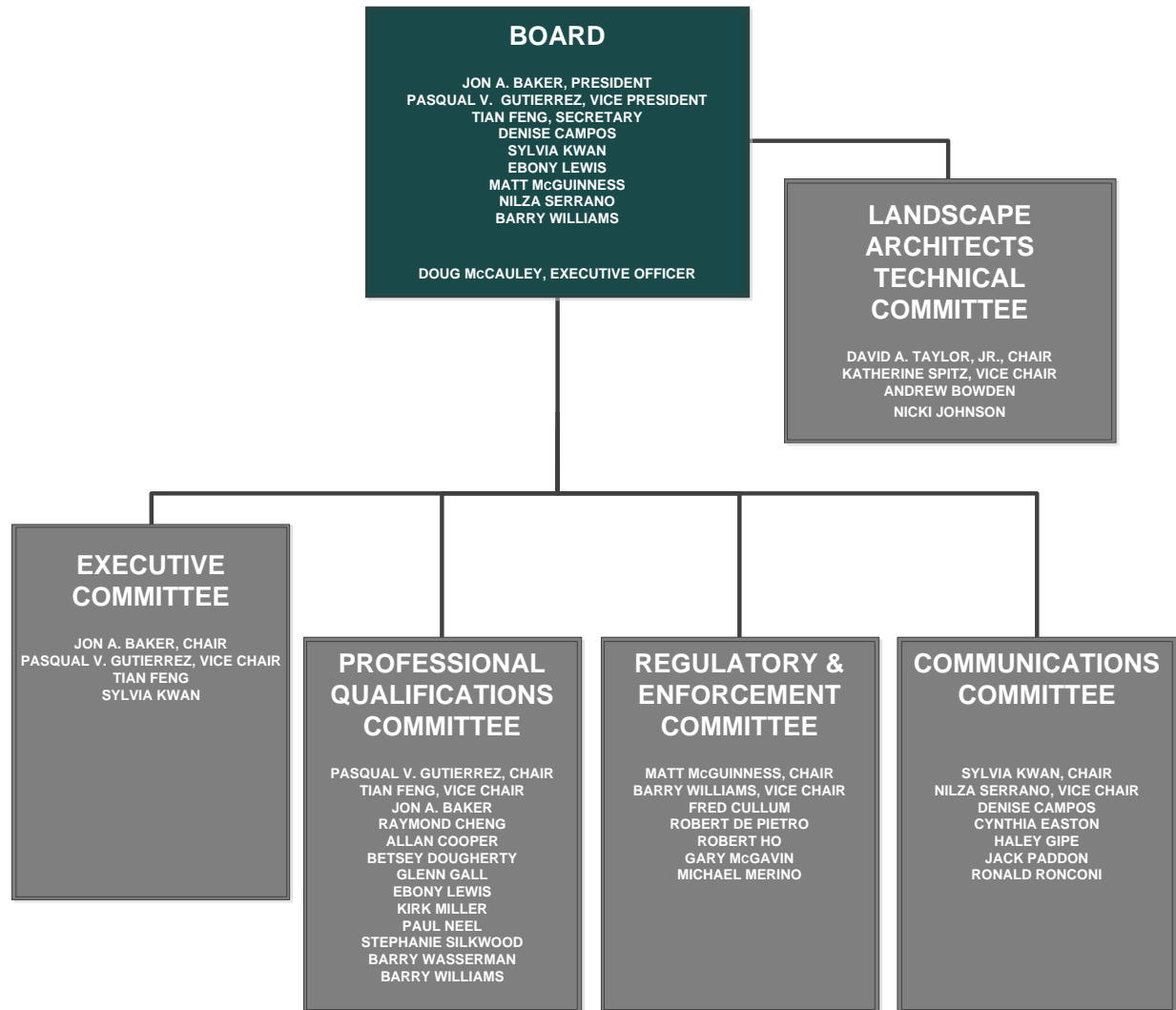
To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan by collecting information through the following methods:

- SOLID interviewed nine members of the Board, the Executive Officer, and Board management staff during November 2014 to assess challenges and opportunities the Board is currently facing or will face in the future.
- SOLID interviewed a selected stakeholder to ensure the profession's concerns were included in the scan.

The environmental scan was discussed by Board members and the executive management team during a strategic planning session facilitated by SOLID on December 11, 2014. This information guided the Board in the development of the strategic goals and objectives outlined in this 2015–2016 Strategic Plan.

Appendix A: Organizational Structure

The Board has developed the organizational structure below to implement its Strategic Plan. Included in the organizational chart are the Board and committee members for 2015. The Board establishes subcommittees and task forces as needed.



Department of Consumer Affairs

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

REVIEW OF FUTURE BOARD MEETING DATES

December 2016

15–16	Board Meeting & Strategic Planning Session	Sacramento
26	<i>Christmas Observed</i>	<i>Office Closed</i>

January 2017

2	<i>New Year's Day Observed</i>	<i>Office Closed</i>
16	<i>Martin Luther King, Jr. Day</i>	<i>Office Closed</i>
17–18	Landscape Architects Technical Committee Meeting & Strategic Planning Session	Sacramento

February

20	<i>President's Day</i>	<i>Office Closed</i>
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March

TBD	Board Meeting	TBD
10–11	National Council of Architectural Registration Boards (NCARB)	Jersey City, NJ
	Regional Summit	
31	<i>Cesar Chavez Day</i>	<i>Office Closed</i>

May

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

TBD	Board Meeting	TBD
21–24	NCARB Annual Meeting	Boston, MA

July

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

TBD	Board Meeting	TBD
4	<i>Labor Day</i>	<i>Office Closed</i>

November

10	<i>Veterans Day Observed</i>	<i>Office Closed</i>
23–24	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>

December

TBD	Board Meeting	TBD
25	<i>Christmas Day</i>	<i>Office Closed</i>

ADJOURNMENT

Time: _____